



E-BULLETIN ON COUNTER-TERRORISM & HUMAN RIGHTS

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AFRICA & MIDDLE EAST

Ghana: Parliament adopts new Anti-Terrorism Bill

On 18 July, the Ghana Parliament approved a bill seeking to suppress and detect acts of terrorism and to prevent terrorist acts from being committed on Ghanaian territory. The government stated that UN Security Council resolutions obliged it to pass the new legislation. Political opponents expressed concerns at the broad definition of terrorism, including violent demonstration.

[Government Statement](#)

[Opposition Statement](#)

[Press Article](#)

Tunisia: New report confirms the use of torture in terrorism cases

On 23 June, Amnesty International published a report alleging that the Tunisian authorities have engaged in arbitrary arrests and detention, enforced disappearances, torture and ill-treatment of terrorism suspects. It also argues that they cannot benefit from a fair trial when tried before military courts. This report confirms a February 2008 judgement by the European Court of Human Rights, ruling that a terrorism suspect should not be extradited to Tunisia on the basis that he would be subjected to torture.

[ECHR Judgement](#)

[AI Report](#)

[AI Press Release](#)

Israel: New draft law would prevent Palestinians from claiming compensation for damage

In July 2008, a draft amendment on the Civil Torts (Liability of the State) Law passed first reading in the Knesset. The law would prevent Palestinians who suffer from damage to their person or property as a result of acts of the Israeli security forces from filing compensation claims. The draft legislation is designed to replace an amendment struck down and found unconstitutional by the High Court of Justice on 12 December 2006. Several NGOs have alleged that the proposed amendment is the same than the one defeated in 2006.

[Draft Law \(Hebrew\)](#)

[Judgment 2006 \(Hebrew\)](#)

[NGOs Position Paper](#)

[Press Release](#)

AMERICAS

USA: First conviction of a Guantánamo detainee by a military commission

On 6 August, a military commission composed of six military officers convicted Salim Ahmed Hamdan, a former driver for Osama bin Laden, of providing material support for terrorism, but acquitted him of the other charge of conspiracy. On 7 August, he was sentenced to five and a half years in prison, with five years and one month already served in Guantánamo. Several trial observers have alleged the trial was unfair, because the prosecution relied on secret evidence and evidence obtained by torture.

[Press Article 1](#)

[Press Article 2](#)

[HRW Analysis](#)

USA: Draft law introduced to deal with *habeas corpus* cases of Guantánamo detainees

On 31 July, two senators introduced a draft bill on procedural rules to be applied to habeas petitions of Guantánamo detainees, who have been allowed by the Supreme Court in June to challenge the legality of their detention before US federal courts. Under the Bill, detainees would only be allowed to participate in certain proceedings through technological means from Guantánamo Bay and would be prevented from seeing classified information. It would allow detainees to challenge their detention, but not their transfer, treatment or trial, nor to seek monetary damages against US personnel. The draft is now before the Committee on the Judiciary of the Senate.

[Draft Law](#)

[Summary of Draft Law](#)

[Judgement June 2008](#)

USA: Appeals Court ruling allows military detention in US

On 15 July, the United States Court of Appeals for the Fourth Circuit ruled that President Bush has the legal power to order the indefinite military detentions of civilians captured in the

United States. The Court also ruled that Ali al-Marri, a Qatari citizen who has been held in military custody since June 2003, must be given an additional opportunity to challenge his detention in federal court, as he had not been able to challenge his designation as an enemy combatant.

[Judgement](#)

[HRF Background Information](#)

[Press Article](#)

USA: Federal Court of Appeal refuses to hear torture case of Maher Arar

On 30 June, the Second Circuit Court of Appeals in New York confirmed the lower court decision that looking into the allegations of torture made by Maher Arar would interfere with sensitive matters of foreign policy and national security. A Canadian citizen, Maher Arar was arrested in 2002 in New York and sent to Syria where he was tortured for several months. A Canadian official investigation has cleared him from any terrorist links.

[Judgement](#)

[CCR Statement](#)

[Press Article](#)

USA: Federal Court of Appeal clears first detainee of enemy combatant status

On Friday 20 June, the US Court of Appeal for the District of Columbia invalidated the Combatant Status Review Tribunal's decision that Guantánamo detainee Huzaifa Parhat is an enemy combatant. Mr Parhat is a Chinese citizen of Uighur origin, who was sold to the US by Pakistani bounty-hunters in 2001. The Court ordered the government to release him, transfer him or offer him a new hearing, but he fears being tortured or even executed if he is returned to China. On 21 July, he filed a motion for judgment on his *habeas* petition ordering release in the US.

[Judgement](#)

[Mr. Parhat's Motion for Release](#)

[HRW Statement](#)

[Press Article](#)

Canada: Supreme Court rules that the Intelligence Service should not destroy first-hand evidence

On 26 June, the Canadian Supreme Court ruled that the Canadian Security Intelligence Service (CSIS) violated Adil Charkaoui's Charter rights on procedural fairness by destroying notes from his interrogations, that are the basis of the security certificate against him. The Court held that the CSIS should retain all information that can be later used in criminal or security certificate proceedings. The Court did not rule on Mr Charkaoui's security certificate, which restricts his liberty, because it will be reviewed by the Federal Court in October.

[Judgement](#)

[Press Article](#)

Colombia: President Says Supreme Court's decision is helpful to Terrorists

On 26 June, President Alvaro Uribe called a press conference to say that the Supreme Court played into the hands of terrorists. A ruling from the Criminal Branch of the Court had convicted a former Member of Parliament for having received favours from the President in order to vote for the constitutional amendment that allowed for his re-election. President Uribe has called for a referendum to repeat the 2006 election.

[President's Statement \(Spanish\)](#)

[Press Article 1](#)

[Press Article 2](#)

ASIA - PACIFIC

Afghanistan: Parliament adopts its first law on combating terrorism

On 31 July, the Afghan parliament approved a new law on countering terrorism, to bring the country in line with the 13 international conventions on terrorism. The law contains provisions guaranteeing the rights of the accused, even if they are foreigners, and states that investigation and trial of terrorist offences should be carried out in line with the Criminal Procedure Code.

[Draft Law](#)

[UNODC Press Release](#)

EUROPE & COMMONWEALTH OF INDEPENDENT STATES

UK: UN Human Rights experts criticise counter-terrorism measures

On 21 July, the UN Human Rights Committee published its concluding observations on the sixth periodic report of the United Kingdom. The experts expressed concerns about, among other things, the reliance on diplomatic assurances against torture for the deportation of terrorism suspects; the extension of the maximum period of detention without charge of terrorism suspects from 14 to 28 days and the proposed extension of this maximum limit to 42 days; the control order regime, and the vague definition of "encouragement of terrorism" under the Terrorism Act 2006.

[HRC Concluding Observations](#)

UK: Parliamentary Committee proposes restraints on the use of diplomatic assurances

On 20 July, the Foreign Affairs Committee of the House of Commons published its Human Rights Annual Report for 2007. Given the differences in the definition of torture between the US and the UK, the Committee recommends that the UK stops relying on US assurances that it will not use torture. It also requests the government to detail its concerns about possible torture by the Pakistani Inter-Services Intelligence Agency.

[Foreign Affairs Committee Report](#)

[Press Article](#)

France: UN experts concerned at long police custody in terrorism cases

On 22 July, the UN Human Rights Committee published its concluding observations on France, raising concerns about the extension to six days of the initial detention of terrorism suspects in police custody before being brought to a judge or released without charge (*garde à vue*). The Committee recommended that terrorism suspects in pre-charge police custody be able to access a lawyer from the start of the *garde à vue* (instead of after three or in some cases five days under the current law).

[HRC Concluding Observations](#)

Ireland: Supreme Court rejects unfair trial claims from a Real IRA member

On 30 July, the Irish Supreme Court rejected an appeal from Michael McKeivitt, who was convicted in 2003 of directing terrorist activities and sentenced to 20 years in jail. Mr McKeivitt had argued that his trial had been unfair, because his conviction was based on evidence that was not disclosed to the defense, and some was unreliable because the main witness was later found to be involved in criminal activities. The Supreme Court found that the Court had dealt with the evidence with great care and fairness, and the conviction should not be quashed.

[Judgement](#)

[Press Article](#)

Ireland: UN experts publish their concluding observations

On 22 July, the UN Human Rights Committee recommended that Ireland define "terrorist acts" in its domestic legislation, exercise the utmost care when relying on official assurances to deport terrorism suspects to countries where they risk being subjected to torture or ill-treatment, and ensure that all allegations of rendition flights are publicly investigated. The experts requested the State Party to monitor how often terrorist acts have been investigated and prosecuted, including the length of pre-trial detention and access to a lawyer.

[HRC Concluding Observations](#)

Sweden: Parliament approves new law on eavesdropping

On 18 June, the Swedish Parliament approved very narrowly a bill that allows Sweden's National Defence Radio Establishment to monitor all outgoing and incoming communication across Swedish borders without a court order. The government argues that the law only applies to people connected with a terrorist or dangerous organisation or person. Opponents claim it monitors people who are not suspected of any offence, and the criteria for monitoring

are kept secret. One local NGO has lodged a complaint before the European Court of Human Rights.

[Draft Law \(Swedish\)](#)

[Minister's Statement](#)

[Press Article](#)

[Center for Justice's Complaint](#)

Sweden: Exonerated terror suspect will be compensated for deportation circumstances

On 3 July, the Swedish government declared that Sweden will pay 3 million kronor (\$500,000) in compensation to former Egyptian terrorism suspect Muhammed Alzery, who was handed over to the CIA, rendered to Egypt and kept in detention until 2003, when he was released without charges. The Chancellor of Justice said Sweden believed Alzery's claim that he had been tortured in Egypt. Negotiations for compensation to Ahmed Agiza, who was deported together with Alzery, are still ongoing.

[Press Article](#)

UNITED NATIONS & REGIONAL ORGANIZATIONS

Council of Europe's political body calls for improvement of procedures in EU and UN listing

On 9 July, the Committee of Ministers of the Council of Europe recommended that Member States support efforts made at the UN Security Council and the European Union to improve the fairness and transparency of the procedures applicable to the listing and de-listing of terrorist individuals or entities.

[Committee of Ministers' Reply](#)

[Parliamentary Assembly's Recommendation](#)

IN BRIEF

Human Rights Organisations request Kenya to stop detainee transfer

In July, a group of eleven international and local human rights organisations adopted a joint statement, to ask the Kenyan government to stop transferring "terrorism suspects" to Somalia, Ethiopia and the US.

[Joint Statement](#)

New report on European states' participation in renditions

In June, Amnesty International published a report on the denial by European states of their involvement in secret detention and renditions of terrorism suspects.

[AI Report](#)

G8 leaders recall that countering terrorism must respect human rights

On 8 July, the leaders of the G8 issued a joint statement condemning all acts of terrorism and reiterating their commitment to fight the threat of terrorism while ensuring the rule of law and respect for human rights and international law.

[Statement](#)

Council of Europe Commissioner for Human Rights highlights report on Northern Ireland hearing of Eminent Jurist Panel

In his 11 July view point, Thomas Hammarberg, Council of Europe Commissioner for Human Rights, elaborates on the report published by the Committee on the Administration of Justice after the visit of the Eminent Jurists Panel on Terrorism, Counter-terrorism and Human Rights in Northern Ireland.

[Commissioner's Viewpoint](#)

[Summary of CAJ Report](#)