

Research Article

Privacy and Evidentiary Inference in Terrorism Crimes

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Abstract: The work explores in-depth the characteristics of evidential processes and inferences in acts of terrorism, giving special priority to the essential link connecting privacy protection and evidential integrity. Based on the qualitative paradigm with descriptive-analytical methodology employed in comparative legal studies, the present study examines the judicial application and interpretation of statutory laws in specifically indicated Arab and European countries, such as Saudi Arabia, Egypt, Tunisia, and France. The empirical data reveal special discrepancies in detention terms, judicial powers of police, and applicable statutory formulation of key terms of certainty and looming danger. The unsystematic nature of policies in respect to surveillance, arrest, and terms of travel ban restrictions has led to discrepancies in judicial application, possibly to concessions to individual freedoms. Nevertheless, special emphasis has been presented in the study on the fact that custom-made laws can ensure efficient counterterrorism intervention operationally by ensuring higher efficiency in operation, adopting special procedure modes, and harmonizing post-operational arrangements. The laws can easily be defined with ambiguous provisions with special potentials for abuse of power on the part of the executive in connection with judicial application and application constraints in defining preventive action terms in counterterrorism intervention operations.

Keywords: Procedural Safeguards, Privacy Rights, Evidentiary Inference, Counterterrorism Enforcement, Legal Thresholds.

1. Introduction

Terrorism cases are associated with the interaction between justice, security, and human rights, and it calls for special handling in terms of control and protection. Privacy considerations, legitimate in terms of the laws or technology-backed, are among the major elements in dealing with the security data analysis process. The presence of stereotypes in the surveillance process affects reliability and quality in terms of inferences, while the exercise of extraordinary powers in fighting terrorism has been questioned in terms of proportionality and due process [1]. The increasing use of intelligence in judicial processes must limit conjecture to warrant success in judicial processes [2].

The compilation of facts in terrorism trials is treated under criminal procedure and evidentiary laws, where data is obtained through an investigative process and inferences made from it. The process is guided by privacy laws, surveillance acts, and judicial reasonableness. The meeting point of intelligence and evidentiary processes in trials related to terrorism is prone to challenges in trials in terms of gatekeeping, with technology innovations in data analysis and risk assessment tools adding to the challenges in terrorism trials with concerns in transparency, objectiveness, and interpretability in inferences made [3]. Research studies on the intelligence/evidence divide continue to highlight challenges in terrorism trials in terms of permitting intelligence information in trials as valid trial evidence. Data sharing and privacy preservation policies have transformed values in terrorism trials, though judicial inferences on data trails on the internet and financial transactions remain trial-unconsistent on metadata. Contemporary concerns involve questions about entrapment, the reliability of informants, and algorithmic bias, with findings indicating considerable variation in national standards concerning thresholds of suspicion, notions of probable cause, and requirements for corroboration [4]. The collapsing of the logic of evidentiary proof with the legitimacy of surveillance legality clouds the efficacy of interpretive understanding necessary for establishing boundaries in collection actions. Trustingly designed models rarely evaluate the efficacy of inferential argumentation skills nor apply consistent standards to evaluate the credibility or objectivity of analyses conducted on intelligence-like insights [5]. Therefore, privacy protection in terrorism-related investigations becomes the premise to avoid undermining inferential reasoning validity and admissibility in this study.

The proposed study offers a conceptual model in which privacy in

investigations has direct correlation to consistency in evidential support in the context of causes related to terrorism, in an attempt to reconcile coverage of data collection with evidential support in terms of operational criteria. On the level of methodology, there is an evaluation related to the level of inferential reasoning and correlation between control mechanisms and indicators of reliability in accordance with criminal process and judicial norms.

1.1 Statement of the Problem

The dynamic nature of terrorism poses complex challenges to security, justice, and human rights bodies. In light of this, different countries have drafted preventive laws utilizing different methods of investigation and proof [6]. Nevertheless, the dynamic nature of terrorism, characterized by periodicity, cross-country spread, and online nature, highlights the shortcomings associated with these preventive laws, calling for the reevaluation of the investigative and inferential aspects of anti-terrorism laws. The paper makes a clear distinction between the processes of "investigation" and "inquiry" in the context of counterterrorism laws and policies. Investigation involves fact collecting and preservation, while inferences involve making logical linkages between these facts and possible criminal offenses. These aspects are critical components in ensuring fairness in prosecutions and respect for the principle of due process in the administration of justice, though compatibility with human rights norms has been questioned [7]. The study sheds light on different countries' implementation processes in these aspects in the criminal justice process, in which there has been sparse literature published concerning the compound effect and judicial aspect of these processes in light of the National Counterterrorism Act. The paper further sheds light on different aspects of legislative processes in light of different needs for national security and societal needs on one side and the rights of suspects on the other to help in ensuring consistency in anti-terrorism policies and processes in light of human rights laws and norms through different preventive laws concerning terrorism to help in ensuring consistency in policies and processes in light of human rights laws and norms concerning different aspects of human security laws and policies with less literature published on the compound effect on different judicial processes concerning National Anti-Terrorism laws and acts related to human security laws and policies in light of human security laws and policies in light of human security preventive laws concerning terrorism

that pose questions in light of human security laws and policies associated with different preventive laws concerning human security laws and policies in light of human security preventive laws concerning terrorism: What specific processes are defined in different judicial processes in light of the National Anti-Terrorism Act concerning human security preventive laws concerning human security laws and policies in light of human security preventive laws concerning terrorism through different preventive laws concerning human security laws and policies in light of human security preventive laws concerning terrorism to help in validating different judicial processes

1.2 Objectives

1. The purpose of the study is to determine the nature and role of the investigative stage and explain the importance of the stage in fighting terrorism-related crimes.
2. It aims to evaluate the level to which Arab juridical systems place importance on regulating the investigative and inferential phase in terrorism-related offenses.
3. The aim is to explain the differences in procedure between the bodies handling the investigation and those using inferential reasoning in cases of terrorism, in the context of the Arab legal system.
4. The aim of this study is to highlight the unique features of the conventional procedure of investigation and inference prescribed in Arab counterterrorism laws.
5. The current study further analyses and contrasts the new investigative and inferential tools currently incorporated in Arab counterterrorism laws.
6. The aim is to identify the strengths and weaknesses of the legislative provisions concerning the phases of investigation and inference in the studied Arab legal systems.

2. Research Questions

The research questions for conducting this study are:

1. What is the significance of the phases of investigation and evidential inference in the process of combating terrorism-related crime?
2. What are the requirements in terms of detection and rationalisation of terrorism in Arab laws, whether in special bodies or state organizations or in special laws?
3. What are the distinguishing features of the traditional and modern processes of inquiry and deduction in the Arab counterterrorism laws?
4. How has the Arab counterterrorism laws struck a balance between the protection of the rights of persons charged with terrorism and the protection of citizens from security threats?

2.1 Study Significance

The current manuscript analyses how legislative tools can be used to reconcile national security needs with societal needs and human rights of suspects in order to improve the rationality of anti-terrorism policies not only in practice but in theory as well. The ongoing study tries to fill the theory-practice binary by responding to the major question: What is the procedural specificity of the processes of examination and deduction in anti-terrorism laws, and how these processes affect the general war on terrorism in general? The current work scrutinizes major challenges in counter-terrorism policies related to the format and efficiency of examination and deduction processes, underscoring the importance of ensuring parity between counter-terrorism needs and individual human rights in general. On the one hand, it provides judicial and prosecution officials with advice on overcoming discrepancies that might arise between examination deduction reliability in criminal cases in order to improve trial rationality in general. On the other hand, it emphasizes the importance of coordinating Arab anti-terrorism laws with human rights norms in general in order to improve regional consistency and action in general.

2.2 Study Scopes and Limitations

This study has four related scopes, which together constitute the academic orientation of the study. The objective scope relates to the major study question in the defined subject area, covering not only the legal aspects but also the process aspects involved in the study question. The objective scope defines the boundaries of the study in terms of the specific time period within which the study takes place to ensure that the study's results are specific to the situation and representative of the context in which it finds itself. The geographical scope defines the

boundaries of the study in terms of where it takes place, ensuring that it does not generalise beyond what is acceptable. The human scope defines the study group being studied to ensure that the result of the study can only be generalised to that group and not to humanity in general.

3. Methodology

The presented work adopts a qualitative descriptive-analytical methodology, which is applicable in the study of statutory literature, judicial acts, and privacy/evidential violations in counter-terrorism laws. The qualitative methodology of comparative studies is used in adopting an in-depth comparative analysis of legislative enactments, judicial precedents, and literature on privacy/evidential violations in counter-terrorism laws in different countries with different juridical/cultural backgrounds. The work adopts statutory enactments and judicial precedents in carefully selected Arab and European countries through the aid of purposive sampling to ascertain relevance and comparative validity. Documentary content analysis on enactments, case studies, and literate literature on select juridical theories has been adopted with specific attention to credibility and authenticity.

The work involved carrying out a preliminary pre-test on the analytical models to ensure accuracy in terms of content analysis before concluding with qualitative content analysis where enactments were subject to thematic grouping with comparative reasoning to ensure enhanced validity and authenticity. Ethics in the work were ensured through the adoption of suitably documented and authentic literate literature in genuinely refereed sources to ensure authenticity, novelty, and juridical constitutionality in knowledge capture, recognizing that not every methodology is universally applicable in specifically different knowledge capture settings to suit the nature of the context involved in different studies, regardless of universality in reflection on knowledge capture dictates.

4. Results

This study is structured divided into two main sections.

Section One: Assigning the Investigation and Inference Phases to Specialised Enforcement Agencies.

Section Two: Authority of Criminal Enforcement Officers in Countering Terrorism.

4.1 Assigning the Investigation and Inference Phase in Terrorism-Related Crimes to Specialised Enforcement Agencies

The major reason why most of the legislative frameworks considered in the study empower specialized forces with the responsibility of conducting preliminary phases of inquiry and deduction in terrorism-related crimes is because of the complexities involved in terrorism matters and the need to avoid any procedural mistake that may pose a threat to security and the process of due justice [8]. For consistency in the analytical process, the final section shall be divided into two parts where the major justifications related to key legislative aspects shall be explored in depth.

4.1.1 Subsection One: Rationale for Assigning the Evidentiary Inference Phase to Specialised Enforcement Agencies

This subsection shall be categorized in sections to deal with the definition/ process aspects of the issue of investigation. Despite variations between different criminal laws on the process of investigation, it has largely been acknowledged that it forms the preparatory phase to determine facts that would be proven in court later on. It has been defined in different forms to acknowledge it to be the very first process before any judicial process takes place, including the process of identifying crime, confirmation, and collection of facts/evidences. The primary aspect in each definition has recognized the importance of data collection and assistance in decision-making (Chin et al., 2024), where control in the matter of investigation has largely remained with the concerned enforcement agencies rather than any judicial one. Despite variations in different laws on handling inferential evidences in preliminary investigation, criminal procedure laws in most cases tend to codify it to avoid any kind of discrepancies in processes and ensure strict guidelines to the concerned agencies to work according to.

On the other hand, in some countries, there is less overt regulation, where the process of investigation is largely in the hands of judicial police

officers who are subordinate to prosecutors, with initial directives being the only prosecutorial involvement in the process, owing to narrower construction of evidential inference, especially if there is no follow-up judicial search. Nonetheless, every country agrees on the essential importance of preliminary action in facilitating the proper administration of criminal justice. Two legislative features stand out: the absence of detailed lists available for optional construction and the importance of official documentation to ensure evidential authenticity and traceability, which forms the roots of admissibility and inaugurates judicial action. The vital role in terrorism-related offenses is with the enforcement officers, who are the initial responding unit in contact with complainants, suspects, and witnesses [9].

4.1.2 Subsection Two: Specialised Enforcement Authorities Responsible for the Evidentiary Inference Phase in Terrorism-Related Crimes

There appears to be a general consensus that the conducting of investigations in terrorism cases should be vested in the purview of special units of law enforcement agencies, who not only enjoy the requisite knowledge and capability but can rightly coordinate such centralized activities. However, general law enforcers can supplement the work of special units in an auxiliary manner so that it can encompass a broad range of operations while retaining specialisation to a certain extent. The laws tend to demarcate between general law enforcers and special ones who deal with terrorism-related crimes, with the latter enjoying general or even extraterritorial jurisdiction in security-related affairs across the nation. Such cases can further be taken up by the judicial branches of the armed forces, who are prepared to deal with risk-related assignments associated with terrorism cases. These special units exercise powers of investigation, arrest, property confiscation, and conducting anti-money laundering operations and are well-equipped to face the broad challenges involved in cases related to terrorism [10].

However, in other countries, there is presently an expansive model that neglects to distinguish between the powers of general judicial functionaries and special terrorism cases. The special model has been guided by the ideology of shared responsibility on the principle of procedural diversity rather than specialization. These models of expansive powers can easily ensure there are no discrepancies in powers between different agencies, but they can greatly hinder specialization and preparedness in handling new threats associated with terrorism. There has been considerable debate on the comparative efficiency of these models in fighting terrorism. The new legislative policies raised two major questions on the efficacy of these models: The special powers granted to the special agencies surpass the powers of general law-enforcement functionaries, and which model in fighting terrorism is most efficacious. In spite of conflicting information on efficacy, most models of the law-enforcement agencies enhance the capability to counter terrorism through fine-tuning procedure mechanisms in terrorist networks.

4.1.2.1 Procedures Affecting the Freedom of Suspected Individuals in Terrorism-Related Crimes

The extensive powers granted to law enforcement authorities to detain or restrict suspects reflect a preventive strategy aimed at averting potential threats before they materialise. Such authority enables timely intervention in security-sensitive situations; however, it also raises the risk of excessive encroachment on civil rights. Critics argue that this broad discretion must be counterbalanced through procedural safeguards and legal transparency to ensure accountability and prevent the misuse of power.

4.1.2.2 Divergent Legislative Perspectives on the Authority of Criminal Enforcement Officers to Arrest Suspects in Terrorism Crimes

The vocabulary and coverage of arrest laws vary greatly between different countries. For instance, the definition fits well within the boundaries of retention in Egypt and Saudi Arabia, while there is a different legal definition in Tunisia. The general definition of arrest encompasses the hindrances to avoid escape in prosecutor control, while in other cases, it can be defined as deprivation of liberty without removing the person to a specific detention place in accordance with detention laws [11].

The level of discretion granted to the police and judicial authority also differs greatly. While in Saudi and Egyptian laws, detention can take place without any preliminary judicial warrant even beyond the context of flagrante delicto arrest. The Tunisian and French laws require warrants issued by judicial authority and stress judicial control to a larger extent. The level of discretion can be contrasted in terms of the importance attached to security concerns over individual rights in the context of

counter-terrorism. The Saudi laws ban detention in the absence of any terrorism-related motive and only allow arrests in accordance with the competent authority in exceptional cases of flagrante delicto, where the police can intervene on the basis of sufficient proof (Articles 34-35). There are special provisions in Articles 5 & 7 of the Criminal Procedure Code and its implementation regulations in the case of terrorism offenses. While Article 5 allows prosecutors to issue detention orders but fixes only seven days of pre-trial detention, and under Article 7, it is obligatory to bring the suspect before the prosecutor within the aforementioned period. These articles make it possible to hold detention by the Presidency of State Security in the absence of any initial judicial warrant in the case of terrorism offenses.

The exceptional nature of terrorism has been presented to validate deviations from regular normative provisions in dealing with it [12]. Parliamentarians assume that because it poses an existential threat, there should be enhanced powers of preventive detention. On the other hand, detractors feel that these powers should not lead to normalisation, where exceptional provisions in terrorism cases find permanent features in regular law enforcement before being lost in the delusions of separation between security and freedoms. The same applies to Egypt and Saudi Arabia concerning individual freedoms in handling terrorism cases. The process in Egypt allows special security powers to carry out preventive detention before being reinforced to investigate and arrest with evidence in twenty-four hours upon receipt of information related to any terrorist threat in compliance with provisions in Article 40 of the Anti-Terrorism Law to be presented to the state prosecution along with the detained individual with just the receipt of information on the threat posed by the individual in question, albeit with massive administrative powers in preventive security in Egypt.

In the case of France, arrested suspects can be held for a period of twenty-four hours without prosecutorial intervention, with any further detention necessitating written authorization from the prosecutor for an additional twenty-four hours. These mechanisms tend to demonstrate the relatively stronger procedural safeguards in place in the French system, ensuring adherence to due process while being able to take preventive actions in an emergency situation. The prosecutorial warrant/authorization is obligatory, necessitated by the need to safeguard public order. Articles 706-88 extend detention by twenty-four hours or forty-eight hours, reviewed judicially in either case. The detained individual must appear before a judicial magistrate during the initial detention period, however, in the second instance, it is optional, pending further ongoing judicial inquiry. Medical checks must be conducted to ascertain suitability for detention on the individual detained. The judicial warrant for arrest is mandatory in Tunisian law in general, even in terrorism cases, though challenged in jurisprudence. The judicial police were authorized to arrest in pursuance of prosecutorial oversight prior to arrest via Article 13bis, valid without any prior judicial warrant, necessitating only notice with no set limit and no punishment for departure in implementation. The right to liberty in general defines the limitation in detention vis-à-vis laws specifically targeting terrorism. Laws in Tunisia separate felonies and misdemeanours, providing initial detention of forty-eight hours—akin to the French—recommended by prosecutorial writing on instruction in the case of extensions in misdemeanours [13].

For terrorism-related cases, Tunisian Law No. 26, 2015, Article 39, allows detention to last for five days, extendable twice to fifteen days with prosecutorial approval. It should be noted that even though it has the purpose of being applicable for security and investigative considerations, the extended detention term portrays Tunisia's exceptional legislative procedure in handling terrorism cases, identifying extended detention terms as the prerogative of Tunisia's legislative jurisdiction in line with [14]. The Kingdom of Saudi Arabia has an identical legislative procedure in handling terrorism cases, where it allows detention for not more than seven days without prosecutorial grounds, with the option to extend detention for an extra seven days with written approval to last fourteen days in total, exceeding normal criminal procedure terms in light of legislative favouritism between security and individual freedoms.

For example, in Egypt, similar detention laws in relation to terrorism and other crimes are used. The Criminal Procedure Code, under Article 36, provides that the suspects must be referred to the prosecutor within twenty-four hours, who must decide to either release or continue to hold them in detention within another twenty-four hours. The detention shall not go beyond fourteen days but may be extended once for twenty-nine days in total. Despite being somewhat lengthy, the detention process has enhanced judicial control to suit the lengthy periods of detention. The French judicial process has the strictest judicial control in place. The detention should not go beyond six days, and any detention in twenty-four or forty-eight hours needs to be approved by the judicial control of personal liberty judges to remain constantly under surveillance.

On the subject of detention periods, Egypt boasts the longest total detention time, while Tunisia and Saudi Arabia offer the longest security detention, and judicial oversight takes precedence in the French model.

Another aspect in which detention mechanisms are complemented by other provisions in the French and Tunisian laws is in terms of restricting travel. Tunisia applies these only if there is *flagrante delicto* or upon submission of valid proof, which strikes a good balance between security and human rights.

4.2 Travel Bans: *Flagrante Delicto* and Certainty

The Act has prescribed two major exceptions to the travel bans, namely *flagrante delicto* and certainty under strict circumstances, in an attempt to ensure that there is equity between public order and individual rights. *Flagrante delicto* is not necessary for the prosecution to exercise the travel ban provision, which ensures that the provision is rational and proportional in nature. While there is clear definition of *flagrante delicto* in the Act, there is no definition of certainty, owing to which there is room for uncertainty in the application of the provision in practice. Therefore, it can be seen that the application of extraordinary restrictions is left in the discretion of the prosecutors largely.

4.2.1 The Concept of Certainty in Law

The provision of Article 15 defines the temporary travel ban on the certainty principle in practice, yet it has not defined the term itself. This definition has been deemed very unclear and susceptible to either expansive or restrictive construction by different scholars. For instance, in wordplay, it suggests the existence of *prima facie* evidence of crime, while in the realm of jurisprudence, it refers to the feeling of an emergency warranting swift prosecution. Such malleability brings to mind the unease with courtroom consistency to define certainty between demonstrated punishable offenses, preventive risks of harm, or scenarios where judicial protection of human rights is necessary. Hence, certainty becomes a controversial and dynamic term in counterterrorism laws, where it perpetually balances between preventive security and individual freedom [15].

4.2.2 Comparative Legislative Approaches to Arrest Powers

The arrest powers in terrorism laws vary significantly across different laws. For example, in the laws of Saudi Arabia and Egypt, arrest can be made without judicial warrants where there is no *flagrante delicto*. On the other hand, if one were to rely on the laws of Tunisia and France, judicial warrants or prior authorization would be essential before the arrest can occur in terrorism cases. Such variations occur on the basis of security requirements for human security and protection of individual rights in different countries across the world. Hence, there are varying requirements for compromise in comparative laws on counterterrorism cases.

4.2.3 Detention and Procedural Safeguards in Counterterrorism

For arrest not connected with terrorism, any arrest must be in accordance with the relevant statutory provisions or in *flagrante delicto* cases. However, in connection with terrorism, arrest can be done by the Presidency of State Security without prosecutory approval for not more than seven days, but extendable further for yet another period of not more than seven days by written order in case the suspicion has not yet been substantiated. These provisions clearly set an exception to the normal provisions in criminal procedure laws in giving prime importance to security rather than individual freedoms.

4.2.4 Comparative Provisions in Egypt and France

The Egyptian law uses the same concept but with broader powers concerning preventive arrests authorized. The Anti-Terrorism Law, under Article 40, gives room for the police to investigate and arrest the suspects for not more than twenty-four hours pending prosecutory assessment. On the other hand, the French legal system provides preliminary detention not to exceed twenty-four hours, with judicial authorization for extensions. For terrorism-related cases, the French police forces can undertake the operation without prior authorization with the intention of providing security for the public, while any further extensions are approved judicially with obligated healthcare checks to see if human rights of the arrested individuals are upheld.

4.2.5 Judicial Authorisation in Tunisia

In cases concerning terrorism, the judicial system in Tunisia has ensured judicial warrant to avoid any kind of abuse of authority in detention. Prior to 2016, the detention of individuals was overseen by prosecutors with no need for prior authorization whatsoever. The new

code distinguishes between felonies and misdemeanors, allowing detention for no more than forty-eight hours in exceptional cases with written authorization. But in cases concerning terrorism, detention shall not exceed five days with possible extensions for an equal period of two days. Thus, total detention is feasible for fifteen days with prosecutory approval, which shows Tunisia has taken exceptional steps in view of terrorist threats. For instance, in the state of Saudi Arabia, arrest without authority is allowed for not more than fourteen days, with the term not to exceed seven days, further extended for not more than seven days if demanded by the prosecution.

4.2.6 Comparative Detention Periods

Therefore, it indicates the paramount importance of security in the anti-terrorism legislative policy in Saudi Arabia. Unlike the preceding ones, the Czech one has maintained the twenty-four-hour term with numerous extensions available, hence detained for not more than twenty-nine days. For Tunisia, detention is allowed for the aforementioned twenty-nine days with weaker judicial control in place comparatively. The monetary term in the French model has not exceeded six days with very stringent judicial control in place, hence being very detail-specific in implementing human right provisions for individuals in the judicial process.

4.2.7 Procedural Measures Beyond Arrest

The above measures not only cover arrest but also encompass restrictions on the person's movements. In Tunisia, banning someone from traveling is only done in *flagrante delicto* cases or where there is an inevitable certainty of participation. The prosecutor must ensure there is a balance between public order and individual freedom. *Flagrante delicto* has specific criteria in accordance with the applicable laws, while the aspect of certainty is not well defined in the relevant laws. There is room for subjectivism in the application of the laws because the aspect of certainty has not been defined in detail in the relevant laws.

4.2.8 Authority to Impose Travel Bans

The Saudi model might be considered an example of striking a balance between individual choice and state security concerns. The right to enjoy the freedoms of movement has not been considered absolute but is subject to control via laws. For instance, according to Article 6 of the Travel Document Law, any limitation of the right to freedom of movement is only valid if it has been issued by either judicial or competent authority. The concerned person has to be informed about the limitation one week after being issued.

4.2.9 Saudi Approach to Travel Bans

The Saudi model can be considered to demonstrate the principle of harmonizing individual freedom with security needs on the state level. The right to freedom of movement is not considered absolute but is subject to control through laws. For instance, in accordance with Article 6 of the Travel Document Law, any limitation on the right to freedom of movement should only come from a judicial or competent authority, with the reasons for security and the period of limitation clearly spelt out, and the persons involved notified within one week of the realization of the limitation measure.

4.2.10 Travel Bans in Terrorism Cases

The counter-terrorism laws in Saudi Arabia are even more strict. The provision in Article 10 of the Anti-Terrorism and Financing Crimes Law gives the Head of State Security the right to issue travel bans, which should be delivered to the prosecutor within seventy-two hours. The notice about the ban can be withheld if there are security-related concerns, giving precedence to security needs over accountability. The provision to the Presidency of State Security instead of the judiciary indicates an exception to normal regulatory processes in place. However, there is an element of protection in terms of judicial annulment via the prosecutor in the seventy-two-hour submission process to them. Another provision in Saudi law to improve security is banning travel without prior notice to the person concerned, in contrast to Article 6 of the Travel Document Law, where there needs to be prior notice in one week. This provision gives Saudi Arabia even more discretion in security policy without giving concessions to individual freedoms: preventive laws over individual security needs [16]. The provision that there are no defined terms in terms of appeal, limitation on bans, and procedure gives vital insights to the exceptional nature of counter-terrorism laws in Saudi Arabia vis-a-vis normal criminal laws.

4.3 Specificity of Travel Ban Procedure in Egyptian Law

The Egyptian laws, on the other hand, fail to define travel bans in the Criminal Procedure Code and define them in the Anti-Terrorism Law No. 94 of 2015 on Combating Terrorism. The matter is specifically covered in Article 47, with powers to apply preventive measures, including travel bans, to persons suspected of any crime related to terrorism, within Articles 208 bis (A-D) of the Criminal Procedure Code. The provision makes travel bans legitimate preventive measures with investigative and preventive powers in one single provision. The argument that powers should only be vested in prosecutors because of the effect on personal freedom does not apply in this provision because it can afford powers to prosecutorial bodies and evidential bodies to balance the need to investigate with judicial control. The provision is ambiguous enough to allow opposing provisions to apply. The Anti-Terrorism Law specifically governs travel bans rather than the Criminal Procedure Code because terrorism-related laws are exceptional in nature.

4.3.1 Specificity of Travel Ban Procedure in French Law

The French legal system broadens the application of travel bans in general offenses and terrorism-related offenses alike. The bans can be applied by judges in judicial investigation or trial procedures, giving the ban a primarily judicial nature. This is definitely judicial exclusivity, unlike in cases where administrative bodies can apply the bans too [17]. Nevertheless, it should be noted that under Article L224-1 of the code provisions on internal security, administrative bans on travel can apply in terrorism-related cases, where bans can apply if there is conclusive proof that one has the intent to go to commit acts of terrorism in other countries, giving preventive control more importance in the matter. In cases of emergencies, the French code gives powers to the police to apply house arrest, hold raids, and dissolve any association that might raise security concerns to the nation, giving administrative powers more discretion in exceptional cases.

4.3.2 Branch Two: Procedures Affecting Sanctity and Financial Integrity

The counterterrorism laws in the Arab states primarily emphasize the pursuit and confiscation of property belonging to suspects in general. Despite constitutions and penal codes likely ensuring the inviolability of residences through warrant or flagrante delicto requirements for conducting house searches, various counterterrorism laws serve as exemptions to such constraints, hence broadening the mandate for counterterrorism forces to enjoy extraordinary powers in house searches concerning terrorism allegations. The Saudi Anti-Terrorism Act allows house searches to be conducted without warrant in terrorism cases, in accordance with Article 7 of the counterterrorism laws in the relevant countries concerning terrorism cases, where the forces are required to explain the emergency nature to the prosecution within twenty-four hours, especially in flagrante delicto or looming risks of evidential destruction and asset movement in terrorism cases [18]. The provision raises concerns over accountability in counterterrorism forces in terms of exercising broad judicial powers in house searches in terrorism cases in these states.

The Tunisian laws follow the conventional procedure to a great extent but with major exemptions. The provision of Article 94 of the Criminal Procedure Code gives the investigative judges the exclusive right to conduct house searches, and only the investigative judges can perform them, though the police can exercise it independently in cases of flagrante delicto and in cases where there is expected harm in the future, which is not properly defined in terms of clear parameters, thereby giving room for discrepancies so far as judicial certainty is concerned in matters of state security versus individual freedoms, respectively [19].

4.3.2.1 Judicial Control of Terrorism Searches

The Egyptian law corresponds partly with the Saudi and Tunisian laws in giving judicial bodies the right to authorize residential searches in terrorism cases, with only flagrante delicto constituting an exception to the rule according to [20]. Based on the Anti-Terrorism Law, specifically Article 45, the prosecution or concerned authority must write out a justified warrant to the judicial police to implement residential searches and confiscate evidence thereof. Contrary to the laws in Saudi and Tunisian countries, Egyptian laws direct that even if in cases involving emergency scenarios, residential searches must not occur without authorized judicial oversight, thereby ensuring judicial safeguards in the Criminal Procedure Code remain intact according to [21]. While the laws on counterterrorism in other Arab countries exhibit discrepancies, it should be emphasized that there is considerable equality on the

requirements for conducting residential searches, such that any terrorist offense must occur in the process.

Such general model has different forms: there are laws with flagrante delicto requirements before conducting the search while there are others with lawful detention or pre-trial detention requirements. On the other hand, in French law, there are provisions on conducting searches on any premise in conducting terrorism-related cases after obtaining prior authorization from the competent public prosecutor [22]. For instance, in cases related to terrorism, on top of obtaining prior authorization from the competent public prosecutor, persons can be searched in any premise. Conducting searches beyond regular working hours is allowed in residential premises only if there is an estimated risk of destruction of relevant data in cases related to flagrante felonies and misdemeanors according to Article 73-706 while only judicial police delegated with investigating judges can conduct night-hour residential premises related to flagrante felonies and misdemeanors in accordance with Article 91-706

4.3.2.2 Specificity of Procedures Affecting the Financial Assets of Suspects in Terrorism Crimes

Comparing the legislations revealed the application of precautionary financial provisions to disrupt and prevent acts of terrorism, thereby restricting access to finances by suspects. While the provisions and application in different legislations are referred to as provisional seizure or freezing of assets, the application is comparable in principle to the others. For Saudi Arabia, provisional seizure is akin to temporary prohibition on the handling of assets to avoid full transfer, sale, or control, very similarly applied in Tunisia, further bifurcating freezing from confiscation of assets in process. The seriousness of terrorism-related offences has resulted in the institutionalisation of extraordinary procedure in practice, even trespassing on the constitutional right to property, being governed not by criminal procedure laws in general but by counterterrorism laws in place, unlike in normal seizures in terms of powers applied and on which assumptions in principle applied even on mere suspicions [23].

The laws in Egypt fail to clearly address human intelligence activities, while in Saudi Arabia, there are only some forces allowed to the State Security Presidency. In the entire Arab region, the term used to define the related activities is secret operations, while in Tunisia, there is a more defined process concerning court authorization to enter organizations, which must be done by authorized persons in defined time intervals with judicial control and submission requirements to respect human rights and privacy [24]. In the case of France, there is an anti-terrorism act that gives administrative police forces extended powers beyond preventive powers, while in criminal procedure, there are judicial safeguards in place. Functionaries such as governors and representatives in the Ministry of Interior can shut down religious locations connected with terrorist threats, symbolizing the growth of administrative powers side by side with judicial safeguards [25]

The technical methods of investigation, such as communications interception and audiovisual surveillance, are of major privacy concerns and need to be carefully supervised (How Effective Are the Post-9/11 U.S. Counterterrorism Policies, 2024). The only bodies in Tunisia with the powers to order these measures are prosecutors and investigative judges, who are subject to the requirements of necessity, prior authorization, and strict time constraints, which are set at four months for interception and infiltration and two months for audio-visual surveillance with 1 possible extension. The Egyptian and Saudi laws allow for numerous extensions, thereby compromising the control of procedure. While in Egypt, prosecutors can sanction audio-visual surveillance in terrorism cases according to Article 46 of the Anti-Terrorism Law, with renewals every thirty days, continuing through the stage of evidential inference in terrorism cases. The powers in Saudi Arabia overlap between the State Security Presidency, handling stealthy actions, and the Public Prosecution, giving authorizations in audio-visual surveillance and communications interception.

Such differences underscore the discrepancies in the protection of individual rights presented in different cases. The Tunisian model, single renewal limit notwithstanding, gives far more protection against abuse, while the Egyptian and Saudi models involve unlimited renewals, which detract significantly from the extraordinary and intrusive character of such provisions. The French model combines relatively liberal powers with prior judicial authorization, exemplifying the tension between state security concerns and individual right protection [26].

5. Discussion

The discourse uses critical analytical methodology and is presented in terms of six dimensions: (1) results interpretation, (2) implications

concerning theory and practice, (3) comparison with past studies in the literature, (4) methodology insights, (5) difference/similarity explanation, and (6) academic support.

5.1 Interpretation of Results

The comparative analysis shows that the counterterrorism laws in the Arab countries have focused to a great extent on supervising the investigation and inferential stage in terrorism-related crimes via special control mechanisms. The assignment of special powers to relevant agencies in various countries has resulted from the understanding of the unique procedure involved in terrorism cases. There were different detention periods noted in the process, with Egypt allowing detention for not more than 29 days, Saudi Arabia for not more than 14 days, Tunisia for not more than 15 days, while in France, detention was not to exceed six days at most. The study has managed to cover the research questions in detail to show the importance of either the investigative or the inferential stage in improving counterterrorism efficiency, especially in light of the effect of procedural tools and the exclusive organizational approach in place in counterterrorism laws in either Arab countries or in general.

5.2 Theoretical and Practical Implications

The study makes relevant contributions to the conceptual paradigm in terms of establishing that special enforcement agencies signify a material departure from mainstream criminal law to preventive security models. Procedural variations in implementing counterterrorism laws depend on constitutional ethos in respecting individual liberties in contrast to state security in managing detention and surveillance policies. In practical terms, the study validates the recommendation to improve admissibility and reliability in general in terrorism cases while ensuring due process in courts. Theoretical models related to special laws and constitutional states on counterterrorism laws explained in the study help to examine the challenges involved in counterterrorism laws in general [27]

5.3 Comparison with Previous Literature

The results not only validate the academic conception concerning the need for specialized counterterrorism bodies but rather indicate significant quantitative variations in arrest powers relative to previous studies. Where previous studies were mostly centered on general tendencies toward extraordinary policies, the current study not only fills the preceding literature gaps concerning comparative information on arrest periods and the safeguard of procedure rights but rather fills the substantial cross-jurisdictional analytical voids on either side of the contemporary Arab world. The variations in the travel ban jurisdiction rather clearly disclose the absence of homogeneity in the Arabic legal frameworks, where every single state – namely Egypt, Saudi Arabia, and Tunisia – adopts different policies in this special branch of counterterrorism laws. Where the current study confirms previous discoveries on search/seize processes, it rather contributes to counterterrorism studies through the quantitative assessment of the seizure of financial resources.

5.4 Methodological Insights

The qualitative descriptive-analytical approach has been very efficient in distilling the subtle variations in procedures across different legal systems while maintaining a rigorous comparative approach. Coding and obtaining legislative information with the view to carrying out comparative analyses across different jurisdictions would not have been feasible via purely quantitative methods. Meanwhile, there were natural constraints in the documentation process, such as the absence of access to updated judicial understandings and the application of the laws themselves. The nature of the study has reinforced the validity of analysis with insights on judicial procedure in different countries, yet generalization has been impacted to an extent by the purposeful sampling approach.

5.5 Explanation of Similarities and Discrepancies

The matter of decentralizing specialized powers is thus reflective of regional security needs, coupled with the challenges of global terrorism in general. Disparities in term lengths and trial rights range from variations in constitutional norms, where the French model conforms to the European human rights norm, while Arab nations stress the need for state powers in pursuit of security needs in general. Disparities in airline powers are

context-sensitive in terms of historical and cultural norms, while state nations that experienced security crises in the not-too-distant past exercise larger powers of discretion in enforcing airline rulings in general. Disparities in search and seizure policies further lie in institutional and demographic settings, with larger powers of centralized enforcement in federally structured states in general.

5.6 Scholarly Support

The hypotheses drawn out in this discourse are based on the scholarly literature on comparative counterterrorism law and the process of criminal justice. The trend noted in institutional specialization fits with theories postulated in security studies literature and the body of literature in comparative constitutional law studies. The theories postulated on functional capability are founded upon empirical studies on counterterrorism institution performance and the admissibility of physical evidence in special courts for counterterrorism cases in the literature on security studies and comparative constitutional studies, respectively. Theories postulated on the tension between security and human right expectations are based on studies in human rights and comparative constitutional literature, respectively. The literature on methodology in refereed journals verifies best practices in comparative methodology in qualitative literature studies on security field topics.

5.7 Summary

This comparative study clearly illustrates that the counterterrorism laws in the Arab countries have been able to implement the specialized models of investigative powers in a manner that strikes a balance between security needs and safeguards, while at the same time reflecting significant discrepancies in terms of protection of rights and powers of detention.

6. Conclusion

The study shows that the investigative and inferential process in terrorism cases is exceptional, only conducted by specialized bodies, and enjoys extended powers to reconcile security needs with human rights concerns. Comparing the laws of Saudi Arabia, Egypt, Tunisia, and France shows great discrepancies in arrest, detention, travel prohibition, search, and surveillance powers, as well as persistent obscurities, such as the term certainty. The originality of the study consists in combining comparative studies with an operational framework connecting privacy protection with evidentiary requirements. The study defines boundaries of collection with respect to reliability signs, sets standards to audit the quality of inferences and the chain of custody, and defines the responsibility of institutions and control mechanisms. The originality of the study consists in providing operational advice on ensuring proportionality, timeliness, and judicial control for arrest, detention, and travel prohibition, giving priority to traceability and transparency of analytical methods, and making exceptional powers subject to revision processes in terrorism cases.

7. Recommendations

There can be formulation of a step-wise process to standardize the process of investigation and inference, with documentation templates, chain of custody documentation, and memos on rationale behind decisions. This can be accompanied by the formulation of an across-the-country procedure manual with ongoing audits by prosecutors and specialized organizations to ensure traceability, quality, and procedure consistency and consistency in judgments. Speculation in the judicial process can be ensured to remain within defined domains of certainty and impending risk, which define travel bans and extraordinary search warrants. Implementation of these policies can be done through risk evaluation forms, lists of proportionality checks, and memos for pre-action evaluation to limit the discretion of prosecutors and judges. Automatic time constraints and judicial oversight can be incorporated with cascaded detention powers, arrest powers, and search powers. Case management dashboards, automatic expiration timers, and prescribed medical evaluations and right evaluations can persistently maintain individual freedoms with efficiency in judicial processes. The organizational needs can be defined with clearly defined duties between specialized and general law-enforcement personnel. There can be implementation of internal and external jurisdictional facilitators through authority charts corresponding to roles, inter-agency memoranda of understanding, with ongoing cooperative-training programs to ensure timely, professional, and accountable counterterrorism action mechanisms.

8. Study Limitations

The generalisability of the study findings can be considered to be constrained in that it only applies to Saudi Arabia, Egypt, Tunisia, and France. The study makes extensive use of doctrinal and comparative analyses of laws and makes very little attempt to integrate empirical data based on case application. The study makes extensive assumptions on key areas in laws such as certainty and impending danger, which are not defined in the laws reviewed, thereby giving room for very extensive flexibility in the evaluation of investigative and inferential acts.

9. Study Implications and Future Directions

The findings appear to validate the implementation of step-by-step documentation processes and audit trails in terms of reinforcing evidentiary consistency and coordinating thresholds related to detention, travel bans, and search-related arrest processes. The study emphasizes the importance of auditing process efficacies in terms of recognizing/pointing out wide/suspect application areas with respect to institutional structures, inter-departmental coordinating mechanisms, and training processes being conducted in related organizations. Therefore, clearly defined functions in terms of process requirements can be applied by related organizations/organizations involved in these processes to improve thresholds related to proportionality and consistency largely remain areas that require valid empirical verification with respect to related findings.

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