



**E-BULLETIN ON
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AFRICA & MIDDLE EAST

Egypt: President Mubarak proposes drafting new anti-terror legislation

A week after the 22 July terrorist attack in the resort of Sharm al-Sheikh, President Mubarak announced in a public speech that, if re-elected, he might lift the 24-year-old state of emergency and replace the emergency laws with new anti-terror legislation. The Egyptian Organization for Human Rights (EOHR), ICJ affiliate in the country, called on the authorities to repeal the emergency laws.

[News](#)

[ICJ press release](#)

[EOHR press release](#)

Tunisia: Funds of the Arab Institute for Human Rights frozen

The Tunisian authorities have used anti-terror and money laundering legislation to freeze the funds of the Arab Institute for Human Rights. Human rights organizations fear that this move, which has led to the Institute suspending its activities, was aimed at Khemais Ksila, Secretary-General of the Tunisian League for Human Rights, who is a member of the Institute's board.

[More info](#)

[FIDH press releases](#)

Tunisia: Six men convicted under anti-terror law

On 3 July, the Tunis Appeals Court sentenced six men to up to 20 years imprisonment for recruiting and training militants to carry out terrorist attacks in Iraq and for belonging to a terrorist group based abroad. All defendants denied the charges and said they had confessed under duress while in custody. Human rights organizations expressed concern regarding allegations of torture, violations of fair trial rights and that trial observers had been denied access to the trial.

[CNLT press release](#)

[FIDH press release](#)

Uganda: Parliament rejects establishment of special courts for terrorism cases

On 15 July, the Parliament rejected the Government's constitutional reform proposal to establish special courts to try terrorist suspects. The Parliament followed a recommendation by the Legal and Parliamentary Affairs Committee that special courts would not be more effective to fight terrorism and that already existing courts are proper tribunals to try terrorist cases.

[Government's White Paper](#)

[Parliamentary Committee report](#)

[Terrorism law](#)

AMERICAS

Canada: UN experts say security detainees' rights are undermined

Following its visit to Canada in June, the UN Working Group on arbitrary detention expressed concern at the detention of foreigners certified under the Immigration and Refugee Protection Act as posing a threat to national security. The UN experts considered that this procedure undermines detainees' rights, in particular the rights to a fair hearing, to challenge the evidence used against them, not to incriminate themselves and to judicial review of their detention. The group also raised concerns about its application only to foreigners.

[Working Group press release](#)

USA: Court paves way for resumption of military commissions

On 16 July a US Court of Appeals reversed an earlier ruling by a US District Court that had halted proceedings by military commissions. In the case of Salim Ahmed Hamdan, alleged former driver and bodyguard of Osama Bin Laden, the Court of Appeals ruled that trials by military commissions were lawful and that such commissions constitute competent tribunals to determine the status of Salim Hamdan under the Geneva Conventions. The US Government has announced the resumption of the proceedings before military commissions.

[Appeals Court ruling](#)

[HRW briefing paper](#)

USA: Senate debates Republican proposal on interrogation policies

Republican Senators led by Senator McCain proposed new legislation to prohibit interrogation techniques that amount to torture or ill-treatment. The proposal also bars techniques of interrogation not authorized by the Army Field Manual on Intelligence Interrogation for persons under the detention of the Department of Defense. A group of former military generals publicly endorsed the proposal. The White House is said to have threatened to veto the bill if the Senate adopts such provisions.

[More info](#)

Chile: Mapuche leaders acquitted of terrorism charges

On 22 July six Mapuche leaders were acquitted of terrorism charges by a criminal court in Temuco, southern Chile. The indigenous leaders stood accused of forming a terrorist organization to advance claims to their ancestral land. Pursuant to a ruling of the Supreme Court in which an earlier acquittal had been annulled, the defendants faced charges under Chile's anti-terror law, which permits the use of "faceless witnesses". The UN Special Rapporteur on the human rights of indigenous peoples had expressed concern at the disproportionate charges and the use of anti-terror legislation against the Mapuches.

[UN SR press release](#)

[HRW press release](#)

ASIA-PACIFIC

Thailand: Far-reaching emergency law enacted

On 15 July, following attacks in Southern Thailand, the Prime Minister enacted a new Emergency Decree and declared a state of emergency a few days later in three southern provinces. In a new report, "More power, less accountability: Thailand's new emergency decree", the ICJ raised concerns regarding far-reaching and vaguely defined powers that suspend rights, the lack of parliamentary and judicial oversight, the immunity for those abusing powers, the lack of remedies for people detained and the restrictions on freedom of expression. The UN Human Rights Committee (HRC) also expressed concern when it reviewed Thailand's periodic report days after the Decree was enacted.

[Emergency Decree](#)

[ICJ report](#)

[HRC conclusions](#)

Sri Lanka: State of emergency declared following Minister's assassination

Following the assassination of Foreign Minister Lakshman Kadirgamar in Colombo on 12 August, President Chandrika Kumaratunga declared a state of emergency in the whole territory "to ensure the security of the nation and also to assist in the search for the assassins of the Minister, and other terrorist operatives". Under the Emergency Regulation the security forces can deploy troops, arrest and detain persons without charge, and search and demolish buildings.

[Statement of President Kumaratunga](#)

[Emergency Reg. Part 1](#)

[Emergency Reg. Part 2](#)

Malaysia: Five men held without charge for four years under security law

On 25 July, Malaysia's highest court dismissed an appeal to release five men suspected of terrorist activities. The men have been held without charge for four years under the Internal Security Act (ISA). The ISA allows for suspects to be held without trial for two years, which can be renewed. On 1 August, the 45th anniversary of the adoption of the ISA, a local human rights organization called on the Government to repeal the Act.

[Local NGO press release](#)

[Local NGO statement on ISA](#)

[Internal Security Act](#)

EUROPE & COMMONWEALTH OF INDEPENDENT STATES

UK: Prime Minister Blair announces 12-Point Plan to fight terrorism

In response to the terrorist attacks in London in July, the Prime Minister outlined a 12-Point Counter-Terrorism Plan. The Plan foresees longer periods of detention prior to bringing charges, creates new offences such as indirect incitement to terrorism, and establishes new grounds for expulsion and deportation of terrorist suspects. The Prime Minister also announced the Government would rely on diplomatic assurances to ensure that people deported to Jordan and other countries do not face torture or other serious human rights violations. Human rights groups and the UN Special Rapporteur on torture have strongly criticized such proposals.

[12-Point Plan](#)

[MOU with Jordan](#)

[UN SR statement](#)

[NGO response](#)

UK: Revelations on “shoot-to-kill” policy

The shooting of an innocent Brazilian national, Jean Charles de Menezes, in a London tube station on 22 July, has led to public revelations about the existence of a “shoot-to-kill” policy to prevent suicide attacks. Details of this policy, reportedly adopted three years ago, have still not been disclosed. An independent commission of inquiry (Independent Police Complaints Commission, IPCC) is investigating the circumstances that led to the fatal shooting.

[More info](#)

Italy: New legislation enacted for terrorism cases

The Italian Parliament adopted a set of new counter-terrorism measures including new expulsion procedures and new investigating powers in terrorism cases. The legislation includes allowing terrorist suspects to be interrogated without the presence of a lawyer.

[New law](#)

[AI statement](#)

Germany: European Arrest Warrant and surveillance laws declared void

On 18 July, the Constitutional Court declared German legislation on the European Arrest Warrant void for not providing a judicial remedy against the execution of the warrant and for not sufficiently protecting German citizens against extradition to third countries. On 27 July, the Court also annulled a law that allowed the police to carry out preventive surveillance of telecommunications, to combat terrorism and organized crime. The Court found that the law failed to require clear and concrete grounds for suspecting a person is planning to commit a serious offence before carrying out the surveillance.

[Press release EAW case \(English\)](#)

[Ruling 18 July \(German\)](#)

[Ruling 27 July \(German\)](#)

Germany: Conviction in 9/11 case

On 19 August, the Hamburg Higher Regional Court convicted Mounir El Motassadeq, member of the so-called Hamburg cell, to seven years imprisonment for membership in a terrorist organization, but acquitting him of murder charges relating to the 9/11 attacks in the USA. The Court held that evidence obtained through torture in a third country is inadmissible. The Court nevertheless accepted controversial transcripts of statements of a Guantánamo detainee on the ground that the defense had not proven that such statements were made under torture. The US authorities had refused to disclose information about the circumstances of the interrogation.

[Decision on admissibility of evidence](#)

[AI press release](#)

UNITED NATIONS & REGIONAL ORGANIZATIONS

New UN expert on counter-terrorism and human rights appointed

The UN Commission on Human Rights appointed Martin Scheinin as Special Rapporteur on the protection of human rights while countering terrorism. His mandate includes making recommendations and advising states, as well as gathering information about possible violations of human rights including through country visits.

[UN press release](#)

UN rights experts to investigate situation of detainees in Guantánamo Bay

Following repeated and unsuccessful requests over the past three years to visit persons arrested, detained or tried on grounds of terrorism in Iraq, Afghanistan or in the detention centre at Guantánamo Bay, four UN experts again expressed concerns about the situation of the detainees. Due to the seriousness of the allegations and the lack of cooperation of the US Government, the experts decided jointly to conduct an investigation into the Guantánamo detainees based on all credible sources.

[Statement](#)

UN Sub-Commission debates counter-terrorism and human rights guidelines

During its 57th session, in July-August, the UN Sub-Commission for the Promotion and Protection of Human Rights discussed draft guidelines on counter-terrorism and human rights. At the end of the debate, the experts decided to present a new draft at the next session and to conduct further studies, in particular on freedom of expression, international judicial cooperation and the rights of victims of terrorist acts.

[ICJ intervention](#)

[Draft Guidelines](#)

[Debates' report](#)

[Resolution](#)

OSCE holds Supplementary Human Dimension Seminar on Terrorism and Human Rights

On 14-15 July the Organization for Security and Cooperation in Europe (OSCE) held its Supplementary Human Dimension Seminar on Terrorism and Human Rights. The meeting addressed the impact of counter-terrorism measures on freedom of religion and the prohibition of torture and discussed the role of civil society in the fight against terrorism.

[More info](#)

IN BRIEF

New report on the abuse of material witnesses law

In a joint report, Human Rights Watch and the American Civil Liberties Union documented abuses of the US material witness law to detain indefinitely Muslim men in the “war on terror”.

[Report](#)

Amnesty International reveals new testimonies on secret detention centres

Amnesty International released a new report on US secret detention centres as part of its campaign to stop torture and ill-treatment in the fight against terrorism.

[Report](#)

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