



E-BULLETIN ON COUNTER-TERRORISM & HUMAN RIGHTS

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Eminent Jurists Panel on Terrorism, Counter-terrorism and Human Rights held hearings in Canada

On 24-25 April, the Panel held public hearings in Toronto and Ottawa to examine Canada's counter-terrorism measures since the attacks on September 11, 2001. The Panel was represented in Canada by its Chair, Justice Arthur Chaskalson (South Africa), and by Professor Robert K. Goldman (United States).

Final Press Release

Next hearings

4-5 June in Cairo: Sub-regional hearing on Egypt, Jordan, Yemen and Syria

2-4 July in Brussels: Sub-regional hearing on the European Union

Middle East Hearing

EU Hearing

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US State Department releases annual country reports on terrorism

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AFRICA & MIDDLE EAST

Ethiopia: Government acknowledges detention of 41 terrorism suspects rendered by Somalia

On 9 April, the Ethiopian Ministry of Foreign Affairs acknowledged that 41 suspected terrorists captured in Somalia have been handed over by the Transitional Federal Government of Somalia to the Ethiopian authorities and are currently detained in Ethiopia. According to a recent report by Amnesty International, Ethiopia has not acknowledged detaining all the individuals rendered from Somalia. Earlier last month, media reports indicated that US agents have been interrogating terrorist suspects held in Ethiopia.

[AI Report](#)

[MoFA Statement](#)

[Press Article](#)

Zimbabwe: Defence lawyers charged with terrorism

Alec Muchadahama and Andrew Makoni, the lawyers of 31 members of the opposition party Movement for Democratic Change, were arrested and charged with terrorism for representing the party members. The 31 activists were arrested in March and are charged with crimes including training in terrorism, banditry, sabotage and insurgency.

[Press Article](#)

[Joint NGO Report](#)

Egypt: Muslim Brotherhood members tried before military court

On 24 April, the first military trial in seven years against members of the Muslim Brotherhood began in Cairo. The charges against the 33 members were not made public but media reports say they face charges of money laundering, membership of an illegal group and supporting terrorism. On 9 May, the Administrative Court ruled that a presidential order to try them before a military court was not valid and that they should be tried in a civilian court. This decision was overturned by the Supreme Administrative Court on 15 May, allowing the military trial to proceed. The trial is scheduled to resume on 3 June.

[Press Article](#)

[Press Article](#)

AMERICAS

United States: Boeing subsidiary faces charges over role in CIA renditions

On 30 May, a lawsuit was filed before the US District Court for the District of Northern California on behalf of three victims of the US-led rendition programme. The lawsuit was filed against Jeppesen, a subsidiary of Boeing, for its role in their renditions to Egypt, Morocco and Afghanistan between 2001 and 2004. In the complaint, it is argued that Jeppesen knowingly provided flight services to the CIA and has facilitated and profited from the forced disappearances, torture and other cruel and inhumane treatment of the victims. The charges are brought under the Alien Tort Claims Act of 1789.

[ACLU Press Release](#)

[Complaint](#)

[ACLU Background Info](#)

United States: Former Guantánamo military lawyer sentenced for leaking names of detainees

On 18 May, US Navy Lt. Cmdr. Matthew M. Diaz, former Guantánamo military lawyer, was sentenced to six months in prison by a court martial. He was found guilty of leaking names of detainees held at the detention centre to a human rights lawyer from the New York based Center for Constitutional Rights.

[CCR Press Release](#)

[Press Article](#)

United States: Salim Hamdan and Omar Khadr to be tried before military commissions

On 24 April, charges of murder, attempted murder, conspiracy, providing material support to terrorism and spying were brought against Omar Khadr, a Canadian citizen who was still a minor when transferred to Guantánamo Bay in 2002. In early May, Salim Ahmed Hamdan was also referred to a military commission on charges of conspiracy and providing material support for terrorism. The trials are expected to start in June.

[DoD Press Release on O. Khadr](#)

[DoD Press Release on S. Hamdan](#)

[Press Article](#)

United States: Supreme Court refuses to hear *habeas corpus* petitions of Guantánamo detainees

On 2 April, the Supreme Court refused to hear the joint cases of two groups of Guantánamo Bay detainees seeking a review of their detention. Following that decision, the Department of Justice requested the District Court in Washington to dismiss all pending cases of Guantánamo Bay detainees challenging their indefinite detention. The detainees' lawyers unsuccessfully requested the suspension of the decision by the Supreme Court. On 30 April, the Supreme Court refused to hear another case brought by Guantánamo Bay detainees on *habeas corpus* rights.

[Supreme Court Statement](#)

[Lawyers' Request](#)

United States: Government seeks to restrict Guantánamo detainees' access to lawyers

The Department of Justice applied to the Court of Appeals for the District of Columbia to seek restrictions on Guantánamo detainees' access to lawyers. The restrictions include limiting the number of visits by lawyers and screening the correspondence between the lawyer and the detainee. On 11 May, the Department of Justice (DoJ) withdrew its proposal but said it would continue to seek other limitations on the lawyers' access to their clients.

[DoJ Filing](#)

[Press Article](#)

United States: Supreme Court refuses to hear challenge on deportation of detainee to Libya

On 30 April, the Supreme Court refused to hear an appeal by Abu Abdul Rauf Zalita against his deportation from Guantánamo Bay to Libya. Mr Zalita claims he is at risk of torture if returned to Libya. The US Government stated in this case that, under the Military Commissions Act, US courts have no jurisdiction to consider issues related to transfers of detainees from Guantánamo. In a separate statement, the Deputy Assistant Secretary of Defense for Detainee Affairs said that judicial review of detainees' transfers could negatively affect the United States ability to succeed in the "war on terrorism".

[Government filing](#)

[Deputy Assistant Secretary of Defense Statement](#)

Canada: New agreement signed on transfer of detainees in Afghanistan

On 3 May, the Canadian and Afghan Governments signed an agreement on transfer of detainees supplementing an earlier agreement from December 2005. The new agreement came after weeks of public debate in Canada about allegations that detainees captured by the Canadian Army in Afghanistan and turned over to the Afghan authorities, have been tortured. It includes new provisions on Canadian officials' full access to detention facilities where detainees transferred by Canadian Forces are held. Amnesty International Canada and the British Columbia Civil Liberties Union are suing the Government for violating the Canadian Charter and Canada's international obligations.

[2005 Agreement](#)

[2007 Arrangement](#)

[BCCL Background Info](#)

[AI-BBCL Injunction](#)

Canada: Court refuses to disclose all secret evidence in terrorism case

In the case of Mohammed Momin Khawaja, the first individual charged under Canada's Anti-terrorism Act, the Ontario Superior Court decided not to disclose all secret evidence to the defence

lawyers but to provide them with a summary of the evidence. The Government has appealed that decision before the Federal Court of Appeal on national security grounds.

[Court Decision](#)

[Press Article](#)

[Press Article](#)

Paraguay: Proposed amendments to the criminal code include broad definition of terrorism

The lower House of Parliament adopted a bill amending the criminal code, which includes new terrorism related offences. The bill provides for broad definitions of terrorism and of what constitutes a terrorist association. The adoption of the bill is pending before the Senate.

[Draft Law](#)

ASIA-PACIFIC

Australia: Parliamentary Committee considers security cooperation treaty with Indonesia

A Parliamentary Committee is now reviewing the Lombok Agreement, a security treaty signed in November 2006 between Australia and Indonesia. Among other human rights organisations, the Australian Section of the ICJ made a submission before the Committee expressing concern about the use of the word “terrorism” in the treaty, in the absence of an agreement on a clear definition. As a result, ICJ Australia recommends the withdrawal of the treaty. The Committee is due to report to the Parliament on this agreement in mid-June.

[Lombok Agreement](#)

[ICJ Australia Submission](#)

[Press Article](#)

Sri Lanka: Supreme Court orders release of Tamil journalist

The Supreme Court ordered the release of Tamil journalist Maunasami Parameswaree, detained for four months without charge under Emergency Regulations in force since August 2005, on suspicion of ties with the Liberation Tamil Tigers Eelam (LTTE). The Court ruled that there was insufficient evidence against her. The ICJ has raised concerns about the application of Emergency Regulations in Sri Lanka and their compliance with international human rights law.

[Press Article](#)

[ICJ Press Release](#)

China: Canadian Uighur condemned to life imprisonment on terrorism charges

On 19 April, Canadian Uighur Huseyin Celil was convicted and sentenced to life imprisonment for crimes of "separating China" and "organizing, leading and participating in terrorist groups and organizations." The Chinese Government does not recognize Mr Celil's Canadian citizenship and has refused access to him to Canadian diplomats.

[Chinese MoFA Statement](#)

[Press Article](#)

Singapore: Parliament passes bill granting additional powers to the military

A bill amending the Armed Forces Act was passed by Parliament on 21 May. The bill provides for the deployment of the Army in case a “relevant event”, including a terrorist attack, occurs, could occur or is likely to occur. In such circumstances, the armed forces are granted powers to arrest, search and detain.

[Bill](#)

[Press Article](#)

[Press Article](#)

EUROPE & COMMONWEALTH OF INDEPENDENT STATES

United Kingdom: Two terrorism suspects win appeal against deportation to Libya

On 27 April, the Special Immigration Appeals Commission (SIAC) blocked the deportation of two Libyans after concluding that the Memorandum of Understanding (MoU) signed by the UK Government with Libya and other assurances against torture given by Libya did not offer the two

men sufficient protection against ill-treatment if sent back to Libya. SIAC ordered their release but subject to strict conditions, including a daily 12-hour curfew. The UK Government said it would appeal the ruling.

[SIAC Decision](#)

[MoU](#)

United Kingdom: SIAC rules against deportation of Algerian national

On 14 May, the Special Immigration Appeals Commission (SIAC) ruled against the deportation of Moloud Sihala to Algeria on the ground that he does not pose a security threat. Moloud Sihala was released in April 2005 after being acquitted of charges of participation in a terrorism conspiracy and was later placed under bail conditions. On the same day, SIAC dismissed the cases of U, W and Z who were appealing the Government's decision to deport them to Algeria.

[SIAC Decision](#)

[U Decision](#)

[W Decision](#)

[Z Decision](#)

Germany: Prosecutor dismisses suit against Donald Rumsfeld and other senior US officials

On 27 April, the Federal Prosecutor announced she would not proceed with an investigation against Donald Rumsfeld, Alberto Gonzales and other senior US officials for torture and other war crimes committed in Afghanistan, Iraq and Guantánamo Bay. A similar lawsuit against Donald Rumsfeld had already been dismissed in 2005. The lawyers are contemplating appealing the decision or filing the complaint in other countries.

[Complaint against Rumsfeld et al.](#)

[FIDH Press Release](#)

[Press Article](#)

Switzerland: Journalists who published fax on secret CIA prisons acquitted by court martial

On 17 April, a military court acquitted three journalists accused of revealing military secrets for publishing in the *SonntagsBlick* newspaper a fax from the Egyptian Government intercepted by the Swiss intelligence agency. The fax contained information alleging the existence of secret CIA prisons in Europe. The prosecution had requested a fine of nearly 40'000 Swiss francs arguing that the journalists compromised the country's intelligence-gathering operations.

[Judgment](#)

[DoD Press Release](#)

[Press Article](#)

Italy: Judge rules CIA abduction trial should proceed

In the case of Abu Omar, an Egyptian cleric allegedly abducted by the CIA in Milan in February 2003, a judge rejected the Government's claim that the prosecutor did not have the authority to charge Italian intelligence officers and CIA agents. The trial will proceed in early June in the absence of the CIA agents since the US refused to extradite them. The Italian Government lodged a complaint before the Constitutional Court alleging a conflict between the acquisition and use of evidence by the Milan prosecutor's office in the case and the preservation of a "secret of state".

[UN Press Release](#)

[Press Article](#)

Russian Federation: European Court rules on new "disappearance" case in Chechnya

On 5 April, the European Court of Human Rights ruled in the "disappearance" case of *Baysayeva v. Russia* that the Russian Federation had violated the right to life and the right to liberty and security of Shakhid Baysayeva. The Court also found Russia responsible for violating the right of Mr Baysayeva's wife to freedom from inhuman or degrading treatment and for failing to properly investigate the "disappearance" of her husband.

[ECHR Press Release](#)

[ECHR Judgment](#)

[HRW Report](#)

Poland: UN experts concerned about renditions and secret detentions

In its conclusions on the report by Poland, the UN Committee against Torture raised concerns about the potential existence of secret detention facilities on Polish territory and urged the authorities to provide more information on the Polish Parliamentary inquiry conducted into these allegations. The

Committee also expressed concern about Poland's alleged involvement in extraordinary renditions of terrorist suspects. In a letter to the Committee members, the ICJ raised similar concerns.

[CAT Concluding Observations](#)

[ICJ Submission](#)

UNITED NATIONS & REGIONAL ORGANIZATIONS

United Nations: Human rights expert visits South Africa and the United States

In a visit to South Africa in April, Special Rapporteur Martin Scheinin examined the Protection of Constitutional Democracy against Terrorist and Related Activities Act of 2005. In a preliminary report on his visit to the United States, the expert raised a number of issues related to the treatment, detention and trial of terrorist suspects as well as the use of the word “war” to qualify the fight against terrorism. He reaffirmed the applicability of international human rights law even during an armed conflict and said the United States must therefore comply with humanitarian law and international human rights law in its fight against terrorism.

[Preliminary Report on South Africa](#)

[Preliminary Report on the US](#)

United Nations: High Commissioner says “war on terror” an excuse to violate human rights

At a press conference upon her return from visits to Kyrgyzstan, Kazakhstan, Turkmenistan and Tajikistan, High Commissioner for Human Rights Louise Arbour said that Central Asian states continue to use the “war on terrorism” as an excuse to violate human rights. According to the High Commissioner, these countries explicitly justify a strong Executive and robust law enforcement as necessary tools in the “war on terrorism.”

[Press Article](#)

European Union: Council to inform listed individuals or groups of grounds for their listing

During a summit in Luxemburg on 24-25 April, the EU Council decided that, as part of the reviewing process of the EU terrorist list, it will inform the listed persons, groups and entities about the reasons for their listing through a “statement of reasons”. The statement would only be made public with the consent of the person, group or entity involved.

[EU Council Press Release](#)

European Union: Data protection supervisor issues two new opinions

On 11 April, EU Data Protection supervisor Peter Hustinx published an opinion criticizing the Prüm Treaty, an EU treaty on data-sharing related to terrorism, cross-border crime and illegal immigration. In the opinion, he urges for the treaty, currently adopted by seven EU Member States, not to be adopted by the other Member States until EU states agree on a general data protection framework. In another opinion, he urges the EU Council not to adopt a revised EU Commission proposal for a Framework Decision on the Protection of Data, in the field of police and judicial cooperation in criminal matters, because the text fails to provide adequate rules on data protection.

[Supervisor’s opinion on Prüm Treaty](#)

[EU Press Release](#)

[Supervisor’s opinion on Framework Decision](#)

[EU Press Release](#)

[Press Article](#)

EU-US: NGOs call for clear plan of action to close Guantánamo Bay detention centre

Ahead of the European Union-United States summit in Washington on 30 April, a number of NGOs urged EU leaders to insist on a clear plan of action on the closure of the Guantánamo Bay detention centre.

[ICJ Press Release](#)

[NGOs Joint Statement](#)

Council of Europe: Report criticizes Security Council listing process

In an introductory memorandum to a report on UN Security Council black lists, Council of Europe expert Dick Marty criticizes the UN “blacklisting” procedure for, among others, violating the right to due process of the persons listed.

Report

IN BRIEF

New Amnesty report says “war on terror” damages human rights and the rule of law

In its new annual report, Amnesty International says that ill-conceived counter-terrorism measures have done little to reduce the threat of violence and resulted in further human rights violations and erosion of the rule of law.

Annual Report

First Europol report on terrorism in the EU released

In the report, Europol, the EU law enforcement organization, provides an overview of the phenomenon of terrorism in the European Union from a law enforcement perspective.

Report

US State Department releases annual country reports on terrorism

The annual report released on 30 April covers several countries, including countries determined by the Secretary of State to be of interest in the “global war on terror” and reviews developments in bilateral and multilateral counter-terrorism cooperation.

Country Reports