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AFRICA & MIDDLE EAST

Nigeria: Twenty people suspected of sectarian violence charged with terrorism offences

On 1 April, the Department of Public Prosecution (DPP) charged 20 people, allegedly involved in ethnic-based mass killings in three villages near Jos, capital of the Plateau State, with the offences of terrorism, arson, murder, maiming and possession of dangerous weapons. The killings occurred in late March and are said to have caused over 300 casualties and to have been taken in reprisal for another ethnic-based attack last January. The case will be heard before the Federal High Court of Jos.

[Press Article 1](#)

[Press Article 2](#)

Egypt: Court releases senior members of the Muslim Brotherhood

On 7 and 8 April, sixteen senior members of the Muslim Brotherhood, including Mahmud Ezzat, Essam El Erian and Abdelrahman Al Barr, were released by Egyptian authorities after a court ordered them to be freed for lack of evidence in respect of the charges against them. The 16 men were arrested on 8 February and charged with terrorism offences of membership of an illegal organisation and promoting violence against the government.

[MB Statement](#)

[NGO Statement](#)

[Press Article](#)

Iraq: Report finds torture in secret prison by Prime Minister forces

On 19 April, the *Los Angeles Times* reported that the Iraqi Human Rights Ministry had discovered a secret detention facility operated by the "Baghdad Brigade" - a special force under the direct control of the Prime Minister's office. Some 431 persons were reportedly detained there since October 2009. The Ministry found that more than 100 of those detained had been subject to torture using electric shocks, suffocation with plastic bags, beatings and isolation. Seventy-five persons reportedly have since been released, while another 275 have been transferred to other detention facilities.

[NGO Statement](#)

[Press Article](#)

Gaza: UN Human Rights Council sets up commission to monitor national investigations

On 26 March, the UN Human Rights Council endorsed the report of the Goldstone Fact-Finding Mission on the Gaza War and established a commission of independent experts to monitor and assess domestic investigations and proceedings undertaken by both the Israeli and Hamas authorities. The report had documented international humanitarian and international human rights law violations committed by both sides of the conflict during the Operation "Cast-Lead" conducted in Gaza by the Israeli Armed Forces between 27 December 2008 and 18 January 2009.

[Resolution](#)

[UN Report](#)

[NGO Statement](#)

AMERICAS

USA: Judge holds Terrorist Surveillance Programme to be unlawful

On 31 March, Judge Vaughn R Walker of the US District Court for the Northern District of California granted summary judgment under the *Foreign Intelligence Surveillance Act* (FISA) in favour of the Al-Haramain Islamic Foundation against the US Government. The Judge held that the surveillance of the applicant under the "Terrorist Surveillance Programme" from 2004 until 2007 was illegal and rejected the US assertion of the "state secret" privilege in a sweeping form which would have disallowed consideration of evidence prevented the case from being heard. The Foundation had subsequently been placed on a terrorist list and its assets had been frozen.

[Ruling](#)

[Press Article](#)

USA: Judge orders release of “high value” Guantánamo detainee

On 9 April, Judge James Robertson of the District Court for the District of Columbia ordered the release of Mohamedou Ould Slahi, a Mauritanian national detained in Guantánamo since 2002. The Court held that the Government’s evidence, mainly based on Slahi’s statements made in detention, was “tainted by coercion and mistreatment”, and could not support a successful criminal prosecution, and that the Government had been unable to prove that he was a member of or had provided support to al-Qaeda. Mohamedou Ould Slahi had been classified as a “high value” detainee, who was alleged to have played a role in the recruitment of persons who attacked the Twin Towers in New York on 11 September 2001.

[Ruling](#)

USA: Federal judge dismisses 105 former Guantánamo detainee *habeas* cases

On 1 April, Judge Thomas F. Hogan of the District Court for the District of Columbia dismissed as moot 105 *habeas* petitions from Guantánamo detainees who had been since transferred or released to another country. Some of these former detainees remain detained in other States or allegedly may continue to suffer from rights deprivations stemming from their detention by the US at Guantánamo. The judge rejected any claims on existing collateral consequences, as an *habeas corpus* action could not provide a remedy for restraint conditions imposed by foreign governments, stigma linked with the label of “enemy combatant”, travel restrictions to the USA, or civil damages actions, which are barred by the *Military Commissions Act*.

[Ruling](#)

[Press Article](#)

USA: Government knew many Guantánamo prisoners were innocent, former senior officer affirms

On 24 March, Colonel Lawrence B. Wilkerson, Chief of Staff to former Secretary of State Colin Powell from 2002 to 2005, alleged in a written statement under oath that former Secretary of Defence Donald Rumsfeld, former Vice President Dick Cheney, and probably former President George W. Bush knew that most detainees in Guantánamo were innocent, and that they did not act to free them for political reasons. Colonel Wilkerson also referred to an internal investigation he conducted in Abu Ghraib in which he determined that some 50-60 percent of the detainees held were innocent. The statement was provided in the *habeas* proceedings of Guantánamo detainee Adel Hassan Hamad.

[Statement](#)

[Press Article](#)

USA: CIA declassified documents reveal destruction of torture evidence

On 15 April, CIA classified documents revealed that in 2005 the CIA destroyed the tapes relating to the interrogation of Abu Zubaydah and Abd al-Rahim al-Nashiri, two al-Qaeda suspects secretly held by the CIA in Thailand since 2002. The documents show that the tapes were destroyed at the order of Jose A. Rodriguez Jr., then the head of the CIA clandestine service, and that the destruction of the tapes was approved retroactively by Porter J. Gross, then-CIA director. The Department of Justice began a criminal investigation into these events two years ago.

[Documents](#)

[Press Article](#)

Colombia: Wiretapping of Supreme Court judges allegedly ordered by Presidency

On 10 April, the Office of the General Prosecutor stated that a former officer of the Colombian Security Services (*Departamento Administrativo de Seguridad – DAS*), Carlos Arzayús, testified that the illegal wiretapping of Supreme Court’s judges was done under orders of the Colombian Presidency. The investigations concern maintaining files on and illegal surveillance and wiretapping, of judges, members of the political opposition, trade

unions leaders, journalists and human rights defenders, including a mission of the Inter-American Commission on Human Rights to Colombia. The Colombian Presidency denied the allegations.

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

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

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

ASIA - PACIFIC

Pakistan: UN Commission says Secret Services hindered investigations into Bhutto's killing

On 15 April, the UN Commission of Inquiry on the assassination of former Pakistani Prime Minister Mohtarma Benazir Bhutto published its findings. The Commission found both the Government's protection of Ms Bhutto and the subsequent investigations into the attack against her to be inadequate and ineffective. In particular, the Commission found that police forces did not act independently and that the Pakistani Secret Services, ISI and Military Service, hindered some of the investigations. The Commission, mandated by the UN Security Council at the request of Pakistan, was composed of the Chilean UN Ambassador Heraldo Muñoz, former Attorney General of Indonesia, Marzuki Darusman, and former Deputy Commissioner of the Irish Police, Peter FitzGerald. Ms Benazir Bhutto was killed in an attack, which some have characterized as an act of terrorism, directed against her in the city of Rawalpindi on 27 December 2007, along with other 24 persons, while 91 persons were injured.

[Report](#)

[UN Statement](#)

[Press Article 1](#)

[Press Article 2](#)

Thailand: Government uses emergency law to deal with protesters

On 7 April, the Government declared a state of emergency, under the *Emergency Decree 2005*, after anti-government demonstrators had broken through police lines and entered the Parliament the previous day. The Decree, which had been used primarily to counter the insurgency in Thailand's southern provinces, allows the government, *inter alia*, to impose curfews; censor and block media from disseminating news that "causes panic"; and to remove people from designated areas. It also allows security officials to detain suspects without charge for judicially renewable periods of 7 days, for up to 30 days. After violent clashes resulted in 24 deaths, including both State forces and protesters, Prime Minister Abhisit Vejjajiva alleged that "terrorists" were present among the protesters. The Government promised an investigation into the violence and the protest leaders have proposed a bipartisan commission to investigate these allegations.

[ICJ Report 1 \(ED\)](#)

[ICJ Report 2 \(ED\)](#)

[ICJ Report 3 \(ISA\)](#)

[ICJ Statement](#)

[Press Article 1](#)

[Press Article 2](#)

Afghanistan: New reports about secret detention ill-treatment

On 15 April, the BBC reported statements by nine former Bagram detainees alleging that they had been previously detained in a secret detention centre in Parwan, called "The Detention Facility". Those interviewed allege to have been subject to torture or ill-treatment, including sleep deprivation and sensory disorientation, by US army officers. The US army denied the existence of a secret detention facility and announced that it would look into the allegations.

[Press Article](#)

New Zealand: Human Rights Committee concerned over Anti-Terrorism Law

On 25 March, the UN Human Rights Committee issued its Concluding Observations on New Zealand, pursuant to the Committee's consideration of New Zealand's periodic report on its compliance with its obligations under the *International Covenant on Civil and*

Political Rights. The Committee expressed concern over the lack of respect for the right to a fair trial as a result of the *Terrorism Suppression Amendment Act 2007*, which allows designation of groups or individuals as terrorist entities on the basis of classified security information that is heard in their absence. The Committee also regretted the lack of information given on the so-called *Operation 8* (anti-terrorism raids carried out on 15 October 2007), which allegedly involved excessive use of force against Māori communities.

Concluding Observations

EUROPE & COMMONWEALTH OF INDEPENDENT STATES

UK: Government rejects proposal to prevent rendition flights

On 31 March, Justice Secretary Jack Straw rejected the proposal by the All Party Parliamentary Group to prohibit and prevent any flight over UK jurisdiction that might be connected with the practice of unlawful renditions. In his letter, Jack Straw considered the proposal as ineffective, adding little to existing law and burdensome for the transport industry. The Justice Secretary stated that “the Government does not consider that an aircraft on its way to or from a possible rendition operation, without a detainee on board would be operating unlawfully.”

Justice Secretary Letter

APPG Proposal

APPG Letter 1

APPG Letter 2

Press Article

UK: European Commission on Racism concerned at counter-terrorism laws and practices

On 2 March, the European Commission on Racism and Intolerance (ECRI) issued its fourth report on the United Kingdom. In its report the Commission found that the use of stop and search powers in countering terrorism had disproportionately affected members of black and minority ethnic communities. Furthermore, the Commission stressed that the use of control orders might have a higher impact on certain groups, particularly Muslim.

Report

Italy: European Court finds expulsion to Tunisia to violate principle of *non-refoulement*

On 13 April, the European Court of Human Rights ruled that the rights under the European Convention on Human Right of Mourad Trabelsi had been violated by Italy. He had been expelled to Tunisia in defiance of an interim order by the Court and in violation of the principle of *non-refoulement* and article 3 of the Convention. The Court found that Mr Trabelsi would face a risk of torture or inhuman or degrading treatment or punishment in Tunisia, where he has been convicted *in absentia* for membership in a terrorist organisation. The Court also ruled that Italy’s defiance of the order of interim measures by the European Court violated Italy’s obligations under the European Convention.

Judgment (F)

Italy: European Committee on Torture concerned at detention regime for terrorism suspects

On 20 April, the European Committee for the Prevention of Torture (CPT) published a report on its visit to Italy between 14 to 26 September 2008. The Committee visited some of the 600 detainees who were subject to the allegedly harsh detention regime imposed on terrorism and Mafia suspects and convicted persons (so-called *41-bis*). The Committee found that some of the detainees had been subjected to this regime for many years and that the regime was “highly detrimental to the fundamental rights of the prisoners concerned”, affecting “the state of both the somatic and the mental health of some prisoners.”

Report

Spain: National court acquits newspaper editors and journalists of terrorism offences

On 12 April, the *Audiencia Nacional* acquitted Joan Maria Torrealdei Nabea, Iñaki Uria Manterola, Martxelo Otamendi Egiguren, Xabier Oleaga Arondo, and José María Auzmendi Larrarte, editors and journalists of the Basque language newspaper *Euskaldunon Egunkaria*, of charges of membership of a terrorist organisation, namely *Euskadi Ta Askatasuna* (ETA). The Court found that no evidence established any connection between the publication and the terrorist organisation. The Court noted that medical reports corroborated the defendants' accusations of torture and ill-treatment while in *incommunicado* detention and found that the judicial control of the detention conditions had been insufficient. The *Audiencia Nacional* found no legal basis for the preventive closing of the newspaper ordered by the Investigative Judge in 1998.

Judgment (S)

Press Article (S)

Turkey: European Court finds expulsion of terrorist suspect to Tunisia would breach principle of *non-refoulement*

On 13 April, the European Court of Human Rights ruled that the Turkish authorities could not remove Mr Malek Charahili, to Tunisia, because of the risk of torture or inhuman or degrading treatment or punishment he would face in that country. Mr Charahili had been acquitted by Turkish courts on charges of membership of a terrorist organisation, al-Qaeda, but was convicted *in absentia* in Tunisia for being a member of Ennahda, an organisation deemed as terrorist by the Tunisian Government. The Court also found that his twenty months' detention while awaiting deportation in the basement of a police station amounted to degrading treatment, contrary to Article 3 of the European Convention.

Judgment

Turkey: Sending PMOI members to Iran would breach prohibition of torture, European Court says

On 13 April, the European Court of Human Rights found that the expulsion of Mohammad Javad Tehrani, Parviz Norouzi, Nader Kazempour Marand and Parviz Ranjbar Shorehdel, all Iranian citizens, to Iran would, if carried out, constitute a violation of Turkey's obligations to ensure that it does not transfer a person to a country where there would be a real risk of torture or ill-treatment, in accordance with the principle of *non-refoulement*. The four Iranians, members of the People's Mojahedin Organisation of Iran (PMOI), entered Turkey from Iraq and were recognised refugee status by the UNHCR. The Court also found that the conditions of detention of some of the applicants while awaiting deportation in the Tunca Accommodation Centre amounted to ill-treatment and that all the applicants' right to liberty had been violated as their detention was not sanctioned by law.

Judgment

Turkey: Courts convicts human rights defender for "spreading terrorist propaganda"

On 8 April, a criminal court in Diyarbakir convicted Sakharov Prize laureate Leyla Zana to three years imprisonment on charges of "spreading terrorist propaganda". The conviction is related to speeches she made at a Kurdish political congress and a protest meeting in 2008 in which she allegedly expressed admiration for the Kurdish Workers Party (PKK) and its leader Abdullallah Öcalan, and encouraged Turkish Prime Minister Erdogan to hold talks with Öcalan. Leyla Zana remains free pending appeal against the conviction.

Press Article 1

Press Article 2

Russian Federation: Constitutional Court upholds jury ban in terrorism trials

On April 20, the Constitutional Court upheld a 2008 law banning jury trials in certain cases, including those involving charges of terrorism. The Court ruled that trial by jury is not a necessary element of the right to a fair trial. It noted that, although under the

Constitution jury trials are mandatory in cases involving capital crimes, the longstanding death penalty moratorium allows the legislature to limit the use of juries if it is necessary for the protection of “values of constitutional significance”. The Court considered that trials on terrorism related crimes might involve risk for life and health of the participants, including members of the jury, thereby potentially affecting their impartiality and independence.

Court Statement (R)

Press Article (E)

Russian Federation: Authorities responsible for enforced disappearances in Chechnya, European Court rules

On 8 April, the European Court of Human Rights ruled that the enforced disappearance of Usman Umalatov and Shamad Durdiyev by Russian authorities during an “anti-terrorism” operation in the Chechen Republic constituted a violation of their right to life and right to liberty under the European Convention on Human Rights. The two victims were apprehended by the Federal Security Service (FSD) on 15 October 2002. They were held in unacknowledged detention and their fate and whereabouts were thereafter unknown. The Court also found that the investigations on their fate had been insufficient. The Court also found the enforced disappearance to constitute a violation of their relatives’ right not to be subject to inhuman or degrading treatment.

Judgment

Russian Federation: Israeli paramilitary extradition to Colombia would breach *non-refoulement* obligations, European Court says

On 1 April, the European Court of Human Rights held that the Russian Federation could not extradite to Colombia Gal Yair Klein, as he would have been at risk of inhuman or degrading treatment once in detention in that country. Gal Yair Klein, an Israeli citizen, had been convicted in 2001 by the *Tribunal Superior de Manizales* to ten years of imprisonment on charge of “instruction in and teaching of military and terrorist tactics, techniques and methods” for having trained in the end of the 1980s some paramilitary groups headed by Pablo Escobar, Gonzalo Rodriguez and Victor Carranza.

ECHR Judgment

Judgment (TS Manizales - S)

Press Article

Kazakhstan: New legislation on counter-terrorism introduces “simplified” searches

On 8 April, the President of Kazakhstan, Nursultan Nazarbayev, signed into force the *Law on Introduction of Amendments and Additions to Certain Legal Acts of the Republic of Kazakhstan on the Issues of Counteraction to Terrorism*. The law defines the legal regime of anti-terrorist operations and the limitations introduced during the operations, including simplified searches on persons and vehicles without witnesses, as usually required by ordinary legislation. The law also abolishes the statute of limitations for crimes of terrorism. On 9 April, Kazakhstan ratified an international agreement of the Shanghai Cooperation Organisation to take part in joint antiterrorist exercises.

Anti-Terrorism Law (R)

SCO Ratification Law (R)

Press Article 1

Press Article 2

Uzbekistan: Human Rights Committee concerned at use of counter-terrorism laws

On 25 March, the UN Human Rights Committee issued its Concluding Observations on Uzbekistan, pursuant to the Committee’s consideration of Uzbekistan’s periodic report on its compliance with its obligations under the *International Covenant on Civil and Political Rights*. The Committee expressed concern as to the application in practice of the Covenant’s guarantees in relation to persons suspected or charged with offences of “terrorism” or “terrorist activities” and at the number of persons reportedly detained as suspects of involvement in terrorist/extremist activities or on terrorist charges. The Committee recommended that Uzbekistan should ensure that anyone arrested or detained

on a criminal charge, including persons suspected of terrorism, has immediate access to a lawyer and that the grounds for detention are subject to review by a court.

Concluding Observations

ICJ Report

UNITED NATIONS & REGIONAL ORGANISATIONS

UN: Human Rights Council approves resolution on counter-terrorism and human rights

On 26 March, the Human Rights Council adopted a resolution on counter-terrorism and human rights, in which it called upon States to take measures to protect human rights in countering terrorism, including by ensuring an effective remedy to any person whose rights have been violated and to safeguard the right to privacy while countering terrorism. The Council stressed the importance for UN bodies and entities and international, regional and sub-regional organizations, to include respect of international human rights, humanitarian and refugee law, and of the rule of law as an important element of the technical assistance they offer to States in countering terrorism.

Resolution

UN: Human Rights Council adopts resolution on role of judges and lawyers in torture

On 26 March, the Human Rights Council adopted a resolution on the role and responsibility of judges, lawyers and prosecutors on torture and other cruel, inhuman or degrading treatment or punishment. The Council condemned any action or attempt by State and public officials to legalise, authorise or acquiesce in torture and other cruel, inhuman or degrading treatment or punishment, including on grounds of national security or through judicial decisions. The Council also called upon States to bring to justice and punish those who encourage, order, tolerate or perpetrate such acts.

Resolution

EU: European Commission presents new framework for SWIFT agreement with USA

On 23 April, the Council of the European Union provisionally approved a draft mandate for the European Commission to renegotiate the Society for Worldwide Interbank Financial Telecommunication (SWIFT) Agreement with the USA, which had been rejected by the European Parliament. SWIFT maintains a database recording millions of bank transactions each day. The Commission said that the new proposal will provide greater guarantees for the protection of the right to privacy, such as effective rights of administrative and judicial redress, right to access, rectification and erasure of data, and approval by a judicial authority for the transfer of data. The EU will reportedly have the right to terminate the Agreement in the event of breach of any of the data protection safeguards. The draft mandate to the European Commission will have to be ratified by the EU Council on General Affairs on 10 May.

Commission Proposal

Commission Statement

Council Statement

Nuclear Security Summit: 47 States commit to strengthen nuclear security

On 13 April, 47 States meeting at a Nuclear Security Summit in Washington issued a Final Declaration under which the States committed to strengthening the security of nuclear material and to cooperate to advance nuclear security as a means to prevent “unauthorized actors”, including “terrorists and criminals” from acquiring nuclear material.

Final Declaration

IN BRIEF

Ethiopia Anti-Terrorism Law undermines freedom of expression, Article 19 reports

On 31 March, the NGO Article 19 published its comments on the *2009 Ethiopian Anti-Terrorism Proclamation*. Article 19 considers that this law seriously undermines freedom of expression by giving the authorities broad and vaguely defined powers to authorities to criminalise speech that does not directly incite terrorism.

Report

Amnesty International exposes European use of diplomatic assurances

In April, Amnesty International released a report *Dangerous Deals: Europe's Reliance on 'Diplomatic Assurances' against Torture*, analysing the use of "diplomatic assurances" by European countries in order allegedly to circumvent their obligations to ensure that persons are not transferred to States where they face serious human rights violations, under the principle of *non-refoulement*.

Report

Press Article

ICJ Report to Human Rights Council exposes US violations in counter-terrorism

On 20 April, the ICJ published its report for the Universal Periodic Review by the Working Group of the Human Rights Council of the USA. The report outlines the continuation by the Obama administration of many of the laws and policies from the time of the Bush administration relating to counter-terrorism and human rights. While noting some improvement, the report expresses concern at ongoing policies and practices relating to detention, trial and transfer of persons held pursuant to counter-terrorism action in violation of the USA's international legal obligations. The ICJ report also addressed the persistent impunity and lack of accountability for serious human rights violations and crimes under international law.

Report

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