



E-BULLETIN ON COUNTER-TERRORISM & HUMAN RIGHTS

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AFRICA & MIDDLE EAST

Zimbabwe: Roy Bennett cleared of terrorism charges by High Court

On 10 May, Judge Chinembiri Bhunu of the High Court of Zimbabwe acquitted Movement of Democratic Change treasurer Roy Bennett of charges of terrorism, banditry, insurgency and trying to depose a constitutionally-elected Government. The Judge found the evidence presented inadmissible, including the “confession” of an arms dealer allegedly made under torture. The Attorney General has appealed the ruling to the Supreme Court.

[Press Article 1](#)

[Press Article 2](#)

Swaziland: Opposition leader arrested under anti-terrorism law

On 23 May, the leader of the opposition party People's United Democratic Movement (PUDEMO), Mario Masuku, was arrested by the police and charged with supporting and promoting an illegal entity under the *Suppression of Terrorism Act 2008*. Mario Masuku was arrested after attending the funeral of a PUDEMO member, Siphon Jele, who died in custody after being charged under the anti-terrorism law for wearing a T-shirt of PUDEMO at a rally.

[Press Article 1](#)

[Press Article 2](#)

Rwanda: Opposition leader charged with collaborating with terrorist group

On 22 April, Victoire Ingabire Umuhoya, leader of the opposition party United Democratic Forces (FDU-Inkingi), was conditionally released from detention and charged with “genocide ideology”; “minimising the genocide”; “divisionism”; and “collaboration with a terrorist group”, the Democratic Forces for the Liberation of Rwanda (FDLR). The charges stem from her calls addressing the killing of Hutus during the 1994 conflict. A United States international lawyer advising Victoire Umuhoya, Peter Erlinder, who is also president of an association of defense lawyers at the International Criminal Tribunal for Rwanda, was subsequently arrested on 28 May and charged with genocide denial.

[NGO Statement](#)

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

Nigeria: Anti-terrorism legislation advances through the Senate

On 29 April, the Senate approved on second reading the “Bill for an Act to provide for measures to combat terrorism and for related matters” and transferred it for further study to a Joint Commission, composed of the National Security and Intelligence Committee, the Judiciary, Human Rights and Legal Matters Committee, and Foreign Affairs Committee. The antiterrorism Bill includes a provision to criminalise omissions to prevent a terrorist act; authorises 48-hours detention without access to a lawyer; confers search powers without warrant and sweeping powers to the federal President to proscribe “international terrorist organisations”.

[Draft Law](#)

[NGO Statement](#)

[Press Article](#)

Mauritania: Three men sentenced to death for killing of French tourists

On 25 May, a criminal court in Nouakchott sentenced Mohamed Mahmoud Ould Sidna, Marouf Ould Mohamed Ould Habib Ould Haiba, and Mohamed Ould Sidi Ould Chebarnou, to the death for the murder of five French tourists on 24 December 2007 in southern Mauritania. The defendants, who claimed to be “soldiers of al-Qaeda”, had pleaded not guilty. It is the first death sentence issued in Mauritania in more than 20 years.

[Press Article 1](#)

[Press Article 2](#)

Egypt: Parliament extends 29-years-long state of emergency for two more years

On 11 May, the People’s Assembly of Egypt extended for two years the validity of the Emergency legislation that has been in force since 1981. The Emergency decree allows for administrative detention, trials of civilians before military tribunals and special state

security courts, and provides extensive powers to the intelligence services that are alleged to have been responsible for serious human rights violations.

[NGO Statement 1](#)

[NGO Statement 2](#)

[NGO Statement 3](#)

[Press Article](#)

Jordan: Committee against Torture calls for investigation into involvement in “extraordinary renditions”

On 14 May, the UN Committee against Torture expressed concern at reports that the cooperation of Jordan with other governments in the context of the “war on terror” has resulted in human rights violations, including secret detentions and renditions of terrorism suspects. The Committee called for the establishment of an independent investigation into Jordan’s involvement in “extraordinary renditions”. The Committee was also concerned at the overly broad definition of “terrorist activities” under the *Prevention of Terrorism Act 2006*.

[Concluding Observations](#)

Yemen: Committee against Torture says that anti-terrorism policy results in serious human rights violations

On 14 May, the UN Committee against Torture expressed concern at reports of grave violations of the Convention committed while countering terrorism, including cases of extrajudicial killing, enforced disappearance, arbitrary arrest, indefinite detention without charge or trial, torture and ill-treatment, and deportation of non-citizens to countries where they are in danger of being subjected to torture or ill-treatment. The Committee expressed concern at the widespread practice of torture and ill-treatment of detainees in Yemeni prisons, including State security prisons run by the Department of Anti-Terrorism under the Ministry of the Interior.

[Concluding Observations](#)

Syria: Committee against Torture urges investigations into secret detention and renditions

On 14 May, the UN Committee against Torture expressed concern at the participation by Syria in secret detentions and renditions of terrorism suspects, in breach of the principle of *non-refoulement*. The Committee highlighted in particular the cases of Ahmed Al-Maati, Abdullah Almalki, and Maher Arar who were detained and allegedly tortured in the Military Intelligence Palestine Branch Centre, in relation to suspected links with Al-Qaeda. The Committee noted with concern that no investigation had been undertaken into these cases and no compensation has been provided to the victims. The Committee urged Syria to institute a prompt, thorough and impartial investigation into these three cases, and into its involvement in “extraordinary renditions”.

[Concluding Observations](#)

Iran: Five Kurdish activists executed following conviction for “terrorism” offences

On 9 May, five Kurdish activists, Farzad Kamangar, Ali Heydarian, Farhad Vakili, Shirin Alam-Holi, and Mehdi Eslamian, were executed at Evin prison in Tehran, allegedly following unfair trials. Three of the defendants claimed to have been tortured and the remaining two were allegedly forced to “confess” under duress. The families were forbidden to receive their bodies. They had been convicted of “enmity against God” for carrying out “terrorist acts” and for membership of and activities on behalf of the Kurdistan Workers’ Party (PKK) and the Party for a Free Life in Kurdistan. Mehdi Eslamian was convicted of providing financial assistance to his brother, who was executed in early 2009 for allegedly bombing a mosque in Shiraz in April 2008.

[NGO Statement](#)

[Press Article](#)

Israel: Government presents anti-terrorism draft legislation

On 21 April, the Israeli Government published a draft anti-terrorism law for consultation. The bill would reaffirm measures under existing laws, including the *1948 Ordinance on Terrorism*, the *Law Prohibiting the Funding of Terrorism* and the *1945 Emergency Defense Regulations*. The draft law is said to add new offences, including those of leadership of, membership in, providing services to or publicly identifying with a terrorist organisation; incitement to terrorism; failure to prevent a terrorist act; threatening to perpetrate a terrorist act; and training or giving instructions to perpetrate a terrorist attack.

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

[Press Article](#)

AMERICAS

USA: Bill would strip members of a terrorist organisation of their US citizenship

On 6 May, Senators Joseph Lieberman and Scott Brown and Representatives Jason Altmire and Charlie Dent introduced in Congress the *Terrorist Expatriation Bill* aiming to strip of US citizenship persons joining a prescribed foreign terrorist organisation or engaging in or supporting hostilities against the United States or its allies. The Bill has been criticized as unconstitutional.

[Draft Law](#)

[Press Article 1](#)

[Press Article 2](#)

USA: Court orders Government to ensure due process in asset freezing procedures

On 10 May, the US District Court for the Northern District of Ohio found that the US Treasury Department's decision to block assets pending investigation of the charity KindHearts violated the charity's rights against unreasonable searches and seizures under the fourth amendment to the US Constitution. The Court considered that there was an impermissible lack of an adversarial proceeding. The Court ordered the US Treasury to provide the defendant with access to classified information, either by summary under Court's supervision or by giving security clearances to their lawyers, in order to remedy the lack of due process in the procedure.

[Ruling](#)

[NGO Statement](#)

USA: No *habeas corpus* for Bagram detainees, Appeals Court rules

On 21 May, the federal Court of Appeals for the District of Columbia ruled that persons detained by the US at the Bagram prison facility in Afghanistan do not have a right to *habeas corpus* under the US Constitution. The ruling overturned a District Court decision in a case brought by Bagram detainees Fadi al-Maqaleh, Redha Al-Najar and Amin Al-Bakri. The Appeals Court held that the detainees are not covered by the precedent of the US Supreme Court in *Boumediene v. Bush*, which had granted the right to *habeas corpus* proceedings to Guantánamo detainees. The Court, as part of its reasoning distinguished Bagram in that it is not under the *de facto* sovereignty of the United States and the Court underscored "practical obstacles" related to the theatre of war.

[Ruling](#)

[Press Article](#)

USA: New rules of procedure for military commissions released

On 27 April, the Department of Defence released a manual on military commission procedures under the *Military Commission Act 2009*. The manual defines rules of procedure for the commission trials. The manual has come under criticism from human rights organizations and the former lead defense counsel of Department of Defence Office of Military Commissions.

[Manual](#)

[MCA 2009](#)

[NGO Statement](#)

[Press Article](#)

USA: Department of Defence orders mandatory videotaping of interrogations

On 10 May, the Department of Defence (DoD) issued a directive obliging the recording of “strategic interrogations” by DoD personnel. The obligation also covers interrogations by DoD contractor personnel, to the extent incorporated in their contracts, and non-DoD personnel. The directive is limited to “strategic” interrogations only, i.e. interrogations of any person conducted at a theatre-level detention facility, such as centres in Afghanistan, Iraq and Guantánamo.

[Directive](#)

[Press Article](#)

USA: Omar Khadr military commission trial set to start on 10 August

On 11 May, Military Judge Col. Patrick J. Parrish set the date for the trial of Omar Khadr for 10 August. Omar Khadr, a Canadian national, was 15 years old at the time of his detention by US forces in Afghanistan in 2002 and has been held in Guantánamo for nearly eight years. The Judge reconvened a pre-trial hearing on the 12 July to decide on the possible suppression of Omar Khadr’s statements allegedly made under torture. News reports indicated that the US authorities may be trying to seek a plea agreement. On 5 May, Radhika Coomaraswamy, UN Secretary-General’s Special Representative for Children and Armed Conflict, called for the immediate release of Omar Khadr.

[Order](#)

[UN SR Statement](#)

[Press Article 1](#)

[Press Article 2](#)

Canada: Government’s draft law to compel testimony and control orders

On 23 April, the Justice Department introduced in the House of Commons of Canada Bill C-17, the *Combating Terrorism Act*. The bill would allow courts to compel a person, who may have information that a terrorism offence has been or will be committed, to testify before a judge, without the recourse to freedom from self-incrimination. The information gathered through this procedure would not be able to be used as evidence against the witness. The Bill introduces the use of “recognizance with conditions”, measures which serve as control orders which could be imposed by courts if there were reasonable grounds to suspect that a terrorist activity would be carried out and that is necessary to prevent it.

[Draft Law](#)

[Government Statement](#)

[Press Article 1](#)

[Press Article 2](#)

Colombia: High security officers charged for illegal spying on Supreme Court judges

On 10 May, the Office of the General Prosecutor charged Fernando Tabares Molina, Jorge Alberto Lagos León, Luz Marina Rodríguez Cárdenas, Gustavo Sierra Prieto y Bernardo Murillo Cajamarca, former directors (Lagos and Tabares) and officers of the Colombian security service (*Departamento Administrativo de Seguridad – DAS*) with the offences of aggravated conspiracy to commit a crime, abuse of power and public functions and aggravated illegal interception of communication. The five are accused of maintaining files on and illegal surveillance and wiretapping of judges of the Supreme Court and members of the Congress, and by abusing intelligence powers that aim at countering terrorism. The UN Special Rapporteur on Judges and Lawyers described these activities as an “attack on the judicial branch”.

[Prosecutor Office Statement \(S\)](#)

[UN SR Report \(S\)](#)

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

Colombia: NGOs challenge constitutionality of Intelligence Law

On 5 March, the *Colombian Commission of Jurists* and *Reiniciar* presented a constitutional challenge to several articles of the *Law on Intelligence Activities* (no. 1288/2009). The brief to the Constitutional Court argues that these provisions, which relate to the right to privacy, violate the principle of legality and are in breach of the freedom of information, the right to truth, justice and reparation.

[Petition \(S\)](#)

[Petition’s Summary \(S\)](#)

ASIA - PACIFIC

Thailand: Former Prime Minister charged with terrorism; protesters killed by security forces

On 25 May, a criminal court issued an arrest warrant for former Prime Minister Thaksin Shinawatra on terrorism charges for allegedly financing the recent “red-shirts” protests against the Government, and having helped the “red shirts” smuggle weapons and fighters from Cambodia. Reportedly, United Front for Democracy against Dictatorship (UDD) leader Jatuporn Prompan was also charged with terrorism offences on the same day. The charges followed crackdown by the Thai security forces against Thaksin’s supporters which began on 13 May and was alleged to involved excessive use of force resulting in serious human rights violations. The Government contended that around 500 “terrorists” were hiding among the protesters. Several people were killed and hundreds were wounded during these events.

[NGO Statement](#)

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

India: Mumbai attacker sentenced to death penalty

On 6 May, Judge M.L. Tahaliyani sentenced Mohammed Ajmal Kasab to death on multiple counts for murder, waging war against India, conspiracy and terrorism. Mohammed Ajmal Kasab is the lone accused in connection with the attacks in Mumbai of 26 November 2008.

[Press Article 1](#)

[Press Article 2](#)

Afghanistan: Secret US detention facilities confirmed by Red Cross

On 22 May, the BBC reported that the International Committee of the Red Cross confirmed the existence of a secret detention centre in Parwan, called “The Detention Facility”. The BBC reported on 15 April statements by nine former Bagram detainees on the detention centre where they allege they were subjected to torture or other ill-treatment, including sleep deprivation and sensory disorientation, by US army officers.

[Press Article](#)

Sri Lanka: President pardons journalist convicted of terrorism

On 3 May, Sri Lankan President Mahinda Rajapaksa pardoned J.S. Tissainayagam. J.S. Tissainayagam was convicted on 31 August 2009 on two counts of intending to “cause communal disharmony” and one count of receipt of money “in the furtherance of any act of terrorism”, under the *Prevention of Terrorism Act 1979*, and sentenced to a total of 20 years of imprisonment. The conviction was in relation to his criticism of the Sri Lankan Army’s treatment of civilians in two articles published in *North Eastern Monthly* magazine in June 2006. The ICJ conducted an Observation Mission at the trial.

[ICJ Report](#)

[Press Article](#)

Sri Lanka: Parliament renews state of emergency

On 5 May, the Sri Lankan Parliament renewed for a further month the state of emergency under the *Public Security Ordinance* that has been in place since 2005. The Government had announced to the Parliament a relaxation of emergency regulations and, in particular, the withdrawal of the provisions with regard to the imposition of curfews and requiring householders to give information about inmates, and the powers given to security force personnel to enter private properties for search operations.

[Parliament Statement](#)

[Government Statement](#)

[Press Article](#)

EUROPE & COMMONWEALTH OF INDEPENDENT STATES

UK: Tribunal quashes deportation orders against alleged terrorist suspects

On 18 May, the Special Immigration Appeals Commission overturned orders for deportation to Pakistan of Abid Nasser and Ahmad Faraz Khan, because of the risk that they would be subject to torture or ill-treatment by Pakistani secret services (ISI). The two men, together with Abdul Wahab Khan and Tariq Ur Rehman (already in Pakistan), were deemed by the UK authorities to present a danger to national security for their alleged links with Al-Qaeda. A fifth order against Shoaib Khan was quashed as there was no reasonable suspicion that he would constitute a danger to national security.

Judgment

Press Article

UK: No closed hearings in civil trials, Court of Appeals rules

On 4 May, the Court of Appeal ruled that courts may not resort to closed hearings to admit classified evidence in civil trials. The case originates from a civil lawsuit against the UK Government for false imprisonment and conspiracy to injure torture brought by six former Guantánamo detainees. The Court of Appeal ruled that the use of closed proceedings would breach the common law principle of fair trial and was contrary to the Civil Procedure Rules. In another case, the Court of Appeal upheld the use of closed hearings, with Special Advocates and the provision of a summary of the classified evidence to the defendant, before the Employment Tribunals. The case was brought by Mr Tariq for racial and religious discrimination by the Home Office, after he was suspended from duties and his security clearances had been withdrawn because his brother had been arrested, and later released without charge, on suspicion of mounting a terrorist attack.

Ruling 1

Ruling 2

NGOs Amicus Brief

Press Article

UK: New Foreign Secretary announces investigations into UK complicity in torture

On 21 May, Foreign Secretary William Hague announced that he would order an inquiry into the allegations that the UK security services were complicit in torture overseas, including in the case of Binyam Mohamed. The Foreign Secretary did not disclose the details of the inquiry, which he said will be released at a later stage, but he stated that the investigation would be “judge-led”.

Press Article 1

Press Article 2

UK: Detention pending removal of terrorism suspect unlawful, High Court says

On 21 May, the High Court of Justice found that the detention pending removal of H.X.A., an Iraqi citizen whose asylum request had been refused on security grounds, was unlawful. Justice King found that his ten months’ detention under the *Immigration Act* was unlawful since it was not prescribed solely in order to remove him from the UK territory, as the Act required. On the contrary, the Court found that the reason for detention by the Home Office was to allow it to consider how his detention could be ensured once in Iraq. H.X.A. had been previously charged on 29 August 2006, under the *Terrorism Act 2000* and acquitted of all charges. Since then he has been subject to a control order under the *Prevention of Terrorism Act 2005*.

Ruling

Press Article

France: Committee against Torture concerned at delay of access to a lawyer in counter-terrorism detention

On 14 May, the UN Committee against Torture issued its Concluding Observations on the sixth report of France under the *Convention against Torture*. The Committee expressed concern at legal provisions which delay the access to a lawyer to 72 hours from the moment of the arrest for people suspected of terrorism or organised crime and subject to

police detention (*garde-à-vue*). The Committee also pointed out that the provisions mandating the video recording of interrogations do not cover people suspected of terrorism or organised crime.

Concluding Observations (F)

Spain: Prosecutor asks detention order for 13 CIA agents for renditions

On 12 May, the Prosecutor Office of the *Audiencia Nacional* asked the Examining Magistrate Ismael Moreno to order the detention of 13 alleged CIA agents allegedly implicated in carrying out renditions in part through Spain territory, including that of Khaled El-Masri. Reportedly, the Prosecutor Office identified, on the basis of a report transmitted by the NGO Reprieve, the CIA agents as James Fairing, Jason Franklin, Michael Grady, Lyle Edgar Lumsen III, Eric Matthew Fain, Charles Goldman Bryson, Kirk James Bird, Walter Richard Greensbore, Patricia O'Riley, Jane Payne, James O'Hale, John Richard Deckard and Héctor Lorenzo.

Press Article (S)

Slovak Republic: Algerian citizen extradited in defiance of European Court of Human Rights' interim measures

On 19 April, Slovak authorities extradited Mustapha Labsi to Algeria despite interim measures issued by the European Court of Human Rights. Mustapha Labsi, an Algerian citizen, had been convicted in Algeria *in absentia* for membership of a terrorist organisation and sentenced to life imprisonment. He claimed that he would risk torture or other ill-treatment if extradited. The Council of Europe Secretary General Thorbjørn Jagland condemned the actions of the Slovak authorities, as did the Chairmen of the Parliamentary Assembly of the Council of Europe Committee on Legal Affairs and Human Rights and Committee on Migration, Refugees and Population.

CoE SG Statement

PACE Statement

NGO Statement

Press Article

Azerbaijan: Convictions violate freedom of expression, European Court rules

On 22 April, the European Court of Human Rights found that the conviction of Eynulla Emin oglu Fatullayev for defamation violated his right to freedom of expression guaranteed under article 10 of the European Convention on Human Rights. Fatullayev was convicted of defamation, "threat of terrorism" and "incitement to ethnic hostility" for having published an article criticising the purported pro-United States policy of the Azeri Government in relation to Iran. The Court also found that the court adjudicating his case was not impartial, and that statements by the Prosecutor General qualifying his actions before the trial as constituting a "threat of terrorism" violated his right to presumption of innocence.

Judgment

NGOs Statement

Russian Federation: Extradition to Tajikistan of terrorism suspect would violate *non-refoulement*, European Court holds

On 12 May, the European Court of Human Right ruled that the Russian Federation would violate the prohibition of *non-refoulement* if it carried out the extradition of Zikrullokhon Ismatulloyevich Khodzhayev to Tajikistan. Ismatulloyevich Khodzhayev is accused by Tajik authorities of being a member of the pan-Islamic organisation *Hizb ut-Tahir*, considered a terrorist organisation by Russia. The Court found that, if extradited, Mr Khodzhayev would face torture or ill-treatment in Tajikistan. The Court also found that the Russian Federation had failed to provide a *habeas corpus* remedy during his ten-month detention pending extradition.

Judgment

UNITED NATIONS & REGIONAL ORGANISATIONS

UN: Security Committees report to Security Council

On 11 May, the UN Counter-Terrorism Committee, the Al-Qaida and Taliban Sanctions Committee, and the Committee dealing with the proliferation of weapons of mass destruction briefed the Security Council on their activities. In the debate that followed, Member States of the Security Council generally welcomed the improvements of due process to the terrorist listing procedure introduced by *Security Council Resolution 1904 (2009)* and called for a timely appointment of the Ombudsman provided for in the resolution.

Meeting Summary

1267 Committee Chair Statement

UN: Special Rapporteur on terrorism and human rights publishes best practices compilation

On 5 May, the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin, published his *Compilation of good practices on legal and institutional frameworks and measures that endure respect for human rights by intelligence agencies while countering terrorism, including their oversight*. The compilation followed a consultation process by the Special Rapporteur, which involved Governments, civil society, experts and practitioners. The report outlines among the good practices that intelligence services are explicitly prohibited from undertaking any action contravening international human rights law, and that their members are legally obliged to refuse superior orders, which would violate this law.

Compilation

EU: Authorities cannot freeze benefits of terrorism suspects' spouses, European Court of Justice rules

On 29 April, the European Court of Justice ruled that, according to *Regulation 881/2002* and *Security Council Resolution 1390/2002*, the freezing of terrorists' assets regime does not apply to social security and assistance benefits of the spouse of the enlisted person for the mere fact that such person lives with the listed person and could use these benefits also in favour of the listed person. The case concerned three women resident in the UK who had their social security and assistance benefits frozen by the authorities because their husbands had been included on the UN Al-Qaeda and Taliban List.

Judgment

EU: European Commission presents Action Plan of Stockholm Programme

On 20 April, the European Commission published its Action Plan on the implementation of the Stockholm Programme, which establishes EU policies in the field of Justice and Home Affairs for the next five years. Several measures related to countering terrorism were outlined in the Plan. On 24 April, the Council of European Union found that the Action Plan did not mirror the objectives of the Stockholm Programme and tasked its preparatory bodies to reconsider it and consult on the Action Plan with a view to adopting it in June.

Action Plan

Council Statement

IN BRIEF

9/11 Families group urges civilian trials for terrorism suspects

On 17 April, the *Boston Globe* reported that a group of family members of victims of the terrorist attacks of 9/11 – the *September Eleventh Families for Peaceful Tomorrows* - wrote to President Obama asking that terrorist suspects be tried in civilian courts and not in military commissions.

[Video Letter](#)

[Group Website](#)

[Press Article](#)

Interights publishes legal articles on extraordinary renditions and secret detention

On 5 May, the NGO *Interights* published *Bulletin 16.1: Kidnapped by the State: Extraordinary Rendition and Secret Detention*, a collection of articles on the legal issues concerning the practice of “extraordinary renditions” and secret detention.

[Publication](#)

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