



E-BULLETIN ON COUNTER-TERRORISM & HUMAN RIGHTS

No. 53, May 2011

AFRICA & MIDDLE EAST

Kenya: Human rights defender on counter-terrorism and human rights deported

Kenya/Uganda: Prime Minister calls for repatriation of Kenyans detained for terrorist attack

Morocco: Journalist critic of counter-terrorism measures arbitrarily arrested

Bahrain: Second trial on terrorism charges against opposition leaders begins

Syria: Abusive crackdown of protesters continues on pretext of terrorism

Yemen: US drone attacks in Yemen resume

Iran: Death sentence for terrorism convict scheduled to be carried out in May

Tunisia: UN Special Rapporteur calls for reform of anti-terrorism regime

AMERICAS

USA: Supreme Court will not review Court of Appeals' decision denying rendition victims access to remedy

USA: Extension of PATRIOT Act provisions until 2015 becomes law

USA: US Administration defends legality of Bin Laden killing amid UN calls for clarifications

USA: Fifth detainee dies in Guantánamo in alleged "suicide"

USA: House of Representatives passes financial bill blocking transfers of Guantánamo detainees

Canada/USA: Court of Appeal confirms Abdullah Khadr cannot be extradited to the USA

Colombia: Former General convicted for enforced disappearances in counter-terrorism operation

Colombia: House of Representatives passes Law on Intelligence

Chile: Court of Appeal refuses to allow "faceless" witnesses in terrorism trial

ASIA - PACIFIC

India: Child arbitrarily detained under anti-terrorism law

India: Amnesty International protests at resumption of executions

Thailand: Opposition leaders under terrorism trial breached bail by criticising monarchy

Pakistan: NGO mission documents extrajudicial executions and enforced disappearances in Balochistan

Pakistan: NGO denounces extrajudicial execution of activists in Sanghar

Sri Lanka: Government conference presents distorted picture of Sri Lankan counter-terrorism

Philippines: Draft law introduces new terrorism offences for individuals and companies

Australia: Eminent jurists write to Government to clear David Hicks' name

EUROPE & COMMONWEALTH OF INDEPENDENT STATES

UK: Supreme Court holds investigations in anti-terrorism killings must follow European Convention

UK: Coroner presents report and recommendations on 7 July terrorist attack

UK: Policemen on trial for ill-treatment of terrorist suspects during arrest

UK: High Court confirms control orders but requires travel allowances for family

France: Terrorism charges against Iranian opposition group dropped after eight years
France: Former Guantánamo detainee sues George W. Bush in French courts
Germany: Parliamentary Committee criticises EU Data Retention Directive
Spain: Criminal Court convicts Somali pirates but clears them of terrorism charges
Spain: Constitutional Court reinstates Basque party outlawed by Supreme Court
Sweden: Newspaper reveals that CIA operated illegally in Sweden
Switzerland: Government proposes ordinance before Parliament to outlaw Al-Qaeda
Poland: NGO files case to the European Court of Human Rights on Poland's violations against CIA secret detention programme victim
Lithuania: Committee for Prevention of Torture assesses investigations into CIA secret detentions
Russian Federation: President signs law on terrorism alert and emergency powers
Russian Federation: Parliament passes law allowing detention of terrorism convicts in prisons far from home
Russian Federation: European Court finds counter-terrorism bombings led to violations of human rights
Kyrgyzstan: Journalist seeking asylum arrested for terrorism risks extradition

UNITED NATIONS & REGIONAL ORGANISATIONS

UN: Counter-Terrorism and Sanctions Committees brief Security Council
UN: Counter-Terrorism Committee issues report on criminal prosecution and terrorism
UN: Refugees are no terrorists, UNHCR says to Counter-Terrorism Committee
EU: Council Presidency proposal extends recording of air flights passengers' data to intra-EU flights
EU: European Parliament Committee demands strict safeguards for body scanners

AFRICA & MIDDLE EAST

Kenya: Human rights defender on counter-terrorism and human rights deported

On 10 May, Kenyan authorities arrested and deported Open Society Justice Initiative fellow Clara Gutteridge. According to news report, she was held overnight without food or water, and then deported, after having arrived at Nairobi's Jomo Kenyatta International Airport from Dar es Salaam, where she was investigating the arrests of Tanzanians accused of terrorism. It was alleged that the deportation could be part of a broader effort by East African governments to stifle investigations of counterterrorism operations, in particular those stemming from the July 2010 bombings in Uganda, which killed 76 people at a restaurant in Kampala. Kenyan officials have asserted that Clara Gutteridge's presence in Kenya was "contrary to national interest."

Press Article 1

Press Article 2

Kenya/Uganda: Prime Minister calls for repatriation of Kenyans detained for terrorist attack

On 11 May, Kenyan Prime Minister Raila Odinga called for the repatriation of eight terror suspects held in Ugandan jails in connection with the suicide bomb attacks that killed 79 people in July 2010. The Prime Minister protested at the manner in which the suspects had been arrested and called for their repatriation for trial in their home country. The detainees include human rights defender Al-Amin Kimathi, who was arrested on 15 September at Entebbe airport in Uganda and brought to the Rapid Response Unit headquarters in Kireka, Kampala. He had come to Kenya to visit the other Kenyans arrested. On 20 September, he was remanded in custody on terrorism charges for alleged involvement in the twin bombings on 11 July in Kampala, which killed more than 70 persons.

Press Article

Morocco: Journalist critic of counter-terrorism measures arbitrarily arrested

On 28 April, Rachid Nini, editor of the *el-Massa* daily newspaper, was detained following the publication of several articles criticizing the counter-terrorism practices of the Moroccan security services, including prison sentences handed down after unfair trials of Islamist suspects. He has been charged with "undermining of a judicial decision, attempt to influence the judiciary, and reporting on untrue criminal offences". He is currently being held in Okasha prison in Casablanca and his trial is set to begin on 17 May. Amnesty International called for his immediate release.

NGO Statement

Bahrain: Second trial on terrorism charges against opposition leaders begins

On 8 May, the trial began before a military court of 21 Bahraini opposition leaders who were arrested under the state of emergency declared on 15 March by the King in response to the continuous demonstrations calling for reform in the country. The military prosecutor charged the civilians with the offences of "organizing and managing a terrorist group for the overthrow and the change of the country's constitution and the royal rule," "seeking and correspond[ing] with a terrorist organization abroad working for a foreign country to conduct heinous acts" against the Kingdom, and funding a foreign terrorist organization. Fourteen defendants appeared before the military court, while seven others are being tried *in absentia*. Some of the defendants had previously been put on trial in autumn 2010, but the charges were dropped in February 2011. Human Rights Watch documented that the defendant Abdulhadi al-Khawaja showed at the first hearing signs of serious ill-treatment, and that the defendants were carried out of court by security forces

when they tried to denounce their abuse in detention. Only lawyers and two members of the family for each defendant are allowed to attend the trial. The King of Bahrain lifted the state of emergency on 1 June, two weeks before the previously announced deadline.

[Emergency Decl. \(A\)](#)

[NGO Statement 1 \(E\)](#)

[NGO Statement 2 \(E\)](#)

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

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

Syria: Abusive crackdown of protesters continues on pretext of terrorism

A violent crackdown by the Syrian authorities against peaceful protesters as well as lawyers, human rights defenders, opposition members and activists has continued. By 12 May, more than 700 people had reportedly been unlawfully killed and hundreds subjected to enforced disappearances since the Syrian authorities began their crackdown on 15 March in Daraa, Homs, Baniyas and other cities. The number of persons arbitrarily arrested and detained is in the thousands. The Government has justified these measures as a legitimate counter-terrorism campaign. The ICJ called on the UN Security Council to refer the situation in Syria to the International Criminal Court. Amnesty International released a video that shows patterns of a "shoot-to-kill" policy of Syrian armed forces.

[UN HRC Resolution](#)

[ICJ Statement](#)

[Amnesty Video](#)

[HRW Statement](#)

Yemen: US drone attacks in Yemen resume

On 9 May, the *Yemen Times* reported the killing of two brothers by a US drone while they were driving in Shabwa governorate. The two men are believed to be members of Al-Qaeda in the Arab Peninsula (AQAP). US officials declared that this was the first drone attack in Yemen since 2002, but this account contrasts with images released by Amnesty International and corroborated by Wikileaks cables about a previous attack on 17 December 2009 which killed 41 local residents, including 14 women and 21 children. The use of Yemeni airspace by US forces is, as reported by the *Yemeni Times*, one of the reasons behind the massive protests ongoing in Yemen against President Ali Abdullah Saleh.

[Yemen Times Article](#)

[NGO Statement 1](#)

[NGO Statement 2](#)

Iran: Death sentence for terrorism convict scheduled to be carried out in May

On 30 April, Human Rights Watch called on the Iranian authorities to stop the execution and rescind the death penalty sentence of Sherko (Bahman) Moarefi. He was sentenced to death in early 2009 following a closed trial on terrorism-related charges, i.e. "acting against the national security" and *moharebeh*, or "enmity against God". In a public letter dated 15 April, Sherko Moarefy reported that his execution was scheduled for 1 May 2011, although his lawyers had received no notification. His lawyer, Ahmad Saeed Sheikhi, maintained that the execution order should be rescinded because the head of the Judiciary had previously acknowledged that the death sentence had been issued in error. Sherko Moarefy was arrested in October 2008 on suspicion that he was a member of Komala, a leftist Kurdish separatist group considered as a terrorist organisation by the Iranian government. His lawyers say that their client was a supporter of Komala, but not an active member, and was involved only in peaceful dissent.

[NGO Statement 1](#)

[NGO Statement 2](#)

Tunisia: UN Special Rapporteur calls for reform of anti-terrorism regime

On 26 May, at the end of his follow-up five-days visit to Tunisia, the United Nations Special Rapporteur on human rights and counter-terrorism, Martin Scheinin, urged the Transitional Government of Tunisia to carry out necessary reforms of the counter-terrorism framework to bring it into compliance with international human rights law. The Special Rapporteur offered his assistance to reform the abusive anti-terrorism law of 2003. He also stressed that accountability for past human rights violations carried out in the name of counter-terrorism must be assured and that the new Government must take a stand in fighting impunity, and assuring accountability and transparency of secret services. He

commended Tunisia's decision to ratify the International Convention against Enforced Disappearances, the Optional Protocols to the Convention against Torture and the International Covenant on Civil and Political Rights, and the Rome Statute of the International Criminal Court.

UN SR Statement

AMERICAS

USA: Supreme Court will not review Court of Appeals' decision denying rendition victims access to remedy

On 16 May, the Supreme Court refused to hear the case *Mohammed et al. v. Jeppesen Dataplan Inc.*, thereby confirming the *en banc* ruling of the Court of Appeals for the Ninth Circuit that the lawsuit brought by the American Civil Liberties Union on behalf of a group of alleged victims of CIA renditions against Jeppesen Dataplane Inc. could not proceed. The Court had affirmed that the information on which the case would be based is protected as non-disclosable secrets of state and without that information the case could not proceed. Jeppesen is a Boeing company alleged to have been complicit in the organisation and carrying out of rendition flights, a component of a process by which detainees were subjected to arbitrary detention, enforced disappearance and torture and ill-treatment. Human rights advocates denounced the ruling as allowing for complete impunity and a denial of the right to remedy for victims.

SC Order

NGO Statement

USA: Extension of PATRIOT Act provisions until 2015 becomes law

On 26 May, President Barack Obama signed into law the *PATRIOT Sunsets Extension Act* of 2011, which extends the validity of some provisions of the *PATRIOT Act* until 1 June 2015. The extended provisions, which would have otherwise expired on 27 May, 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 original *PATRIOT Act* was adopted in 2001 in response to the 11 September 2001 attacks.

Draft Law

White House Statement

NGO Statement

Press Article

USA: US Administration defends legality of Bin Laden killing amid UN calls for clarifications

On 1 May, President Barack Obama announced that a US Navy Seals team had killed Osama Bin Laden in Abbottabad, Pakistan, under presidential order. In his speech, President Obama made clear that he had ordered CIA Director, Leon Panetta, to kill or capture Osama Bin Laden. On 5 May, UN High Commissioner for Human Rights Navanethem Pillay called for "a full disclosure of the accurate facts" to determine the legality of the killing. On 6 May, the UN Special Rapporteurs on extrajudicial execution and counter terrorism and human rights said that the United States should disclose the supporting facts to allow an assessment in terms of international human rights law standards, in particular about the planning of the mission. In a post to the blog *Opinio Juris* US State Department Legal Advisor Harold Koh said that the killing was in accordance with the international laws of war, as the US are in a non-international armed conflict with Al-Qaeda and that under this law and domestic statutes it had the authority to target and kill Osama Bin Laden.

President Statement

AG Statement

UN SRs Statement

Legal Advisor Statement

NGO Statement

Press Article

USA: Fifth detainee dies in Guantánamo in alleged “suicide”

On 18 May, Inayatullah, a 37-year-old Afghan detained in Guantánamo since September 2007, was found dead in his cell. The Department of Defence characterized his death as an “apparent suicide”. Inayatullah is the eighth detainee to die in Guantánamo. Five others died in what have been alleged to be suicides, but the causes of death of some detainees have been disputed and have never been independently verified. The Naval Criminal Investigative Service will reportedly conduct an autopsy and Inayatullah’s body will be prepared for repatriation. ACLU and Amnesty International called for independent investigations.

[DoD Statement](#)

[NGO Statement 1](#)

[NGO Statement 2](#)

[Press Article](#)

USA: House of Representatives passes financial bill blocking transfers of Guantánamo detainees

On 26 May, the House of Representatives passed bill *H.R. 1540 – National Defense Authorization Act for FY 2012*, which sets the expenses for the defence sector of the US administration. The bill contains provisions forbidding the use of any of these funds to transfer Guantánamo detainees onto US territory, including for the purpose of criminal prosecution in federal courts. It also prohibits the use of resources to transfer the detainees to other countries, including their country of origin, unless the Secretary of Defense certifies that the country of transfer is able to monitor and control the detainee, its satisfactory past performance in countering terrorism, and the non-existence of any recorded cases of “confirmed recidivism” in that country. President Obama had threatened to veto the bill if this provision was approved by Congress. The legislation is presently under consideration by the Senate.

[Draft Law](#)

[White House Statement](#)

[NGO Statement](#)

[Press Article](#)

Canada/USA: Court of Appeal confirms Abdullah Khadr cannot be extradited to the USA

On 6 May, the Court of Appeal of Ontario upheld the judgment of the Ontario Superior Court of Justice, which rejected a US extradition request for Abdullah Khadr, the older brother of Guantánamo detainee Omar Khadr. Abdullah Khadr was indicted in the US on charges of supplying weapons to Al-Qaeda. The Court of Appeal confirmed that the Superior Court of Justice Judge Speyer was justified in ordering a stay of proceedings, as it was an effective remedy to dissociate the courts from the grave violations and misconduct against Abdullah Khadr while he was detained in Pakistan. At first instance, Judge Speyer ruled that the extradition request could not be satisfied due to the gross misconduct of the US, contravening “fundamental notions of justice”, by having been the driving force behind Abdullah Khadr’s capture on ransom in Pakistan, pressure to deny him access to consular services, and delay of his repatriation to Canada by the Pakistani authorities. Abdullah Khadr was apprehended in Pakistan in 2004 and held for 14 months without warrant or access to a lawyer. Upon return to Canada, he was rearrested in December 2005 under the US extradition request.

[Judgment](#)

[Press Article](#)

Colombia: Former General convicted for enforced disappearances in counter-terrorism operation

On 29 April, the Criminal Court of Bogotá convicted and sentenced retired General Jesús Armando Arias Cabrales to 35 years of imprisonment for the enforced disappearance of Carlos Augusto Rodríguez Vera, Cristina del Pilar Guarín Cortés, Bernardo Beltrán Hernández, David Suspez Celis, Gloria Stella Lisarazo Figueroa, Gloria Anzola de Lanao, Norma Constanza Esguerra, Luz Mary Portela León, Irma Franco Pineda, Héctor Jaime Beltrán Fuentes and Lucy Amparo Oviedo on 6 and 8 November 1985. General Cabrales commanded the XIII Brigade of the army which conducted the operations to free hostages

in the Supreme Court's Justice Palace (*Palacio de Justicia*) who were held by the *guerrilla* group M19. At least eleven of the freed hostages had been brought by the army to other locations and subject to enforced disappearance.

Judgment (S)

Press Article (S)

Colombia: House of Representatives passes Law on Intelligence

On 12 May, the House of Representatives approved a new draft of the *Intelligence Service Law*, which will now be considered by the Senate. The Colombian Commission of Jurists identified five critical elements which are at odds with Colombia's constitutional and international law obligations. The Commission pointed out that the provision allowing for information to be classified for up to 55 years is a disproportionate interference with the rights to truth, justice, and reparation and has adverse consequences for the State's obligation to investigate, prosecute and try those responsible for human rights violations. Furthermore, the Commission warned about the frailty of the mechanisms in charge of intelligence oversight, and expressed concern at provisions criminalizing the exercise of the right to information in relation to classified documents.

Draft Law (S)

NGO Submission (S)

Chile: Court of Appeal refuses to allow "faceless" witnesses in terrorism trial

On 6 May, the Court of Appeal of Temuco upheld the resolution of the first-instance tribunal of Victoria that the identities of the witnesses called by the prosecution be revealed to the defence. The issue has arisen in the trial of a group of Mapuches charged with membership of a terrorist organisation, attempted murder with terrorist aggravation, and arson, for the burning of a truck and damaging other vehicles in 2009 in Victoria. The use of "faceless" witnesses is a practice maintained under the Pinochet-era anti-terrorism law.

Press Article 1 (S)

Press Article 2 (S)

ASIA - PACIFIC

India: Child arbitrarily detained under anti-terrorism law

On 19 May, Amnesty International called on the Jammu and Kashmir authorities to immediately release or charge Murtaza Manzoor, a 17-year-old anti-government protester, who had been, on 21 January, arrested and detained under the anti-terrorism law *Jammu and Kashmir Public Safety Act (PSA)*. After the High Court of Jammu and Kashmir ordered his release on 13 May, on grounds that the detention was unlawful, the authorities re-detained him under a new detention order. A report by Amnesty International estimates that in the past twenty years between 8,000 and 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 Amnesty International, the authorities often bypass the release orders by the High Court by issuing new detention orders.

NGO Statement

NGO Report

India: Amnesty International protests at resumption of executions

On 27 May, Amnesty International expressed concern at the announcement that the President of India had approved the executions of Devinder Pal Singh Bhullar and Mahendra Nath Das, the first executions to be authorised since 2004. Bhullar was sentenced to death in 2001 for plotting terror attacks that killed nine people in Delhi in 1993. Das has been on death row since 1997 for committing a murder in Guwahati, Assam, in 1996.

NGO Statement

Thailand: Opposition leaders under terrorism trial breached bail by criticising monarchy

On 12 May, the Criminal Court of Bangkok ruled that Jatuporn Prompan and Nisit Sinthuprai, leaders of the United Front for Democracy Against Dictatorship (UDD), had to return to jail for having violated the terms of their bail by making remarks about the monarchy at a rally in the capital last month. The two are under trial on terrorism charges for the events related to the political violence which occurred in Thailand in April and May 2010. On 2 May, Human Rights Watch published a report entitled *Descent into Chaos*, which documents deadly attacks by government security forces on protesters in key incidents. It also details abuses by armed elements, known as "Black Shirts," who are associated with the United Front for Democracy against Dictatorship (UDD), known as the "Red Shirts." The NGO called for independent investigations into the facts and expressed concern that, despite the allegations, no government official has yet been charged with a crime.

NGO Report

NGO Statement

Press Article

Pakistan: NGO mission documents extrajudicial executions and enforced disappearances in Balochistan

On 7 May, the Human Rights Commission of Pakistan concluded a three-day mission in the province of Balochistan. The Commission deplored the killing of two of its associates, Siddique Eido and Naeem Sabir. The Commission also expressed its concern at the many enforced disappearances and killings allegedly carried out by or with the complicity of members of the armed forces, which have in practice taken over power in the province. The army is present for what are deemed to be "counter-terrorism" operations.

NGO Statement

Pakistan: NGO denounces extrajudicial execution of activists in Sanghar

On 5 May, the Human Rights Commission of Pakistan denounced the extrajudicial execution of three activists of the Jeay Sindh Muttahida Mahaz (JSM), who were allegedly killed in Sindh by more than a dozen armed men, some of whom were wearing security uniforms, who ambushed their vehicle in Sanghar. A fourth activist in the car received serious burn injuries and died in a hospital in Karachi on 30 April. The Commission believes these murders to be premeditated and stressed the fact that the police impeded local people to help the fourth surviving activist by saying that he was a terrorist.

NGO Statement

Sri Lanka: Government conference presents distorted picture of Sri Lankan counter-terrorism

On 23 May, Human Rights Watch called on 54 States to boycott an international conference organised by the Sri Lankan Government from 31 May to 2 June in Colombo entitled "Seminar on Defeating Terrorism: The Sri Lankan Experience". The States had been invited to the conference by Sri Lanka. Human Rights Watch has denounced this event as an attempt to legitimize the unlawful killing of thousands of civilians during the armed conflict with the Liberation Tigers of Tamil Eelam (LTTE). A report of the UN Secretary General investigation Panel published on 18 April found credible allegations that both the Government and the Liberation Tigers of Tamil Eelam (LTTE) had committed a wide range of serious violations of international humanitarian law and international human rights law, some of which would amount to war crimes and/or crimes against humanity. The Panel held that such allegations demand an effective investigation and prosecution of those responsible, and called on the Sri Lankan Government to immediately repeal *Emergency Regulations* and modify all those provisions of the *Prevention of Terrorism Act* not in line with international law.

Conference Website

NGO Statement

UN Report

Philippines: Draft law introduces new terrorism offences for individuals and companies

The Senate of the Philippines is currently discussing a bill presented by Senator Edgardo J. Angara entitled *An Act Defining Terrorist Financing as a Crime and Providing Penalties Therefor*. The bill introduces several offences for financing of terrorism, including for conspiracy and participation. If the law is adopted, individuals may also be convicted if there are “reasonable ground to believe” that properties or funds are used for facilitating or carrying out terrorist acts. Responsible officers of legal persons such as companies may be incriminated for “gross negligence”. Furthermore, the law allows for freezing of assets by the Court of Appeal after an *ex parte* hearing with the Anti-Money Laundering Council. Judicial authorisation is not necessary if the person or group to be subject to the freezing order is inserted in the UN Terrorism List, although such persons may appeal to the Court of Appeal.

[Draft Law](#)

[Press Article](#)

Australia: Eminent jurists write to Government to clear David Hicks’ name

On 13 May, a number of eminent personalities, which included Hon. John Dowd AO QC, ICJ Vice-President and President of ICJ Australia, Hon. Elizabeth A. Evatt AC, former Commissioner for Human Rights, Federal Court Judge, and ICJ Commissioner, and Manfred Nowak, former UN Special Rapporteur on Torture and ICJ Honorary Member, sent a letter to the Prime Minister asking to clear the name of David Hicks and to “take all necessary steps to ensure an independent and open investigation into David’s torture and illegal conviction”. 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.

[Letter](#)

[Campaign Website](#)

[Press Article 1](#)

[Press Article 2](#)

EUROPE & COMMONWEALTH OF INDEPENDENT STATES

UK: Supreme Court holds investigations in anti-terrorism killings must follow European Convention

On 18 May, the Supreme Court of the United Kingdom held that an inquest into the killings of Martin McCaughey and Dessie Grew, allegedly by members of the Special Air Service (SAS), on 9 October 1990 in what has been alleged to be a “shoot-to-kill” policy, should conform to the standards of Article 2 of the European Convention on Human Rights (the right to life). The Supreme Court held that, despite the facts having occurred long before the implementation in domestic law of the European Convention by the *Human Rights Act* in 2000, the obligation to investigate constituted a separate obligation from the triggering fact, the killing. The obligation was ongoing after 2000 and required an investigation initiated by the State to follow the requirements of Article 2 of the European Convention.

[Judgment](#)

[Press Article](#)

UK: Coroner presents report and recommendations on 7 July terrorist attack

On 6 May, Lady Justice Hallett, acting as coroner, published a report on her inquest into the London Bombings of 7 July 2005. In her report, Lady Hallett formally ruled that the 52 victims had been unlawfully killed, but that delays in the emergency services' response to the 7/7 London bombings or lack of prevention by the Security Services did not cause the death of any of the victims. Although recognising that none of the authorities was liable for the deaths, Lady Hallett suggested nine recommendations to be followed for health

and transport services to better face this kind of emergencies, and to improve the efficiency of the prevention system of Security Services, including by ameliorating their assessment decisions recording system.

[Report](#)

[Coroner Statement](#)

[Press Article](#)

UK: Policemen on trial for ill-treatment of terrorist suspects during arrest

On 5 May the criminal trial began against Constables Mark Jones, Roderick James-Bowen, Nigel Cowley, and Detective Constable John Donohue, accused of assault against terrorism suspect Babar Ahmad during his arrest at his home in Tooting, south London, in December 2003. The prosecution alleges that the police officials pushed Mr Ahmad towards the window, smashing it, and knocking him to the ground, after which he was punched and kicked repeatedly, amid continuous denigrating insults. He was reportedly also forced to assume praying positions while the agents insulted him and his religion and grabbed his genitals. Babar Ahmad was released without charge six days after his arrest, but has been in custody since 2004, awaiting extradition to the United States on terrorism charges. He has been held longer than any other UK citizen without trial on terrorism charges.

[Press Article](#)

UK: High Court confirms control orders but requires travel allowances for family

On 20 May, Justice Simon of the High Court of Justice upheld a clause of a control order against CD, a British and Nigerian national suspected of preparing terrorist activities, obliging him to reside in a village in the Midlands outside of Greater London area. Justice Simon held that CD advanced no valid evidence as to why his wife and children, who are not of school age, could not relocate with him. However, he ruled that the Secretary for the Home Department must provide some kind of reimbursement to the family to meet the costs of their travels to CD's new residence, and that this, in the particular case, would provide a proportionate and appropriate way of reducing the "onerous and isolating effect of the relocation obligation".

[Judgment](#)

[Press Article](#)

France: Terrorism charges against Iranian opposition group dropped after eight years

On 12 May, an Investigative Judge dismissed the charges for membership of a terrorist organisation and financing of terrorism against 24 members of the Iranian Council of National Resistance (*Conseil national de la résistance Iranienne* (CNRI)). CNRI's main constituent is the Peoples Mujahidin Organisation of Iran (PMOI), an organisation which has been recently deleted from the EU Terrorism List but is still maintained on the US list. Nine people remain charged with financing of terrorism. The Iran opposition members were arrested in a large scale raid in June 2003 and depicted as a danger to national security.

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

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

France: Former Guantánamo detainee sues George W. Bush in French courts

On 23 May, Saber Lahmar, an Algerian citizen who was detained for eight years in the Guantánamo Bay detention facility and is now living in France, announced that he would bring a legal action in French court against George W. Bush for unlawful detention. Saber Lahmar said that he had been tortured at Guantánamo, including by means of sleep deprivation, electric shocks, simulated drowning, and being confined in small metal cells.

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

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

Germany: Parliamentary Committee criticises EU Data Retention Directive

On 26 April, the Working Group on Data Retention published an opinion prepared in February 2011 by the Legal Services of the German Parliament on "The Compatibility of the EU Data Retention Directive with the EU Charter of Fundamental Rights". The opinion

maintains that the EU Data Retention Directive measures are disproportionate to the pursued aim and that it is difficult to accept its compatibility with the EU Charter of Fundamental Rights. The Working Group recommended that the governments and parliaments of Austria, Germany, Romania, Sweden and the Czech Republic refrain from imposing or permitting the indiscriminate collection of information on all telephone calls, text messages, e-mails and Internet communications, even if this would cause an infringement procedure by the EU Commission.

[Report \(German\)](#)

[NGO Summary \(E\)](#)

Spain: Criminal Court convicts Somali pirates but clears them of terrorism charges

On 3 May, the Central Criminal Court (*Audiencia Nacional*) convicted Cabdiweli Cabdullahi, also known as Abdu Cabdiweli Willy, and Raagegesey Hassan Aji, also known as Raagegesey Adji Haman, of membership of a criminal organisation, unlawful detention, violent theft, and offence against moral integrity of the 36 crew members of the fishing boat "Alakrana." The defendants had hijacked the boat together with other members of their organisation in international waters off Somalia on 2 October 2009. The Judge rejected all charges of terrorism and membership in a terrorist organisation, as the organisation had no purpose of disrupting the constitutional order or public peace, but aimed only at financial gain.

[Judgment \(S\)](#)

Spain: Constitutional Court reinstates Basque party outlawed by Supreme Court

On 5 May, the Constitutional Court (*Tribunal Constitucional*) annulled the 1 May judgment of the Special Chamber of the Supreme Court, which banished the political coalition *BILDU-Eusko Alkatasuna (EA)/Alternatiba Eraikitzen* from participating in the local administrative elections for allegedly being a façade to allow the outlawed party *Batasuna* and ETA to influence the elections. The Constitutional Court held that no evidence put forward could demonstrate this intention, particularly as the same Supreme Court had already established that the independent candidates of the list had no connection with *Batasuna*. The Constitutional Court ruled that the banishment of BILDU constituted a violation of its right to participate to the elections.

[Judgment \(S\)](#)

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

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

Sweden: Newspaper reveals that CIA operated illegally in Sweden

On 22 May, the Swedish newspaper *Svenska Dagbladet* revealed that in 2009 the Swedish security services discovered that the CIA had operated in the country without the authorisation of the Swedish government. The discovery was made in a counter-terrorism operation during which the Swedish secret services realised that the CIA was working on the same targets. The CIA was asked to stop the operations in Sweden, but the whole matter remained secret to the public. The newspaper also reported that some Swedish politicians were informed by the country's secret service of the presence of the CIA after the discovery.

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

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

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

Switzerland: Government proposes ordinance before Parliament to outlaw Al-Qaeda

On 18 May, the Federal Council, executive organ of the Swiss Confederation, presented before the Federal Assembly, the federal legislature, an ordinance to prohibit the Al-Qaeda organisation and other organisations sharing purposes and means with Al-Qaeda. The ordinance will also introduce the offences of financial and material aid to these organisations, of propaganda in their favour or in furtherance of their objectives, and of

encouraging their activities, which will carry a maximum penalty of up to three years of imprisonment. The Federal Council presented the ordinance, which has a temporary validity of three years, after constitutional modifications required a parliamentary approval of such measures, which, up to now, were enacted by Executive decree.

Draft Ordinance (F)

Government Report (F)

Government Statement (F)

Poland: NGO files case to the European Court of Human Rights on Poland's violations against CIA secret detention programme victim

On 6 May, the Open Society Justice Initiative presented an application to the European Court of Human Rights on behalf of Abd al-Rahim Hussayn Muhammed al-Nashiri, a Saudi national detained at the Guantánamo Bay detention facility, who was a victim of the CIA rendition programme in Poland. On 20 April 2011, a United States Military Commissions prosecutor brought charges against him and stated the intention to seek the death penalty in his case. The application claims that Poland violated Article 3, Article 5 and Article 8 of the European Convention by enabling al-Nashiri's torture, ill-treatment, and incommunicado detention on Polish territory. It is alleged that the Polish government further violated al-Nashiri's rights under Articles 2, 3, 5 and 6, and Protocol 6 to the Convention by assisting in his transfer from Poland despite a real risk that he would be subjected to the death penalty, to further ill-treatment and incommunicado detention in U.S. custody, and of his being subjected to a flagrantly unfair trial.

Case Summary

NGO Statement

Lithuania: Committee for Prevention of Torture assesses investigations into CIA secret detentions

On 19 May, the European Committee for the Prevention of Torture published a report on its visit to Lithuania from 14 to 18 June 2010. One of the purposes of the visit was the assessment of the investigations into the two secret detention centres run by the CIA in Lithuania in the framework of the CIA rendition and interrogation programme. The Committee visited the two detention centres and spoke with the Parliamentary Investigative Committee and the General Prosecutor Office. The Committee found that the Prosecutor should have initiated an investigation long before the report of the Parliamentary Committee, when sufficient information was available. The European Committee also criticised the limitation of the scope of the investigation to abuse of power and the lack of any investigation into crimes of unlawful detention of persons.

Report

Russian Federation: President signs law on terrorism alert and emergency powers

On 3 March, Russia's President Dmitry Medvedev signed into law the *Federal Act on Amending the Federal Act 'On Countering Terrorism'*. The legislation introduces alert levels of terrorist threat in order to inform population about a threat of a terrorist act and organisation of activities on countering its commitment. The law prescribes that additional measures on ensuring the security of a person, society and state cannot "limit rights and freedoms of a person and a citizen". The order of establishing the levels of terrorist threat as well as the content of additional measures on security are defined by the President of the Russian Federation.

Law (R)

Act "On Countering Terrorism" (R)

Russian Federation: Parliament passes law allowing detention of terrorism convicts in prisons far from home

On 31 May, the State Duma adopted in the first reading a draft law amending the Penal Code to allow for transferring persons convicted on terrorism charges and several other categories of crimes from one prison to another, including those located far from the regular place of residence of prisoners. The law also broadens the number of cases in which a person can be assigned to a prison located far from his or her regular place of

residence. The Explanatory Note indicated that adoption of the law will allow to “increase the effectiveness of the undertaken measures aimed at countering terrorism and extremism as well as concentration in correction facilities primarily in the regions with tense situation of those found guilty of crimes of higher public danger”.

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

[Explanatory Note \(R\)](#)

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

Russian Federation: European Court finds counter-terrorism bombings led to violations of human rights

On 3 May, the European Court of Human Rights ruled in the cases *Kerimova and Others v. Russia* and *Khamzayev and Others v. Russia* that the counter-terrorism airstrikes by the Russian army on the town of Urus-Martan, in the Chechen Republic, on 2 and 19 October 1999, which killed and wounded several citizens, constituted an indiscriminate use of force and that the proper care to protect civilians lives was not adopted, in violation of Article 2 of the European Convention on Human Rights (the right to life). The Court also held that the investigations into the facts were neither thorough nor effective, in breach of Article 2. The Court further held that the destruction of home and property by the airstrikes constituted a violation of the right to home and family life (Article 8 ECHR) and of the right to property (Article 2 Protocol 1 ECHR).

[Judgment \(Kerimova\)](#)

[Judgment \(Khamzayev\)](#)

Kyrgyzstan: Journalist seeking asylum arrested for terrorism risks extradition

On 11 May, the Kyrgyz National Committee for State Security's (UKMK) press service announced that Turkish journalist Ali Osman Zor had been arrested in Kyrgyzstan on 2 May and detained on suspicion of membership of a terrorist organisation, Al Qaeda. Turkey accuses him of being a member of the Great Eastern Islamic Raiders Front (İslami Büyük Doğu Akıncılar Cephesi, or IBDA-C), which it classifies as a terrorist organisation. Ali Osman Zor had asked for asylum in Kyrgyzstan almost nine months ago and his request remained pending.

[Press Article 1](#)

[Press Article 2](#)

UNITED NATIONS & REGIONAL ORGANISATIONS

UN: Counter-Terrorism and Sanctions Committees brief Security Council

On 16 May, the UN Security Council heard briefings from the Al-Qaeda and Taliban Sanctions Committee, the Counter-Terrorism Committee, and the Nuclear Non-Proliferation Committee on their activities. The Council maintained that Osama Bin Laden's death did not mean an end of the fight against terrorism and of the Committees' activities. The chair of the Al-Qaeda and Taliban Sanctions Committee, Germany, stressed that the UN Terrorism List should not be an obstacle to block peace and security in Afghanistan. In the discussion, Costa Rica put forward a proposal by a group of like-minded States to reform the List, by introducing a renewable time limit for all listings, by adopting de-listing decisions by majority vote, and introducing a tacit deletion mechanism following a proposal by the Ombudsperson.

[Meeting Summary](#)

[Committees Statement](#)

[CTC Statement](#)

[UN Statement](#)

UN: Counter-Terrorism Committee issues report on criminal prosecution and terrorism

On 18 April, the Security Council's Counter-terrorism Committee published a summary of the practitioners' seminar on "Bringing terrorists to justice", held in New York UN Headquarters from 1 to 3 December 2010. The seminar, attended by 19 prominent national counter-terrorism prosecutors, focussed on the importance of criminal prosecution in fighting terrorism, on investigation techniques and on mutual cooperation. In the discussion, the participants reported that extradition requests are subject to numerous challenges including on human rights grounds, but stressed that, while extraditions

should be expedited, they should maintain due respect for human rights, fundamental freedoms and international refugee law.

Report

UN: Refugees are no terrorists, UNHCR says to Counter-Terrorism Committee

On 19 May, Erika Feller, Assistant High Commissioner for Protection at the Office of the United Nations High Commissioner for Refugees (UNHCR), addressed the UN Security Council's Counter-Terrorism Committee. In her speech, she expressed concern at the increasing public perception that mischaracterises refugees as illegal immigrants, common criminals or potential terrorists in the minds of people and Governments. The Assistant High Commissioner pointed out that this misconception increased restrictive policies towards asylum-seekers, such as rejections at the border, denial of admission into asylum procedures, harsh detention policies as a deterrent, and extradition or expulsion without minimum procedural guarantees or judicial review, often in breach of the principle of *non-refoulement*.

Speech

UN Statement

EU: Council Presidency proposal extends recording of air flights passengers' data to intra-EU flights

On 29 April, the Presidency of the Council of the European Union presented a modified proposal for an EU Passenger Name Record (PNR) system which includes the possibility of extending these measures to internal flights. According to the proposal, a Member State could unilaterally give notice to the European Commission that it decides to apply the PNR system to internal flights within two years from the entry into force of the PNR Directive. The United Kingdom and Ireland have decided to participate in this regulation. On 13 May, the European Economic and Social Committee, an EU consultative body, expressed in a written opinion its reservations on the proposed Directive and expressed concern that the proposal provides insufficient evidence of the need for blanket, indiscriminate use of the PNR data of all citizens travelling on international flights. The Committee considered the planned measure to be disproportionate.

Draft Directive

EESC Opinion

UK Opt-In

Ireland Opt-In

EU: European Parliament Committee demands strict safeguards for body scanners

On 24 May, the European Parliament's Transport Committee approved a report upholding the possibility of introducing body scanners in EU airports, but under strict conditions to safeguard health and privacy of the passengers. The report follows the intention of the European Commission to propose new rules this summer that would add body scanners to the list of EU-authorised methods for screening passengers. The Transport Committee held that the technology used should be the least harmful to health and scanners using ionising radiations, such as x-rays, should be banned. Furthermore, images should not be stored, passengers should be able to choose a manual search instead of a body scan and scans should be random and non-discriminatory.

EP Statement

Press Article

To subscribe free of charge to this E-Bulletin, please send an email to icjcounter-terrorism@icj.org with your details (name, organization) and "subscribe ICJ E-Bulletin" in the subject line. To unsubscribe from this list send an email to icjcounter-terrorism@icj.org "unsubscribe ICJ E-Bulletin" in the subject line.

Find this E-Bulletin and more information about the ICJ, the rule of law and human rights on our website: www.icj.org.

Please send feedback about the E-Bulletin to icjcounter-terrorism@icj.org.