

E-BULLETIN ON COUNTER-TERRORISM & HUMAN RIGHTS

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AFRICA & MIDDLE EAST

Ethiopia: 29 Muslims and activists convicted under Anti-Terrorism Proclamation

On 6 December, the Federal High Court of Ethiopia convicted 29 members of the Muslim community and activists on charges of terrorism pursuant to the *2009 Anti-Terrorism Proclamation*, which criminalizes peaceful protest and expression as terrorism. The Proclamation also gives to the Parliament the right to decide on the terrorist nature of any group, and allows evidence obtained by intelligence agents not disclosing the source or the method of gathering to be use in court. This anti-terrorism law has also been used in other cases, such as that against the journalist Eskinder Nega and the opposition leader Andualem Arage both accused of terrorist acts, and against 11 people accused of collaborating with Al-Qaeda and Al-Shabaab, the Somali affiliate.

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

[Press Article 4](#)

Burundi: Appeal court maintains criminal conviction of journalist

On 8 January, a Burundi appeal court reduced the sentence of Hassan Ruvakuki to a three-year jail term, after he had been convicted of participating in a terrorist group and sentenced to life imprisonment for terrorism by a lower court in June 2012. The appeal court held that Hassan Ruvakuki was involved in an armed attack in eastern Cankuzo province in 2011, although he had always argued that he had been working as a journalist, investigating a newly formed Burundian rebel group near the border with Tanzania. Hassan Ruvakuki is a journalist of the local radio Bonessa FM and the Swahili service of *Radio France Internationale*.

[NGO Statement](#)

[Press Article](#)

Kenya: East African Court of Justice begins hearing in a case alleging violation of freedom of movement

On 18 January, the first instance division of the East African Court of Justice (EACJ) began consideration of the case of Samuel Mukira Mohoci, a Kenyan citizen detained in Uganda for security reasons and later deported to Kenya. He alleged that the entrance restriction in Uganda was in violation of his right to freedom of movement under Articles 6(d) and 7(2) of the *East African Community Common Market Protocol*. The representative of the Attorney General of Uganda, Ms Nshemereirwe Peruth, stressed that the State used the exception provided by Article 7(3) of the Protocol, which defines the obligation of the Member States to take the necessary measures to ensure the safety of foreign citizens. Uganda further argued that, due to terrorist acts that were taking place in Kampala at that time, the entrance of Samuel Mohoci had to be refused.

[EACJ Statement](#)

Bahrain: Human rights defenders convicted again in "terrorism" civilian re-trial

On 7 January, the Court of Cassation confirmed the conviction by civilian courts of 13 opposition members and human rights defenders charged with "conspiracy to overthrow the government", "espionage" and "violation of the Constitution", by upholding the judgments of the lower courts which had imposed sentences of life imprisonment for seven of the accused and of between five and fifteen years imprisonment for the other six. This trial was a re-trial in civilian courts after the accused had been convicted during the state of emergency in 2011 by military courts. The decision was widely criticized, including by the UN Secretary General Ban Ki Moon and by the Office of the UN High Commissioner for Human Rights as contrary to "the conclusions of the Bahrain Independent Commission of Inquiry and the appeals by the international community concerning the judicial procedure and allegations of torture".

[SG Statement](#)

[OHCHR Statement](#)

[NGO Statement](#)

Saudi Arabia: AI calls for immediate release of activists convicted of "terrorism"

On 15 January, Amnesty International called on Saudi authorities to release without condition Dr Sulieman al-Rashudi, Dr Saud al-Hashimi, Saif al-Din al-Sharif, Dr Musa al-Qirni, Abdul Rahman al-Shumayri and Abdul Rahman Khan, whom the organization has designated to be "prisoners of conscience". The six detainees had refused to sign pledges renouncing public activism in exchange for their royal pardon. They were convicted, together with another ten pardoned activists, in November 2011 by a Specialised Criminal Court in Riyadh, in what Amnesty International called a grossly unfair trial, on charges that included forming a secret organization, attempting to seize

power, incitement against the King, financing terrorism, and money laundering. Most of the defendants had been subject to pre-trial detention for up to three and a half years without charge and two of them had allegedly been subjected to torture.

NGO Statement

Mali: UN Security Council authorizes use of force against "terrorist groups"

On 20 December, the UN Security Council adopted resolution 2085(2012), which authorized the use of force under Chapter VII of the UN Charter under an African-led International Support Mission in Mali (AFISMA) and called upon UN Member States to contribute with troops with the aim of regaining Malian Government control of the Northern part of Mali, now under occupation of several "terrorist" organizations, including Al-Qaeda in the Islamic Maghreb (AQIM). The resolution also calls for rebels to dissociate from the terrorist organisations, and for some of the organisations to be listed in the UN Al-Qaeda Sanctions List. The resolution establishes mechanisms of control for all violations of human rights and humanitarian law. It also calls on the authorized forces "to support national and international efforts, including those of the International Criminal Court, to bring to justice perpetrators of serious human rights abuses and violations of international humanitarian law in Mali". Meanwhile, France has intervened in support of the African authorized forces, on their request, and the ICC has opened an investigation into Mali's situation, after referral by the Malian authorities.

SC Resolution (E)

UN Statement (E)

OHCHR Report (F)

NGO Statement (E)

Israel: Military reduces length of security administrative detention for children

On 23 December, following a 2010 petition to the Supreme Court by the Association for Civil Rights in Israel (ACRI), Yesh Din – Volunteers for Human Rights, and the Public Committee against Torture in Israel (PCATI), the Israeli military announced amendments to the law on administrative detention applicable to children, which will enter into force in April 2013. According to ACRI, "the amendment stipulates that minors under 14 must be brought before a judge within 24 hours of detention, and minors aged 14-18, within 48. For interrogation purposes, this period may be doubled – to 48 hours and 96 hours, respectively". The previous legislation allowed for the administrative detention of minors for up to 96 hours. While welcoming the modifications, ACRI maintained that the time of detention was still too long, and that, instead of being a last resort measure, detention continued to be used "almost exclusively to handle offenses by Palestinian minors".

NGO Statement

AMERICAS

USA: Supreme Court refuses stay of indefinite detention for "terrorism suspects"

On 14 December, Justice Ruth Bader Ginsburg denied an emergency request to stay the effect of section 1021(b) of the *National Defense Authorization Act* (NDAA), which authorizes the indefinite detention of any "person who was a part of or substantially supported al-Qaeda, the Taliban, or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act or has directly supported such hostilities in aid of such enemy forces." The action sought to restore the decision of judge Katherine B. Forrest of the US District Court for the Southern District of New York, subsequently reversed afterwards by the US Court of Appeals, that had issued a permanent injunction on section 1021(b) and described the statute's words as vague and ambiguous and "unconstitutionally overbroad" in that it "purports to encompass protected First Amendment activities."

SC Order

NDAA 2012

Petition

DC Ruling

USA: State of war with al-Qaeda existed prior to 11 September 2001, says military commission president

On 15 January, Judge James L. Pohl, presiding over the military commission proceedings against Abd al Rahim Hussayn Muhammad al-Nashiri for the bombing of the USS Cole in 2000, dismissed the defence contention that the proceedings were not legitimate because a "state of war" did not exist between the USA and Al-Qaeda before 2001. The Judge ruled that the determination that a state of war existed prior to 11 September had been made by the executive and the legislative branches who had concluded that the *Authorization for the Use of Military Force 2001* and the *Military Commissions Act 2009* applied before and after the events of 11 September 2001.

Ruling

USA: Intelligence source evidence cannot be shared with Guantánamo defence lawyers, rules judge

On 9 January, Judge Rosemary M. Collyer of the US District Court for the District of Columbia issued a ruling denying access to the lawyers of Guantánamo detainees to evidence classified as “top secret” while, at the same time, retaining the prerogative of the US District Court to examine this evidence. The question, which arose for the first time in a Guantánamo *habeas corpus* proceeding, went beyond the usual situation in which a summary of the evidence is offered to the detainee. On this occasion, the detainee sought to know the identity of the information source. The Court agreed with the Government that the “source and method information are particularly critical within the Intelligence Community and the nation’s security” and could not be revealed to the detainee even if it could be “relevant and material” to the case.

Ruling

USA: President Obama signs renewal of indefinite detention for Guantánamo detainees into law

On 3 January, President Barack Obama signed into law the *National Defense Authorization Act of 2013* despite previous threats to veto the legislation. The text of the law extends to 30 September 2013 the bar against using public funds to transfer Guantánamo detainees to the United States, the limits to their transfers to other countries by the Executive and includes limits on the military to transfer the detainees held in the detention facility in Parwan, Afghanistan. The legislation was adopted despite a report commissioned by Senator Dianne Feinstein, chairwoman of the Senate Intelligence Committee, and published on 28 November, which demonstrated that the 166 persons still detained in Guantánamo could be easily absorbed by prisons in the United States.

NDA 2013

White House Statement

Senate Report

NGO Statement 1

NGO Statement 2

NGO Statement 3

USA: Court denies access to targeted killings’ legal opinions

On 2 January, Judge McMahon of the US District Court for the Southern District of New York dismissed the request by the American Civil Liberties Union and *The New York Times*, pursuant to the *Freedom Of Information Act*, to access legal opinions of the Obama Administration in connection with its targeted killing policy and its procedure and rationale. The judge, who recognized the importance of the constitutional issues at stake, nevertheless admitted the application of an exception to disclosure. Judge McMahon affirmed that current legislation made it impossible to satisfy the request, even despite the “Alice-in-Wonderland nature of this pronouncement”. The ACLU has announced that it will appeal the ruling.

Ruling

NGO Statement

USA: President Obama extends secret surveillance programme for five more years

On 30 December, President Barack Obama signed into law the *Reauthorization Act of 2012*, which extends the validity of the *Foreign Intelligence Surveillance Amendments Act of 2008* for further five years. This legislation gives the power to the National Security Agency (NSA) to conduct secret surveillance of communications from and to locations outside the United States, without an individualized court warrant, for the duration of one year. The measure, contested by human rights advocates, has been strongly supported by the Obama administration, which aimed for an approval without amendments.

2012 Act

FISA Amendment Act 2008

WH Statement

NGO Statement

Press Article

USA: Former “enemy combatant” detained incommunicado petitions Inter-American Commission

On 11 December, the American Civil Liberties Union (ACLU) and the Yale Law School’s Lowenstein International Human Rights Clinic filed a petition on behalf of José Padilla and his mother against the United States before the Inter-American Commission on Human Rights. The petition alleges the violation of the right not to be subject to arbitrary detention, the right not to be subject to torture or ill-treatment, his right to family life and to freedom of religion, his right to equality before the law and to a remedy for violations of his human rights, under the *American Declaration on the Rights and Duties of Man*. José Padilla had been kept in secret detention in the US since 2002 for 43

months after having been labelled an "enemy combatant" by President George W. Bush and was allegedly subjected to torture and ill-treatment. He had been convicted in 2006 by a jury in federal court of the charges of "murder, kidnap, and maim." His sentencing is currently under revision after the Court of Appeal reversed the first instance decision of 17 years of imprisonment as "too lenient".

[Petition](#)

[NGO Statement](#)

USA: Military judge rejects evidence on motive for Bradley Manning, but recognises excessive length of solitary confinement

On 16 January, military judge Colonel Denise Lind, presiding over the pre-trial hearing against Bradley Manning, the whistleblower soldier who transmitted classified US information and diplomatic cables to Wikileaks, ruled that Manning's defence would not be allowed to introduce evidence on the general issues of motives of the defendant as, in a military court, these were relevant for sentencing and not for trial. The judge also reportedly prevented the defence from introducing documents that would demonstrate that Manning did not have an intention to harm US interests. In a previous hearing in December, judge Colonel Denise Lind had ruled that 112 days should be discounted to any final sentencing as reparation for the solitary confinement to which he had been subject in Quantico (Virginia) that she ruled to be "more rigorous than necessary" and "excessive in relation to legitimate government interests". Bradley Manning faces 22 charges including aiding the enemy, which carries a maximum punishment of life imprisonment.

[Press Article 1](#)

[Press Article 2](#)

Canada: Supreme Court upholds constitutionality of anti-terrorism law

On 14 December, the Supreme Court of Canada upheld the constitutionality of Canada's Anti-Terrorism Law in the cases *R. v. Khawaja* and *Sriskandarajah v. USA*. In its judgments, the Court held that the offences of participating or contributing to a terrorist activity, when strictly construed, did not breach the right to freedom of expression or constitute a disproportional offence, in particular in light of their high *mens rea* (intent) threshold. The Court also upheld the revision of the sentence of Khawaja on appeal, to life imprisonment. Furthermore, in the decision on *Sriskandarajah v. USA*, the Supreme Court upheld the extradition of the two Canadian applicants to the USA to answer for charges of assisting the Liberation Tigers of Tamil Eelam (LTTE).

[Judgment 1](#)

[Judgment 2](#)

ASIA - PACIFIC

India: Security law extends terrorism to acts against "economic security"

On 20 December, the Parliament approved law the *Unlawful Activities (Prevention) Amendment Bill 2012* amid protests from the opposition parties and Muslim minorities and under pressure of the Financial Action Task Force (FATF), an inter-governmental organization. The draft legislation, introducing modification to the criminal law against financing of terrorism, extends the powers of the Act to acts against "economic security" and terrorism to include counterfeiting currency.

[UAPA 2012](#)

[UAPA 1967](#)

[Press Article 1](#)

[Press Article 2](#)

Pakistan: Foreign Minister criticizes US use of drones as counterproductive

On 22 January, Foreign Minister Hina Rabbani Khar addressing the Parliament, contended that the use by the USA of drones on Pakistan territory, and in particular in the federally administered North Waziristan, was counterproductive and fostered the militancy in terrorist groups and activities. The speech came days after the US ambassador in Pakistan, Richard Olson, had announced that drone strikes would continue in Pakistan until "terrorist havens" were dismantled.

[Press Article 1](#)

[Press Article 2](#)

Afghanistan: More than half of security detainees have been subject to ill-treatment, says UN report

On 22 January, the UN Assistance Mission in Afghanistan (UNAMA) issued, in collaboration with the Office of the High Commissioner for Human Rights, its annual report on the situation of human rights in the country. In the report, UNAMA highlights that more than half of the 635 detainees interviewed between October 2011 and October 2012 have experienced torture or ill-treatment "in

numerous facilities of the Afghan National Police (ANP), National Directorate of Security (NDS), Afghan National Army (ANA) and Afghan Local Police (ALP)". UNAMA had visited 89 detention facilities in 30 provinces in the relevant period.

Report

Viet Nam: Activist bloggers convicted for terrorism

On 8 January, after a two-day trial, a court in North Viet Nam convicted fourteen bloggers for organizing and/or participating in an attempt to overthrow the Government for alleged ties with the political group Viet Tan, considered by the Vietnamese authorities to be a terrorist organization. The Office of the UN High Commissioner for Human Rights, together with several international NGOs, protested at this alleged violation of freedom of expression. Reporters Without Borders provided evidence of the innocence of one of the defendants, Paulus Le Son, who was at a RWB meeting on the dates on which he was accused of attending a political meeting.

OHCHR Statement

NGO Statement 1

NGO Statement 2

NGO Statement 3

NGO Statement 4

Sri Lanka: Four students arrested for "counter-terrorism rehabilitation"

On 2 December, the Terrorist Investigation Department (TID) arrested four students from Jaffna University, Sanmugam Solaman, Kanagasundram Jenamajenth, Paramalingam Tharshaanan, and V. Bhavananadam, without charge, allegedly for having attempted to mark the LTTE's Heros Day on 27 November. The Secretary of Defence, Gotabhaya Rajapaksa, was reported to have communicated to their teachers on 15 December that the four students would be released after having completed "rehabilitation", due to their involvement in terrorist activities.

NGO Statement

EUROPE & COMMONWEALTH OF INDEPENDENT STATES

UK/USA: Last UK Guantánamo detainee sues UK secret services for defamation

On 14 December, the NGO Reprieve announced that they were bringing a defamation lawsuit on behalf of Guantánamo detainee Shaker Aamer, the last UK resident still detained by the UN at the Guantánamo detention centre, against the UK secret services MI5 and MI6 for having provided false information about him, which prevented his release. Shaker Aamer has been cleared for release under the Bush and Obama administrations but, despite claims of the UK Foreign and Commonwealth Office to want him back, has not been repatriated to the UK. Reprieve announced that they had been able to declassify some material demonstrating the defamation by UK agents.

NGO Statement

Press Article

UK: High court dismisses case on UK's complicity in US drone strikes in Pakistan

On 21 December, the High Court of Justice dismissed a judicial review action brought by Noor Khan seeking a declaration that the passing of intelligence information by the UK intelligence services to the US authorities helping to identify targets for drone strikes in North Waziristan (Pakistan) constituted complicity in murder or war crimes or crimes against humanity. The Court held that the declaration would be of no utility as it would simply constitute a restatement of the law, without the possibility to examine such criminal elements the *mens rea* of the alleged offenders. Furthermore, it held that such an exercise would constitute a declaration against actions of a foreign State, the USA, and that a better venue to complain was the Parliamentary Committee in charge of intelligence agencies oversight. Noor Khan had brought the action after a CIA drone strike had allegedly killed his father together with other persons participating to a local Jirga in Pakistan.

Ruling

Italy: Supreme Court confirms CIA agents' conviction for rendition and reopens trial for top Italian secret agents' complicity

On 29 November, the Supreme Court of Italy (*Corte di Cassazione*) published the reasoning of its judgment in the case of the "rendition" of Hassan Mustafa Osama Nasr, also known as Abu Omar, who had been kidnapped in 2003 in the streets of Milan by CIA operatives and subject to rendition to Egypt where he had been subject to torture. The Supreme Court upheld the convictions of the CIA agents involved and of low-level Italian agents who facilitated the operation. Furthermore, the

Court ordered the reopening of the trial against the former Director of the Italian Military Secret Service, Nicolo Pollari, and his deputy, for their alleged complicity in the operation. The court held that the doctrine of "secret of state", which barred their conviction, would not apply to them, because the Italian secret services have no authority to conduct such illegal operations and they had therefore effectively acted in private capacity. In the retrial before the Court of Appeal, the Government has renewed its claim to apply the doctrine of "secret of state". The Minister of Justice has in the meantime requested from the US the extradition of Robert Seldon Lady, one of the CIA operatives sentenced to six years of imprisonment. It has not made such requests for the other 22 agents, as their sentences were for less than four years, which is insufficient to request extradition according to internal governmental practices.

[SC Judgment \(Italian\)](#)

[MoJ Statement \(Italian\)](#)

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

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

Spain: European Court upholds outlawing of Basque political party ANV

On 15 January, the European Court of Human Rights confirmed as lawful under the European Convention of Human Rights, the restriction of the rights of freedom of association and of expression in respect of the banishment of the Basque political party Eusko Abertzale Ekintza - Acción Nacionalista Vasca (EAE-ANV), decreed in 2008 by the Spanish Supreme Court for furthering the aims of the outlawed party Batasuna. The European Court held that the restrictions to these rights answered to a pressing imperative need as the party links with, help and furtherance of the aims of Batasuna did not conform with the concept of "democratic society". This was held also in light not only of the actions and speeches of its politicians, but also of their omissions and silences.

[Judgment \(F\)](#)

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

Spain: High Council of Judicature finds criminal code reform unconstitutional

On 16 January, the High Council of Judicature issued a consultative opinion in which it deemed that the introduction, as foreseen in the new draft criminal code reform, of a "permanent revisable imprisonment" penalty and of a system of "security custody" after having served a sentence, would be in breach of the principle of legality under Article 25 of the Constitution. The punishment of "revisable perpetual imprisonment" is a penalty of life imprisonment, which would be subject to review after 25 or 35 years of actual detention. It would be applicable to people convicted of offences of terrorism involving genocide, multiple murder and for "major killers", identified as those responsible for the death of minors, of murder following rape or serial killers. The "security custody" is a preventive measure, including for convicted terrorists, which may be imposed upon the completion of a sentence, where the convicted person is deemed to continue to pose a danger to society. This detention would have a maximum length of ten years.

[Report \(S\)](#)

[HCJ Statement \(S\)](#)

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

Spain: Mere membership in "terrorist" group not enough to be criminally sanctioned, says Supreme Court

On 19 December, the Second Chamber of the Supreme Court acquitted Florencio Tomas, a member of the banned organisation SEGI deemed to be linked with Euskadi Ta Askatasuna (ETA), from the charge of membership of a terrorist organization. The Supreme Court held that the activities attributed to him were too "vague and generic" and that mere membership or sympathy for a terrorist organization was not sufficient to configure the crime, but that active militancy was required. In the same decision, the Supreme Court confirmed the conviction of five other members of SEGI.

[Judgment \(S\)](#)

Former Yugoslav Republic of Macedonia: European Court of Human Rights finds State complicit in US rendition

On 13 December, the Grand Chamber of the European Court of Human Rights issued its ruling on the CIA's detention and rendition of Khaled El-Masri, holding for the first time a European state accountable for its involvement in the secret US-led programmes. The European Court of Human Rights held unanimously that the former Yugoslav Republic of Macedonia was responsible for the German national Khaled El-Masri's unlawful detention, enforced disappearance, torture and other ill-treatment, and for his transfer out of Macedonia to locations where he suffered further serious violations of his human rights. It held further that Macedonia had not satisfied its obligation to carry out an effective investigation. Khaled El Masri had been arrested on 31 December 2003 by

Macedonian authorities and later handed over to CIA agents who transferred him to a secret detention facility in Afghanistan, having mistaken him for a "terrorist" suspect, where he was held incommunicado and allegedly subjected to torture. On 28 May 2004, Khaled El-Masri was put on a plane and flown to Albania where he was released.

[Judgment](#)

[ICJ-AI Amicus Brief](#)

[ICJ-AI Statement](#)

Turkey: UN Special Rapporteur criticises extra-judicial executions in counter-terrorism

On 30 November, the UN Special Rapporteur on arbitrary, summary and extra-judicial executions, Christof Heyns, presented its preliminary findings in Ankara after a five-day visit to Turkey. The UN expert reported that among the unlawful killings brought to his attention there were killings during both terrorist acts and counter-terrorism operations. The Special Rapporteur also noticed that the provision in "the Law to Fight Terrorism, additional article 2 fails to stipulate that the use of firearms directly and unhesitatingly against the target should be as a last resort in order to protect life" and could facilitate unlawful killings".

[UN Statement 1](#)

[UN Statement 2](#)

Turkey: Lawyers arrested and charged with terrorism

On 21 January, a criminal court in Istanbul charged nine lawyers and human rights defenders, Güçlü Sevimli, Barkın Timtik, Şükriye Erden, Naciye Demir, Nazan Betül Vangölü Kozağaçlı, Taylan Tanay, Ebru Timtik, Günay Dağ, Selçuk Kozağaçlı, under the anti-terrorism law, of being members of the banned group Revolutionary People's Liberation Party-Front (DHKP-C). They were arrested in an anti-terrorism raid on 17 January where 14 lawyers had been arrested. International human rights NGOs denounced the arrests as part of the frequent abuse of anti-terrorism legislation by Turkish authorities to curb dissent.

[NGO Statement 1](#)

[NGO Statement 2](#)

[Press Article](#)

Russian Federation: European Court issues "pilot judgment" in Caucasus counter-terrorism enforced disappearances

On 18 December, the European Court of Human Rights ruled that Apti Avtayev, Sulumbek Barshov, Anzor Barshov, Abuyazid Shidayev, Ayub temersultanov, Ayub Nalbiyev, Badrudin Abazov and Ramzan Tepsayev, who "disappeared" in 2002 during "counter-terrorism" operations of the Russian military in Chechnya, had to be presumed dead, following unacknowledged detention by State agents and that their right to life, to liberty and to investigations into their enforced disappearance had been violated. The Court also ruled that the Russian Federation had also violated the right to an effective remedy and the prohibition of inhuman and degrading treatment of their family members for the suffering linked with the enforced disappearance. Finally, for the first time, the Court, after acknowledging the number of repetitive cases on these situations, provided detailed and structural measures to be undertaken by the Russian authorities to provide reparation for these serious violations of human rights.

[Judgment](#)

[NGO Statement](#)

Kazakhstan: President signs law criminalising legal aid to "terrorists"

On 8 January 2012, the President of Kazakhstan, Nursultan Nazarbayev, signed the law on *Introducing amendments and additions to certain legislative acts of the Republic of Kazakhstan on the issues related to countering terrorism*. The law amends the criminal and penal codes, and introduces or amends specific provisions related to countering terrorism including the legal definitions of "terrorism", "ideology of violence", "act of terrorism", "antiterrorism operation", "legal regime of an antiterrorist operation", "the zone of an antiterrorist operation", "countering terrorism", "financing terrorism", "prophylaxis of terrorism", "terrorist", "a terrorist group", "a terrorist organisation" and "terrorist activity". In particular, "terrorist activity" now includes the act of "providing (...) legal aid (...) to terrorists as well as groups whose activity is recognised as terrorist (...) with awareness that these actions will be used in order to carry out terrorist activity".

[Law \(R\)](#)

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

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

UNITED NATIONS & REGIONAL ORGANISATIONS

UN: Security Council's new sanctions resolutions add some guarantees, but not enough

On 17 December, the UN Security Council approved resolutions 2082(2012) and 2083(2012) on the renewal of the UN counter-terrorism sanctions regime. With the latter resolutions, the Council renewed the validity of the Al-Qaeda Sanctions List and the mandate of the Ombudsperson for de-listing of further 30 months. The Council did not adopt the recommendations from the UN Special Rapporteur on counter-terrorism and human rights and some like-minded States to significantly increase the due process guarantees of the system. The new resolution gives to the Ombudsperson the possibility to request exemptions to travel bans and to be allowed to reveal the identity of the designating State. Resolution 2083 extends the regime to the Talibans Sanction List.

[UN SC Resolutions](#)

[UN Statement](#)

UN: Special Rapporteur launches investigative panel on targeted killings by drones

On 24 January, the UN Special Rapporteur on the promotion and protection of human rights while countering terrorism, Ben Emmerson, launched a panel inquiry into the impact of targeted killings via unmanned aerial vehicles (UAVs), such as drones, on civilians. The inquiry will aim to make recommendations to the UN General Assembly on the legal framework of such operations, including their lawfulness and proportionality, and the States' obligations of effective, independent and impartial investigations.

[UN SR Statement](#)

[Press Article](#)

EU: Counter-terrorism Coordinator speaks of importance of human rights in countering terrorism

On 7 December, the Council of the European Union for Justice and Home Affairs received the annual report of the EU Counter-Terrorism Coordinator on the implementation of the EU Counter-Terrorism Strategy. Among the many observations, the Coordinator stressed that the EU "therefore has to deal with improving the judicial dimension as a priority, both by taking EU internal measures and by supporting and working more closely with third countries", expressed the view that "human rights issues form an integral part of our counter-terrorism work", and stressed the necessity that counter-terrorism experts and human rights defenders maintain a dialogue.

[Council Statement](#)

[Report 1](#)

[Report 2](#)

EU: Second joint review report of US-EU bank data exchange is out

On 19 December, the European Commission disclosed the report of the second joint review of the two years old US-EU Terrorism Finance Tracking Programme, under which bank information within and passing across the EU is shared with the US Treasury for counter-terrorism purposes. The joint review took note, as in the first review, that the US had not disclosed requested concrete figures on data volume, but had limited itself to providing some trends, showing that detection requests have decreased in the last year. The review, conducted by a team of US and EU experts, concluded that "transparency on the added value of the programme for the fight against terrorism would go a long way in convincing a wider audience of the real benefits of the TFTP".

[Report](#)

[Press Article](#)

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