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AFRICA & MIDDLE EAST

Kenya: Case on renditions to Uganda sent to East African Court of Justice

Zimbabwe: Supreme Court definitively clears senior opposition member of terrorism charges

Ivory Coast: Two journalists arrested amid political crises for “terrorism” refused bail

Djibouti: Case of CIA rendition programme against Djibouti presented at the African Commission on Human and Peoples’ Rights

Algeria: Senate confirms abrogation of state of emergency

Iraq: Man convicted for terrorism offence after ten years’ preventive detention

Iraq: UN Working Group finds detention of 37 PMOI members to be arbitrary

Egypt: UN Working Group finds that detentions of Muslim Brotherhood members are arbitrary

Israel: Court releases human rights defender arrested for “terrorism” offence

AMERICAS

USA: President Obama maintains Guantánamo detention and military commission

USA: Bill to block transfers of Guantánamo detainees onto US soil tabled in Senate

USA: Newspapers reveal FBI secret orders not to inform terrorism suspects of their rights

USA: Activists, lawyers and journalists fearing their surveillance can challenge new law, says Court of Appeals

USA: Senate Committee approves bill extending PATRIOT Act’s surveillance powers

Canada: Refugee Board makes mixed decisions for Tamil refugees

Bolivia: UN High Commissioner for Human Rights’ report underlines excessive length of and undue pressures in terrorism trial

Uruguay: Terrorism investigations opened after threats by men in uniform

Jamaica: Parliament approved Terrorism Law makes automatic terrorism list

ASIA - PACIFIC

Sri Lanka: Amnesty International publishes report on abuse of emergency detention

China: Supreme Court sentences seven people to death for “terrorist” activities

Bangladesh: NGO documents arrests of political opponents under anti-terrorism law

India: Amnesty International reports abuse of detention under counter-terrorism law

Malaysia: UN Working Group reports arbitrary detentions under anti-terrorism law

Australia: Former Guantánamo detainee claims Australia-USA plot

EUROPE & COMMONWEALTH OF INDEPENDENT STATES

UK: Home Department introduces modified stop and search powers through regulation

UK: Control orders rise; Parliamentary Committee calls for immediate reforms

UK: Court of Appeals upholds deportation with diplomatic assurance for man acquitted of terrorist charges

UK: Court of Appeals confirms convictions for crimes of terrorism

France: Constitutional Council holds anti-terrorism surveillance by private entities unconstitutional

Spain: Committee for Prevention of Torture criticises *incommunicado* detention regime

Spain: Investigations on torture in Guantánamo may proceed, holds central court

Spain: Supreme Court repeals convictions for glorification of terrorism for lack of judicial impartiality

Portugal: Parliament approves law introducing new terrorism offences

Turkey: European Court finds authorities tortured terrorism suspect

Turkey: Authorities arrest journalists on terrorism charges

Russian Federation: European Court finds several human rights violations for deaths and destruction of counter-terrorism bombing

UNITED NATIONS & REGIONAL ORGANISATIONS

UN: Security Council approves first report of Terrorism Listing Ombudsperson

UN: Human Rights Council calls for panel on human rights of victims of terrorism

UN: Human Rights Council holds discussion on hostage taking and terrorism

UN: Special Rapporteur on counter-terrorism and human rights presents report and best practices

EU: Commission and Parliament presented with evaluations of EU-USA Terrorist Financing Tracking Programme

EU: Council of the European Union adopts Internal Security Strategy action plan

EU: 2004 Interim Report on EU coordination in counter-terrorism made public

Council of Europe: Human Rights Commissioner identifies human rights problems with EU Arrest Warrant

Collective Security Treaty Organisation: Single register of terrorist and extremist organisations to be created

AFRICA & MIDDLE EAST

Kenya: Case on renditions to Uganda sent to East African Court of Justice

On 17 March, Justice Nicholas Ombija of the High Court referred to the East African Court of Justice a case challenging the renditions of Idris Magundu and Hassan Hussein Agade to Uganda. The two are currently on trial in Uganda facing 89 charges of murder, terrorism and attempted murder, in connection with the Kampala terrorist attack of 11 July 2010. They are part of a group of six Kenyan citizens who were allegedly subject to renditions to Uganda by Kenyan officials. On 14 March, Justice Minister Mutula Kilonzo declared that “renditions are unconstitutional, the Kenyans who were arrested must be presented in Kenyan courts to face trial and prosecution.”

[EACJ Website](#)

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

Zimbabwe: Supreme Court definitively clears senior opposition member of terrorism charges

On 10 March, the Supreme Court of Zimbabwe dismissed the appeal of the Government against the High Court’s acquittal of Roy Bennett, a senior political figure of the opposition party Movement for Democratic Change (MDC). Roy Bennett’s trial began in February 2009 on charges of illegal possession of firearms for purposes of committing acts of terrorism, banditry and insurgency, which carry the death penalty. The High Court had dismissed the case for lack of evidence.

[Press Article 1](#)

[Press Article 2](#)

Ivory Coast: Two journalists arrested amid political crises for “terrorism” refused bail

On 24 February, the Public Prosecutor’s office in Abidjan, with Justice Guéhi Kointahin Nathalie presiding, refused the requests of bail of Ladjé Aboubacar Sanogo and Kangbé Yayoro, two reporters of Télévision Notre Patrie (TVNP) in Bouaké which supports Alassane Outtara, recognized by the UN and the African Union as the legitimate President following disputed elections. The journalists were arrested by the Defence and Security Forces of the Ivorian army, loyal to Laurent Gbagbo, on 28 January, and are facing trial on the charge of “offence against national security” for alleged terrorist activities.

[Press Article](#)

Djibouti: Case of CIA rendition programme against Djibouti presented at the African Commission on Human and Peoples’ Rights

On 28 February, the Global Justice Clinic of New York University and the NGO INTERIGHTS filed an admissibility brief with the African Commission on Human and Peoples’ Rights, requesting the Commission to admit and consider the merits of the complaint against Djibouti by Mohammed al-Asad, a Yemeni national victim of the CIA rendition programme. The complainant, who resided in Tanzania beginning in 1985, was allegedly apprehended and detained in that country on 27 December 2003, and transferred the same day to Djibouti, where he was held in *incommunicado* detention and subject to torture and cruel, inhuman and degrading treatment. Mohammed al-Asad was later transferred to the United States-run secret detention centres in Afghanistan and to a third country, where he allegedly also underwent torture, and was finally returned to Yemen on 5 May 2005 and there released from detention on 14 March 2006.

[NGO Statement & Case Documents](#)

Algeria: Senate confirms abrogation of state of emergency

On 13 March, the People’s National Assembly (*Assemblée Nationale Populaire*) adopted an Ordinance abrogating the state of emergency, which has been in force in Algeria since 1992. The Assembly also approved other Ordinances which maintain the competence of the army to participate in the “fight against terrorism”, and a modification to the Code of

Criminal Procedure to provide for special “protection” under house arrests ordered by the Investigative Judge, for people suspected of terrorism and possessing information purported to aid investigative authorities to deepen investigations and prevent terrorist acts.

Ordinance (Emergency - F)

Ordinance (Army - F)

Press Article (F)

Iraq: Man convicted for terrorism offence after ten years’ preventive detention

On 17 March, Walid Yunis Ahmad was convicted of “sending orders and instructions from prison to his followers in Kirkuk and Mosul to carry out terrorist attacks in Dohuk in 2009” by the criminal court of Dohuk in the Kurdistan Region of Iraq (KRI). He was arrested on 6 February 2000 and charged only recently with involvement in “terrorist” crimes allegedly committed in 2009 when he had already been in prison for more than nine years. Amnesty International reported that Walid Yunis Ahmad had been convicted after a single day trial, without being able to question “secret informants” whose evidence was the basis for the charges against him; and alleged that he had been tortured, kept in solitary confinement and moved from prison to prison without explanation.

NGO Statement

Press Article

Iraq: UN Working Group finds detention of 37 PMOI members to be arbitrary

On 7 March, the UN Working Group on Arbitrary Detention published in its Annual Report Opinion no. 11/2010 in which it addressed the detention of 37 residents of Ashraf refugee camp, members of the Peoples Mujahiddin Of Iran (PMOI). Under the Status of Forces Agreement (SOFA) between the Governments of Iraq and the United States of America, the status of “protected persons” granted to the residents of the camp under international humanitarian law was discontinued. Shortly thereafter, on 29 July 2009, the police raided the camp resulting in eleven dead and some 450 injured persons. In the course of the raid they arrested the 37 complainants. Although their release was ordered 24 August 2009, they continue to be held in detention by local police. The Working Group found this detention to be arbitrary and without legal basis.

Working Group Report

Egypt: UN Working Group finds that detentions of Muslim Brotherhood members are arbitrary

On 7 March, the UN Working Group on Arbitrary Detention published in its Annual Report to the Human Rights Council Opinions 21/2010 and 22/2010 finding the detention of Abdul Mohamed Gamal Heshmat, Hosni Omar Ali Omaar, Abdel Hakim Abdel Raouf Hassan Solimand and ten other individuals to be arbitrary and contrary to Article 9 of the *International Covenant on Civil and Political Rights*. All the complainants had been arrested under Egypt’s Emergency Law on suspicion of being members of the Muslim Brotherhood. The Working Group reported that they had been released by criminal courts for lack of evidence, but were re-arrested immediately afterwards by the Secret Services under administrative detention powers, on grounds of alleged “threat to public security”. The Working Group held that such practices are contrary to Egypt’s obligations not only under Articles 9(2) and 9(4) ICCPR, but also under Article 19 ICCPR, as they curtail freedom of expression by using detention to silence political opposition.

Working Group Report

Israel: Court releases human rights defender arrested for “terrorism” offence

On 18 February, Dr Awad Abu Freih, the spokesperson of Al-Araqib village and member of the Al-Araqib Popular Committee and the Arab Education Forum in the Negev, was granted immediate and unconditional release by the Magistrate Court in Beer el-Sabe (Beer Sheva), which ruled that there was no legal basis for the detention. Dr Abu Freih had been arrested the day before and detained on charges of “incitement to violence or terror” for attempting to stop the home demolitions and dispossession of their lands of Arab

Bedouin citizens of Israel in the unrecognised village of Al-Araqib, which was demolished by the Israeli authorities for the 20th time in the last year, according to the NGO Adalah.

NGO Statement

AMERICAS

USA: President Obama maintains Guantánamo detention and military commission

On 7 March, President Obama issued an Executive Order which confirms indefinite administrative detention for a number of those Guantánamo detainees still held in Guantánamo and considered to be still “at war” with the United States. The order also provides for a Periodic Review Board charged with reviewing periodically the grounds for their detention. In a fact-sheet released jointly with the Executive Order, the US Administration announced that it will revive the use of military commissions to try certain Guantánamo detainees; that no Guantánamo detainee would be released on United States soil; and that it will contest the blocking by Congress of the transfer of some of these detainees to the US for prosecution in federal courts. Finally, the fact-sheet announces that the Obama administration would press for ratification by the Senate of the *Second Additional Protocol to the 1949 Geneva Conventions*, and that it will abide by Article 75 of their *First Protocol* in its conduct, despite it not having been ratified by the US Senate.

Executive Order

Fact-sheet

NGO Statement 1

NGO Statement 2

Press Article

USA: Bill to block transfers of Guantánamo detainees onto US soil tabled in Senate

On 10 March, Senator John McCain and five other Senators introduced in the Senate a bill titled the *Military Detainee Procedures Improvement Act 2011*. If adopted the legislation would prevent the deployment of financial resources to allow transfers of Guantánamo detainees to US territory including for the purpose of criminal prosecution in federal courts. Furthermore, it would prohibit the use of resources to transfer the detainees to foreign countries, including their country of origin, unless the Secretary of Defense certifies that the country of transfer was able to monitor and control the detainee and its satisfactory past performance in countering terrorism, and the non-existence of any recorded cases of “confirmed recidivism” in that country.

Draft Law

Press Article

USA: Newspapers reveal FBI secret orders not to inform terrorism suspects of their rights

On 24 March, the *Wall Street Journal* and the *New York Times* published an internal FBI memorandum to field officers dated 21 October 2010. The memorandum indicates that in “exceptional cases”, and, in particular, in light of “the magnitude and complexity of the threat often posed by terrorist organizations, particularly international terrorist organizations, and the nature of their attacks”, field officers may continue interrogations of terrorist suspects without informing them of their rights (the *Miranda* rule). The memorandum holds that this would be permissible when it “is necessary to collect valuable and timely intelligence not related to any immediate threat, and that the government’s interest in obtaining this intelligence outweighs the disadvantages of proceeding with unwarned interrogation.”

Memorandum

WSJ Article

NYT Article

NGO Statement

USA: Activists, lawyers and journalists fearing their surveillance can challenge new law, says Court of Appeals

On 21 March, the federal Court of Appeals for the Second Circuit reinstated a case brought by Amnesty International USA and other US and international NGOs, journalists and lawyers seeking a determination of unconstitutionality of the new section 702 of the

Foreign Intelligence Surveillance Act of 1978. The legislation gives wide powers to the Government to authorize surveillance of electronic communications of non-US citizens outside the United States. The plaintiffs argue that this legal regime affects them as it forces them either to avoid or to sustain high costs for conversations with their clients or contacts, among which are Guantánamo detainees or alleged terrorist suspects who are likely to be subject to surveillance. The Court of Appeal overturned the lower court ruling and held that the plaintiff had sufficient standing to bring a challenge based on the Fourth and Fifth Amendments, Article III of the US Constitution and the principle of separation of powers.

[Ruling](#)[Press Article](#)

USA: Senate Committee approves bill extending PATRIOT Act's surveillance powers

On 10 March, a bipartisan majority in the Senate Judicial Committee approved and sent to the full Senate the bill entitled *USA PATRIOT Act Sunset Extension Act of 2011*, which would extend until 31 December 2013 the validity of three intelligence-gathering tools of the *PATRIOT Act*, that are set to expire on 27 May 2011. These provisions confer on the Government authority for roving surveillance, including wire-taps and cell phone monitoring; oblige the production of business records and "other tangible things" during investigations; and allow the targeting of non-US citizens even when they are not necessarily associated with an identified terrorist group. The bill also provides for the expiration on the same date of the provisions allowing for a National Investigations Letter, an instrument normally used in terrorism investigations to obtain, without judicial warrant, records from phone companies and electronic communications services, financial records from banks and financial institutions and consumer identifying information and the identity of financial institutions, from credit bureaus. The original *PATRIOT Act* was adopted in 2001 in response to the 11 September attacks.

[Draft Law](#)[Committee's Chairman Statement](#)[Press Article](#)

Canada: Refugee Board makes mixed decisions for Tamil refugees

On 8 March, the Immigration and Refugee Board ordered the deportation of a Tamil migrant who had arrived with some 492 other migrants onboard the MV Sun Sea. The migrant was reportedly considered by the Board to be a member of the Liberation Tigers of Tamil Eelam (LTTE), a terrorist organisation banned in Canada. However, on 28 February, the same Board ordered the release of another Tamil migrant. The IRB adjudicator Marc Tessler considered that the released migrant did not represent a danger to Canada as he was a "mere sympathizer" of the LTTE and not a member or supporter, and held that he should be allowed to proceed with his refugee claim.

[Press Article 1](#)[Press Article 2](#)

Bolivia: UN High Commissioner for Human Rights' report underlines excessive length of and undue pressures in terrorism trial

On 23 March, the UN High Commissioner for Human Rights presented to the UN Human Rights Council a report on the activities of her office in Bolivia. In the report, the High Commissioner notes that the trial against former prefect of Pando, Leopoldo Fernández, and 25 others on charges of terrorism, homicide, murder, injuries, and conspiracy for the massacre in El Porvenir, had undergone undue delays which adversely affected right of the defendants and victims to seek prompt justice. The report also documented instances of threats and undue pressure against citizen-judges of the Court, a public prosecutor and a lawyer of the private prosecutors, as well as against some victims and witnesses.

[Report](#)

Uruguay: Terrorism investigations opened after threats by men in uniform

On 1 March, prosecutor Mónica Ferrero and Judge Jorge Diaz commenced an investigation into “terrorist activity” against unknown persons, after she was informed of a video in which people dressed in military uniform calling themselves *Ejército Nacional Libertador* pronounced threats against judges and prosecutors and announced “military operations” to free “political prisoners”, namely persons convicted for past crimes against humanity and gross human rights violations during the 1980s dictatorship. President José Mujica, who had received the video, testified as a witness before the judge and the prosecutor on 25 March.

[Video News 1 \(S\)](#)

[Video News 2 \(S\)](#)

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

Colombia: Constitutional Court publishes judgment on unconstitutionality of Intelligence Law

The Constitutional Court of Colombia published the full judgement of its decision of 16 November 2010 in which it ruled the *Law on Intelligence Activities* (no. 1288/2009) to be invalid, as it had not been approved following the proper legislative process. The Court found that, as the law affected fundamental rights, the Congress should have followed a more stringent procedure than it would in respect of ordinary legislation. The constitutional challenge was brought by the *Colombian Commission of Jurists and Reiniciar*, arguing that certain provisions of the law, which relate to the right to privacy, violate the principle of legality and are in breach of the freedom of information and the right to truth, justice and reparation.

[Judgment \(S\)](#)

[Petition \(S\)](#)

[Amicus Brief \(S\)](#)

Jamaica: Parliament approved Terrorism Law makes automatic terrorism list

In late March, the Parliament of Jamaica approved the *Terrorism Prevention (Amendment) Act 2011*, in a stated effort to meet international recommendations regarding financing of terrorist activities and organisations. The amendments will allow, among other things, for automatic insertion of an organisation on a Terrorism List if it had been previously listed as such by the UN Security Council bodies, regardless of suspicion of terrorist links or activities by the Director of Public Prosecutions.

[Draft Law](#)

[TPA 2005](#)

[Press Article](#)

ASIA - PACIFIC

Sri Lanka: Amnesty International publishes report on abuse of emergency detention

On 9 March, Amnesty International published a briefing paper entitled *Forgotten Prisoners*, which documents that more than 1,900 people arrested and detained under the *Prevention of Terrorism Act* (PTA) remain in custody pending investigations, without charge or trial. The paper also finds that some of the people administratively detained are held in secret detention facilities and are at risk of being exposed to torture or ill-treatment or extrajudicial killings. Amnesty International called for the immediate release of the detainees and for changes to the counter-terrorism and emergency legislation which allows for their detention

[Report](#)

[NGO Statement](#)

[Press Article](#)

China: Supreme Court sentences seven people to death for “terrorist” activities

On 23 March, news agencies announced that seven people from the Xinjiang region had been sentenced to death by the Supreme People’s Court of China for having carried out “violent, terrorist” activities. The news reports are unclear as to whether the seven are of

Uighur origin. News reports record that the persons concerned had committed murder connected with robberies and theft. The date of the executions has not been announced.

Press Article

Bangladesh: NGO documents arrests of political opponents under anti-terrorism law

On 1 March, the Bangladeshi NGO ODHIKAR reported that, on 21 and 25 February 2011, five members of the banned political organisation Hizb-ut Tahrir had been arrested under the *Anti-Terrorism Act 2009* for allegedly displaying anti-government posters on walls. Reportedly, the Public Relations Department of Hizb-ut Tahrir Bangladesh informed human rights organisations that several of its members have been subjected to torture and arbitrary arrests and detention. ODHIKAR documents that at least 20 members of Hizb-ut Tahrir were arrested by police across the country in February 2011 for anti-government campaigns.

Report

India: Amnesty International reports abuse of detention under counter-terrorism law

On 21 March, Amnesty International published a report *A Lawless Law: Detentions under the Jammu and Kashmir Public Safety Act* which documents abuse of this counter-terrorism law to detain political leaders and activists, suspected members or supporters of armed opposition groups, lawyers, journalists and protesters, including children. Amnesty International has estimated that in the past twenty years from 8,000 to 20,000 people have been detained under this emergency legislation. Detention under the *Public Safety Act* may last up to two years, but, according to the international NGO, the authorities often bypass the release orders by the High Court by issuing new detention orders.

Report

Law

NGO Statement

Malaysia: UN Working Group reports arbitrary detentions under anti-terrorism law

On 8 February, the UN Working Group on Arbitrary Detention published the report of its visit to Malaysia in June 2010. In the report, the Working Group calls for the repeal of the *Internal Security Act*, a counter-terrorism law which gives power to the police to arrest people without judicial warrant and to detain them in special police detention for up to 60 days, which may be extended for up to two years, or even indefinitely. The decisions taken pursuant to this legislation cannot be reviewed by courts. The Working Group has reported that, since its promulgation in 1960, approximately 20,000 persons have been detained under the *Internal Security Act*.

Working Group Report

Australia: Former Guantánamo detainee claims Australia-USA plot

On 2 March, former Guantánamo detainee David Hicks claimed that he had come into possession of newly released US State Department documents which showed that the then Australian Government acknowledged that he was not guilty of an offence while he was detained in Guantánamo and that efforts had been undertaken to find a way to “pin him with something”. David Hicks is an Australian citizen who was detained in Afghanistan in 2001 and then transferred in Guantánamo Bay where he was held for five years. In March 2007 he pleaded guilty to providing material support for terrorism and was able to serve the rest of the seven years sentence in Australia until his release at the end of 2007. David Hicks announced that the documents would be published in April by US journalist Jason Leopold.

Press Article

EUROPE & COMMONWEALTH OF INDEPENDENT STATES

UK: Home Department introduces modified stop and search powers through regulation

On 17 March, the Secretary of State for the Home Department issued the *Terrorism Act 2000 (Remedial) Order 2011 No. 631*, which repeals and replaces the counter-terrorism stop and search powers contained in sections 44-47 of the *Terrorism Act 2000*. The new measures entered into force on 18 March and provide that stop and searches powers may not last more than 14 days from their authorisation and that they can be authorised only when a senior officer reasonably suspects that an act of terrorism will take place or is necessary to prevent it. The stop and search authorisation must be communicated immediately to the Secretary of State for the Home Department who must confirm it within 48 hours in order to extend its validity. The Order also provides for a Code of Conduct on how to use the stop and searches powers. These provisions will lapse when Parliament approves the *Protection of Freedoms Bill*, which contains a new legal framework for stop and searches powers.

[Order](#)[Explanatory Memorandum](#)[Code of Conduct](#)

UK: Control orders rise; Parliamentary Committee calls for immediate reforms

On 17 March, Home Secretary Theresa May announced that the number of terrorist suspects subject to a control order increased from eight to ten in the last month. This increase occurred despite the Government's intention to replace the system of control orders by Terrorism Prevention and Investigation Measures (T-Pims) by the end of 2011. On 24 February, a report of the Home Office recorded that only one in four people arrested on suspicion of terrorism was subsequently charged with a terrorism offence in the last year. The Joint Committee on Human Rights recommended that a series of changes to the regime of control orders, recommended by the Counter-Terrorism Review led by Lord Ken McDonald, could begin immediately without waiting for the enactment of new legislation.

[Home Off. Report](#)[JCHR Report](#)[Press Article 1](#)[Press Article 2](#)[Press Article 3](#)

UK: Court of Appeals upholds deportation with diplomatic assurance for man acquitted of terrorist charges

On 22 March, the Court of Appeal upheld the deportation of MS, an Algerian citizen, to his home country after an order of the Secretary for the Home Department for his expulsion on grounds of national security. MS had been tried and acquitted of charges of terrorist activities and association in 2005. Nevertheless, the Court upheld the order of expulsion, finding that the Home Office had established that he still constituted a danger to national security and that the diplomatic guarantees not subject him to torture or ill-treatment contrary to article 3 of the *European Convention on Human Rights*, offered by the Algerian Government, were credible and sufficient to protect the international principle of *non-refoulement*.

[Ruling](#)

UK: Court of Appeals confirms convictions for crimes of terrorism

On 25 February, the Court of Appeal confirmed the convictions of Rangzieb Ahmed for directing the activities of a terrorist organisation (a cell of Al-Qaeda in the United Kingdom), and Habib Ahmed for membership of the same organisation, as well as other terrorism charges. The Court rejected the claims by the defence of Rangzieb Ahmed that he had been subject to torture while in Pakistan with the complicity of the British authorities and that he had later been a victim of an unlawful rendition to the United Kingdom. The Court refuted the last claim by finding that Pakistan was entitled to deport

a UK citizen such as Rangzieb to his home country. The Court held that the torture practices had not been proven and, even if they were, they did not provide grounds to order a stay of proceedings.

Judgment

Press Article

France: Constitutional Council holds anti-terrorism surveillance by private entities unconstitutional

On 10 March, the Constitutional Council declared unconstitutional and, consequently, void, several provisions of the *Loi d'orientation et de programmation pour la performance de la sécurité intérieure* (Law of Orientation and Planning for the Performance of Internal Security). The Council found that the provision allowing private parties to establish systems of video-surveillance on public streets in the vicinity of their commercial activities or properties, in places at risk of terrorist acts, assault or theft, was contrary to Article 12 of the 1793 *Declaration of the Rights of the Man and the Citizen* which establishes the public nature of these powers.

Judgment (F)

Council Statement (F)

Spain: Committee for Prevention of Torture criticises *incommunicado* detention regime

On 25 March, the European Committee for the Prevention of Torture issued a report on its visit to Spain in 2007. Among its findings, the Committee expressed concern at the current regime of *incommunicado* detention applied to a number of persons, including terrorist suspects. The Committee recommended that the regime be modified in order to guarantee the detainee the right to inform a person of the detention order and whereabouts no later than 48 hours after the deprivation of liberty; and the right to meet a lawyer and be examined by a doctor of his or her own choice. The Committee also held that these detainees should be properly informed about their legal situation and rights, be brought physically before a judge at the latest after 72 hours; and that there should be proper record-keeping of such detention.

Report

Spain: Investigations on torture in Guantánamo may proceed, holds central court

On 25 February, the plenary of the *Audiencia Nacional* allowed Investigative Judge Pablo Ruz to continue the investigations of his predecessor, Investigative Judge Baltasar Garzón Real, for crimes of torture and war crimes, under the principle of universal jurisdiction. The investigation concerns the activities of unknown US military and intelligence officers and those who allegedly planned and carried out torture in Guantánamo Bay. The investigations, initiated by Judge Garzón on 27 April 2009, arise from claims of four former Guantánamo detainees, two of whom were acquitted of terrorism offences in Spain, as the evidence against them was determined to have been obtained through torture.

NGO Statement (E)

Press Article (S)

Spain: Supreme Court repeals convictions for glorification of terrorism for lack of judicial impartiality

On 2 February, the Supreme Court (*Tribunal Supremo*) vacated and remanded a criminal conviction for glorification of terrorism against persons identified as Esteban, Miriam and Valentina issued by the *Audiencia Nacional*. The Supreme Court agreed with the applicants that the remarks by the President of the first-instance court had prejudiced the impartiality of the tribunal and that the judgment should therefore be annulled and a new trial should be held before different judges.

Judgment (S)

Portugal: Parliament approves law introducing new terrorism offences

On 18 March, the Parliament approved the final reading of the *Draft Law no. 44/XI/2*, which

amends the existing *Law on the Fight against Terrorism (Lei de Combate au Terrorismo no. 52/2003)*. Once it enters into force, the new law will add to the previous legislation the new offences of “diffuse messages to the public inciting to a terrorist act”; the recruitment of people in order to accomplish these acts; and the training or instruction of persons on the use or fabrication of explosives, firearms or any other weapon or dangerous substance.

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

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

Turkey: European Court finds authorities tortured terrorism suspect

On 15 March, the European Court of Human Rights held that Serdar Güzel had been subjected to torture while in detention by the anti-terrorism branch of the Istanbul Police Headquarters, in violation of Article 3 of the *European Convention on Human Rights* (ECHR). Serdar Güzel had been arrested on 20 February 1999 on suspicion of being a member of the Marxist-Leninist Communist Party (MLKP), an organisation outlawed in Turkey. The Court also held that the investigations and prosecution of the torture practices were insufficient, as the trial against the agents could not proceed due to the lapse of time under the statute of limitations. The Court found also a violation of Article 5(3) ECHR for the excessive length of the detention (more than eleven years); of Article 6(1) for excessive length of the criminal proceedings (twelve years); and of the right to an effective remedy under Article 13 ECHR.

[Judgment](#)

Turkey: Authorities arrest journalists on terrorism charges

On 3 March, nine Turkish journalists and writers were detained by the police under an order of an Istanbul court on suspicion of being members of the Ergenekon “terrorist organization”. The persons detained included Ahmet Sik, Nedim Sener, Professor Yalçın Küçük, and six employees of odaTV.com, an opposition news website, Sait Çakır, Dogan Yurdakul, Mumtaz Idil, Coskun Musluk, Müyesser Yıldız and İklim Bayraktar. Ahmet Sik and Nedim Sener have been kept in detention after having been formally charged with membership of a terrorist organisation. On 4 March, a criminal court sentenced author İsmail Beşikç to fifteen months’ imprisonment for “making propaganda for a terrorist organization”, Kurdistan Workers’ Party, or PKK, in a news article.

[UN Statement](#)

[NGO Statement](#)

[Press Article 1](#)

[Press Article 2](#)

Russian Federation: European Court finds several human rights violations for deaths and destruction of counter-terrorism bombing

On 29 March, the European Court of Human Rights held that the Russian Federation had violated the right to life of Borambike Esmukhambetova, Melikhan Abdurakhamova, Bota Kartakayeva, Elmurat Esmukhambetov, and Eldar Esmukhambetov, the latter two being children eight and two years of age. The five victims died as a result of a military airstrike on the village of Kogi in Chechnya in what the Government presented as a counter-terrorism operation. The Court found this operation to constitute a manifestly disproportionate use of force for the purpose of carrying out a lawful arrest. Furthermore, the lack of effective investigation into these deaths represented a violation of their right to life, under Article 2 of the *European Convention on Human Rights* (ECHR). The Court also held that the fact that Mr Esmukhambetov witnessed the killing of his family constituted inhuman treatment in breach of Article 3 ECHR; and that the destruction of the houses and properties of 27 applicants violated their right to respect for the home (Article 8 ECHR) and right to property (Article 1 Protocol 1 ECHR). The Court also found a violation of the applicants’ right to an effective remedy.

[Judgment](#)

UNITED NATIONS & REGIONAL ORGANISATIONS

UN: Security Council approves first report of Terrorism Listing Ombudsperson

On 28 February, the UN Security Council considered the first report of the Ombudsperson in charge of aiding the UN Al-Qaeda and Taliban Sanctions Committee in de-listing persons or groups from the UN Terrorism List. In the report, the Ombudsperson, Judge Kimberly Prost, recommended that her mandate be extended to include individuals with names similar to those listed and to the individuals already de-listed who might suffer adverse consequences as a result of their past or homonymous listing. Furthermore, the Ombudsperson recommended that reasons be provided for de-listing, that the identity of the designating State be made known to the listed person, and that the issue of access to classified and confidential information be tackled. The Security Council welcomed the report and undertook to consider the recommendations in its review of the mandate in June 2011.

[SC Statement](#)

[Ombudsperson Report](#)

[Ombudsperson Website](#)

[Press Article](#)

UN: Human Rights Council calls for panel on human rights of victims of terrorism

On 24 March, the UN Human Rights Council approved a resolution calling for the organisation of a panel discussion on the issue of human rights of victims of terrorism at its next session. The Council reaffirmed that “the promotion and protection of human rights for all and the rule of law are essential to the fight against terrorism” and recognised that “effective counter-terrorism measures and the protection of human rights are not conflicting goals but are complementary and mutually reinforcing.”

[Resolution](#)

UN: Human Rights Council holds discussion on hostage taking and terrorism

On 11 March, the UN Human Rights Council held a *Panel Discussion on the Human Rights Aspects of Hostage Taking and Terrorism*. The panellists were Martin Scheinin, the UN Special Rapporteur on the promotion and protection of human rights while countering terrorism; Kemal Rezzag Bara, Adviser to the President of Algeria; Commissioner Cecilia R.V. Quisumbing of the National Human Rights Commission of the Philippines; Federico Andreu of the Colombian Commission of Jurists; and Soumeylou Maiga, President of Mali's Sahel Observatory of Geostrategy and Security. The panellists analysed the current framework of hostage-taking in international law and underlined the importance of the rights of the victims of hostage-taking and the need to ensure their safety in rescue operations.

[Meeting Minutes](#)

UN: Special Rapporteur on counter-terrorism and human rights presents report and best practices

On 7 March, the UN Special Rapporteur on the promotion and protection of human rights while countering terrorism, Martin Scheinin, presented his Annual Report to the UN Human Rights Council. The report contains a compilation of ten legal and institutional frameworks that serve to promote and protect human rights, fundamental freedoms and the rule of law in all aspects of counter-terrorism (“best practices”). The compilation is the outcome of an analysis of the six years’ work of the Special Rapporteur, including consultations on best practices. Among the best practices, the Special Rapporteur proposes a model definition of terrorism.

[Annual Report](#)

[Meeting Minutes](#)

EU: Commission and Parliament presented with evaluations of EU-USA Terrorist Financing Tracking Programme

On 17 March, EU Commissioner Cecilia Malmström presented the first evaluation report by the European Commission of the functioning of the EU-USA Terrorist Financing Tracking Programme (TFTP), which provides facilitated access by the US authorities to the banking data of European citizens held by SWIFT. While the report of the EU Commission Review Team was positive, a previous report of EUROPOL Joint Supervisory Body, the deputies' oversight mechanism on the implementation of the programme, criticized EUROPOL's application of the programme in practice. The report noted that access was often instigated by oral requests and not written demands, and stressed that the four requests sent to date by the US Treasury were so general that it was impossible to verify their compliance with the cooperation agreement. The report led to strong protests by Members of the European Parliament in the Committee of Civil Liberties, Justice and Home Affairs (LIBE).

Commission Report

EUROPOL Supervisor Report

Commission Statement

Parliament Statement

EU: Council of the European Union adopts Internal Security Strategy action plan

On 25 February, the Council of the European Union adopted the communication of the European Commission *The EU Internal Security Strategy in Action: Five steps towards a more secure Europe*. In the Communication, the Commission undertakes to create a EU radicalisation-awareness network and to hold a ministerial conference in 2012 on prevention of radicalisation and recruitment. In the current year, the Commission will consider devising a framework for administrative measures for freezing of assets to prevent and combat terrorism, and will develop a policy for the EU to extract and analyse financial messaging data for counter-terrorism purposes.

Council Conclusions

Council Statement

Strategy in Action

EU: 2004 Interim Report on EU coordination in counter-terrorism made public

On 3 March, the Council of the European Union partly declassified a 2004 *Interim Report on the Evaluation of National Anti-Terrorist Arrangements*, in which the General Secretariat of the Council of the European Union evaluated the different approaches of EU Member States in countering terrorism, and made related recommendations. Among the recommendations, the General Secretariat suggested increasing cooperation and sharing of information between law enforcement and intelligence agencies and examination of the admissibility of intelligence information in courts.

Interim Report

Council of Europe: Human Rights Commissioner identifies human rights problems with EU Arrest Warrant

On 15 March, the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, issued a Human Rights Comment on the European Arrest Warrant of the European Union. In the Comment, the Commissioner identifies a number of problems with the Warrant and its implementation, including the absence of an effective remedy against a decision to extradite an individual subject to an EAW; the considerable lapse of time between the date of the alleged offence and the issuance of an EAW; and the impossibility for individuals in some countries to have an EAW against them cancelled, even when their innocence has been established or a Member State has decided not to surrender them. The Arrest Warrant was enacted in the aftermath of September 11 in order to increase cooperation in prosecution of terrorism offences.

Human Rights Comment

Collective Security Treaty Organisation: Single register of terrorist and extremist organisations to be created

On 5 March, the *Rossiyskaya Gazeta*, a Russian newspaper, citing a source in the secretariat

of the organisation, said that the Collective Security Treaty Organisation (CSTO), which includes as Member States Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russian Federation, Tajikistan and Uzbekistan, would be establishing a unified list of terrorist and extremist organisations whose activity is banned and poses a threat to the security in the region. Under the initiative, the implementation of which is underway, an organisation banned in the Russian Federation would automatically be banned in other countries members of the organisation.

[CSTO Website \(E\)](#)

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

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

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