



E-BULLETIN ON COUNTER-TERRORISM & HUMAN RIGHTS

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AFRICA & MIDDLE EAST

Uganda: “Terrorist” suspects acquitted for inadequate investigations and vagueness of terrorism offence

On 14 May, the High Court of Uganda dismissed all the charges and acquitted the eleven people prosecuted under section 7 of the *Anti-Terrorism Act 2002* on allegations of burning down Nateete Police Station in 2009 during a large scale protest in Kampala at the issuance of a travel ban on a local official, the Katikkiro of Buganda, John Baptist Walusimbi. Judge Ralph W. Ochan found that the eleven days pre-charge detention of the defendants violated Article 23 of the Constitution, which allows only for a 48-hour period of detention. He also ruled that the charges were void for vagueness in breach of Article 28 of the Constitution, and that the officer in charge of the investigation did not have competence in terrorism investigations according to the law.

Judgment

Press Article

Burundi: Journalist sentenced to life imprisonment for “terrorism”

On 21 June, a trial court sentenced Hassan Ruvakuki, a journalist working with radio *Bonesha FM* and *Radio France Internationale’s* Swahili service, to life imprisonment. The defendant was charged with the offence of committing terrorist acts. Hassan Ruvakuki is reportedly accused of having given the signal for rebels of the Forces for the Restoration of Democracy (FRD) to launch an attack and of helping them by giving them publicity. The defence lawyers had refused to enter the pleas of 14 defendants in protest at the lack of fairness of the trial. Reporters Without Borders had also denounced the trial as unfair.

Press Article

Algeria: Lack of fair trial guarantees in terrorism cases documented by NGO report

On 18 June, Human Rights Watch published a report documenting the denial the fair trial rights of eight suspects charged with involvement in the kidnapping of 32 European tourists in 2003. Human Rights Watch reported that the suspects had been detained for up to six years in secret detention and were brought to trial only after the lifting of the state of emergency in February 2011. They have been tried in separate cases, which have been stalled for more than a year because of the courts’ rejection of the motions by the defence to call the alleged leader of the operation, also among those previously held in secret detention, to testify.

Report

Algeria: UN Special Rapporteur concerned at vagueness of terrorism offences

On 12 June, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, published the report on his visit to Algeria from 10 to 17 April 2011. The Special Rapporteur expressed concern at the vagueness of the definition of “terrorist and subversive acts” under Law No. 09-04 of 2009. He noted that application of the law could lead to abuses of the authorities’ powers of electronic surveillance, which allow them to scan, collect and register internet information to prevent offences amounting to terrorist or subversive acts and infractions against State security.

Report

Egypt: State of emergency lapsed but Ministry of Justice attempts to restore military powers

On 31 May, the state of emergency in force since 1981 was allowed to lapse by the National Assembly, putting an end to thirty-one years of rule under the Emergency Law. This legislation, enacted nominally to counter terrorism, had allowed for arrest and detention

of “suspects” without charge or trial for an indefinite period of time. Human Rights Watch called for the release of all persons still in detention on the basis of this law and for the transfer of all trials from the Emergency State Security Court, which does not guarantee independence and fair trial, to civilian courts. Human Rights Watch, Amnesty International and several national NGOs have called for the beginning of investigations and prosecution against those allegedly responsible for torture and arbitrary detention under the emergency legislation. On 13 June, the Minister of Justice issued decree No. 4991, which would reinstate many of the military’s powers of arrest and detention for ordinary crimes. However, on 26 June, an administrative court declared the decree unconstitutional and void.

[NGO Statement 1](#)

[NGO Statement 2](#)

[NGO Statement 3](#)

[Press Article 1](#)

[Press Article 2](#)

Iraq: UN report concerned at arbitrary detention, ill-treatment and unfair trials in countering terrorism

In May 2012, the Human Rights Office of the UN Assistance Mission for Iraq and the Office for the High Commissioner for Human Rights published their 2011 Report on Human Rights in Iraq. The report documents that a large number of people accused of being former members of the Baath Party had been arrested in 2011, allegedly linked to terrorist activities. Credible reports have been received by UNAMI that several of these detainees were held without access to a lawyer or their family members, have been subjected to threat, abuses and mistreatment to force them to sign confessions. Concern has also been expressed in the report about the fairness of trials on terrorism charges, where reportedly courts rely on “confessions” obtained under duress and with unreliable forensic evidence.

[Report](#)

Syria: UN Committee against Torture denounces widespread violations of the Convention

On 30 May, the UN Committee against Torture issued its observations in the absence of the special report the Committee had requested the Syrian authorities to produce on their compliance with the Convention against Torture in light of the present crisis. The Committee expressed deep concern at “consistent, credible, documented and corroborated allegations about the existence of widespread and systematic violations of the provisions of the Convention against the civilian population of the Syrian Arab Republic committed by the authorities of the State party and by militias (e.g. shabiha) acting at the instigation or with the consent or the acquiescence of the authorities of the State party”. On 1 June, the UN Human Rights Council approved a resolution on the killings in El-Houleh calling among other things for “an international, transparent, independent and prompt investigation into violations of international law with a view to hold to account those responsible for widespread, systematic and gross human rights violations, including those violations that may amount to crimes against humanity.”

[CAT Observations](#)

[HRC Resolution](#)

[UN Statement](#)

[Press Article](#)

Bahrain: Human rights defender jailed for “terrorism” ends hunger strike

On 28 May, human rights defender Abdulhadi Al-Khawaja concluded a 110-day hunger strike which began on 9 February in protest against his alleged unfair conviction. He had been convicted, together with other twenty human rights defenders and opposition members, in 2011, by a military court of the charges of creating and running a terrorist group designed to change the Constitution and system of monarchy by force; being in contact with a foreign terrorist group that acts in the interests of a foreign country and carries out hostile actions against Bahrain; and raising funds for this group. On 30 April, the Court of Cassation of Bahrain ordered their retrial in a civilian court, but did not

suspend their sentences. Mr Al-Khawaja's family stated that he considered his hunger strike successful, as it had publicized Bahrain's ongoing human rights situation. Reportedly, Abdulhadi Al-Khawaja has denied all charges against him and alleges that he has been subjected to physical assault during arrest, to arbitrary arrest, solitary confinement, unfair trial, and mental and physical torture since his arrest 13 months ago.

NGO Statement 1

NGO Statement 2

Israel-OPT: UN Special Rapporteur denounces wide use of administrative detention

On 25 May, the UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk, published his Annual Report to the UN Human Rights Council. In the report, he underlined the widespread use of administrative detention for national security mainly targeting individuals not engaged in violent activities, and of "exceedingly harsh treatment amounting to cruel and unusual punishment accompanying arrest, interrogation and detention". The UN Special Rapporteur noted that several Palestinian prisoners have engaged in open-ended hunger strikes to protest at such detentions and called for a "resolution of censure [to] be adopted by the Human Rights Council, and a special body be tasked with preparing a detailed study of the application of administrative detention as applied by Israel in the occupied Palestinian territory."

UN SR Report

NGO Report

UN Statement

Israel: Vague definition of "terrorism" hampers freedom of expression, says UN Special Rapporteur

On 11 June, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, published the report on his mission to Israel and the Occupied Palestinian Territories (OPT) conducted from 6 to 17 December 2011. In the report, the UN expert noted that the Israeli Penal Code contains several provisions that restrict the right to freedom of expression, including expression that constitutes incitement to racism, violence or terror. The Special Rapporteur expressed concern at the "vague and broad terms used in the aforementioned provisions, such as "words of approval" or "identification" with an act of violence or terror, inciting "hostile acts against the Government of a friendly state", and prohibition of expressions which "outrage the religious feelings or belief of other persons"." He also concluded that "making mere possession of a publication which may incite violence or terror an offence punishable by imprisonment is excessive."

Report

AMERICAS

USA: Supreme Court refuses to hear Guantánamo detention cases and challenge on unlawful detention in the USA

On 11 June, the Supreme Court refused to consider the lawsuits brought by seven Guantánamo detainees challenging their *habeas corpus* procedures, thereby confirming the rulings in recent years of the Court of Appeals for the District of Columbia in their interpretation of the landmark *Boumediene v. Bush* case. That court, among other things, had afforded wide deference to evidentiary claims by the Government. The Court also did not grant *certiorari* for the petition of José Padilla, thereby confirming the dismissal by the federal Court of Appeals for the Fourth Circuit of his appeal seeking damages and an injunction against former Secretary of Defense Donald H. Rumsfeld and another six US officers. The application sought to prevent him being labelled again as an "enemy combatant", and to claim damages for his alleged unlawful detention and torture while at the Naval Consolidated Brig at Charleston, South Carolina, from 2002 to 2005.

SC Order

NGO Statement 1

NGO Statement 2

USA/UN: UN experts denounce US targeted killing policy

On 21 June, in a parallel event in the UN Human Rights Council organised by the International Commission of Jurists and the American Civil Liberties Union, the UN Special Rapporteur on extrajudicial, arbitrary and summary executions, Christof Heyns, expressed concern at the US targeted killing policy and advanced the possibility that some of them might constitute "war crimes". The UN Special Rapporteur on the promotion and protection of human rights while countering terrorism, Ben Emmerson, said he would be prioritising inquiries into targeted killings and that the UN should consider establishing an investigatory body into these actions.

Event Flyer

UN SR Report

NGO Report

Press Article

USA: Suspension of "terrorism" administrative detention valid for all, says federal judge

On 6 June, federal Judge Katherine B. Forrest of the District Court for the Southern District of New York issued an order clarifying the breadth of her 16 May preliminary injunction against section 1021 of the *National Defence Authorisation Act (NDAA) for Fiscal Year 2012* which authorises indefinite detention for any "person who was a part of or substantially supported al-Qaeda, the Taliban, or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act or has directly supported such hostilities in aid of such enemy forces." Judge Forrest clarified that the injunction on this provision concerned all people and not only the applicants in the case, since it is a constitutional challenge. In her previous ruling, she found that the plaintiff had demonstrated a likelihood of succeeding in establishing that the vagueness in the terms of this section of the NDAA could have a chilling effect on their speech or associational activities in breach of their First and Fifth Amendment rights, which concern freedom of expression and due process of law.

Ruling

USA: Termination of former Guantánamo Chief Prosecutor from employment of Congress Library legitimate, says Court of Appeals

On 1 June, the US Court of Appeals for the District of Columbia dismissed the complaint of Colonel Morris D. Davis against the termination of his employment contract, during his probation period, with the Library of Congress. The termination was said to have been the result of the publication of opinion pieces Colonel Davis wrote which were critical of the Obama administration's decision to try some Guantánamo detainees in federal courts and some in military commissions. Colonel Davis had served as Chief Prosecutor for the military commissions from 2005 to 2007, and subsequently became an outspoken critic of the military commission system. The Court ruled that Colonel Davis was not entitled to a civil constitutional action (*Bivens* claim) as, even though the *Civil Service Reform Act* (CSRA) did not provide a remedy to employees in Colonel Davis's situation, this absence implied that Congress had not intended that a remedy be provided. Justice Rogers dissented, affirming that a *Bivens* action did in fact exist.

Ruling

USA: *New York Times* reveals details on decision procedure of targeted killings

On 29 May, the *New York Times* published an article based on interviews and confidential information reporting the primary role of President Obama in the decision of targeted drone killings of Al-Qaeda members or supporters in Pakistan, Yemen and Somalia. The article describes the procedures and the existence of a "kill list", with names and biographies out of which the counter-terrorism community suggests targets for strikes. The article revealed that all men of military age situated in a strike would be treated presumptively as combatants, rather than civilians, and their status would only be treated as civilian if it were proved to be so after their deaths. This categorization was said to account for the low civilian casualty rates claimed by the US administration. The

Chairman of the US Senate Armed Service Committee announced that the Committee would investigate any leaks from the Administration which led the newspaper to obtain this information.

[NY Times Article](#)

[Press Article](#)

Canada: UN Committee against Torture concerned at security detention of foreign nationals

On 1 June, the UN Committee against Torture issued its concluding observations on the compliance by Canada with its obligations under the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. The Committee called on Canada to “reconsider its policy of using administrative detention and immigration legislation to detain and remove non-citizens on the ground of national security, *inter alia*, by extensively reviewing the use of the security certificates and ensuring the prohibition of the use of information obtained by torture, in line with relevant domestic and international law”. The Committee also expressed concern at the delay in approving the request by Canadian citizen Omar Khadr’s, who was first detained by the US in Afghanistan as 15-year-old child in 2002, to be transferred to Canada, despite the agreement by US authorities. It expressed similar concern at the failure to issue formal apologies and compensation to Abdullah Almalki, Ahmad Abou Elmaati and Muayyed Nureddin for the complicity of Canadian services in their ill-treatment abroad. Finally, it criticized a Ministerial Direction to the Canadian secret services (CSIS) which could result in a violation of the State’s obligation not to use statements or evidence obtained by torture under the Convention.

[Concluding Observations](#)

[Press Article](#)

ASIA - PACIFIC

Hong Kong SAR: Rendition victim sues government for complicity

On 12 June, Sami al-Saadi sued the Government of Hong Kong Special Administrative Region (SAR) for its alleged complicity in his rendition to Tripoli (Libya) carried out in 2004 by the UK, US, Libyan and Hong Kong security services. In March 2004, he was kidnapped together with his family and all were flown to Libya where they were separated. Sami al-Saadi claims to have been subject to years of unlawful imprisonment during which he was subjected torture. He is suing the Government of Hong Kong for complicity in torture, conspiracy to injure, trespass to the person, misfeasance in public office and negligence.

[Press Article 1](#)

[Press Article 2](#)

Pakistan: Supreme Court orders authorities to produce “missing persons”; Prime Minister calls for protective legislation

On 20 June, a panel of the Supreme Court of Pakistan composed of Chief Justice Iftikhar Muhammad Chaudry, Justice Khilji Arif Hussain and Justice Jawad S. Khwaja, ordered Pakistani authorities to produce by 9 July all the remaining “missing persons” in Baluchistan who, according to a report, could amount to more than 100 persons. The Court also ordered the government to draft a policy for compensating families of the victims of enforced disappearances and other human rights violations in Baluchistan. On 3 June, then Prime Minister Yousuf Raza Gilani directed the Law Ministry to formulate new laws to help resolve the missing persons issue and make necessary amendments in the *Anti Terrorism Law* to counter terrorism in the country effectively.

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

[Press Article 4](#)

Philippines: President signs into law financing of terrorism Act

On 18 June, President Benigno Aquino III signed into law the *Terrorism Financing Prevention and Suppression Act 2012*, which introduces the offence of financing of terrorism

and provides the authorities with powers of investigation and asset freezing. The offence of financing of terrorism carries a maximum penalty of life imprisonment. The legislation also introduces an automatic freezing of assets procedure when a person or group is enlisted by the United Nations. However, the new law allows for a challenge to be brought before the Court of Appeal within five days from the communication of the freezing order.

Law

Press Article

Australia: Secret service's detention powers challenged in the High Court

On 18 June, the Melbourne Refugee and Immigration Legal Centre brought a case before the High Court on behalf of a Sri Lankan refugee, M-47, challenging the constitutionality of the Australian secret service (ASIO) powers to determine without due process whether a refugee constitutes a risk to national security. When such a risk is established, the refugee is kept in indefinite administrative detention if he or she cannot be expelled to any other country. The petition also challenges the constitutionality of this indefinite detention. As reported by the press, M-47 was probably refused a protection visa and maintained in detention on suspicion of links with the Liberation Tigers of Tamil Eelam (LTTE). The Green Party announced the tabling of legislation reforming these powers of ASIO, but media accounts indicate it is unlikely to be adopted.

Press Article 1

Press Article 2

Press Article 3

EUROPE & COMMONWEALTH OF INDEPENDENT STATES

UK: Deportation of Ethiopian allowed despite uneasiness of Court of Appeal

On 15 June, the Court of Appeal (Civil Division) dismissed the appeal of XX, an Ethiopian national resident in the UK, against the judgment of the Special Immigration Appeals Commission (SIAC). The dismissal confirms his order of deportation and holds that a transfer to Ethiopia would create a real risk of subjecting him to flagrant denial of a fair trial and to torture or ill-treatment, in part because of diplomatic assurances offered by Ethiopia. The fear of XX was based on the fact that, due to his past history, he might have been perceived as a person associated with Al-Shabaab, a Somali "terrorist" group. His deportation was ordered on national security grounds. The Court of Appeal, which can consider only errors of law, expressed unease at the reliance of the lower tribunal on the Ethiopian diplomatic assurances as their verification measures did not appear sufficient.

Ruling

UK: Bail request of Abu Qatada rejected

On 28 May, the Special Immigration Appeals Commission (SIAC) rejected the request for bail of Mohammed Othman, also known as Abu Qatada, since it was confident that a decision on his deportation to Jordan would be reached by October 2012. While underlining that the total length of Mohammed Othman's detention without charge of some seven years and three months constitutes a "lamentable record", SIAC found the continuance of detention lawful, proportional and necessary in view of the risk that he would flee and because alternatives to detention would not be possible for lack of resources in the relevant period due to the security needs arising from the hosting of the Olympics. The decision comes after a request for appeal to the Grand Chamber of the European Court of Human Rights was denied on 9 May, making final the European Court's decision that he could not be transferred to Jordan because of the risk that he would be exposed to a flagrant denial of his fair trial rights.

Ruling

Press Article

UK: Special Advocates reject extension of Special Advocates' system to civil claims

On 14 June, the majority of Special Advocates involved in the current closed material procedures, which allow for the use of classified evidence in deportation and other

administrative cases without sharing the information with the private party, expressed their opposition to the new *Justice and Security Bill*, which seeks to extend these procedures to general civil claims in ordinary courts. The Special Advocates declared that the case “has not been made for the introduction of closed material procedures (CMPs) in other types of civil litigation” and stressed that “CMPs are inherently unfair and contrary to the common law tradition.” They concluded that “[t]he Bill does not ensure that a CMP is adopted only when strictly necessary, nor does it provide for a judge to take the decision as to whether a CMP is needed”. The Constitution Committee of the House of Lords also found deficiency in the law in light of the principle of fairness in judicial proceedings, in a report published on 15 June.

[Draft Law](#)

[SA Submission](#)

[Const. Report](#)

UK: No action to get evidence for Ugandan trial, says High Court

On 26 June, the Queen’s Bench of the High Court dismissed a request by Omar Awadh Omar, Habib Sulieman Njoroge, and Yahya Suleiman Mbuthia to seek evidence from the Foreign Affairs Secretary to be used in proceedings before the Ugandan Constitutional Court, where they are challenging the legitimacy of a trial against them for the terrorist attacks of 9 July 2010 in Kampala. The challenge includes the complaint that the three persons had been subject to rendition and ill-treatment from Kenya to Uganda, in which other States, including the UK, were involved. The High Court held that this action for evidence could not be granted because the proper statutory regime allowed discretion to the government in national security cases, and the remaining remedy (the *Norwich Pharmacal* doctrine) was not applicable based on the principle of comity, as the applicants should have requested access to evidence to the same Ugandan Constitutional Court.

[Ruling](#)

Germany: European Commission brings Germany to Court for lack of implementation of data retention law

On 31 May, the European Commission brought Germany before the Court of Justice of the European Union for failure to implement the Data Retention Directive, which allows for storage and retention of internet information for criminal prosecution and intelligence purposes. The implementing legislation, certain provisions of the *Telecommunications Act* and of the Code of Criminal Procedure, was partially struck down by the Constitutional Court of Germany on 2 March 2010. The national Court held that the implementation went beyond requirements of EU law and constituted a disproportionate interference with the right to privacy. It noted in particular that the law failed to list specific crimes for which storage was required and that there were overbroad powers regarding the subsequent use of information by the authorities. The European Commission said Germany had two years to approve legislation in line both with EU law and the Constitutional Court’s ruling and asked the EU Court of Justice to impose a daily penalty payment of 315 036.54 Euros until action is taken.

[EU Commission Statement](#)

Spain: Central Criminal Court acquits Basque politicians of terrorism charges

On 11 June, the Criminal Chamber of the Central Criminal Court (*Audiencia Nacional*) acquitted eleven members of the political parties *Democracia 3 Milenio* (DM3) and *Askatasuna* of the charges of membership or collaboration with a terrorist organisation. The Court held that there were not enough elements to configure the offence as the constitution of a political party and other electoral activities are not “unequivocal” acts of membership or collaboration with a terrorist organisation”. The members of the two parties were accused of setting up political parties and conducting electoral activities in furtherance of the goals and policies of ETA.

[Judgment \(S\)](#)

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

Greece: Pre-trial detention of “terrorist” suspect breached the European Convention on Human Rights

On 12 June, the European Court of Human Rights held that Greek authorities had violated the right to liberty of Christoforos Kortesis, for his arrest and pre-charge detention for participation in a terrorist organization, destruction with, possession and production of explosives, attempted murder and damages to property. The Court held that the detention of Christoforos Kortesis from 10 April to 12 April, when he was presented before a judge, was undertaken in breach of national legislation which requires confirmation of detention by a judge within 24 hours of the arrest and therefore lacked a basis in national law in breach of Article 5.1 of the European Convention. The Court also found that his right to be informed of the charges against him under Article 5.2 had been violated, as the authorities had not communicated the charges to him until 29 hours after his arrest.

Judgment (F)

Serbia: Special detention regime bordering on inhuman and degrading, says European Torture Committee

On 14 June, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published the report of its visit to Serbia from 1 to 11 February 2011. The Committee documented the existence of a maximum security building in the closed section of Požarevac-Zabela Correctional Institution hosting 13 inmates sentenced to long terms of imprisonment for terrorist or organised criminal offences. While the Committee held that the material conditions were of a good standard, it found the regime in this Special Department to be “bordering on the inhuman and degrading”. The Committee reported that contacts among detainees are restricted to the daily two-hour outdoor exercise, taken in bare yards; custodial staff are restricted in talking to detainees; detainees are restrained in all movements out of the cells; and that the periods taken for review of detention are excessively long.

Report

Albania: No investigations carried out in renditions’ complicity, says UN Committee

On 1 June, the UN Committee against Torture issued its concluding observations on Albania’s compliance with its obligations under the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. The Committee expressed concern that the Government has not carried out meaningful investigations into the allegations of secret detention carried out on the territory of the State party in the context of its cooperation in countering terrorism; and has not provided information about measures undertaken to implement the recommendations of the UN joint study on global practices in relation to secret detention in the context of countering terrorism.

Concluding Observations

Turkey: Calling Öcalan “sir” is not “terrorism”, says Supreme Court

On 21 May, the Supreme Court of Appeal acquitted Kurdish politicians Hatip Dicle and Selim Sadak of the charges of praising a terrorist organisation, namely the Kurdistan Workers’ Party (PKK), by referring to its leader Öcalan as “sayin”, which means “mister” or “esteemed”, in an interview. The Supreme Court held that the interview had to be considered holistically and not only with reference to single words, and held that the conviction, and the consequent sentence of six years of imprisonment for each defendant, were in breach of Article 26 of the Constitution and Article 10 of the European Convention on Human Rights protecting freedom of expression. On 7 June, a special court convicted students Ferhat Tüzer and Berna Yılmaz to eight years and five months of imprisonment, and student Utku Aykar to two years and two months of the charges of membership in a

terrorist organization," and "making propaganda for a terrorist organization" for having unfurled a banner demanding free education at an event where Prime Minister Recep Tayyip Erdoğan was delivering a speech.

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

Turkey: UN Committee welcomes end of terrorism trials for children; but more steps must be taken

On 15 June, the UN Committee on the Rights of the Child issued its concluding observations on the compliance by Turkey with the *Convention on the Rights of the Child*. The Committee welcomed the amendments to the *Counter-Terrorism Law* (2010) providing for children to stand trial in juvenile courts and softening penalties for children under the age of 18. However, it expressed concern at the weak enforcement of this legislation and recommended that the State "undertake a comprehensive review of the implementation of its new legislation on children's rights, in particular the implementation of its amendments to the Counter-terrorism Law of 2010 and allocate necessary human, technical and financial resources to ensure the availability and efficient functioning of institutions required by such legislation."

[Concluding Observations](#)

Russian Federation: Right to life breached in "counter-terrorism" airstrike

On 29 May, the European Court of Human Rights ruled that Russian authorities had violated the right to life of Maydat Tsintsayeva, Zharadat Damayeva, Dzhaneta Damayeva, Umar-Khadzhi Damayev, Zura Damayeva and Zara Damayeva, the wife and the five children of Imar-Ali Mutaliyevich Damayev, a Chechen national, for their deaths during a "counter-terrorism" airstrike which destroyed the house in which they were living. The Court held that the Government did not provide any justification for the use of lethal force. The Court also found a violation of the procedural aspect of the right to life for the inadequacy and tardiness of the domestic investigations. It did not find a violation of the right of Mr Damayev not to be subject to inhuman and degrading treatment, despite the killing of almost his whole family, as that right is applicable only to cases of family members of people subject to enforced disappearance.

[Judgment](#)

Russian Federation: European Court rules on enforced disappearance of Dagestan citizen

On 12 June, the European Court of Human Rights held that Russia was responsible for the enforced disappearance of Ramazan Umarov, a citizen of Dagestan who had been arrested by Russian authorities on suspicion of "terrorism" and has remained unaccounted for ever since. The Court held that, after four years, he should be presumed dead and that Russian authorities have violated his right to life and his right to liberty. The Court also ruled that the right to life was also breached in its procedural dimension in light of the inadequacy of the investigations carried out. Finally the Court held that the right to be free from inhuman and degrading treatment of his parents had been also violated due to the situation of anxiety and uncertainty the disappearance caused and that their right to a remedy had not been respected.

[Judgment](#)

Kazakhstan: Extraditions to Uzbekistan breached the Convention against Torture, says UN Committee

On 7 June, the UN Committee against Torture ruled that the extradition by Kazakhstan of 27 Uzbek citizens and 2 Tajik citizens was in violation of the principle of *non-refoulement* to a country where they would have been at risk of being subject to torture (Article 3, *Convention against Torture*). The 29 applicants were allegedly wanted in Uzbekistan to answer for the charges of terrorism, establishment and participation in religious, extremist,

separatist, fundamentalist and other prohibited organisations, murder, participation in criminal organisations and other crimes. The Committee also found that Kazakhstan had not respected the *interim* measures it had issued and urged the Kazakh Government to provide redress for the complainant, including return to Kazakhstan and adequate compensation.

[Decision](#)

[Press Article](#)

UNITED NATIONS & REGIONAL ORGANISATIONS

UN: UN Special Rapporteur calls for protection of victims of terrorism rights

On 22 June, the UN Special Rapporteur on the promotion and protection of human rights while countering terrorism, Ben Emmerson, presented his report to the UN Human Rights Council. On the occasion of the report's presentation, he urged governments who "collectively face the threat of terrorism to collectively protect victims' rights," and called for the adoption of an international legal framework on the rights of victims of terrorism, including the corresponding obligations of the States. He also stressed that a call for the rights of victims of terrorism is "not for more torture, nor for more human rights abuse in countering terrorism," and drew attention to the fact that some States have been abandoning their human rights obligations in countering terrorism. The Special Rapporteur also issued a report on the follow up of the mandate's country missions.

[SR Report 1](#)

[SR Report 2](#)

[Video Interview](#)

[UN Statement](#)

UN: UN Special Rapporteur concerned at use of counter-terrorism laws to curb freedom of expression

On 4 June, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, published his Annual Report to the UN Human Rights Council. In the report, he expressed concern at the use of anti-terrorism and national security law to criminalise the legitimate activities of journalists and to repress freedom of expression. He stressed that States are responsible for ensuring that such legal measures are not used to limit freedom of expression.

[Report](#)

UN: Counter-terrorism measures used to restrict freedom of assembly, says UN Special Rapporteur

On 21 May, the UN Special Rapporteur on the rights of freedom of peaceful assembly and association, Maina Kiai, published his Annual Report to the UN Human Rights Council. In the report he noted that counter-terrorism and security measures have been used "as a justification for the adoption of a state of emergency or other stricter rules to void the rights to freedom of peaceful assembly and of association". He recalled that measures against money laundering and terrorism "should never be used as a justification to undermine the credibility of the concerned association, nor to unduly impede its legitimate work". The Special Rapporteur also stressed that all "measures adopted in this context should promote transparency and engender greater confidence in the sector, across the donor community and with the general public so that charitable funds and services reach intended legitimate beneficiaries."

[Report](#)

UN: Fight of racism and xenophobia is key in countering terrorism, says UN Special Rapporteur

On 15 May, the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance, Mutuma Ruteere, published his Annual Report to the UN Human Rights Council. In the report, the Special Rapporteur stresses that the prevention of racism, racial discrimination, xenophobia and related

intolerance is key in preventing and fighting terrorism. He has recalled that “without adequate mechanisms and measures to prevent the spread of racist and xenophobic stereotypes and attitudes, States’ counter-terrorism policies may be ineffective and lead to human rights violations and racial or ethnic profiling targeting specific groups”.

[Report](#)

UN/USA: UN experts denounce US targeted killing policy

[See, AMERICAS](#)

EU: Advocate General upholds deletion of Al-Aqsa from EU Terrorism List

On 6 June, the Advocate General of the Court of Justice of the European Union, Verica Trstenjak, delivered her opinion requesting the Court to dismiss the appeals against the General Court’s judgment of 9 September 2010 which annulled the EU Council decision to include the organisation Stichting Al-Aqsa, which provides support to organisations in Israel and the Occupied Palestinian Territory, on the EU Terrorism List for the purpose of freezing assets destined to finance a terrorist organisation. The Advocate General upheld the reasoning of the lower court that had ascertained that the administrative decision by the national authorities of the Netherlands, which was the ground of the Council’s decision to include the organisation, had been repealed by the Dutch Government.

[Opinion](#)

[GC Ruling](#)

Global Forum: Guidelines on criminal justice, rehabilitation and reintegration in counter-terrorism approved

On 7-8 June, the Global Counter-Terrorism Forum approved the *Rabat Memorandum on Good Practices for Effective Counterterrorism Practice in the Criminal Justice Sector*, which outlines non-binding good practices in counter-terrorism and criminal justice. It also approved the *Rome Memorandum on Good Practices for Rehabilitation and Reintegration of Violent Extremist Offenders*. The Forum is an organisation set up by the USA and Turkey in September 2011 to discuss and share counter-terrorism practices. It includes 30 Member States and the European Union.

[Justice Guidelines](#)

[Rehabilitation Guidelines](#)

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