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AFRICA & MIDDLE EAST

Ethiopia: UN independent experts criticise use of anti-terrorism law against press and opposition

On 2 February, the UN Special Rapporteurs on freedom of expression (Frank La Rue), on counter-terrorism and human rights (Ben Emmerson), on human rights defenders, (Margaret Sekaggya), on freedom of peaceful assembly and of association (Maina Kiai), and on the independence of judges and lawyers (Gabriela Knaul), expressed their concern at the prosecution, conviction and sentencing of journalists and opposition members in Ethiopia under the *Anti-Terrorism Proclamation 2009*. They called on the Ethiopian Government to respect the concerned individuals' fundamental rights, including their right to a fair trial, and reiterated the need to apply anti-terrorism legislation in accordance with the country's international human rights obligations.

UN SRs Statement

Press Article

Egypt: Terrorism death sentences repealed after African Commission's ruling

On 13 February, the interim Government revoked the death sentences of Mohamed Gayez Sabbah, Mohamed Abdalla Abu-Gareer, and Ossama Mohamed Al-Nakhlawy, Egyptian citizens who had been convicted for their alleged roles in the October 2004 bombings in the Sinai Peninsula tourist resorts of Taba and Nuweiba and the 2005 bombings at Sharm el Sheikh. The decision follows the adoption by the African Union of the judgment of the African Commission on Human and Peoples' Rights in which the Commission found that the trial of the three men had been manifestly unfair, in breach of their right to defence and appeal, including through the use of evidence obtained by torture, and that the applicants had been subjected to torture.

Judgment

NGO Statement

Algeria/France: NGOs ask Prime Minister not to extradite human rights defender to Algeria

See, EUROPE & COMMONWEALTH OF INDEPENDENT STATES

Lebanon: UN Special Tribunal begins trial for Hariri assassination *in absentia*

On 1 February, the Trial Chamber of the UN Special Tribunal for Lebanon decided to begin *in absentia* the criminal trial against Salim Jamil Ayyash, Mustafa Amine Badreddine, Hussein Hassan Oneissi, and Assad Hassan Sabra in relation to the 2005 assassination of former Prime Minister Rafik Hariri. The four men are accused of conspiracy to commit a terrorist act, committing a terrorist act by using explosive materials, the premeditated intentional homicide of Rafik Hariri and 21 others, and the premeditated intentional attempted homicide, including as accomplices to homicide, of 231 people by using explosives. The Chamber ruled that "all reasonable steps" had been undertaken to inform the defendants of the indictment and to assure their presence at trial, including by their arrest, as required by Rule 106 (A) (iii) of the Court. The Chamber found that the widespread dissemination of the charges in the media was evidence of the fact that it was impossible that the defendants had not been informed of the indictment and of the possibility to participate to the proceedings.

Ruling

Iraq: Two Vice-Presidential aides reported detained *incommunicado*

On 30 January, Amnesty International called on Iraqi authorities to reveal the whereabouts of Rasha Nameer Jaafer al-Hussain and Bassima Saleem Kiryakos, members of the media team of Vice-President Tareq al-Hashemi, who is subject to warrant for arrest on terrorism related charges. The two women were arrested without warrant on 1 January and detained *incommunicado* since that date. Bassima Saleem Kiryakos had called her husband on 20 January announcing her release, which did not in fact occur. Amnesty International called

on the authorities to charge or immediately release the two women and expressed fear at their *incommunicado* detention, particularly in light of the alleged routine use of torture by security forces.

NGO Statement

Yemen: Journalist convicted for press work begins hunger strike

On 15 February, the NGO Reporters Without Borders called for the immediate release of Abdul Ilah Haydar Shae, a Yemeni journalist for the *Saba* news agency, who has been detained in Sanaa since 16 August 2010. He was sentenced on 18 January 2011 to five years of imprisonment and two years of house arrest on the charge of “participating in an armed band and having links with Al-Qaeda.” Reportedly, he should have been released under presidential decree on 1 February, but remained in detention allegedly after the US expression of “concern” at his release. Abdul Ilah Haydar Shae was allegedly convicted in relation to his conducting an interview with Anwar Al-Awlaqi, former leader of Al-Qaeda in the Arabian Peninsula (AQAP). He began a hunger strike on 12 February.

NGO Statement

Israel: Security detainee stops hunger strike after promise of future release

On 21 February, Israeli authorities announced the release of Khader Adnan from administrative detention by 17 April, following a 66-day hunger strike by the detainee. Khadar Adnan, a Palestinian, was arrested by security forces on 17 December 2011 for “activities that threaten regional security.” Adnan has consequently stopped his hunger strike. The release came after calls by national and international NGOs to either charge or immediately release Khader Adnan and condemning the widespread use of administrative detention for alleged “security” suspects. The UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk, also protested at the situation in detention of Khader Adnan. Israeli Foreign Minister Avigdor Lieberman has reportedly decried the deal on his release, alleging that Adnan is a “terrorist” and a Jihad activist.

UN SR Statement

NGO Statement 1

NGO Statement 2

Press Article

AMERICAS

USA: Federal court of appeals upholds bar to civil suits on Guantánamo detainees’ deaths

On 21 February, the federal Court of Appeals for the Circuit of the District of Columbia upheld a lower court decision denying jurisdiction to a complaint against US officials brought by the relatives of Yasser Al-Zahrani, Jr., and Salah Ali Abdullah Ahmed Al-Salami, Jr., Guantánamo detainees found dead while in detention in 2006. The Court held that section 7 of the *Military Commission Act*, as modified by the Supreme Court decision in the case of *Boumediene v. Bush*, barred any lawsuit related to Guantánamo apart from *habeas corpus* action and deemed the bar constitutional. Yasser Al-Zahrani, Jr., and Salah Ali Abdullah Ahmed Al-Salami had been detained in Guantánamo since January 2003 and were found dead, along with a third detainee, on 10 June 2006. The Navy’s investigations attributed the deaths to suicide by hanging.

Ruling

USA: Alleged Wikileaks whistleblower Bradley Manning charged in military court and risks life imprisonment

On 23 February, Pfc. Bradley Manning refused to enter a plea at an arraignment hearing before a martial court, after the army charged him with 22 criminal counts which include aiding the enemy; wrongfully causing intelligence to be published on the internet knowing that it is accessible to the enemy; theft of public property or records; transmitting

defence information; and fraud and related activity in connection with computers. The charge of aiding the enemy carries a maximum penalty of life in prison. Bradley Manning is the US soldier accused of releasing classified information to Wikileaks, including some pertaining to possible US war crimes in Iraq and Afghanistan, and more than 250,000 diplomatic cables from around the world. The defence hinted that the military trial might not be able to take place before August. Bradley Manning has already spent 635 days in detention.

[Press Article 1](#)

[Press Article 2](#)

USA: Guantánamo detainee enters plea agreement to testify against inmates

On 29 February, Majid Khan, a “high value” detainee at the Guantánamo detention facility, pleaded guilty to all charges against him, after a plea agreement had been reportedly reached between him and military prosecutors. Reportedly, the plea would include Majid’s Khan’s agreement to testify at a military commission trial against other inmates in the next four years, whereafter he would be eligible for transfer to Pakistan, where his wife and daughter live. According to news report, he would have to serve 25 years of imprisonment. Kahn was charged on 14 February before a military commission with war crimes, including murder, attempted murder, spying and providing material support for terrorism. He was detained in Pakistan in March 2003 and allegedly subject to torture and enforced disappearance, together with 13 other high-profile detainees. In September 2006 he was transferred to Guantánamo Bay. His sentencing has been postponed until 2016.

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

USA: Pentagon’s senior legal officer defends targeted killing policy

On 22, Jeh Charles Johnson, General Counsel of the Department of Defense, delivered the Dean’s Lecture at Yale Law School on “National security law, lawyers and lawyering in the Obama Administration”. The speech focused on the basic legal principles forming the basis of the US military’s counter-terrorism actions against Al-Qaeda and its associated forces. In his speech, Johnson extended the interpretation of the power and authority under the Authorization for the Use of Military Force (AUMF) beyond Afghanistan, and defended the legality of the policy of targeted killings, including US citizens as targets, and the position that such measures should not be subject to courts’ authorization or revision. The policy and practice has been widely criticized by human rights advocates.

[Speech](#)

[Press Article](#)

Canada: Government’s bill introduces new terrorism offences

On 15 February, the Government introduced into the Senate Bill S-7 which aims at amending the *Criminal Code*, the *Canada Evidence Act* and the *Security of Information Act*. The draft legislation, if approved, will introduce the offence to leave, or attempt to leave, the country with the purpose of terrorist training; to leave Canada to facilitate a terrorist activity; to leave Canada to commit an offence for the benefit of a terrorist group; and to leave Canada to commit a terrorist act. It will also introduce investigative hearings which will allow courts to compel a witness to disclose information about a possible act of terrorism, even if that person has not been charged. The hearings could be held in secret and those who do not comply could be subject to arrest.

[Draft Law](#)

[Press Article](#)

Canada: Secret services can use information obtained by torture, says 2010 Directive

On 7 February, the content of a 2010 Public Safety Minister Directive to the Canadian secret service (CSIS) was disclosed through a Freedom of Information action. The Directive was revealed to allow for the use of information obtained through torture or ill-treatment where the ill-treatment was performed by non-Canadian officials. The Directive reportedly says that in “exceptional circumstances” where there is a threat to human life or public safety, urgency may require CSIS to “share the most complete information available at the

time with relevant authorities, including information based on intelligence provided by foreign agencies that may have been derived from the use of torture or mistreatment." In these cases, the decision lies with the CSIS director or his deputy and must be notified to the Minister. Public Safety Minister Vic Toews defended the position, saying that the Government prioritises the protection of life and property. Canadian opposition leaders and human rights organizations alleged that the directive is not compatible with Canada's human rights obligations.

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

Colombia: Appeals Court confirms conviction in case of enforced disappearances

On 30 January, the High Court of Bogota (*Tribunal Superior de Bogotá*) sentenced former Colonel Luis Alfonso Plazas Vegas to thirty years of imprisonment for command responsibility in the enforced disappearances of Irma Franco and Carlos Augusto Rodríguez Vera on 6 and 8 November 1985. It set aside the convictions for the enforced disappearance of another nine people for lack of sufficient evidence on their actual disappearance. Colonel Vegas commanded the operations to free hostages in the Supreme Court's Justice Palace (*Palacio de Justicia*), who were held by the *guerrilla* group M19. The Court also called on the Prosecutor of the International Criminal Court to consider whether to investigate former President Belisario Betancur on these matters, and directed the national prosecution service to investigate other officers who might also be responsible for the enforced disappearances. On 10 February, the Inter-American Commission on Human Rights brought the case of *Palacio de Justicia* to the attention of the Inter-American Court of Human Rights.

[Judgment \(S\)](#)

[IACHR Statement \(E\)](#)

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

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

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

Venezuela: Government tables in Parliament new legislation against terrorism financing

On 31 January, the Assembly of Venezuela approved a law entitled *Reforma de la Ley Organica contra la Delincuencia Organizada y Financiamiento al Terrorismo* ("Reform of the Organic Law against Organised Crime and Financing of Terrorism"). The law, which has reportedly been contested by some sectors of the civil society for fear that it will increase surveillance on opposition movements and NGOs, sets the legal framework of the country's action against financing of terrorism. It includes a provision sanctioning with three to six years of imprisonment directors or employees that facilitate or contribute to the commission of financing of terrorism or money laundering with negligence. It also allows for the interception of a wide series of means of communication, with judicial authorisation, for the purpose of preventing, prosecuting and sanctioning these offences.

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

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

Peru: Case on counter-terrorism abuses during Fujimori regime reaches Inter-American Court of Human Rights

On 2 February, the Inter-American Commission on Human Rights announced that on 4 January it had filed before the Inter-American Court of Human Rights the case of *J. v. Peru*. In that case, the Commission found that Peru was responsible for violating "J"'s rights to humane treatment, personal liberty, a fair trial, freedom from ex post facto laws and from retroactivity, privacy, and respect for her honour, dignity and private life, and judicial protection. The case originated from the arbitrary arrest and detention of "J" in 1992, during the presidency of Alberto Fujimori, where she was allegedly subject to torture, including rape. The case also relates to the violations of "J"'s fair trial rights when charged with alleged crimes of terrorism under Decree Law 25475, with a final conviction by a faceless Supreme Court of Justice. To this day, proceedings against "J" remain pending in Peru, with an international warrant for her arrest.

[IACHR Statement \(E\)](#)

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

ASIA - PACIFIC

India: Security law cannot shield officers from prosecution for human rights crimes, says Supreme Court

On 4 February, the Supreme Court of India ruled that the provision of the *Armed Forces (Special Powers) Act, 1958* (AFSPA) which requires approval of the central government to allow for prosecution of army and security personnel is not applicable to crimes which constitute grave human rights violations, such as rape and murder. The law had been used as an immunity shield for security forces, especially in the State of Jammu and Kashmir. The case originates from a dispute between the army and the Criminal Bureau of Investigation (CBI) over the prosecution for the extrajudicial execution of five villagers from Briarigan, Halan and Anantnag, allegedly mistaken by the security forces to be members of the Lashkar-e-Toiba guerrillas.

[NGO Statement](#)

[Press Article](#)

India: Alleged Mumbai attacker asks Supreme Court not to be sentenced to death

On 31 January, hearings began before the Supreme Court on the request of Ajmal Kasab, the alleged lone survivor among the attackers in the 2008 Mumbai terrorist operation, to set aside his sentence of death. His court appointed lawyer, Raju Ramachandra, claimed that Ajmal Kasab had not received proper legal assistance in the first months of his detention, during which he made a confessional statement. This was then retracted once he received proper representation. The lawyer held that this undermined his right to proper defence. He also pleaded on the young age of Ajmal Kasab and on the fact that the offence of “waging war against the State” did not fit the contested facts, which were closer to the offences of murder and terrorism. The representative of the Maharashtra government rejected the allegations by assuring that Ajmal Kasab’s rights had been respected throughout the whole detention and procedure.

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

India: Supreme Court overturns terrorism conviction for breach of defence rights

On 11 January, the Supreme Court of India vacated the conviction for terrorism and death sentence imposed on Mohammad Hussain, also known as Julfikar Ali, as the fact that the first instance court heard 52 prosecution witnesses in the absence of the accused’s defence lawyer constituted a manifest breach of his fair trial rights. Mohammad Hussain had been convicted in 2003 for an explosion in 1997 which claimed the lives of four people and seriously injured another 24 people. The two Supreme Court justices differed, however, on the final order. Justice H.L. Dattu remanded the case to the trial court for a retrial, while Justice Chandramauli Kr. Prasad ruled for the nullity of the whole procedure in light of the fact that a retrial 14 years after the events would violate Mohammad Hussein’s right to a trial within reasonable time.

[Judgment](#)

[Press Article](#)

Pakistan: Government to seek international warrant against Pervez Musharraf

On 28 February, the Federal Investigation Agency formally asked the Minister of Interior, Rehman Malik, to request the issuance by Interpol of an international arrest warrant against former President Pervez Musharraf. The arrest is in connection to the alleged lack of protection afforded to former Prime Minister Mohtarma Benazir Bhutto in the terrorist attack of 27 December 2007, which resulted in her assassination. On 5 November 2011, seven persons had been convicted of complicity in the assassination and failure to protect. On 15 April 2010, a UN Commission of Inquiry found both the Government’s protection of Benazir Bhutto and the subsequent investigations into the attack against her to be inadequate and ineffective. In addition to Benazir Bhutto, 24 persons were killed and 24 injured in the attack in the city of Rawalpindi on 27 December 2007. Nationally, arrest

warrants against Musharraf have been issued since February 2011 to no avail, due to the former President's self-imposed exile in the United Kingdom and the absence of extradition agreements between the two countries.

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

[Press Article 4](#)

Bangladesh: Parliament approves anti-terrorism law introducing death penalty for financing of terrorism

On 16 February, the Parliament (the Jatiya Sangsad) approved the draft legislation *Anti-terrorism (amendment) Act, 2011*. Reportedly, the new legislation includes a provision for the death penalty for involvement in, supporting or financing militancy and terrorist activities in the country. The law also would extend the power of the government to investigate "doubtful" transactions not only within banks, as in the previous law, but also concerning financial institutions, including NGOs. The national NGO Odhikar and the International Federation for Human Rights (FIDH) expressed their concerns at the legislation, including because it relies on an overly broad definition of terrorism in Bangladeshi law. The organizations demanded its amendment or repeal, and the conduct of a comprehensive review of existing legislation for compliance with international human rights law.

[NGOs Statement](#)

[Press Article](#)

EUROPE & COMMONWEALTH OF INDEPENDENT STATES

UK: Control order repealed for lack of access to summary of closed evidence

On 7 February, the Court of Appeal annulled a non-derogating control order issued against "AT", a person convicted in the past of the offence of financing of a UK-enlisted terrorist organisation, namely the Libyan Islamic Fighting Group (LIFG). The Court unanimously held that the evidence on which the High Court judge held the control order valid was closed evidence to which the defendant had not been granted access, and had not been provided with information in the form of a summary in order to prepare his defence. According to the judges, this deficiency was contrary to the European Court of Human Rights ruling in the case *A and Others v. United Kingdom*, a judgment which was issued while the trial judge was concluding his ruling.

[Ruling](#)

UK: Bail granted to Abu Qatada under strict conditions

On 6 February, Justice Mitting of the Special Immigration Appeals Tribunal granted bail to Omar Othman, also known as Abu Qatada, for a period of three months and under strict conditions. The judge held that, in light of the judgment of the European Court of Human Rights that the deportation to Jordan of Abu Qatada would have breached the prohibition of *non-refoulement* by exposing him to flagrant denial of a fair trial, it was highly likely that his detention would shortly become excessively long and, therefore, arbitrary. The Judge added that, if within three months the UK authorities were not able to assure his deportation, the deprivation of liberty would no longer be justifiable. Under the bail conditions, Abu Qatada will live at an assigned address and be able to leave it only for two hours each day, and visitors will need to be pre-approved, apart from his wife and children, and he will have no access to internet and electronic communications.

[Ruling](#)

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

UK: Bagram detainee's habeas corpus withdrawn for lack of US cooperation in release

On 23 February, the Court of Appeals allowed to lapse the writ of *habeas corpus* of Yunus Rahmatullah, a detainee held in the US-administered Bagram detention centre in Afghanistan, because of the explicit failure of US authorities to cooperate in his release. On 14 December, the same court had granted the action and ordered his charge or release through the activation of a Memorandum of Understanding (MoU) with the US

authorities, which was based on the UK's obligations under the Geneva Conventions 1949 and their Additional Protocols. The Court held that the existence of these agreements under the Geneva Conventions were sufficient to assure that the UK authorities had the power to release the detainee. Yunus Rahmatullah was captured in 2004 by UK forces in Iraq and then transferred to the US authorities, who later transferred him to the Bagram detention centre in Afghanistan. He has been held without charge for seven years. On 20 February, the NGO Reprieve filed a request with the Metropolitan Police for investigation of the UK government officials for complicity in war crimes.

[Ruling](#)

[UK-US Correspondence](#)

[Complaint](#)

[NGO Statement](#)

France: Terrorism suspects in police custody must be given the choice of their lawyer, says Constitutional Council

On 17 February, the Constitutional Council held that a provision, included in Article 702-88-2 of the Criminal Procedure Code, which allowed for the imposition of a public defender for terrorism suspects in police custody (*garde-à-vue*) was in breach of the right to defence under Article 16 of the 1789 Declaration of Human and Citizens Rights (*Déclaration des Droits de l'Homme et du Citoyen*). The provision gave power to a judge to appoint to the suspect a lawyer chosen from a list of attorneys drafted by the Bar. The Constitutional Council held that this provision violated the right of every person to choose his or her own lawyer and declared the provision null and void.

[Judgment \(F\)](#)

[Article 702-88-2 CPC \(F\)](#)

France/Algeria: NGOs ask Prime Minister not to extradite human rights defender to Algeria

On 24 January, ten international and national NGOs sent a joint letter to Prime Minister François Fillon asking him not to extradite Dr Mourad Dhina, executive director of Alkarama, a Swiss foundation working on human rights in the Arab world, and a founding member of Rachad, a peaceful political association legally registered in France. French police officials had arrested Dr Dhina on Monday 16 January 2012, at the request of the Algerian authorities, at Paris-Orly airport as he was about to fly back to Geneva. The following day, the President of the Paris Court of Appeal confirmed Dr Dhina's detention in view of his potential extradition to Algeria, and that Algerian authorities would have 30 days to present the case for his extradition. The organizations expressed their fear that an extradition to Algeria would expose Dr Mourad Dhina to the risk of being subject to torture or ill-treatment and a flagrant denial of fair trial in cases involving allegations of terrorism.

[Letter \(E\)](#)

[NGOs Statement \(E\)](#)

[Petition \(F\)](#)

Italy: Appeals Court acquits former Guantánamo detainee of terrorism charges

On 6 February, the Court of Appeal of Milan acquitted Mohamed Ben Riadh Nasri of the offence of international terrorism and ordered his release after he had spent eight years in arbitrary detention in Guantánamo and two years in detention on remand in Italy where he was transferred for prosecution in 2009. Reportedly, Riadh Nasri had told the Italian prosecutors that he had been subjected to torture in Guantánamo and that he had been beaten, detained in inhuman conditions and threatened with sexual abuse by women and men. It is not yet clear if the torture inflicted in Guantánamo weighed in the Court of Appeal's judgment. The written judgment may be published a month after the verdict.

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

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

Belgium: Terrorism convict should not have been forced to leave for Iraq, says European Court

On 31 January, the European Court of Human Rights held that Belgium had violated the prohibition of transfer to a country where the transferee faces a real risk of being subject to torture or ill-treatment (*non-refoulement*), because it had placed "M.S.", an Iraqi national, in a

situation in which he had no other alternative than to return to his country. “M.S.” had been convicted in 2004 of links with Al Qaeda and sentenced to 54 months of detention. After having served his sentence, he was placed in administrative detention with view to deportation. The Court held that “M.S.” had no alternative but to go back to his country as the other choices would have implied either detention or transfer to a third country, which was impossible. The Court also held that the applicant’s right not to be detained arbitrarily and to *habeas corpus* had been violated.

Judgment (F)

Poland: Investigations on CIA secret detention centres stalled, says Amnesty International

On 24 February, Amnesty International called on the Polish authorities to advance their investigations on the CIA secret detention centres and not to invoke State secrecy, after the Polish Prosecutor General changed the prosecutor in charge of an investigation into the matter for the second time in a year, without giving an explanation either in public or to the victims. The victims are Abd al-Rahim al-Nashiri and Zayn al-Abidin Muhammad Husayn, also known as Abu Zubaydah, who had been arrested in 2002 respectively in Dubai and in Pakistan and handed over to US authority. They had then been kept in CIA secret detention until 2006 and allegedly in Poland from 2002 to 2003. During this period, after which they were transferred to Guantánamo Bay, they had allegedly been subject to torture, including to the practice of “waterboarding”. Amnesty International called “on the Prosecutor General’s office to report publicly on what steps are being taken to ensure that an independent, impartial, thorough, and effective investigation is being carried out that will result in accountability, in terms both of individual criminal responsibility and Poland’s broader human rights responsibilities.”

NGO Statement

Bosnia and Herzegovina: Former Mujahedin must not be deported to Syria, says European Court

On 7 February, the European Court of Human Rights ruled that Imad al Husin could not be deported to Syria, his native country, without infringing the principle of *non-refoulement* as he would risk there to be subject to ill-treatment. The risk was caused by his former membership in the mujahedin movement during the war in Bosnia and Herzegovina in the 1990s, and also by his wrongful identification in the US Department of State’s Country Report on Terrorism as Abu Hamza al-Masri, and his arrest in Bosnia and Herzegovina on national security grounds. The Court also found a violation of his right to liberty.

Judgment

UNITED NATIONS & REGIONAL ORGANISATIONS

UN: Special Rapporteur on torture assesses the role and limits of commissions of inquiry

On 18 January, the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, issued his report to the UN Human Rights Council on commissions of inquiry into torture and other forms of ill-treatment. The study considers past experiences, including the UK Gibson inquiry into UK complicity in torture and rendition in counter-terrorism, and the Arar inquiry in which Canada investigated the rendition of Maher Arar to Syria. The report concludes that “commissions of inquiry may aid States in the fulfilment of their international legal obligations when allegations of torture and other forms of ill-treatment arise. However, in the absence of judicial mechanisms, a commission of inquiry alone will not satisfy a State’s obligations.”

Report

UN: Sanctions Committee de-lists Al Barakaat group from Al Qaeda list

On 17 February, the UN Security Council's Sanctions Committee removed from the Al-Qaeda List of persons and organisations linked to the terrorist organisation all references to the Al-Barakaat group and to Ali Ahmed Nur Jim'ale, founder of the group, who remains subject to a travel ban, assets freeze and targeted arms embargo concerning Somalia under Security Council resolution 1844 (2008). On 3 September 2008, the European Court of Justice had ruled that the listing of the Swedish branch of the Al-Barakaat group, the Al-Barakaat International Foundation then de-listed by the UN in 2009, was unlawful under EU law because it infringed the claimants' rights to property, to defence and to an effective remedy.

[UN Statement](#)

[ECJ Judgment](#)

UN: Counter-terrorism Task Force human rights Working Group holds symposium on fair trial in Middle East and North Africa

On 6 and 7 February, the UN Counter-Terrorism Implementation Task Force (CTITF) Working Group on Protecting Human Rights while Countering Terrorism organised in Istanbul a Regional Symposium on "Fair trial and Due Process in the Counter-Terrorism Context in the Middle East and North Africa". The Symposium gathered State prosecutors, judges, practitioners and experts from the region. During the event, the Istanbul Prosecutor-General, Turan Çolakkadı, stressed that upholding human rights and the rule of law in countering terrorism is of strategic importance, and that violating human rights and undermining the rule of law would aid terrorists.

[UN Statement](#)

Financial Action Task Force: Task Force publishes new recommendations against terrorism financing and money laundering

On 16 February, the Financial Action Task Force (FATF), an inter-governmental body dedicated to combat money laundering and terrorist financing, published a revised set of Recommendations. The revised text integrates counter-terrorism financing measures with anti-money laundering controls, and introduces new measures to counter the financing of the proliferation of weapons of mass destruction. In its explanatory notes to the recommendation, the FATF recommends that "[i]n determining the limits of, or fostering widespread support for, an effective counter-terrorist financing regime, countries must also respect human rights, respect the rule of law, and recognise the rights of innocent third parties."

[Recommendations](#)

[FATF Statement](#)

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