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UN: Security Council Committee removes from Terrorism List one person inserted after court's acquittal
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EU: Parliament's Committee denounces lack of investigations in complicity with CIA rendition programme
Human Rights Watch publishes worldwide study on counter-terrorism legislation

AFRICA & MIDDLE EAST

Ethiopia: UN High Commissioner denounces use of terrorism law against human rights defenders

On 18 July, the UN High Commissioner for Human Rights, Navanethem Pillay, expressed alarm about the current climate of intimidation against human rights defenders and journalists in Ethiopia resulting from the use of “overly broad” laws on terrorism and civil society registration. Her statement followed the conviction and sentencing of 20 journalists, bloggers and human rights defenders for charges of “terrorist acts”, “encouragement of terrorism”, and “high treason”. Several international NGOs also denounced the misuse of the *Anti-terrorism Proclamation 2009* to curb dissent and freedom of expression. On 3 August, an appeal court in Addis Ababa had overturned the January 2012 conviction of journalist Reeyot Alemu on charges of planning and conspiring to commit a terrorist act and possessing property for terrorist acts, but upheld the conviction for participating in the promotion or communication of a terrorist act, thereby reducing the sentence from fourteen to five years of imprisonment. Following the death of Prime Minister Meles Zenawi, announced on 21 August, Human Rights Watch reiterated its call for the repeal of the anti-terrorism legislation.

Law

HCHR Statement

NGO Statement 1

NGO Statement 2

NGO Statement 3

Kenya: Muslim leaders criticise new anti-terrorism draft legislation

On 28 June, a group of Muslim leaders criticised a *Prevention of Terrorism Bill 2012* presently under consideration by the Parliament. They raised particular concerns about the definition of “terrorism act” contained in the Bill. This definition extends terrorism to include “serious damage to property” as well as an act which “interferes with an electronic system resulting in the disruption of the provision of communication, financial, transport or other essential services”, or “prejudices national security or public safety”. It also introduces the possibility of listing procedures for entities with the possibility of appeal to the High Court which will be able to “consider any evidence or information adduced [...] before the Court in the absence of the applicant or the counsel representing the applicant where the disclosure of that information would be prejudicial to national security or endanger the safety of any person”.

Draft Law

Press Article 1

Press Article 2

Press Article 3

Kenya: UN Human Rights Committee concerned at lack of human rights protection in countering terrorism

On 27 July, the UN Human Rights Committee published its concluding observations on Kenya’s compliance with its obligations under the *International Covenant on Civil and Political Rights*. The Committee expressed concern “at the lack of a legal framework that clearly sets out the human rights that must be respected in the fight against terrorism”, and at allegations on the “State party’s involvement in extraordinary renditions and the *refoulement* of individuals suspected of being involved in terrorist acts” in breach of the principle of *non-refoulement*.

Concluding Observations

Sudan: Terrorism charges against two protesters dismissed by court

On 13 August, a court dismissed the charges of “forming a terrorist organisation” formulated by the prosecution against Radwan Daoud and Ahmed Ali Mahjoub and ordered their release. Radwan Daoud and Ahmed Ali Mahjoub are reportedly the first two of the allegedly 2,000 people, arrested in the last months’ protests against the Government, to have been brought to trial. Human Rights Watch and Amnesty International expressed concern at the allegations of torture, ill-treatment and use of excessive force against the

demonstrators and called for their immediate release. While Radwan Daoud and Ahmed Ali Mahjoub have been released by the court, the other people arrested are allegedly still in detention.

NGO Statement

Press Article 1

Press Article 2

Press Article 3

Syria: UN independent commission finds crimes against humanity and war crimes committed in internal armed conflict

On 15 August, the independent international commission of inquiry on the Syrian Arab Republic, set up by the UN Human Rights Council and composed of Paulo Sergio Pinheiro and Karen Koning AbuZayd, concluded that the situation in Syria now amounts to a non-international armed conflict. In this context, it found “reasonable ground to believe that Government forces and the *Shabbiha* had committed crimes against humanity of murder and of torture, war crimes and gross violations of international human rights law and international humanitarian law” and that these violations were committed pursuant to State policy. The commission also found reasonable grounds to believe that war crimes were committed by anti-Government groups but without reaching the “gravity, frequency and scale of those committed by the Government forces and the *Shabbiha*”. The Government’s stated aim for the attacks are to chase “terrorists”. On 3 August, the UN General Assembly, following the resignation of the Joint Special Envoy Kofi Annan, adopted a resolution strongly condemning the “continued widespread and systematic gross violations of human rights and fundamental freedoms by the Syrian authorities and pro-government militias” and also “any human rights abuses by armed opposition groups”. The resolution also “encourages” the Security Council to consider appropriate measures for accountability.

Report

GA Resolution

UN Statement

NGO Report

Iraq: 70 year-old man convicted for “terrorism funding” after unfair trial

On 20 June, a court in Baghdad convicted Ramze Shihab Ahmed, an Iraqi and UK national, of the charge of “funding terrorist groups” and sentenced the 70 year-old man to fifteen years of imprisonment. Amnesty International denounced the unfairness of the trial in which the hearing lasted only fifteen minutes and during which Mr Ahmed was not allowed the opportunity to challenge the prosecution, call witnesses or cross-examine them. The trial was the ninth against him, and followed his acquittal in all the previous trials. According to Amnesty International, the court admitted a “confession” obtained while he was held for four months in secret detention and subject to torture.

NGO Statement

Bahrain: Terrorism verdict of human rights defenders postponed in re-trial

On 14 August, the high court of appeal of Bahrain postponed to 4 September the verdict on 13 political activists and human rights defenders, including human rights defender Abdulhadi Al-Khawaja, in their civilian re-trial after conviction by a military court in 2011 of the charges of creating and running a terrorist group designed to change the Constitution and system of monarchy by force; being in contact with a foreign terrorist group that acts in the interests of a foreign country and carries out hostile actions against Bahrain; and raising funds for this group. On 30 April, the Court of Cassation ordered their retrial in a civilian court, but did not suspend their sentences. Several international and national NGOs are calling for their immediate release. On 26 June, the Bahrain Center for Human Rights released the statement of Abdulhadi Al-Khawaja in the trial in which he relates the torture to which he was subject to in the past year. On 28 May, human rights defender Abdulhadi Al-Khawaja concluded a 110-day hunger strike which began on 9 February in protest against his alleged unfair conviction.

Testimony

NGO Statement 1

NGO Statement 2

Algeria: UN Human Rights Committee finds State responsible for enforced disappearance

On 25 June, the Human Rights Committee published a decision in which it held that Algerian authorities had violated the right to life of Maamar Ouaghlissi, under Article 6 of the *International Covenant on Civil and Political Rights*, because of his enforced disappearance which occurred on 27 September 1994 when he was arrested by plain clothes officers in Constantine, Algeria. The Committee held that his prolonged absence suggests that he died while in custody, and stressed that Algeria cannot claim that the *Charter for Peace and National Reconciliation* provided a remedy for these violations, since the Charter appears to promote impunity. The Committee also found that the enforced disappearance constituted a violation of Maamar Ouaghlissi's rights not to be subject to torture, of his right to liberty, to humane treatment in detention, to be recognised as a person before the law and to an effective remedy. Finally, it found that Algeria had also violated his family members' right not to be subject to cruel, inhuman or degrading treatment on account of their anguish and distress caused by the disappearance.

Decision

Egypt: President pardons 572 civilians convicted in military courts

On 19 July, the newly elected civilian President of Egypt, Mohamed Morsi, pardoned 572 people who had been convicted and sentenced to imprisonment by military courts following the protests since 2011. The pardons were ordered following recommendations of the first report of the Personal Freedom Protection Committee, tasked by President Mohamed Morsi with reviewing the cases of civilians held in military prisons since 25 January 2011 under the emergency law. Human Rights Watch called on the President to grant pardon to all the civilians convicted by military courts, as their trial was in violation of international law which prohibits military trials of civilians.

NGO Statement

Press Article 1

Press Article 2

Israel-OPT: UN Committee and expert call for end of children solitary confinement

On 19-20 July, the UN Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories and the UN Special Rapporteur on the situation of human rights in the occupied Palestinian territories, Richard Falk, condemned the use of solitary confinement by Israeli authorities against Palestinian children. The UN Special Rapporteur declared that "using solitary confinement as a punishment for Palestinian children who wish to peacefully protest their situation, including by commencing a hunger strike against conditions of detention, is an appalling abuse of child prisoners" and constitutes a violation of international human rights standards. A report by Adalah, Al Mezan and Physicians for Human Rights-Israel, published in July, revealed that, at the beginning of July 2012, 4,706 Palestinian political prisoners classified by Israel as security prisoners and detainees were incarcerated in Israeli prisons and detention facilities. They included six women, 285 administrative detainees and 220 minors.

UN Committee Statement

UN SR Statement

NGOs Report

NGO Statement

AMERICAS

USA: Civil lawsuit on targeted killing filed against senior US officials

On 18 July, the Center for Constitutional Rights and the American Civil Liberties Union filed a lawsuit against Defense Secretary Leon Panetta; CIA Director David Petraeus; Adm. William H. McRaven, Commander of the U.S. Special Operations Command and Gen. Joseph Votel, Commander of the Joint Special Operations Command for violation of the US Constitution and international law in the authorisation and direction of drone strikes

which killed US citizens Anwar Al-Aulaqi and Samir Khan on 30 September 2011, and Al-Aulaqi's 16 years old son, Abdulrahman Al-Aulaqi, on 14 October 2011.

Complaint

NGO Statement

USA: UN Special Rapporteur demands investigation into targeted killings

On 20 August, the UN Special Rapporteur on the promotion and protection of human rights while countering terrorism, Ben Emmerson, announced that he was preparing a report for the UN Human Rights Council on targeted killings and stressed that "users of targeted killing technology should be required to subject themselves, in the case of each and every death, to impartial investigation. If they do not establish a mechanism to do so, it will be my recommendation that the UN should put the mechanisms in place through the Human Rights Council, the General Assembly and the Office of the High Commissioner".

Press Article

USA: History of a Guantánamo pleading agreement revealed by Amnesty International

On 18 July, Amnesty International documented in a press release the situation of Guantánamo detainee Majid Khan. According to the statement, Majid Khan was kidnapped in March 2003 in Pakistan and then subjected to 42 months of secret detention by the CIA, during which he was allegedly tortured, before being transferred to Guantánamo. On 29 February 2012, Majid Khan pleaded guilty to murder and attempted murder "in violation of the law of war", conspiracy, spying and providing material support for terrorism under a plea bargaining which foresees his sentencing by February 2016 at the latest for up to 19 years of imprisonment, if he cooperates fully with the US authorities. However, as Amnesty International reports, he may still be subject to indefinite detention after having served his sentence, on account of the present US policy.

NGO Statement

USA: ACLU launches "Torture Database"

On 26 June, the American Civil Liberties Union, on occasion of the International Day in Support of Victims of Torture, launched a "Torture Database". The database is a compilation of over 100,000 pages of documents related to the policies and practices of the Bush administration in their "counter-terrorism" rendition, detention, and interrogation programme, obtained mainly through legal actions under the *Freedom of Information Act*.

Database

NGO Statement

USA: Wikileaks leaked cable cannot be released for lack of "official acknowledgment", rules federal judge

On 23 July, Judge Colleen Kollar-Kotelly of the US District Court for the District of Columbia dismissed the request under the *Freedom of Information Act* (FOIA), made by the American Civil Liberties Union, requesting the release of 23 embassy cables previously revealed by Wikileaks. Among these cables, there are some covering "discussions, assessments, or recommendations relating to the foreign policy implications of former detainees held in United States custody under suspicion of terrorism, including complaints against United States officials pertaining to the alleged torture of detainees held in Guantánamo Bay, Cuba". The judge ruled that the withholding of the information was justified by the FOIA exception that its disclosure "reasonably could be expected to result in damage to the national security." Furthermore, the Court dismissed the ACLU argument that the cables were already in public domain, stating that there had not been an "official acknowledgment" of their authenticity by the State Department, a requirement for disclosure on this ground.

Ruling

USA: High level Guantánamo detainee files complaint with UN Special Rapporteur on torture

On 26 June, the lawyers of Khalid Shaikh Mohammad, a “high value” Guantánamo detainee under military commission trial accused of being the mastermind of the 9/11 attacks, revealed that he had submitted a letter of allegations to the UN Special Rapporteur on torture and cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, asking him to open investigations against the USA and any other potential complicit State into the torture and ill-treatment, to which Khalid Shaikh Mohammad had been allegedly subject to. The cover letter of the complaint also denounced the unfairness of the military commission proceedings “to such an extent that were he to be acquitted the US would not release him but would hold him indefinitely until he dies of natural causes”.

[Cover Letter](#)

[Press Article](#)

Canada: UN expert calls for Omar Khadr’s transfer to Canada

On 27 July, UN Secretary General’s Special Representative for Children and Armed Conflict, Radhika Coomaraswamy, called on the governments of Canada and of the United States of America to proceed to the transfer of Omar Khadr to Canada. On 18 April, the Public Safety Minister Vic Toews announced that detainee Omar Khadr had officially requested to be transferred to his home country, Canada, from Guantánamo Bay, but the process has been stalled since, with the Minister recently requesting the reports on his psychological evaluations. Omar Khadr is a Canadian national who was apprehended by US forces in Afghanistan in 2002 when he was 15 years old and had been held in Guantánamo since then. On 31 October 2010, following a plea deal, Omar Khadr was sentenced by a US Military Commission to 40 years’ imprisonment, but he will have to serve eight years under the agreement.

[UN SR Statement](#)

[Press Article 1](#)

[Press Article 2](#)

Ecuador: Amnesty International’s report documents use of anti-terrorism law against indigenous leaders

On 17 July, Amnesty International published a report entitled “*So that no one can demand anything*” *Criminalising the right to protest in Ecuador?* detailing the criminal prosecution of 24 indigenous leaders for their role in public protests in 2009 and 2010. The report has documented a total of twenty charges of terrorism, ten of sabotage, four charges of blocking roads, and one charge of homicide, and that, in many cases, charges have been dismissed by the courts as groundless. However, eight of these indigenous leaders are still reportedly under investigation, albeit none is in detention.

[Report \(E\)](#)

[NGO Statement \(E\)](#)

[Press Article \(S\)](#)

Venezuela: Detention conditions of terrorism suspect inhuman and degrading, rules Inter-American Court

On 26 June, the Inter-American Court of Human Rights ruled that Venezuela had breached the right not to be subject to inhuman and degrading treatment of Raul José Díaz Peña because of the conditions of detention he was subject to from 25 February 2004 to 13 May 2010. Raul José Díaz Peña was convicted in 2008 in relation to the terrorist attacks on the Colombian Consulate and the Spanish International Commerce Chamber that occurred on 25 February 2003. In 2010, during a conditional release, he escaped Venezuela and travelled to the USA where he is currently seeking asylum. The Inter-American Court did not rule on the fairness of the trial or of the pre-trial detention, due to the failure to exhaust domestic remedies on these matters. Venezuela has announced that it will withdraw from the Court’s jurisdiction.

[Judgment \(S\)](#)

[Press Article 1 \(S\)](#)

[Press Article 2 \(S\)](#)

ASIA - PACIFIC

China: 20 Uighurs convicted of “preparation of terrorism” in unfair trial

On 2 August, news reports stated that 20 people, likely of Uighur ethnicity, had been convicted in the cities of Urumqi, Kashgar and Aksu of having done “preparatory work in planning violent terror activities and set up a formal terror organisation”, which carries a sentence of up to 15 years of imprisonment. The World Uighur Congress denounced the unfairness of the trials in which, reportedly, the defendants had not been allowed access to a lawyer. The convictions come amid a crackdown on alleged “separatists” by the Chinese authorities, which had forbidden celebration of Ramadan in the Xinjiang Autonomous Region, following the disorders in 2009 which led to around 200 people dead. Amnesty International has denounced the still high amount of people disappeared in the crackdown following the events of Urumqi.

[NGO Statement](#)

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

Pakistan/India: Mumbai attacks evidence from India rejected by Pakistani court as unfairly gathered

On 17 July, a Pakistani Anti-Terrorism Court, holding the trial of Lashkar-e-Taiba commander Zakiur Rehman Lakhvi for his alleged role in the Mumbai terrorist attacks in India in 2008, refused to admit as evidence a report of a judicial commission, formed by Pakistani prosecutors and defence lawyers, who had been doing evidence gathering in India. The Commission had interviewed a judge, a senior police officer and two doctors who conducted postmortems of the Mumbai attackers. However, Indian authorities had refused to allow the commission to cross-examine the eye-witnesses for lack of authorisation, an event which the Anti-Terrorism Court found invalidated the evidence for trial. A new commission from Pakistan may be tasked to visit India under renewed authorisation.

[Press Article](#)

Afghanistan/USA: Not all Bagram detainees will be transferred to Afghani authorities, newspaper reveals

On 9 July, the newspaper *The Times* revealed that, despite an agreement to transfer all detainees in Afghanistan to the Afghani authorities, the US military will continue to detain around fifty people in the Bagram detention centre. The rationale given by the US authorities in Afghanistan is reportedly that these people are not Afghani nationals and the agreement does not cover them. Furthermore, they have advanced that Parwan is not a prison but a “detention centre” falling outside of the agreement. The fifty people may reportedly continue to be detained indefinitely without access to a lawyer.

[Press Article](#)

Australia: Prime Minister launches review of anti-terrorism legislation

On 9 August, Prime Minister Julia Gillard announced that an independent committee of the Council of Australian Governments (COAG) had been tasked to review the necessity, proportionality and effectiveness of counter-terrorism legislation introduced after the 2005 bombings in London. The review will, in particular, touch upon control orders, preventative detention, and stop, question and search powers. The Committee is composed of Judge David Jones AM, retired Victorian County Court judge, Mr Richard Bingham, South Australian Ombudsman, Commander Justine Saunders, Australian Federal Police, Assistant Commissioner Mike Condon, Queensland Police, Mr Graeme Davidson, Office of the Commonwealth Director of Public Prosecutions, and chaired by Hon. Anthony Whealy QC, who recently retired from the NSW Court of Appeal, and is to produce a report in six months.

[PM Statement](#)

[Review Website](#)

[Press Article](#)

Australia: Government drops book profit lawsuit against David Hicks

On 23 July, the Department of Public Prosecution discontinued a legal action against David Hicks initiated on 20 July 2011 with which it was seeking a restraining order and a literary proceeds order to seize the royalties for his book "Guantánamo: My Journey", alleging that they constituted proceeds of a crime. David Hicks is an Australian citizen who was detained in Afghanistan in 2001 and then transferred to Guantánamo Bay where he was held for five years. In March 2007 he pleaded guilty to providing material support for terrorism and was able to serve the rest of the seven years sentence in Australia until his release at the end of 2007.

[DPP Statement](#)

[Press Article 1](#)

[Press Article 2](#)

EUROPE & COMMONWEALTH OF INDEPENDENT STATES

UK: High Court rejects bail request of Abu Qatada

On 9 August, the Queen's Bench of the High Court rejected an appeal against the Special Immigration Appeals Commission decision rejecting bail for Omar Mahmoud Othman, also known as Abu Qatada. The High Court found no error of law in the decision of Justice Mitting, who did not grant bail as he deemed there were reasonable prospects to deport the applicant to Jordan by October 2012, when a new hearing will take place. The High Court also stressed that SIAC was the appropriate venue to carry out the balance of probabilities exercise that was required to decide whether a deportation was unreasonably prolonged by considering the length of time together with the risks of absconding and national security issues. Abu Qatada has been in immigration detention for about six and a half years, after two and a half years detention under ATCSA.

[Ruling](#)

[Press Article](#)

UK: High Court rules on discipline of Terrorism Prevention and Investigation Measure

In two decisions of 6 and 19 July on the cases of AM and AY, the High Court of Justice ruled that the imposition of a Terrorism Prevention and Investigation Measure (TPIM) does not need to compute the time of previous control orders in order to assess its "temporary" character and that it can refer to terrorism related activities including those which have been reasonably believed to occur before the enactment of the TPIM Act in 2011. The TPIMs were introduced to replace the previous system of control orders. In the case of AM, the Court ordered to change a requirement of prior notification of every meeting for AM and replace it with a requirement for notification after the first meeting or gathering or visit at AM's home, in order to encourage him "to lead as normal a life as possible, consistent with the requirements of public protection".

[Ruling \(AM\)](#)

[Ruling \(AY\)](#)

UK: Courts cannot direct Government's action in UN delisting proceedings, rules High Court

On 23 July, the High Court of Justice dismissed the petition of Hany Youssef challenging the UK Government's agreement in 2005 to his insertion on the UN Terrorism List, in accordance with Security Council Resolution 1267/99, and the same Government's inaction in asking for his delisting. The Court held that it did not have jurisdiction to dictate to the Foreign Secretary which position to take on the listing request of another State, whether based on evidence obtained by torture or not. The Court however stressed in an *obiter dicta* that "I would be very reluctant to accede to the argument that it would have been acceptable for the Foreign Secretary to have relied on evidence which he had reason to suppose was obtained by torture in agreeing to an indefinite freeze on the claimant's assets."

[Ruling](#)

UK: Independent Reviewer recommends rebalancing of terrorism powers

In June 2012, the UK Independent Reviewer of Terrorism Legislation, David Anderson Q.C., issued a report on the functioning of anti-terrorism powers under the *Terrorism Act 2000* and the *Terrorism Act 2006* in 2011. In the report, the Reviewer identified areas in which he believes “that a cautious rebalancing could be achieved without materially increasing the risk from terrorism”, namely: the proscription of organisations, the detention of terrorism suspects, and the stop powers by ports officers at ports and airports.

Report

UK/Ecuador: Ecuador grants diplomatic asylum to Julian Assange

On 16 August, the Government of Ecuador granted diplomatic asylum to Julian Assange, the founder of Wikileaks wanted in Sweden for questioning on sexual offences, considering that there was a risk that Assange could be transferred or extradited to the USA where he could be subject to persecution and prosecution for a political crime. The UK Foreign Office protested at the granting of diplomatic asylum and declared that it would pursue the extradition to Sweden in obedience to its international obligations. The day before, the Ecuadorean Foreign Minister denounced a UK memo in which the UK authorities threatened to enter the Ecuadorean embassy in London to arrest Julian Assange. The Organisation of American States and UNASUR have rejected the UK move and called for the respect of the *Vienna Convention on Diplomatic Relations*. Julian Assange declared that he feared a transfer to the USA where he would be subject to the same treatment as Bradley Manning, the US soldier who leaked the diplomatic cables to Wikileaks, through which many counter-terrorism abuses were corroborated, and who has spent now almost two years in detention. On 25 August, Ecuadorian President Correa announced that the UK had renounced the option of entering the embassy of Ecuador.

Assange Statement (Video)

FM Ecuador Statement (S)

UK FCO Statement (E)

OAS Resolution (E)

UNASUR Declaration (S)

Press Article (E)

France: Court rejects extradition to Algeria of human rights defender

On 4 July, an appeals court in Paris rejected Algeria's request for extradition of human rights defender Mourad Dhina, to answer to a conviction *in absentia* in that country for membership of a foreign-based terrorist organisation. Mourad Dhina, the director of the NGO Alkarama, was freed after six months in detention pending extradition and returned to Switzerland where he has lived since 1987. The appeals court has reportedly rejected the extradition request for lack of substantiated evidence. Algeria has repeatedly requested extradition from Switzerland which has always refused it.

NGO Statement (E)

Press Article 1 (F)

Press Article 2 (F)

Spain: Retroactive annulment of prison benefits breaches the European Convention, rules Strasbourg Court

On 10 July, the European Court of Human Rights ruled that Spain had violated the right of no punishment without law, under Article 7 of the European Convention on Human Rights, and the right to liberty, under Article 5, of Inés Del Río Prada, a woman convicted in 1989 of several terrorism offences, with a sentence amounting to more than 3000 years of imprisonment, converted to 30 years, the maximum possible under Spanish law. The Court held that the Supreme Court's 2006 decision to retroactively disapply the regime of benefits for work, which granted a reduction of the sentence and was originally applied to Ms. Del Río Prada, but which the Supreme Court held did not apply to persons convicted of terrorism offences (the doctrine *Parot*), ran contrary to Article 7 ECHR, because the retroactive application of criminal law can be allowed only when beneficiary to the accused person.

Judgment (F)

Press Article 1 (S)

Press Article 2 (S)

Sweden: No expulsion for Egyptian opposition member, rules UN Committee against Torture

On 10 July, the UN Committee against Torture ruled that the expulsion of an Egyptian citizen, M.A.M.A, and of the members of his family to Egypt, if carried out, would amount to a violation of Article 3 of the UN Convention against Torture, prohibiting transfers to a country where there is a foreseeable risk to be subject to torture. The Committee noted that Sweden could not rule out that the applicant would be of interest to the Egyptian authorities, in light of allegations that his family had connections with the killer of former President Sadat. The applicant also alleged that he was considered in Egypt as linked to Islamist terrorist organisations.

Decision

Poland/Romania: Guantánamo detainee brings Poland and Romania to European Court to account for CIA rendition

On 10 July, the European Court of Human Rights communicated to the Polish Government the case of Abd Al Rahim Hussayn Muhammad Al Nashiri, a Saudi Arabian national of Yemeni descent, who was victim of the CIA rendition, interrogation and secret detention programme. Accused of the attacks on the United States Navy destroyer USS Cole in Aden, Yemen, in 2000 and of the French oil tanker MV Limburg in 2002, Al Nashiri was abducted in Dubai in 2002 and reportedly secretly detained in Afghanistan, Thailand, Poland and Romania, where he was allegedly subject to torture, before being detained in Guantánamo Bay. He is now under trial before a military commission, risking the death penalty. Al Nashiri claims the violation of his right not to be subject to torture and ill-treatment, of his right to liberty while detained in Poland and of the principle of *non-refoulement*. On 2 August, a similar application was filed against Romania before the European Court.

Court Communication (Poland)

Complaint (Romania)

Press Article

Lithuania: Investigations into CIA renditions' complicity insufficient, says Human Rights Committee

On 27 July, the UN Human Rights Committee published the concluding observations on Lithuania's compliance with its obligations under the *International Covenant on Civil and Political Rights*. The Committee noted the parliamentary inquiry and the termination of the pre-trial investigation by the Office of the Prosecutor General in the rendition and secret detention of terrorism suspects and expressed concern that "not all information and evidence has been collected and assessed in the course of the investigations." While recommending that Lithuania ensure an effective investigation into the allegations, the Committee urged "the State party to continue the investigations on the matter and to bring perpetrators to justice."

Concluding Observations

Turkey: European Court finds Turkey responsible for enforced disappearance

On 31 July, the European Court of Human Rights ruled that Turkey had violated Ahmet Er's right to life on account of his enforced disappearance on 14 July 1995 when he had been taken by soldiers, and that, after seventeen years of lack of information, he must be presumed dead. The Court also found that there has been a violation of his right to liberty because of the disappearance and of the right to a remedy under Article 13 ECHR. Finally, the Court held that the investigations into the disappearance were inadequate and breached the procedural obligations of the State under the right to life, and that the right not to be subject to inhuman and degrading treatment of Ahmet Er's relatives had also been violated in light of their suffering caused by his disappearance.

Ruling

Russian Federation: Russian authorities responsible for four people disappeared, rules European Court

On 10 July, the European Court of Human Rights ruled that the enforced disappearance on 4 July 2004 of Inver Ilayev, Adlan Ilayev, Kazbek Batayev and Rustam Ilayev by State servicemen during an unacknowledged security operation constituted a violation of their right to life under Article 2 of the European Convention of Human Rights and that the four victims, seven years after the abduction, must be presumed dead. The Court also held that Russian authorities violated the victims' right to liberty, to an effective remedy, and also the procedural tenet of their right to life by conducting ineffective investigations into their disappearances. The Court finally found a violation of the right not to be subject to inhuman and degrading treatment of the victims' family members on account of the suffering derived by their relatives' disappearances.

Ruling

Russian Federation: European commission of experts critical of Extremism Law

On 15-16 June, the Venice Commission on Democracy through Law adopted an Opinion on the *Federal Law on Combating Extremist Activity* of the Russian Federation. The Venice Commission, a body of the Council of Europe, found that the legislation gives "too wide discretion in its interpretation and application, thus leading to arbitrariness", in particular due to the "broad and imprecise wording" of its basic concepts. Furthermore, among other observations, the Venice Commission noticed that activities defined as "extremist" and enhancing authorities' preventive and corrective powers include also non-violent activities.

Opinion

Kazakhstan: 29 Uzbeks extradited to Uzbekistan breached Torture Convention, says UN Committee

On 11 July, the UN Committee against Torture ruled that Kazakhstan had violated the right of 29 Uzbek citizens not to be sent to a country where there is a foreseeable risk to be subject to torture under Article 3 of the UN Convention against Torture, following their extradition to Uzbekistan where they had been charged with religious extremism or membership of extremist or terrorist organisations. The representatives of the 29 Uzbeks also claimed that they had been subject to incommunicado detention and therefore subjected to a risk of torture and ill-treatment once arrived in Uzbekistan. Finally, the Committee also found a violation of Article 22 of the Convention because of the failure of the Kazak authorities to respect the interim measures issued by the Committee not to extradite the applicants.

Decision

Tajikistan: Amnesty's report documents human rights violations in countering "terrorism"

On 12 July, Amnesty International published a report entitled *Shattered Lives: Torture and Ill-Treatment in Tajikistan*, which documents practices of torture and structural failures for its prevention. In the report, Amnesty International documents that the "fight against terrorism and threats to national security are often invoked by the Tajikistani authorities as key to securing national and regional stability", and that reports have arisen of routine torture and ill-treatment of people detained in security operations, together with allegations of extrajudicial executions.

Report

UNITED NATIONS & REGIONAL ORGANISATIONS

UN: General Assembly renews Global Counter-Terrorism Strategy

On 29 June, the UN General Assembly approved a resolution in which it reaffirmed the United Nations Global Counter-Terrorism Strategy. Among its recommendations, the General Assembly called on Member States and on the United Nations entities which are involved in counter-terrorism “to continue to facilitate the promotion and protection of human rights and fundamental freedoms, as well as due process and the rule of law, while countering terrorism”.

Resolution 66/282

UN Statement 1

UN Statement 2

UN: Security Council Committee removes from Terrorism List one person inserted after court's acquittal

On 21 June, the UN Security Council's Al-Qaeda Sanctions Committee announced the de-listing of Chabaane Ben Mohamed Trabelsi. Mr Trabelsi had been arrested in 2003 by Italian authorities and charged with terrorism related offences. However in January 2004, a criminal court acquitted him of all charges. According to the organisation representing him, the European Center for Constitutional and Human Rights, he had been listed in June 2004 at the request of both the US and the Italian governments, six months after his acquittal by a court of law.

UN Statement

NGO Statement

UN: Human Rights Council's Advisory Committee publishes report on human rights and hostage-taking

On 3 August, the Advisory Committee of the UN Human Rights Council published a progress report on *Human rights and issues related to terrorist hostage-taking*. In the report, the Advisory Committee stressed that acts of terrorist hostage taking “generate multiple violations of human rights of these different categories of victims. Violations are mainly committed by the hostage-takers but in some cases, they occur during counterterrorism activities”. The Committee held that appropriate responses are needed, but that such responses “should respect everyone's right to life, liberty and security of person enshrined in numerous human rights instruments and reaffirmed in the preamble of the Hostage-Taking Convention”.

Report

EU: Parliament's Committee denounces lack of investigations in complicity with CIA rendition programme

On 10 July, the Committee on Civil Liberties, Justice and Home Affairs (LIBE) of the European Parliament approved with 50 votes in favour, 2 abstentions and 3 against the report of rapporteur Hélène Flautre, calling on several EU Member States to investigate and/or disclose information on complicity with the CIA rendition, interrogation and secret detention programme. The MEPs stated that Member States “have stated their willingness to abide by international law but until now have not properly fulfilled the positive obligation incumbent upon all member states to investigate serious human rights violations connected with the CIA programme” and that “under no circumstances may state secrecy take priority over inalienable fundamental rights”.

EP Statement

Working Document

Draft Report

Human Rights Watch publishes worldwide study on counter-terrorism legislation

On 29 June, Human Rights Watch published a report entitled *In the Name of Security: Counterterrorism Laws Worldwide since September 11*. The report documents that 144 countries have enacted or modified anti-terrorism legislation in the period under

consideration and analysed 130 of these counter-terrorism laws, finding at least some provisions leading potentially to abuse in all of them.

Report

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