

# **E-BULLETIN ON COUNTER-TERRORISM & HUMAN RIGHTS**

**No. 71, March 2013**

## **AFRICA & MIDDLE EAST**

**Rwanda:** Amnesty International calls for fair appeal trial of opposition leader

**Nigeria:** "Terrorism" trial adjourned for lack of respect of defence rights

**Burundi:** Journalist convicted on "terrorism" charges temporarily released on health grounds

**Bahrain:** Human rights defenders on dry hunger strike in alarming health conditions

**Egypt:** Journalist investigated for "promoting terrorism" for TV show

## **AMERICAS**

**USA:** Court of Appeals rejects Government's grounds on classification of targeted killings documents

**USA:** Targeted killings may be taken away from CIA, news report

**USA:** National Security Letters secrecy unconstitutional, rules federal judge

**USA:** Wikileaks whistleblower Bradley Manning pleads guilty of minor charges

**USA:** Guantánamo detainees begin hunger strike against detention conditions

**Canada:** Omar Khadr asks US for revision of plea agreement

## **ASIA - PACIFIC**

**India:** Supreme Court affirms death sentence for 1993 Mumbai terror attack

**Pakistan:** UN Special Rapporteur defines US drone strikes as breach of Pakistan's sovereignty

**Pakistan:** New legislation introduces "terrorism" preventative detention without judicial warrant

**Afghanistan/USA:** US transfer "almost" entire authority over Bagram to Afghanistan

**Thailand:** "Yellow shirts" supporters charged with terrorism in court

**Sri Lanka:** UN Human Rights Council calls for accountability for human rights violations

## **EUROPE & COMMONWEALTH OF INDEPENDENT STATES**

**UK:** Refusal of entry of PMOI chair was justified, rules Court of Appeal

**UK:** Abu Qatada cannot be deported to Jordan, rules Court of Appeals

**UK:** Supreme Court to hold very first closed hearing in "terrorism" financing case

**UK:** Parliament passes legislation on "closed material procedures" in civil trials

**UK:** Independent Reviewer finds terrorism powers "broadly acceptable"

**Spain:** Criminal Court acquits four of "glorification of terrorism"

**Poland:** Guantánamo detainee brings Poland to European Court of Human Rights

**Turkey:** Investigations into disappearances in counter-terrorism insufficient, rules European Court

**Turkey:** PKK leader calls for end of armed struggle

**Russian Federation:** European Court finds State's responsibility in two enforced disappearances

**Russian Federation:** European Court rules on criminal convictions for links with Hizb ut-Tahrir

**Kyrgyzstan:** Uzbek refugee cannot be deported, says Bishkek Court

## **UNITED NATIONS & REGIONAL ORGANISATIONS**

**UN:** Special Rapporteur calls for accountability for CIA rendition programme

**EU:** Advocate General calls for limited scrutiny of EU listing decisions

**OAS:** Inter-American Committee adopts terrorism financing declaration

## AFRICA & MIDDLE EAST

### **Rwanda: Amnesty International calls for fair appeal trial of opposition leader**

On 25 March, Amnesty International called on judicial authorities to ensure a fair trial in the appeal against the conviction of the President of the United Democratic Forces, Victoire Ingabire, on charges of conspiracy to harm the authorities using terrorism and minimizing the 1994 genocide, and her sentencing to eight years of imprisonment. Amnesty International made this call while releasing a report, *Justice in Jeopardy: The first instance trial of Victoire Ingabire*, on the first instance trial, which expressed concern at alleged serious violations of Victoire Ingabire's fair trial rights, including to presumption of innocence. The report documents that her conviction was based on her "confession" obtained in the military detention camp "Kami", where torture and ill-treatment is allegedly used, and that no effective investigation had been carried out on allegations that her statements were obtained under torture. Amnesty International has also documented other violations of her right to a fair trial.

Report

NGO Statement

### **Nigeria: "Terrorism" trial adjourned for lack of respect of defence rights**

On 20 March, Justice Adeniyi Ademola of the Federal High Court ordered the adjournment of the beginning of the trial against Kabiru Umar, also known as Kabiru Sokoto, for lack of legal representation. Kabiru Sokoto had alleged that he was not allowed access to a lawyer before the trial and was not presented with the charges by the State Security Service (SSS). The court found that these deficiencies had not enabled the defendant to prepare his defence and ordered the SSS to allow him access to a lawyer and to any material document related to the trial. Kabiru Sokoto is charged with facilitating a terrorist act, having allegedly been in possession of information on the bombing of St. Theresa's Catholic Church on 25 December 2011, but having failed to disclose it to law enforcement officers within a reasonable time.

Press Article

### **Burundi: Journalist convicted on "terrorism" charges temporarily released on health grounds**

On 6 March, the authorities provisionally freed journalist Hassan Ruvakuki, allegedly for health reasons, although news reports said that he was not ill. His initial conviction for participating in a terrorist group and sentence to life imprisonment had been reduced in appeal to a three-year jail term. 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 Bonesha FM and the Swahili service of *Radio France Internationale*.

NGO Statement

Press Article

### **Bahrain: Human rights defenders on dry hunger strike in alarming health conditions**

On 24 March, the Bahrain Center for Human Rights expressed alarm at the seriously deteriorating health conditions of human rights defenders Abdulhadi Al-Khawaja and Zainab Al-Khawaja, respectively father and daughter, who are being detained by the Bahraini authorities. The two have begun a dry hunger strike after they were repeatedly denied family visits. On 7 January, the Court of Cassation affirmed Abdulhadi Al-Khawaja's conviction and that of other opposition members and human rights defenders charged with "conspiracy to overthrow the government", "espionage" and "violation of the Constitution." The Court upheld 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. 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.

NGO Statement

Press Article

### **Egypt: Journalist investigated for "promoting terrorism" for TV show**

On 14 March, Reporters Without Borders expressed serious concern at the investigations for the alleged charges of "promoting terrorism" of journalist Dina Abdel Fattah. The journalist has been subject to investigations allegedly for having invited members of "Black Bloc", a new protest

movement, to participate to the political programme of Al-Tahrir TV "Al-Shaab Yourid". On 24 February, Al Tahrir TV cancelled the programme, a move that the journalist reportedly protested as an unwarranted restriction of freedom of information.

NGO Statement

## AMERICAS

### **USA: Court of Appeals rejects Government's grounds on classification of targeted killings documents**

On 15 March, the US Court of Appeals for the District of Columbia rejected, in its reversal of a previous District Court's ruling, the CIA justification to refuse to confirm or deny the existence of records on the US targeted killing programme. The Court held that, after public statements recognising the programme's existence by President Obama, former counter-terrorism advisor John Brennan and CIA Director Leon Panetta, "it is neither logical nor plausible for the CIA to maintain that it would reveal anything not already in the public domain to say that the Agency "at least had an intelligence interest" in such strikes". The Appeals Court remanded the case to the District court for further consideration.

Ruling

Amicus Brief

NGO Statement

Press Article

### **USA: Targeted killings may be taken away from CIA, news report**

On 19 March, the periodical *Daily Beast* revealed the still unconfirmed information, revealed by three anonymous US senior officials, that the Obama administration is considering the transfer of the targeted killing programme through unmanned aerial vehicles (UAV) from the authority of the CIA to that of the Department of Defense. The American Civil Liberties Union (ACLU) and Human Rights Watch welcomed this potential move in the expectation that it could bolster transparency and would mean the program would have to be undertaken with respect for international humanitarian law and international human rights law. Meanwhile, other media sources reported that the US is planning to seek the establishment of international rules on targeted killings via drones, out of realisation that such a technology may be used also by China and the Russian Federation.

NGO Statement 1

NGO Statement 2

Press Article 1

Press Article 2

### **USA: National Security Letters secrecy unconstitutional, rules federal judge**

On 14 March, Judge Susan Illston of the US District Court for the Northern District of California ruled that National Security Letters (NSL), which require communication providers and financial institutions to provide for private information to the authorities without court warrant, were unconstitutional. In addition, provisions prohibiting public discussion of receipt a NSL were unconstitutional, in violation of the First Amendment protection of freedom of speech. The Court held that the current legal regime constituted in practice a blanket prohibition of disclosure of the mere fact of having received a NSL for an indefinite amount of time and excessively restricted the possibility of judicial review against such a prohibition.

Ruling

NGO Statement

Press Article

### **USA: Wikileaks whistleblower Bradley Manning pleads guilty of minor charges**

On 28 February, Private Bradley Manning pled guilty to ten of the 22 charges against him, including passing information to Wikileaks, but not of the more serious charges of aiding the enemy, contending that he had not had any reason to believe that he would be assisting Al-Qaeda by releasing the classified information. In his pleading and statement, Bradley Manning admitted having transmitted to Wikileaks US diplomatic cables and the video illustrating the attack in Iraq of the US military which ended up killing two Reuters reporters. Meanwhile, the military judge in charge of the trial dismissed a defence motion against remand to trial due to the excessive length of the proceedings. The judge held that the proceedings have been maintained within ordinary military court's time limits. Bradley Manning has presently spent more than two years in detention.

Press Article 1

Press Article 2

Press Article 3

Press Article 4

### **USA: Guantánamo detainees begin hunger strike against detention conditions**

On 4 March, the Center for Constitutional Rights and several lawyers representing Guantánamo detainees wrote a letter to the Commander of Guantánamo, Rear Admiral John W. Smith, Jr., requesting cessation of the practices of ill-treatment in detention which reportedly led a significant but unknown number of Guantánamo detainees to begin a hunger strike with serious repercussions

on their health. The administration has denied the allegations, which include allegedly desecration of the Quran, confiscation of personal items and restrictions on exercise. Amnesty International also wrote to the Secretary of Defense calling for an end to these practices and the indefinite detention of the Guantánamo prisoners. On 14 March, at a hearing before the Inter-American Commission on Human Rights on this issue, US officers were reported to have stated that no indefinite detention existed in the USA. The UN Special Rapporteur on torture and cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, stated that he did not expect that his request to unmonitored visits to Guantánamo detainees would be granted by the US authorities.

[CCR & Lawyers Letter](#)

[Amnesty Int. Letter](#)

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

[Press Article 4](#)

### **Canada: Omar Khadr asks US for revision of plea agreement**

On 28 February, it was reported that the lawyer of Omar Khadr, Dennis Edney, had written a letter to the deputy chief defense counsel for the US war crimes tribunals, Bryan Broyles, asking for the appeal of all the conviction pleas entered against Omar Khadr in October 2010. This move came after US federal courts had acquitted Ali Hamza al Bahlul and Salim Hamdan on their conviction in military commissions for "material support for terrorism" as the offence did not exist in US law nor in international law at the time of the commission of the contested acts. Omar Khadr, who had been detained in Guantánamo for ten years since he was 15 and is now 26, and had been transferred to Canada only recently, had entered a plea agreement for the charges of murder in violation of the law of war, attempted murder in violation of the law of war, conspiracy and providing material support for terrorism. He is presently detained in the maximum security prison of Millhaven, near Kingston (Ontario).

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

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

[Press Article 3 \(F\)](#)

## **ASIA - PACIFIC**

### **India: Supreme Court affirms death sentence for 1993 Mumbai terror attack**

On 21 March, the Supreme Court affirmed the death sentence of Yakub Abdul Razak Memon for his role in the Mumbai 1993 terror attacks, which claimed the lives of 257 people and left more than 720 injured. The Court has, however, commuted to life imprisonment the death sentences of other ten defendants in light of mitigating circumstances. The trial has lasted for 18 years. The Mumbai 1993 terror attacks consisted of 13 bombs explosions across Mumbai. In the judgment, the Court pointed at the international law responsibility of Pakistan which, in the Court's words, "has infringed the recognized principles under international law which obligate all states to prevent terrorist attacks emanating from their territory and inflicting injuries to other states", in light of the fact that some of the defendants have allegedly trained in Pakistan territory. The Pakistani minister of foreign affairs has rejected this accusation.

[Judgment](#)

[Press Article 1](#)

[Press Article 2](#)

### **Pakistan: UN Special Rapporteur defines US drone strikes as breach of Pakistan's sovereignty**

On 14 March, the UN Special Rapporteur on the protection and promotion of human rights while countering terrorism, Ben Emmerson, issued a statement after his three-day visit in Islamabad between 11 and 13 March, in the context of his inquiry on targeted killings in counter-terrorism operations. The UN Special Rapporteur reported the Pakistani Government official rejection of the use of drones on its territory by US forces and recalled that this position meant that US drone strikes in Pakistan were being conducted in violation of Pakistan's sovereignty. During his mission, he also talked with delegations from North Waziristan, which reported the serious damage brought to their lives by drone strikes and the serious risk of radicalisation following deaths by targeted killings.

[UN SR Statement](#)

[UN Statement](#)

[Press Article](#)

### **Pakistan: New legislation introduces "terrorism" preventative detention without judicial warrant**

On 14 March, the National Assembly passed an amended version of the *Anti-Terrorism (Second Amendment) Bill 2013* which introduces sweeping powers of preventative detention. According to the amended version, Pakistani authorities would be able to subject to preventative detention

without judicial approval any person suspected of any offence under the *Anti-Terrorism Act* for a maximum length of 30 days. The original draft provided for a maximum length of 90 days. The draft legislation also modifies the definition of terrorist act by including the “dissemination, preaching and teaching of ideas and beliefs [...] which incite or are likely to incite a person to commit an offence under this Act, through FM stations or any other means of communication, without the explicit approval of the government or its concerned departments”.

[Draft Law](#)

[Press Article 1](#)

[Press Article 2](#)

### **Afghanistan/USA: US transfer “almost” entire authority over Bagram to Afghanistan**

On 25 March, the US authorities officially transferred to Afghan authorities control over Afghan prisoners in the Bagram detention centre, although the US was to retain control over a “small number” of detainees. The Commander of Bagram, Gen. Ghulam Farouk Barakzai, declared that around 4,000 prisoners have passed to Afghanistan authority, but did not specify how many inmates remained under US control and for how long they would do so. According to news reports “private assurances” were produced by Afghani authorities not to release some detainees considered to be “enduring security threats”.

[Press Article 1](#)

[Press Article 2](#)

### **Thailand: “Yellow shirts” supporters charged with terrorism in court**

On 16 and 21 March, 45 members of the “Yellow Shirts” were charged in criminal court on charges of terrorism and intruding into Bangkok’s Suvarnabhumi and Don Meaung airports in 2008, when both airports were forced to close. Their trial will start on 29 April. In the past years, members of the rival party “Red Shirts”, supporters of former Prime Minister Thaksin Shinawatra, have also been charged with “terrorism” offences for their roles in street protests and unrests. In total the “yellow shirt” members awaiting trial are 114.

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

### **Sri Lanka: UN Human Rights Council calls for accountability for human rights violations**

On 21 March, the UN Human Rights Council adopted a resolution calling upon the Sri Lankan Government “to conduct an independent and credible investigation into allegations of violations of international human rights law and international humanitarian law”. The Council expressed concern “at the continuing reports of violations of human rights in Sri Lanka, including enforced disappearances, extrajudicial killings, torture and violations of the rights to freedom of expression, association and peaceful assembly, as well as intimidation of and reprisals against human rights defenders, members of civil society and journalists, threats to judicial independence and the rule of law, and discrimination on the basis of religion or belief”. The Council recalled that “States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights law, international refugee law and international humanitarian law, as applicable”.

[Resolution](#)

[NGO Statement](#)

## **EUROPE & COMMONWEALTH OF INDEPENDENT STATES**

### **UK: Refusal of entry of PMOI chair was justified, rules Court of Appeal**

On 20 March, the Court of Appeal upheld the refusal of entry to the United Kingdom, issued by the Secretary of State for the Home Department, of Maryam Rajavi, chair of the Peoples’ Mujahiddin Organisation of Iran and “President-elect” of the National Council for Resistance of Iran. Maryam Rajavi had been invited to a discussion event by several UK Parliamentarians. The Court of Appeal relied on deference to the judgment of the Home Affairs Secretary that admitting into the country Maryam Rajavi could lead to repercussions by the Iranian authorities on UK representations and interests in Iran. It found that these considerations were both necessary and proportionate and did not lead to a violation of the Parliamentarians’ freedom of expression under Article 10 of the European Convention on Human Rights. The PMOI have been de-listed in recent years from terrorism lists by the UK, USA, Canada and the European Union.

[Ruling](#)



### **UK: Abu Qatada cannot be deported to Jordan, rules Court of Appeals**

On 27 March, the Court of Appeal rejected the request of deportation to Jordan of the Secretary for Home Affairs, Theresa May, for Omar Othman, also known as Abu Qatada. The Court of Appeal affirmed the ruling of the Special Immigration Appeals Commission (SIAC) which found that Abu Qatada would have been at risk of flagrant denial of his right to a fair trial if sent to Jordan, where he would stand for trial on terrorism charges, with the risk that information obtained by torture could be used as evidence against him. The Court of Appeal found no error of law in the SIAC's decision and said that "it was common ground that it was impossible to prove that there was no real risk that the impugned statements were not obtained by torture".

[Ruling](#)

[Press Article](#)

### **UK: Supreme Court to hold very first closed hearing in "terrorism" financing case**

On 20 March, the President of the Supreme Court, Lord Neuberger, announced that the highest court had agreed to conduct a closed session in which it would have to consider the closed judgment of Justice Mitting without the presence of the plaintiff, Bank Mellat. The plaintiff is an Iranian bank barred from conducting business with UK enterprises under Schedule 7 of the *Counter-Terrorism Act 2008* for alleged links with Iran's nuclear- and ballistic-missile programmes. Lord Neuberger stressed that the decision was "reluctantly" reached by a majority of six to three Justices, but that, in the light of Parliament's decision to allow for closed procedures in certain cases, there was no other alternative to take into consideration the closed ruling of Justice Mitting, which could be important to reach a final decision, without otherwise revealing it to the public. The Supreme Court assured that the plaintiff should be given "as much information as possible about the content of the evidence and arguments presented at any closed hearing and the contents of any closed judgment". Bank Mellat is challenging the order validity under the rules of natural justice, and/or Articles 6 ECHR and Article 1 of Protocol 1 ECHR.

[SC Statement](#)

[Press Article](#)

### **UK: Parliament passes legislation on "closed material procedures" in civil trials**

On 26 March, the House of Lords approved the *Justice and Security Bill*, which now awaits only royal assent to become a law of the United Kingdom. The legislation would extend "closed material procedures", for gathering of evidence with presence of only Special Advocates, to civil claims proceedings. In order to trigger the procedure, a party would have to disclose "sensitive material", i.e. evidence damaging to national security, in the proceedings and the procedure would have to be ordered in the "interests of the fair and effective administration of justice in the proceedings". Amendments to limit this procedure as one of last resort and for judges to assess the balancing of interests between national security and public interests were defeated in the House of Lords. The Parliament's Joint Committee on Human Rights, more than 700 legal professionals, including Special Advocates, and several human rights NGOs have strongly criticized the draft legislation as contrary to the rule of law and the right to a fair trial.

[Draft Law Webpage](#)

[House of Lords Statement](#)

[JCHR Report](#)

[Lawyers Letter](#)

[NGO Paper](#)

[NGO Statement](#)

### **UK: Independent Reviewer finds terrorism powers "broadly acceptable"**

On 14 March, the UK Independent Reviewer of Counter-terrorism Legislation, David Anderson Q.C., published his first report on the functioning of the Terrorism Prevention and Investigation Measures (TPIMs) introduced in 2011. He concluded that TPIMs are "likely to have been effective in preventing terrorism-related activity during 2012", but that they "were not effective as an investigation measure". Despite the criticism that these measures have received from human rights advocates, David Anderson found them to be a "broadly acceptable response to some intractable problems". In 2012, ten men were subject to TPIMs, four of whom had been previously acquitted on terrorism charges. The Crown Prosecution Service had reportedly advised that none of the accused could be prosecuted mainly because of the "impossibility of disclosing in open court evidence that has been derived from sensitive human or technical intelligence sources".

[Report](#)

### **Spain: Criminal Court acquits four of "glorification of terrorism"**

On 5 March, the Central Criminal Court (*Audiencia Nacional*) acquitted four persons of the offence of "glorification of terrorism" (*entalecimiento*). The four, Amaia Osa Gómez, Joseba Garitaonandia Ansoategi, Sebastián Echeverría Olasolo, and Iñaki Manuel Ecenarro, were acquitted on the grounds

that the contested facts did not constitute a criminal offence. They were accused of having exposed pictures of Euskadi Ta Askatasuna (ETA) prisoners during a local event. The Court held that these acts were not accompanied by other expressions such as reference to solidarity to terrorism detainees or to terrorists as exemplary figures or similar acts, which may have constituted "glorification of terrorism". This gave rise to a "more than reasonable doubt" that the intention of the defendants was to glorify terrorism.

**Judgment (S)**

### **Poland: Guantánamo detainee brings Poland to European Court of Human Rights**

On 27 March, the NGOs Reprieve and Interights filed an application before the European Court of Human Rights against Poland on behalf of Abu Zubaydah, a Guantánamo detainee, for the State's complicity in the CIA rendition, secret detention and interrogation programme. According to the applicant, Abu Zubaydah had been detained in Poland during part of his rendition which ended up with his final detention without charge in Guantánamo. Abu Zubaydah has been allegedly subject to "water-boarding" some 83 times during the rendition and used as "guinea pig" to test "enhanced interrogation techniques" amounting to torture. The applicants deemed that the ongoing investigations in Poland had been "limited in scope, shrouded in secrecy, and has made little progress in practice". Abu Zubaydah had previously filed another application for complicity in his rendition against Lithuania. Guantánamo detainee Abd Al Rahim Hussayn Muhammad Al Nashiri, also allegedly subjected to rendition and secret detention in Europe, has also filed applications to the European Court against Poland and Romania. They both remain in indefinite detention in Guantánamo.

**Application**

**NGO Statement 1**

**NGO Statement 2**

**Press Article**

### **Turkey: Investigations into disappearances in counter-terrorism insufficient, rules European Court**

On 26 February, the European Court of Human Rights ruled that investigations into the alleged enforced disappearance of Ahmet Bozkır, Selahattin Aşkan, Süleyman Tekin, Lokman Kaya and Halit Ertuş, five shepherd in the Hakkari mountains, on 26 August 1996, were tainted by serious shortcomings and therefore breached Turkey's procedural obligations under the right to life (Article 2 ECHR) and the right to an effective remedy (Article 13 ECHR). The Court could not find a substantive violation of the right to life as it could not be established that the "disappearances" were imputable to the Turkish armed forces. The five men disappeared during military operations against the Kurdistan Workers' Party (PKK).

**Judgment**

### **Turkey: PKK leader calls for end of armed struggle**

On 21 March, the jailed leader of the Kurdistan Workers' Party (PKK), Öcalan, issued a statement, read by two Member of the Parliament for the Kurdish party BDP, in which he formally called for an end to the armed conflict between Turkey and the PKK and for the transformation of the PKK from an armed group to a political movement. Abdullah Öcalan declared in the statement: "We have reached the point where the guns must be silenced and where ideas must speak. A new era has started, where it is politics, not guns, which is at the forefront". In the meantime, a fourth reform package of counter-terrorism laws is under consideration of Parliament repealing the offence of "making terrorist propaganda". Human rights advocates have stressed that, while welcome, the reform package did not address the offence of "membership of an armed organization", used to prosecute journalists and students, and the broad definition of terrorism in criminal law.

**Öcalan Statement**

**NGO Statement 1**

**NGO Statement 2**

**Press Article**

### **Russian Federation: European Court finds State's responsibility in two enforced disappearances**

On 14 March, the European Court of Human Rights ruled, in two separate judgments, that Yeraly Israilov and Vakhit Avkhadov were to be presumed dead after having been subject to enforced disappearance on 19 October 2004 and on 24 April 2001, in two unacknowledged security operations, respectively in Dagestan and Cechnya. The Court ruled that Russian authorities were to be considered responsible for their death and enforced disappearance in violation of their right to life under Article 2 of the European Convention on Human Rights (ECHR). The Court also held that

their right to liberty had been breached and that the investigations into their “disappearance” had been ineffective in violation of Article 2 ECHR. The Court also held that the authorities had violated their relatives’ right not to be subject to inhuman and degrading treatment for the suffering for the enforced disappearances.

[Judgment \(Israilov\)](#)

[Judgment \(Avkhadov\)](#)

### **Russian Federation: European Court rules on criminal convictions for links with Hizb ut-Tahrir**

On 14 March, the European Court of Human Rights held that the conviction of Marat Temerbulatovich Saybatalov for “incitement to participate in the activities of a terrorist organization” had been in breach of the principle of legality in criminal law, enshrined in Article 7 ECHR, as the criminal offence required prior criminalization of the “terrorist organization”, in this case Hizb ut-Tahrir, and the Supreme Court’s ruling of 14 February 2003 banning the group had never been officially published. However, it did not find a violation of the same right for the conviction of Yusup Salimakhunovich Kasymakhunov for a similar offence which did not require prior official criminalization. The Court found, in the second case, that the criminal courts had established the “terrorist” nature of the organization through other means of evidence. Finally, the Court had rejected as inadmissible the challenges brought under the rights of freedom of religion, expression and assembly as this organization’s purposes would contribute to “the destruction of the rights and freedoms set forth in the Convention” in breach of Article 17 ECHR, and, as such, its activities could not be protected.

[Judgment](#)

### **Kyrgyzstan: Uzbek refugee cannot be deported, says Bishkek Court**

On 1 March, a Bishkek City Court overturned the Pervomaisky District Court decision of December 2012 to extradite Khabibullo Sulaimanov, an Uzbek national and imam, to Uzbekistan, where he is wanted on “terrorism” charges of “leading, organizing or participating in a religious extremist organization”, “attempting to overthrow the constitutional order” and illegal border crossing. However, immediately after the ruling, Khabibullo Sulaimanov had been reportedly transferred in secret to the city of Osh, near the Uzbek border, where he remains in detention and has been charged with “illegal crossing of the state border” and “forgery, manufacture, or sale of falsified documents, government awards, stamps, seals, and forms”. Khabibullo Sulaimanov is a UNHCR recognized refugee. Another UNHCR recognized Uzbek refugee, Shukhrat Musin, has been reported missing, according to Human Rights Watch, since 18 February.

[NGO Statement 1](#)

[NGO Statement 2](#)

## **UNITED NATIONS & REGIONAL ORGANISATIONS**

### **UN: Special Rapporteur calls for accountability for CIA rendition programme**

On 1 March, the UN Special Rapporteur on the protection and promotion of human rights while countering terrorism, Ben Emmerson, published a report focused on the CIA rendition, secret detention and interrogation programme and the responsibilities of the USA and other States in light of the right to truth and the duty to investigate gross human rights violations. In the report, which also addresses the issue of evidence covered by secret of State, the Special Rapporteur calls upon the Governments of Lithuania, Morocco, Poland, Romania and Thailand to establish effective, independent, judicial or quasi-judicial inquiries. He has also called upon the United States to publish the Senate Select Committee on Intelligence report on these events, and on the United Kingdom to publish the interim report of the Gibson Inquiry.

[Report](#)

[UN Statement](#)

### **EU: Advocate General calls for limited scrutiny of EU listing decisions**

On 19 March, Advocate General Bot of the Court of Justice of the European Union issued his opinion in the case of *Kadi II*. The Advocate General submitted that the Court has jurisdiction to review EU sanctions acts, even when they originate from a decision of the UN Sanctions Committee, as ruled in the case *Kadi I*. However, he opposed the General Court’s view that such a review should be “full” because of the preventative nature of the measures at issue, the international context of the contested act, the need to balance the requirements of combating terrorism and those of the protection of fundamental rights, the political nature of the assessments made by the Sanctions Committee, and the improvements in the procedure before that body in recent years. Advocate



General Bot submitted that the formal and procedural aspects of the contested act should be subject to ordinary review, while the Court of Justice should exercise a limited review of the merits of the statement of reasons.

[Opinion](#)

[Summary](#)

**OAS: Inter-American Committee adopts terrorism financing declaration**

On 8 March, the States members of the Inter-American Committee against Terrorism (CICTE) adopted a declaration on "Strengthening Hemispheric Cooperation to Address Terrorism Financing and Money Laundering". In this declaration, the States list a series of pledges to increase their cooperation in the control of financial transactions for the purpose of combating terrorism. In the general part of the declaration, the States renew their "firmest commitment to prevent, combat, sanction, and eliminate terrorism through the broadest cooperation possible in full respect for the sovereignty of the States and their domestic legislation and compliance with international law, including international human rights law, international humanitarian law, and international refugee law."

[Declaration](#)

[CICTE Statement](#)

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