



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

No. 15, January 2007

**Eminent Jurists Panel on Terrorism, Counter-terrorism and Human Rights
holds hearing in the Russian Federation**

Russian Federation hearing

On 29-30 January, the Eminent Jurists Panel held a public hearing at the House of Journalists in Moscow to examine the Russian Federation's response to the threat of terrorism. The Panel was represented in Moscow by Ms. Mary Robinson (Ireland), Judge Stefan Trechsel (Switzerland) and Ms. Hina Jilani (Pakistan).

Next hearings: South Asia sub-regional hearing and Pakistan national hearing

On 27-28 February, the Panel will hold a sub-regional hearing in New Delhi to enquire into counter-terrorism laws, policies and practices in South Asia (India, Bangladesh, Sri Lanka, Nepal and the Maldives). The Panel will then visit Pakistan between 5 and 8 March for a national hearing. Justice Arthur Chaskalson (South Africa), Ms. Hina Jilani (Pakistan) and Professor Vitit Muntarbhorn (Thailand) will represent the Panel in India and Pakistan.

[EJP website](#)

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AFRICA & MIDDLE EAST

Israel: High Court rules on targeted killings of terrorist suspects

On 14 December, on a petition filed by the Public Committee Against Torture (PCAT) in Israel, the High Court of Justice ruled that international law does not categorically prohibit targeted killings of terrorist suspects. The Court held that terrorist suspects remain civilians and can only be targeted when taking a direct part in hostilities. The Court rejected the Government's argument that "terrorists" were "unlawful combatants" who could be legitimately targeted at any time.

[High Court's Decision](#)

[PCAT press release](#)

Israel: High Court partially overturns state compensation ban

On 12 December, the Israeli High Court of Justice partially invalidated the amendment to the Civil Wrongs Law, referred to as the "Intifada law", which barred civilians from claiming compensation from the Israeli Government for damages caused by the Israeli Defence Forces' operations in the Gaza Strip and the West Bank. The Court did not overturn the provisions preventing claims for harms suffered by "citizens of enemy states or members of terrorist organizations."

[High Court's Decision](#)

[Petitioners' website](#)

[Press article](#)

Egypt: Government to hold referendum to end 26-year old state of emergency

On 4 December, Prime Minister Ahmed Nazif announced that the Egyptian Government planned to hold a Constitutional referendum in summer 2007 on whether to replace the current state of emergency with anti-terrorism legislation. The state of emergency has been in place in Egypt since 1981, when President Anwar Sadat was assassinated.

[PM's speech \(Arabic\)](#)

[Press article](#)

Morocco: Court of Appeals acquits five ex-Guantánamo detainees

On 20 January, a Court of Appeal acquitted five Moroccans previously held at the Guantánamo Bay detention centre. They had been charged with offences that included belonging to a criminal organization and refusing to denounce crimes against state security.

[Press article](#)

AMERICAS

USA: Pentagon releases new "Manual for Military Commissions"

On 18 January, the Department of Defense presented to Congress its Manual outlining rules for trial of terrorist suspects by military commissions, to be conducted under the Military Commissions Act (MCA) of 2006. Human rights organizations criticized the new Manual for failing to mitigate the due process concerns raised by the MCA, such as the use of evidence obtained through coercion, the exclusion of the defendant from trial in some instances and limitations on the defendant's access to exculpatory evidence. The Manual contains some improvements over the previous military commissions' rules, including rules on attorney-client privilege and self-representation.

[Manual](#)

[Human Rights First analysis](#)

[MCA](#)

USA: Court upholds provisions removing *habeas corpus* of the Military Commissions Act

On 13 December, a district court judge upheld certain provisions of the Military Commissions Act that removed the statutory right of foreigners designated as "unlawful enemy combatants" to challenge the legality of their detention before US civilian courts. The Court held that, as an "enemy alien" captured outside the US and detained at Guantánamo Bay, Hamdan did not have a right to *habeas corpus* under the US Constitution. On 5 December, Senator Specter (Republican) introduced a bill to restore the rights of detainees to challenge the legality of their detention.

[District Court's Decision](#)

[Senator Specter's bill](#)

USA: Domestic surveillance programme to be overseen by FISA Court

On 17 January, the Department of Justice (DOJ) announced that the administration would, from now on, submit all domestic surveillance requests to the Foreign Intelligence Surveillance Court (FISC) for review and approval, in accordance with the Foreign Intelligence Surveillance Act (FISA). This move follows a District Court ruling in August 2006 finding that the warrantless surveillance program run by the National Security Agency was unconstitutional. On 26 January, the DOJ filed a motion to withdraw its appeal against the August decision, arguing that the lawsuit was moot.

[DOJ letter](#)

[DOJ briefing transcript](#)

[FISA](#)

[Gov't motion](#)

Canada: Prime Minister apologizes to Maher Arar

On 26 January, Prime Minister Stephen Harper apologized for the role that Canadian officials might have played in the deportation of a Canadian, Maher Arar, by the US to Syria where he was tortured. In December 2006, the Arar Commission of Inquiry released its final recommendations, calling for the establishment of new review mechanisms of the national security activities of the Royal Canadian Mounted Police (RCMP) and other federal departments. The Government has launched similar inquiries into three other cases in which Canadian officials were allegedly complicit in the detention and torture by Syrian intelligence agents of Canadians suspected of connections with terrorism.

[PM's apology](#)

[Recommendations](#)

[Commissions's website](#)

[Gov't PR on new inquiries](#)

Peru: Congress rejects death penalty for terrorism offences

On 10 January, the Peruvian Congress rejected President García's proposal to introduce the death penalty for terrorist offences. The President immediately suggested amending the provisions of the Constitution that prevent a referendum on his proposal. There were public demonstrations in support of President García's proposal.

[Draft legislation](#)

[Press article](#)

ASIA-PACIFIC

Sri Lanka: Government introduces new anti-terrorism regulations

On 6 December, the Sri Lankan Cabinet promulgated new emergency regulations on counter-terrorism. The regulations broadly define terrorist acts. The regulations have been criticized as having resulted in self-censorship by journalists reporting on issues related to terrorism. A requirement that the Government approve any dealings with persons or groups that may be engaged in terrorist activities has raised concerns amongst humanitarian and human rights NGOs working in the conflict areas.

[Emergency regulations](#)

[Gov't press release](#)

[ICJ press release](#)

Australia: Parliamentary Committee recommends appointment of an independent reviewer of anti-terror laws

In a report released on 4 December, the Parliamentary Joint Committee on Intelligence and Security recommended the appointment of an independent reviewer to oversee Australia's counter-terrorism legislation. The report also proposed that Australian police forces review their media policies to ensure that official statements do not prejudice a terrorist suspect's right to a fair trial. UN expert on counter-terrorism and human rights, Martin Scheinin, recently published a study on Australian counter-terrorism laws and practices.

[Report](#)

[Press article](#)

[M.Scheinin's study](#)

EUROPE & COMMONWEALTH OF INDEPENDENT STATES

Germany: Arrest warrants issued for Americans in alleged CIA abduction of El-Masri

On 31 January, German prosecutors announced that they had issued arrest warrants for 13 Americans in connection with the alleged abduction by the CIA of Khaled El-Masri. El-Masri, a German citizen, claims he was abducted by the CIA in Macedonia and transferred to a secret prison in Afghanistan, where he was tortured. He is appealing the May 2006 decision of a US district court, dismissing his civil lawsuit against the CIA.

[Press article](#)

Germany: Federal Constitutional Court refuses to hear appeal in Al-Motassadeq case

On 10 January, the Federal Constitutional Court upheld the conviction and sentence of Al-Motassadeq, who had been convicted of being an accessory to the murder of victims of the September 11th attacks and sentenced to 15 years in prison. Lawyers representing Al-Motassadeq argued that the conviction by the Federal Court of Justice was unfair as key witnesses in US custody were prevented by the US authorities from testifying at the trial.

[Court's press release \(German\)](#)

[Press article](#)

Italy: Court starts hearings on alleged CIA abduction

On 9 January, an Italian judge began preliminary hearings on the indictment of 26 Americans and 8 Italian officials, including the former head of the Italian Intelligence and Security Services (SISMI), Nicolo Pollari. The indictment relates to their alleged involvement in the abduction and rendition by CIA and SISMI of an Egyptian cleric, Abu Omar, in Milan in 2003. On 29 January, Nicolo Pollari's lawyers sought to halt the proceedings on the ground that evidence, which they claimed proved his innocence, had been excluded as classified information.

[Press article](#)

UK: Parliamentary Committee calls for closure of Guantánamo Bay

On 21 January, the House of Commons' Foreign Affairs Committee released a report based on its visit to Guantánamo Bay, calling on the UK Government to work with the US to develop an alternative to the Guantánamo Bay detention centre and to speed-up its closure.

[Report](#)

Russian Federation: Supreme Court upholds sentence against Beslan hostage taker

On 26 December, the Supreme Court of the Russian Federation upheld the life sentence of Nurpashi Kulayev, convicted for his involvement in the 2004 hostage-taking at a school in Beslan, in which 344 civilians, mostly children, were killed along with 31 hostage-takers. On 22 December, a Parliamentary Commission concluded that the hostage-takers were responsible for the explosion at the school, which triggered the violence and killings. The Commission's conclusions contradict an earlier account by an expert who participated in the inquiry, which alleged that Russian security forces were responsible for the initial explosion.

[Press article on the decision](#)

[Press article on the Commission](#)

UNITED NATIONS & REGIONAL ORGANIZATIONS

UN: Expert on counter-terrorism and human rights invited to Israel and the US

On 6 December, Martin Scheinin, UN Human Rights Council expert on counter-terrorism and human rights, publicly welcomed the positive response from the Israeli Government to his request to conduct a mission to Israel. On 16 January, the expert also announced that the US had accepted his request to visit the country in 2007. He is seeking to visit the US in the second half of May 2007.

[Press release 1](#)

[Press release 2](#)

UN: Experts discuss racial profiling at gathering on people of African descent

From 29 January to 2 February, the UN Working Group of Experts on People of African Descent, meeting in Geneva, examined the implications of racial profiling in areas such as counter-terrorism, the administration of justice and police work.

[Press release](#)

[Working Group's website](#)

EU: Court annuls asset freeze on Iran group listed as terrorist organization

On 12 December, the Court of First Instance annulled a decision by the EU Council to freeze the assets of the People's Mojahedin Organization of Iran (PMOI), listed by the EU as a terrorist organization. The Court found that the decision to freeze the group's assets was made without giving PMOI a fair hearing and was reached without a "sufficient statement of reason."

[Court's Decision](#)

[Court's Press release](#)

EU: Court admits Kurdistan Worker's Party's challenge

On 18 January, in the case brought on behalf of the Kurdistan Worker's Party (PKK) by its leader, Abdullah Öcalan, the European Court of Justice held that PKK could challenge a 2002 decision by the EU Council to include the party on the list of terrorist organizations. A lower court in February 2005 had dismissed this action on the ground that the PKK no longer existed.

[ECJ Decision](#)

[ECJ's press release](#)

EU: Parliamentary Committee adopts final report on secret detentions and renditions

On 23 January, the European Parliament's Temporary Committee adopted its final report on the alleged transportation and illegal detention of terrorist suspects by the CIA in Europe. The report concluded that temporary secret detention facilities might have been located at US military bases in Europe. It also called on the Committee on Civil Liberties, Justice and Home Affairs to follow up and, if necessary, recommend sanctions under EU Treaty Articles 6 and 7 against those Member States found to be in breach of the fundamental principles and values of the EU. The Parliament will vote on the report in February.

[Report](#)

[Press release](#)

ASEAN: Southeast Asian leaders sign convention on counter-terrorism

On 13 January, Member States of the Association of South East Asian Nations (ASEAN) adopted the ASEAN Convention on Counter-Terrorism. The Convention creates a framework for greater cooperation in counter-terrorism activities, including extradition of terrorist suspects and exchange of information.

[Convention](#)

IN BRIEF

Human Rights Watch releases World Report 2007

In its annual report, Human Rights Watch calls on EU countries to fill the leadership void on human rights, left by the US' abuses of detainees in the "war on terror".

[Report](#)

Dutch Advisory Council publishes final report on counter-terrorism

In January, the Advisory Council on International Affairs, an independent advisory body of the Dutch Government, released its final report on counter-terrorism.

[Report](#)

US Intelligence Science Board finds torture evidence unreliable

The Intelligence Science Board, a group that advises the US Director of National Intelligence, released a report, concluding that coercive interrogation techniques provided information with minimal, if any, intelligence value.

[Report](#)

