



E-BULLETIN ON COUNTER-TERRORISM & HUMAN RIGHTS

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AFRICA & MIDDLE EAST

Gambia: Sixteen charged with terrorism offences

On 24 June, sixteen people, twelve Senegalese and four Gambians, were charged in the Birkama Magistrate's court with terrorism-related offences. The defendants were reportedly charged with involvement in unlawful conduct "which may have seriously destabilized or destroyed the fundamental political, constitutional, economic and social structures of the Gambia". Two of the defendants were said to have spent at least two years in detention without having been charged.

[Press Article 1](#)

[Press Article 2](#)

Ethiopia: Counter-terrorism law approved by Parliament

On 7 July, the Ethiopian Parliament approved a new anti-terrorism law. The Anti-Terror Proclamation is said to contain broadly and vaguely constructed definitions of terrorist acts and offences. Conviction for the offences may lead to the imposition of the death penalty. The law grants the police expansive search powers and authority to intercept or conduct surveillance of communications without judicial warrant, and imposes a duty to denounce terrorist suspects under risk of criminal punishment. Human Rights advocates have expressed fears that it would undermine fair trial rights and the right to freedom of expression.

[Draft Law](#)

[NGO Analysis](#)

[NGO Statement](#)

[Press Article](#)

Morocco: NGOs ask UN independent experts to intervene for victim of Extraordinary Rendition

On 25 June, the American Civil Liberties Union and Alkarama sent a joint communication to the UN Special Rapporteur on Torture, Manfred Nowak, and the Special Rapporteur on Counter-Terrorism and Human Rights, Martin Scheinin, requesting action on the situation of Abou Elkassim Britel. Britel, an Italian citizen of Moroccan origin and a victim of rendition by the US, remains in detention in Morocco following his conviction on terrorism offences, based on a "confession" allegedly extracted under torture. The organizations requested the Special Rapporteurs take up the case with the Governments of the United States, Morocco, Pakistan and Italy, states allegedly complicit in his enforced disappearance and other human rights violations.

[Letter SR Torture](#)

[Letter SR Terrorism](#)

[NGO Statement](#)

Yemen: Specialised court sentences six men to death for terrorist activities

On 13 July, the Specialised Criminal Court sentenced to death six men, convicted of carrying out terrorist acts, including the killing of nine tourists and attacks on embassies. Amnesty International, which opposes the death penalty in all circumstances, expressed its hope for an overturn of the death sentences on appeal or for a presidential commutation of them.

[NGO Statement](#)

[Press Article](#)

AMERICAS

USA: Detention Policy Task Forces publishes preliminary report on military commissions

On 20 July, the Detention Policy Task Force entrusted by President Obama to review the detention policy of Guantánamo released a preliminary report on the military commission. The Task Force proposes that military commissions and ordinary courts complement each other and that the commissions try only violations of the laws of war. It proposes changes to the existing commissions to improve fair trial guarantees while maintaining some different rules to the federal courts, such as the use of hearsay evidence. In the proposal,

military commissions dispositions would be subject judicial appeal, the possibility to file a writ to the Supreme Court and there will be a prohibition on the use of evidence obtained by cruel, inhuman or degrading treatment. The Task Force announced it would need a further six months to complete its enquiry.

[Report](#)

[Press Article](#)

USA: New reports confirm torture practices at Guantánamo; CIA agent reveals early use of waterboarding

On 2 July, the Department of Defense released a set of twelve heavily redacted documents containing information on the situation in the Guantánamo detention centre. The unredacted parts reveal the use of interrogation techniques amounting to torture and cruel, inhuman or degrading treatment, despite denial by the officers in charge. On 13 July, former CIA agent, John Kiriakou, revealed that terrorist suspect Abu Zubaydah had been subjected to waterboarding even before the 2002 Office of Legal Counsel's memorandum advised as to the legality of the practice.

[Documents](#)

[NGO Statement](#)

[Press Article 1](#)

[Press Article 2](#)

USA: Report reveals internal Government fight on President's Surveillance Programme

On 10 July, the Inspector Generals from five Government's agencies (Department of Defense, Department of Justice (DOJ), CIA, National Security Agency, and Office of the Director of National Intelligence) issued a summary report on the President's Surveillance Programme (PSP), but most of the information gathered was kept secret and not revealed in the report summary. The Programme was enacted in the aftermath of 9/11 and led to interceptions of communication within US territory. The report concludes that the high degree of secrecy imposed partly undermined the PSP's efficacy. The PSP was at first advised to be legally justified by DOJ lawyer John Yoo, but, when his conclusions were not accepted within the DOJ, the White House was said to continue the program without the approval of the DOJ.

[Report](#)

[Press Article](#)

USA: Court frees Guantánamo detainee tortured by Al-Qaeda

On 22 June, a US federal judge ordered the immediate release of Guantánamo detainee Abdul Rahim Abdul Razak al Gingo (Abdul Rahim al Janko), a Syrian national, determining that there was no lawful basis for his detention, including as an "enemy combatant". Al Gingo has been detained by US forces in Kandahar and in Guantánamo since January 2002. Judge Richard Leon rejected the theory of the US Government that Al Gingo was part of Al-Qaeda, after he had been detained by Al-Qaeda and the Taliban for eighteen months during which he had been subjected to torture.

[Ruling](#)

[NGO Statement](#)

[Press Article](#)

USA: CIA targeted killing programme revealed; House of Representatives starts investigations

On 24 June, CIA Director Leon E. Panetta revealed to the Senate and House intelligence committees the existence of a secret programme of "targeted killing" of Al-Qaeda senior leaders authorised by the President, but that reportedly never became operational. As soon as he came to know its existence on 23 June, Leon Panetta suspended the programme. The CIA director is reported to have said that the programme had been hidden from the knowledge of the Congress by direct order of then Vice-President Dick Cheney. The House Intelligence Committee announced an investigation into the allegations.

[Committee's Chairwoman Statement](#)

[Press Article 1](#)

[Press Article 2](#)

USA: Government decides not to use information allegedly obtained by torture against Guantánamo detainee

On 15 July, Department of Justice's attorneys announced they will not make use of statements obtained from Guantánamo detainee Mohammed Jawad in his *habeas corpus* proceeding. Jawad was twelve years old at the time of his apprehension in Afghanistan. He had been detained, *inter alia*, in the Bagram Air Base (Afghanistan) and in Guantánamo, where he had allegedly been subject to torture which prompted his statements. On 1 July, Jawad's lawyer moved to suppress those statements. On 17 of July, the District Court of the District of Columbia suppressed all statements of Jawad made out of court.

[Court Order](#)

[Government Motion](#)

[Jawad Response](#)

[NGO Statement](#)

Canada: Review Committee reveals secret service reasonably knew Omar Khadr had been subject to torture

On 8 July, the Security Intelligence Review Committee released a redacted report containing a finding that the Canadian Security Intelligence Service had interrogated child detainee Omar Khadr in Guantánamo in the knowledge he might have been subject to torture or ill-treatment. The Committee determined that Security Intelligence Service had failed to take into consideration Khadr's age and observe his rights under the Convention on the Rights of the Child. The Committee recommended that the Security Service develop a policy framework in compliance with international law.

[Report](#)

[Press Article](#)

Canada: Search powers under control order abused by police, Federal Court says

On 23 June, the Federal Court ruled that the police searches in Mohamed Harkat's house, an Algerian terrorism suspect, violated his right to be free from unreasonable search and seizure. Harkat had been detained as person inadmissible to Canada on national security grounds from 2002 to 2006, when he was released under a control order allowing the police to search his home in order to ascertain his compliance with the order. The Court found that the last 12 May search was excessive and was motivated by a desire to find reasons for a renewal of the control order. The Court confirmed its 14 May's modification of the order by mandating a judicial authorisation for any future search.

[Judgment](#)

[Press Article 1](#)

[Press Article 2](#)

ASIA - PACIFIC

India: Government bans Maoist political parties and invokes anti-terrorism powers

On 22 June, the Ministry of Home Affairs included the *Communist Party of India (Marxist-Leninist)* – *People's War* and the *Maoist Communist Centre* and all organisations related to them in its domestic anti-terrorism list, after Maoist attacks on 12 July killed 27 policemen. This initiative applies the measures provided for in the *Unlawful Activities (Prevention) Act 1967*, the main Indian anti-terrorism law, which provides for police powers to arrest, detain and interrogate persons without trial. Villagers in Lalgarh, West Bengal have alleged that police have forced them to assist in operations, including in dangerous work searching for explosives.

[1967 Law \(UAPA\)](#)

[Government Statement 1](#)

[Government Statement 2](#)

[Press Article](#)

India: Newspaper reveals existence of 15 secret detention centres, torture and enforced disappearance in counter-terrorism

On 5 July, the Indian magazine *The Week* revealed the existence of at least fifteen secret detention facilities in India, including in Delhi, Mumbai, Jammu and Kashmir, Kolkata, and Assam, where "terrorist" suspects are held for prolonged long periods. The detainees are said to be subject to practices amounting to torture and cruel, inhuman or degrading

treatment or punishment. Among such practices, the newspaper listed administration of electric shocks, sleep deprivation, clothes-stripping, forced drug administration and beatings. Reportedly, some of the detainees have been subjected to enforced disappearance and were later found dead.

[Press Article](#)

Afghanistan/USA: Bagram detainees protest lack of legal remedies and denounce ill-treatment and abuses

On 29 June, the United States District Court of the District of Columbia rejected the petition of Haji Wazir for *habeas corpus*. Haji Wazir, an Afghan citizen, is detained in Bagram Air Base. After the decision, hundreds of prisoners in Bagram refused detention provisions, such as recreation time, family visits and talks with the International Committee of the Red Cross, in protest at denial of legal rights. On 24 June, some former Bagram detainees, interviewed by BBC, alleged ill-treatment in the detention centre.

[Ruling](#)

[Interview \(Video\)](#)

[Press Article](#)

Thailand: Members of political movement reject terrorism charges for 2008 blocking of airports

On 16 July, the lawyers for 36 members of the People's Alliance for Democracy filed a response to the charges of international terrorism against their clients. The charges were made by the police in connection with the occupation by the movement of Bangkok's Suvarnabhumi and Don Mueang airports in 2008. One of the charges carries a possible death sentence. The defendants include Foreign Minister Kasit Piromya.

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

Australia: Anti-Terrorism Laws Reform Bill 2009 tabled in Parliament

On 23 June, Senator Scott Ludlam introduced in the Senate the *Anti-Terrorism Laws Reform Bill 2009*, a private member's bill aimed to reform the existing anti-terrorism laws. The Bill aims at repealing the sedition offences. It removes any reference to damage to property from the definition of terrorism, limits the definition of terrorist organisation and provides for a more open procedure for listing of a terrorist organisation with the possibility of judicial review. The Bill limits the scope of the offences of terrorist training and providing support to a terrorist organisation, and repeals the offence of associating with a terrorism organisation. It further limits the security services' powers on detention and questioning.

[Draft Law](#)

[Explanatory Report](#)

New Zealand: Anti-Money Laundering and Countering Financing of Terrorism Bill introduced to Parliament

On 30 June, the Anti-Money Laundering and Counterterrorism Financing Terrorism (AML/CFT) Bill underwent the first hearing in Parliament. The purpose of the bill is to enhance New Zealand's legal counter-terrorism and money-laundering framework. Under the proposed bill the AMF/CFT supervisors such as the Reserve Bank, the Securities Commission, the Department of Internal Affairs will enforce the supervisory regime through establishing, implementing, maintaining and regularly auditing AML/CFT programme.

[Draft Law](#)

[Explanatory Report](#)

EUROPE & COMMONWEALTH OF INDEPENDENT STATES

UK: MP reveals complicity of secret services and police with overseas torture of terrorist suspects

On 8 July, a leading opposition Member of Parliament, David Davis, revealed in the House of Commons that in 2006 the Greater Manchester Police and the British Secret Services

allowed Rangzieb Ahmed, a suspected terrorist, to leave for Pakistan where, on the basis information provided by UK officers, Pakistani secret services arrested and tortured him. Ahmed was later convicted in the UK on terrorism-related charges based on the evidence gathered before his trip to Pakistan. David Davis denounced this situation as part of a wider pattern of UK complicity in torture abuses in counter-terrorism operations. Meanwhile, the Metropolitan Police Service announced the beginning of investigations into the allegations regarding the torture of former Guantánamo detainee Binyam Mohammed.

MP Statement

Police Statement

Press Article 1

Press Article 2

UK: Government let terrorist suspect leave UK to join family

On 4 July, the Ministry of Home Affairs agreed to issue permission to leave the country to Mahmoud Abu Rideh, a stateless Palestinian refugee who had been subject to detention and control orders in the past eight years as a terrorist suspect. The decision came as a result of a plea-bargaining in a lawsuit Abu Rideh brought against the Government.

NGO Statement

Press Article 1

Press Article 2

UK: High Court overrules control order based on secret evidence

On 3 July, the High Court of Justice overruled the modifications of a control order of a terrorist suspect, identified as "BM". The modification had resulted in his transfer from London to Leicester. The Court ruled that reliance on closed evidence did not allow the defendant to have access to the evidence and, consequently, to properly instruct his lawyer. The Court applied the precedent established by the House of Lords in *Secretary of State for the Home Department vs. AF* which found such practice in violation of the defendant's right to a fair trial.

Judgment

House of Lords Judgment

Press Article

UK: Parliament renews 28 days pre-charge detention for terrorist suspects

On 9 July, the Parliament confirmed the extension for an additional year of the power of police to detain terrorist suspects in pre-charge detention for up to 28 days, provided for by the *Terrorism Act 2006*. The decision comes despite a report of the Joint Committee on Human Rights which, among other things, found the existing procedure for judicial review to risk leading to breaches of Article 5(4) of the European Convention on Human Rights.

Terrorism Act 2006

Joint Committee Report

Parliament Statement

Ireland: Jurisdiction of Special Criminal Court extended to organised crime

On 23 July, *Criminal Justice (Amendment) Bill*, providing for organised crime offences to be tried before the Irish Special Criminal Court, was signed into law. The Special Criminal Court, which sits without a jury, was established in 1939 primarily to try terrorist offences, where the ordinary courts were considered inadequate to secure the effective administration of justice and the preservation of public peace and order. The Bill's provision for non-jury trials in organised crime cases, and other modifications to criminal procedure in such cases, attracted criticism from lawyers, NGOs and the Irish Human Rights Commission. The President sought the advice of the Council of State on whether the Bill should be referred to the Supreme Court for a review of its constitutionality, but subsequently decided not to refer the Bill to the Court.

Draft Law

NHRI Observations

Press Article 1

Press Article 2

Germany: Constitutional Court rules non-disclosure of intelligence information unconstitutional

On 17 July, the Constitutional Court ruled that the Government's refusal to provide testimony and access to information to the Parliamentary Inquiry into alleged cooperation of its intelligence services with the US policy of renditions, and arbitrary and secret

detention (BND Untersuchungsausschuss) is unconstitutional. The Government must provide detailed reasons for not disclosing any information it considers protected by state secrecy or that falls within the sole provenance of the Executive (Kernbereich der Exekutiven). The Court considered that information concerning cooperation with foreign intelligence services remains subject to parliamentary control and that a general risk of impeding relations with other states alone without detailed substantiation cannot be a basis for refusing parliament access to such information.

Judgment (German)

Parliament Inquiry Report (German)

Press Article (E)

Italy: Stricter detention conditions for terrorist and Mafia suspects passed into law

On 2 July, the Senate passed into law a Security Bill, which provides for stricter conditions of detention for persons suspected or convicted of terrorism or Mafia-related offences. Such modifications concern the “hard penitentiary regime” and, among others, may serve to restrict communications and visits by detainees’ counsel and unduly restrict the right of access to courts to seek a remedy against violations.

Law (Italian)

ICJ Submission on Draft

Spain: European Court of Human Rights upholds Spain’s ban of Basque political parties

On 30 June, the European Court of Human Rights held that the dissolution of the political parties *Batasuna* and *Herri Batasuna* by the Spanish courts in 2003 had been undertaken in compliance with the European Convention, including the right to freedom of association. The Court accepted that the refusal by the parties to condemn violence alone could have been a sufficient condition for the party’s dissolution. On the same day, the Court found the decision by the Spanish courts to allow for the disqualification of the candidatures of several people and political groups to local elections for connections with *ETA* to be proportional with the legitimate limitations to the right to stand for elections and freedom of expression.

Summary of Judgments (E)

Judgment *Batasuna* (F)

Spain: Man convicted for glorification of terrorism

On 17 June, the *Audiencia Nacional* convicted Manuel Gallastegui Miñaur to one year and three months detention for “glorification of terrorism”. Gallastegui Miñaur was convicted for having justified *ETA* terrorist activities in a TV interview as “patriotic” and having referred to the victims of terrorism as “enemy of the people”. On 10 July, the same tribunal rejected the petition of the association *Dignidad y Justicia*, which tried to block a demonstration against the imprisonment for life of two *ETA* detainees, holding that such a demonstration did not objectively constitute glorification of terrorism.

Judgment (S)

Court Order 1 (S)

Court Order 2 (S)

Press Article (S)

Portugal: MEP requests reopening of investigations in CIA rendition flights

On 6 July, a Member of the European Parliament, Ana Gomez, filed a request with the Public Prosecution Office (*Procuradoria Geral da Republica*) to reopen investigations into alleged CIA flights which passed over Portuguese airspace or landed in Portuguese airports between 2002 and 2006 in the context of the US Extraordinary Rendition Programme. The previous investigations by the Prosecution were closed and dropped on 29 May for alleged lack of evidence. MEP Ana Gomez, a member of the European Parliament’s Temporary Committee which investigated the renditions’ practice, alleged the investigations to have been inadequate.

Order (Portuguese)

EP Report (E)

Press Article (E)

Press Article (Portuguese)

UNITED NATIONS & REGIONAL ORGANISATIONS

UN: Sanctions Committee removes two people from terrorist list after adverse ruling by UN Human Rights Committee

On 20 July, the UN Al-Qaida and Taliban Sanctions Committee delisted Nabil Sayadi and Patricia Vinck from the UN Terrorism List. The initiative followed a decision on their case by the UN Human Rights Committee on 22 October 2008, which found Belgium to have violated their rights to freedom of movement and to privacy following their insertion in the UN Terrorism Lists. In its decision, the Human Rights Committee requested the Belgian Government to press for their deletion from the UN Terrorism List.

UN De-listed entities and persons

HRC Decision

UN: Sanctions Committee briefs Member States on review procedures of terrorism list

On 1 July, the Chairman of the UN Al-Qaida and Taliban Sanctions Committee, Thomas Mayr-Harting, the Permanent Representative of Austria to the United Nations, briefed the Member States of the Security Council on the Committee's activities. In the briefing, he explained the procedure for the making revisions to the list to the States and highlighted, in particular, the problem of the inclusion of deceased persons on the list. The Chairman suggested that measures ensuring greater fairness and transparency of the procedures could be approved by the Security Council at the end of 2009.

Briefing

Financial Action Task Force: Task Force publishes "International Best Practices on Freezing of Terrorist Assets"

On 2 July, the Financial Action Task Force, an inter-governmental body dedicated to combat money laundering and terrorist financing, issued a revised version of its compilation of international best practices on freezing of terrorist assets. In the report, the FATF recommends the insertion of due process guarantees, including communication of the reasons for listing and establishment of a de-listing adversarial procedure, in relation both to domestic and UN terrorism lists.

Best Practices

G-8: States reject trade-off between security and human rights

On 8 July, States participating in the G8 meeting in Italy issued a Declaration on Counter-Terrorism, where they stressed that the promotion of human rights, democracy, the rule of law and equitable social conditions to be elements of the most effective long-term response to terrorism. In the Declaration, the G8 rejected the idea of a trade-off between security and founding democratic principles and called for a terrorism sanctioning system respectful of fairness and transparency.

Declaration

Council of Europe: MPs present resolution calling for stock-taking in counter-terrorism and human rights

On 30 June, twenty MPs presented a resolution to the Parliamentary Assembly of the Council of Europe on human rights and the fight against terrorism. While calling on States to respect human rights in countering terrorism, the MPs ask for the initiation of a process of stock-taking to identify breaches of fundamental principles, to repudiate human rights violations and to articulate the primacy of international law. The resolution welcomes the ICJ Report of the Eminent Jurists Panel *Assessing Damage, Urging Action*.

Draft Resolution

EJP Report

Council of Europe: Commission on racism documents increased racism caused by counter-terrorism

On 2 June, the European Commission against Racism and Intolerance of the Council of Europe released its Annual Report on its 2008 activities. In the report, the Commission expresses regret that in Europe counter-terrorism efforts have often resulted in increased levels of racial prejudice and expresses concern at the use of racial profiling by the police in certain Council of Europe Countries.

Report

IN BRIEF

Human Rights First releases report concluding terrorism suspects can and should be tried in ordinary courts

On 23 July, Human Rights First released a report which makes a case that ordinary federal US courts, not military commissions or other specialized courts, should prosecute terrorism suspects. The report analyses recent past cases dealt with by US courts and concludes that ordinary courts are well suited to try suspected terrorists. It criticizes proposals for “national security courts”.

Report

Center for Human Rights and Global Justice publishes minimum standards for transfer

In June, the Center for Human Rights and Global Justice of New York University published a legal opinion concerning minimum standards for transfers in the context of counter-terrorism according to international law.

Legal Opinion

Amnesty International publishes recommendations for EU Swedish presidency

On 23 June, the European Union office of Amnesty International published a set of recommendations for the incoming EU Swedish presidency, among which are the rejection of the use of diplomatic assurances and measures for resettlement of Guantánamo detainees.

Recommendations

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