



E-BULLETIN ON COUNTER-TERRORISM & HUMAN RIGHTS

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AFRICA & MIDDLE EAST

Algeria: UN experts concerned about counter-terrorism procedures

Egypt: Parliament extends the emergency law for two more years

Israel: Supreme Court upholds indefinite detention of unlawful combatants

AMERICAS

USA: Supreme Courts allows Guantánamo Bay detainees to apply for habeas corpus

USA: Supreme Courts rules that US detainees in Iraq can be prosecuted by Iraqi courts

USA: Justice Department recognises FBI involvement in harsh interrogation

USA: UN experts on children rights concerned about juveniles detained in Guantánamo

Canada: Supreme Court orders disclosure of Guantánamo interrogation records

Colombia: The extradition of paramilitary leaders may lead to impunity for human rights violations

ASIA - PACIFIC

Bangladesh: Cabinet approves Anti-Terrorism Ordinance 2008

Malaysia: Federal Court confirms preventive detention of Hindu activists

Vietnam: Members of opposition charged with terrorism

Australia: UN experts on torture express concerns about detention of terrorism suspects

EUROPE & COMMONWEALTH OF INDEPENDENT STATES

UK: Court of Appeal confirms the removal of the People's Mujahideen Organisation of Iran (PMOI) from the UK blacklist

Spain: Human Rights expert conducts a mission on counter-terrorism laws and practices

Switzerland: Top jurisdiction upholds convictions for "cyberterrorism"

FYR Macedonia: UN experts call for Macedonian investigation in El-Masri case

UNITED NATIONS & REGIONAL ORGANIZATIONS

UN: High Commissioner for Human Rights submits annual report on counter-terrorism

IN BRIEF

NGO warns Philippines and US government not to confuse counter-terrorism and counter-insurgency operations

New reports on the prosecution of detainees held in US custody, in Afghanistan and the US

NGOs request Danish Minister not to use diplomatic assurances

AFRICA & MIDDLE EAST

Algeria: UN experts concerned about counter-terrorism procedures

On 15 May, the UN Committee against Torture published its concluding observations on Algeria. The experts expressed concerns about the broad definition of terrorism contained in the Penal Code and its possible use against non-terrorism suspects, as well as the length of pre-charge detention, without access to a lawyer. It also called on the government to assess the need to maintain the state of emergency, under which police powers are attributed to intelligence and security agents, who are often involved in torture cases.

[CAT Concluding Observations](#)

[CAT Press Release](#)

Egypt: Parliament extends the emergency law for two more years

On 26 May, the Egyptian Parliament approved a two-year extension of the state of emergency, in place in Egypt since 1967. The National Council for Human Rights and local human rights organisations deemed the prolongation of the state of emergency unnecessary, given the current stability in Egypt. In 2005, President Hosni Mubarak had promised that the 1958 emergency law would be replaced by a new counter terrorism law, but it has not yet been drafted.

[Egyptian Organisations Statement](#)

[HRW Press Release](#)

[Press Article](#)

Israel: Supreme Court upholds indefinite detention of unlawful combatants

On 12 June, the Israeli Supreme Court upheld the Incarceration of Unlawful Combatants Law, which allows the Chief of Staff of the Israeli Defence Forces to detain indefinitely any foreign citizen suspected of participating directly or indirectly in acts "hostile" to Israel or to belong to a group perpetrating "hostile" acts, on the basis of articles 2 and 7 of the Geneva Conventions. Several NGOs stated that the process to review the detention of the person every six months was not fair because only the judge could access the evidence and often without the presence of the accused, who has to prove that he/she is innocent.

[Judgement \(Hebrew\)](#)

[Law from 2002](#)

[HRW Statement 2002](#)

[Press Article](#)

AMERICAS

USA: Supreme Courts allows Guantánamo Bay detainees to apply for habeas corpus

On 12 June, the US Supreme Court ruled that foreign 'enemy combatants' held in Guantánamo Bay have the right to challenge their detention under the US Constitution. The Court ruled that the procedures for review of the detainees' status under the 2005 Detainee Treatment Act were not an adequate and effective substitute for habeas corpus, and declared unconstitutional section 7 of the 2006 Military Commissions Act, which denied habeas to any detained foreign 'enemy combatant'. As a result of the ruling, the approximately 270 detainees remaining in Guantánamo Bay will be able to challenge their detention before civilian judges.

[Judgement](#)

[AI Press Release](#)

[Press Article](#)

USA: Supreme Courts rules that US detainees in Iraq can be prosecuted by Iraqi courts

On 12 June, the Supreme Court unanimously held that American citizens held in US military custody in Iraq have a right to challenge their detention. The Court added that US courts could not forbid their transfer to Iraqi courts, even if the Iraqi criminal process did not contain all requirements contained in the US Constitution. The Court rejected the defence's argument that this transfer could result on torture, ruling that the decision on which countries are suitable to send detainees should be taken by the State Department.

[Judgement Munaf v. Geren](#)

[Press Article](#)

USA: Justice Department recognises FBI involvement in harsh interrogation

On 21 May, the Office of the Inspector General of the Justice Department issued a report on the FBI's involvement in and observations of detainee interrogations in Guantánamo Bay, Afghanistan and Iraq. The report relates the internal dissent and confusion within the military and the Central Intelligence Agency over the use of harsh interrogation techniques. On 14 May, the American Civil Liberties Union had obtained the release of secret documents from the Defence Department, including internal investigations about prisoners' death and ill-treatment.

[Justice Department Report](#)

[ACLU Statement](#)

[Press Article](#)

USA: UN experts on children rights concerned about juveniles detained in Guantánamo

On 22 May, the UN Committee on the Rights of the Child considered the report of the United States under the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict. During the meeting, several experts expressed concerns about the detention of three juveniles in Guantánamo Bay detention centre, and requested more information on the measures contained in the Military Commissions Act to ensure that juveniles be treated differently from adults. US representatives highlighted the various facilities provided to juveniles in Guantánamo, including education, health-care and psychological support.

[CRC Summary Record](#)

[Press Article](#)

Canada: Supreme Court orders disclosure of Guantánamo interrogation records

On 23 May, the Supreme Court ruled that the government had violated Canada's Constitution and its international human rights obligations by transmitting results of Canadian officials' interviews of Omar Kadhr at the Guantánamo Bay detention centre to U.S. officials. The Court ordered Canadian officials to allow Mr Kadhr access to records of his interrogations with Canadian agents, for use in preparing his defence before the Guantánamo Military Commission, where he is charged with murder, attempted murder, conspiracy, providing material support to terrorism and spying.

[Supreme Court Judgement](#)

[Press Article](#)

Colombia: The extradition of paramilitary leaders may lead to impunity for human rights violations

On 13 May, 14 leaders of the Colombian paramilitary were extradited to the United States, where they are charged of drug-trafficking. International and local NGOs regretted that, as a result of the extradition, they will not be able to cooperate with Colombian prosecutors on their inquiry into paramilitaries' human rights violations and terrorism offences, as well as their complicity with politicians and militaries. The UN office in Colombia expressed the fear that this decision will make it almost impossible for victims of those paramilitaries to claim their rights to justice, truth and reparation, thus consolidating impunity.

[OHCHR Statement \(Spanish\)](#)

[CCJ Statement \(Spanish\)](#)

[HRW Statement \(English\)](#)

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

ASIA - PACIFIC

Bangladesh: Cabinet approves Anti-Terrorism Ordinance 2008

On 18 May, the Council of Advisors approved the draft of an ordinance to combat terrorism and protect the integrity, solidarity, security and sovereignty of the State of Bangladesh. Concerns were expressed about the broad definition of terrorism, which

could allow the prosecution of political opponents and human rights activists, as well as the fact that it creates special terrorism courts to ensure “speedy trials.”

[ODHIKAR Statement](#)

[Press Article 1](#)

[Press Article 2](#)

Malaysia: Federal Court confirms preventive detention of Hindu activists

On 14 May, the Federal Court of Malaysia dismissed the appeal of the five Hindu Rights Action Force leaders who are held in preventive detention under section 8 of the Internal Security Act. They were arrested in December 2007 for being involved in a demonstration in support of the Indian minority in Malaysia, and are held on the basis of their alleged links with a Sri Lankan terrorist group. Several NGOs have called for the repeal of the Internal Security Act of 1960, which allows preventive detention for two years.

[OMCT & FIDH Report](#)

[Internal Security Act](#)

[Hindraf Statement](#)

[Press Article](#)

Vietnam: Members of opposition charged with terrorism

On 13 May, a Vietnamese-American and two Vietnamese nationals were convicted of terrorism by the People's Court in Ho Chi Minh City, for allegedly planning to distribute anti-government pamphlets. The three men belong to Viet Tan, a dissident organisation based in the US, considered as a terrorist organisation by Vietnam but not by the US. As the US citizen had already completed the equivalent of the six-months sentence of imprisonment, he was released a few days later and sent back to California.

[Press Article 1](#)

[Press Article 2](#)

Australia: UN experts on torture express concerns about detention of terrorism suspects

On 16 May, the UN Committee against Torture issued its concluding observations on Australia. The Committee expressed concerns about the increased powers provided to the Australian Security Intelligence Organization without judicial review, the secrecy surrounding the imposition of preventative detention and control orders (introduced by the Anti-Terrorism Act (N°2) 2005), and reports about the harsh conditions of detention of prisoners charged with terrorism-related offences.

[CAT Report](#)

[ATA \(n°2\) 2005](#)

[CAT Press Release](#)

EUROPE & COMMONWEALTH OF INDEPENDENT STATES

UK: Court of Appeal confirms the removal of the People's Mujahideen Organisation of Iran (PMOI) from the UK blacklist

On 7 May, the UK Court of Appeal upheld a decision of the Proscribed Organisations Appeal Commission requiring the removal of an Iranian opposition group from its blacklist of terror organisations. The Court confirmed that the listing of the PMOI could not be justified on the basis that it might at a future date reacquire the capacity and intent to engage in terrorism. In December 2006, the EU Court of First Instance had ruled that the PMOI should be removed from the EU terrorist list.

[Court of Appeal Judgment](#)

[EU Judgement \(2006\)](#)

[Press Article](#)

Spain: Human Rights expert conducts a mission on counter-terrorism laws and practices

In his preliminary report following his visit to Spain, the UN Special Rapporteur on counter-terrorism and human rights, Mr. Martin Scheinin, recognised the acute threat of terrorism in Spain and especially in the Basque country. He raised concerns about the broadening of the strict definition of terrorism in the Spanish Penal Code, the allegations of ill-treatment made by terrorism suspects held in incommunicado detention, and the lack of review of decisions of the *Audiencia Nacional*.

[Preliminary Report \(English\)](#)

[Preliminary Report \(Spanish\)](#)

Switzerland: Top jurisdiction upholds convictions for “cyberterrorism”

On 2 May, the Swiss Federal Tribunal upheld the decision of the Federal Criminal Tribunal in June 2007 to convict two Tunisian nationals for running websites supporting criminal organisations, including terrorist organisations. It rejected the complainants’ arguments that the conviction was in breach of the media law, and that they were not responsible for the contents posted by forum users.

[Federal Tribunal Judgement](#)

[Press Article](#)

FYR Macedonia: UN experts call for Macedonian investigation in El-Masri case

In April and May, the UN Committee against Torture and the Human Rights Committee expressed concerns about the investigations carried out by the Former Republic of Macedonia in the abduction and ill-treatment of Mr Khaled El-Masri when held by CIA agents in secret detention. The Committees advised the Macedonian government to undertake a new and thorough investigation and the Human Rights Committee recommended that it should consider awarding him compensation.

[CAT Summary Record 1](#)

[CAT Summary Record 2](#)

[HRC Concluding Observations](#)

UNITED NATIONS & REGIONAL ORGANIZATIONS

UN: High Commissioner for Human Rights submits annual report on counter-terrorism

On 2 June, Louise Arbour, High Commissioner for Human Rights, submitted her annual report on counter-terrorism and human rights to the General Assembly. She urged states to respect human rights law and to collaborate with UN Special Procedures while countering terrorism. She expressed concerns about the insufficient respect of the principle of legality in definitions of terrorism offences and about protection of fair trial rights.

[Report](#)

[UN Press Release](#)

IN BRIEF

NGO warns Philippines and US government not to confuse counter-terrorism and counter-insurgency operations

In May, the International Crisis Group issued a report warning the US and Philippines governments that anti-terrorist operations against the Abu Sayaf Group in Mindanao risk pushing more combatants into the arms of the two separatist groups of the region.

[Report](#)

New reports on the prosecution of detainees held in US custody, in Afghanistan and the US

In April, Human Rights First released a report about the prosecution by the Afghan government of detainees transferred from US custody. In May, HRF published a report on the prosecution of international terrorism cases before the US Federal Courts.

[Report Afghanistan Justice](#)

[Report US Federal Courts](#)

NGOs request Danish Minister not to use diplomatic assurances

In June, a coalition of human rights organisations, including the ICJ, wrote to the Danish Minister for Justice to express concerns about the possible use by Denmark of diplomatic assurances against torture as a basis for the return of foreign nationals to countries where they may face a risk of torture.

[Letter](#)

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