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AFRICA & MIDDLE EAST

Nigeria: President proposes law introducing military trials for “terrorists”

On 6 May, the local newspaper *This Day* revealed that, in the wake of recent alleged terrorist attacks of the group Boko Haram in some parts of the country, Nigerian President Jonathan Goodluck has proposed to amend the recently passed anti-terrorism legislation to prevent members of Boko Haram, their sponsors and others allegedly involved in terrorist activities in the country from being tried in regular courts. The amendment will reportedly subject to military court jurisdiction all “unlawful combatants, including all belligerent suspects, their sponsors and Niger Delta militants who are yet to surrender and others engaged in militant activities that are not defined within the context of the “Armed Forces of the Federal Republic of Nigeria.”

Press Article

Sierra Leone: Former Liberian President convicted by Special Court for Sierra Leone

On 26 April, the Trial Chamber of the Special Court for Sierra Leone convicted former Liberian President Charles Taylor on the charge of aiding and abetting crimes against humanity and war crimes, including acts of terrorism, committed by the members of the RUF, AFRC, the AFRC/RUF Junta or alliance, and/or Liberian fighters in Sierra Leone, during the civil conflict between 1997 and 1999. The Trial Chamber also found him guilty of planning the commission of the same crimes in the attacks on Kono and Makeni in December 1998, and in the invasion of and retreat from Freetown between December 1998 and February 1999. Charles Taylor has been sentenced to 50 years in prison.

Judgment

Judgment Summary

Court Statement

Burundi: Terrorism trial for journalist begins; lawyers protest its unfairness

On 9 May, the public prosecutor in the city of Cankuzo requested the trial court to sentence Hassan Ruvakuki, a journalist collaborating with radio *Bonesha FM* and *Radio France Internationale’s* Swahili service, and another 22 people to life imprisonment. The defendants are charged with the offence of committing terrorist acts. Hassan Ruvakuki is reportedly accused of having given the signal for rebels of the Forces for the Restoration of Democracy (FRD) to launch an attack on 20 November and of helping them by giving them publicity. The defence lawyers have refused to enter the pleas of 14 defendants in protest at the lack of fairness of the trial. Reporters Without Borders has also denounced the alleged unfairness of the trial.

NGO Statement (E)

Press Article (F)

Iraq: Vice-President lawyers walk out from terrorism trial in protest

On 20 May, the lawyers of Iraqi Vice-President Tariq al-Hashemi walked out of the courtroom, where the trial against him on terrorism charges is ongoing, in protest at the refusal by the three-judge panel to admit defence evidence. Tariq al-Hashemi, now in Istanbul under protection of the Turkish Government, is accused of being involved in 150 bombings, assassinations and other attacks from 2005 to 2011, and a red alert of Interpol was issued in respect of him at the beginning of May. His lawyers abandoned the trial, protesting at its unfairness, after the Court refused to admit evidence alleged to disprove the testimony of Tariq al-Hashemi’s bodyguards, who allegedly carried out some of the attacks and declared that they had been directed by him. The Court has appointed new lawyers for Tariq al-Hashemi in his trial *in absentia*.

Press Article 1

Press Article 2

Press Article 3

Press Article 4

Bahrain: Retrial of human rights defenders convicted on terrorism charges ordered by Supreme Court

On 30 April, the Court of Cassation of Bahrain ordered the retrial in a civilian court of the 21 opposition members and human rights defenders convicted in 2011 by a military court of the charges of creating and running a terrorist group designed to change the constitution and system of monarchy by force; being in contact with a foreign terrorist group that acts in the interests of a foreign country and carries out hostile actions against Bahrain; and raising funds for this group. Eight defendants have been sentenced to life imprisonment, including Abdulhadi Al-Khawaja, a human rights defender who has been on a prolonged hunger strike to protest against his unfair conviction. Family members of Mr. Al-Khawaja have reported that he had been force-fed by the authorities, after his hunger strike put him at risk of death. International NGOs have repeatedly protested at the unfairness of the trial, which has been reportedly based on evidence tainted by torture. Amnesty International and Human Rights Watch have called for the release of the defendants, but the Court of Cassation has not suspended their sentence pending the retrial.

NGO Statement 1

NGO Statement 2

NGO Statement 3

Saudi Arabia: Human Rights Watch calls for dismantlement of special terrorism courts

On 27 April, Human Rights Watch called on the Saudi Arabia authorities to abolish the Specialised Criminal Court set up in 2008 officially to try terrorism cases, but that has allegedly been used to crackdown on dissent and convict and sentence human rights defenders and political activists. Human Rights Watch reported that the special court, initially set up to try people who had been held in intelligence jails for years without charge or trial or prospect of release, has no statute, rules or legislation which are public, and that the absence of precise jurisdiction and of a written criminal law runs contrary to the right to a fair trial and to the principle of legality in criminal law. Human Rights Watch has reported several cases of human rights defenders and political activists convicted in arbitrary trials by the special court.

NGO Statement

Press Article

Israel: Massive hunger strike of security prisoners obtains deal on conditions of detention

On 14 May, more than 1,600 Palestinians held in administrative detention for “security” reasons by Israeli authorities ended their collective hunger strike begun on 17 April after an agreement was reached with the Israeli authorities – brokered by Egypt – to allow family visits, to stop the use of solitary confinement and to ameliorate their conditions of detention. The extensive use of administrative detention for “security” reasons by Israeli authorities had been widely condemned, including by the UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk, and several international and local NGOs. The UN Secretary General Ban Ki Moon had expressed concern at the situation of the detainees on hunger strike.

UN Statement

UN SR Statement

NGO Statement 1

NGO Statement 2

NGO Statement 3

AMERICAS

USA: 9/11 military commission trial defendants refuse to speak, in protest at unfair trial

On 5 May, in their arraignment hearing before a Guantánamo military commission, Khalid Sheikh Mohammed, Walid Muhammad Salih Mubarak Bin 'Attash, Ramzi Binalshibh, Ali Abdul Aziz Ali, and Mustafa Ahmed Adam al Hawsawi refused to answer the presiding military judge's questions allegedly in protest at trial proceedings considered unfair. The

executive heads of Human Rights Watch and the American Civil Liberties Union (ACLU) observed the hearing and confirmed the substantial unfairness of the proceedings, reiterating calls to try the defendants in federal courts. The ACLU has filed an application with the military commission to reject any attempts by the Government's prosecution to censor statements about torture and ill-treatment of the defendants while in detention in Guantánamo.

[HRW Interview](#)

[ACLU Statement](#)

[ACLU Motion](#)

[Press Article](#)

USA: Indefinite detention for vague “terrorism association” grounds may infringe freedom of expression, says federal court

On 16 May, federal Judge Katherine B. Forrest of the District Court for the Southern District of New York allowed a preliminary injunction brought by a group of writers and political activists against section 1021 of the *National Defence Authorisation Act (NDAA) for Fiscal Year 2012* which authorises indefinite detention for any “person who was a part of or substantially supported al-Qaeda, the Taliban, or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act or has directly supported such hostilities in aid of such enemy forces.” The Court found that the plaintiff had demonstrated a likelihood of succeeding in establishing that the vagueness in the terms of this section of the NDAA could have a chilling effect on their speech or associational activities in breach of their First and Fifth Amendment rights, which concern freedom of expression and due process of law.

[Ruling](#)

[Case History](#)

[Press Article](#)

USA: Occupy members arrested and charged with “terrorism”

On 19 May, three members of the Occupy Movement, Brian Church, Jared Chase, and Brent Vincent Betterly, were charged with possession of an explosive or incendiary device, conspiracy to commit terrorism, and providing material support to terrorism, after material for Molotov cocktails and other “weapons” were allegedly found in their apartments by the police in Chicago. They were arrested on the night of 16 May in a police raid which apprehended nine people, in connection with demonstrations in protest at a NATO summit meeting. Some of their friends assert that the material was for artisanal beer-brewing. Their lawyers allege that the charges are the fruit of entrapment, as the material was allegedly planted by the police, and complained at their placement in solitary confinement since 19 May. Another two persons were arrested later in connection with the events on other charges.

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

[Press Article 4](#)

USA: Supreme Court will hear case on chilling effect of wiretapping laws

On 21 May, the Supreme Court granted *certiorari*, thereby agreeing to rule on, a case brought by several US and international NGOs, journalists and lawyers seeking a determination of unconstitutionality of the recently adopted 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 adversely affects their rights, as it forces them either to avoid or to sustain high risks in respect of conversations with their clients or contacts, among which are Guantánamo detainees or alleged terrorist suspects who are likely to be subject to surveillance. On 21 March 2011, the federal Court of Appeals for the Second Circuit overturned the lower court ruling and held that the plaintiff had sufficient standing to bring a challenge based on the Fourth and Fifth Amendments and the principle of separation of powers.

[SC Order](#)

[Press Article](#)

USA: President's counter-terrorism aid confirms existence and legality of targeted killings programme

On 30 April, the Assistant to the President for Homeland Security and Counterterrorism, John O. Brennan, confirmed in a speech delivered at the Woodrow Wilson International Centre for Scholars, that the US administration makes use of targeted killings with unmanned drones against "specific al-Qaida terrorists". John Brennan maintained that the practice is in accordance with US and international humanitarian law. He also contended that targeted killings conform to the principles of necessity, distinction, proportionality, and of humanity by not inflicting unnecessary suffering. He explained that any targeted killing operation undergoes an internal review before being put in motion, including on its legality. However, he also recognised that "there have indeed been instances when, despite the extraordinary precautions we take, civilians have been [...] accidentally injured, or worse, killed in these strikes." In the meantime, the CIA has continued drone strikes operations in Pakistan and in Yemen.

[Speech](#)

[NGO Statement](#)

[Press Article 1](#)

[Press Article 2](#)

USA: Court of Appeals grants immunity to "torture" memoranda writer

On 2 May, the federal Court of Appeals for the Ninth Circuit granted qualified immunity to former Deputy Assistant Attorney General John Yoo and therewith dismissed the civil damages action for breach of constitutional rights (*Bivens* action) brought against him by José Padilla and his mother Estela Lebron. The complaints alleged that John Yoo participated in policy decisions and rendered legal opinions that ultimately authorised federal officials to designate Padilla as an enemy combatant, take him into military custody, hold him incommunicado without access to the courts or counsel and subject him to torture. The Court ruled for qualified immunity because it held that, when John Yoo held his position (2001-2003), it had not yet been clarified by the US Supreme Court that an "enemy combatant", as Padilla was designated, was entitled to due process rights neither that the treatment to which Padilla had been subjected constituted "torture".

[Ruling](#)

[Press Article](#)

USA: Waterboarding is an "intelligence technique" covered by state secrets, says Appeals Court

On 21 May, the federal Court of Appeals for the Second Circuit ruled against a group of US NGOs seeking an order that the Government must release unredacted memoranda of the Office of the Legal Counsel, and a photo of Abu Zubaydah documenting the practice of "enhanced interrogation techniques", including waterboarding. The Court held that these interrogation practices related to intelligence activity and are therefore shielded from the application of the *Freedom of Information Act*, and that their release could harm national security. In a reversal of a lower court's decision, the Court of Appeal rejected the "argument that the Government could not withhold information relating to waterboarding on the grounds that waterboarding is now "illegal" and therefore beyond the CIA's mandate", holding that it constituted an "intelligence method".

[Ruling](#)

[NGO Statement](#)

Canada: Four persons charged with terrorism for fumigant bomb in metro

On 12 May, one man and three women were charged with inciting fear of terrorism, and with conspiracy and mischief for having set up smoke-bombs in the subway of Montreal on 10 May which caused the shut down of the whole system in the morning rush hour. The four accused presented themselves voluntarily to the police on 11 May. No casualties were provoked by the incident, which was reportedly meant as a form of protest, although it does not seem directly linked to the ongoing student protest movement in Quebec. The charge of inciting fear of terrorism carries a maximum penalty of five years of imprisonment.

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

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

Canada: Security certificate invalid for undue evidence destruction by secret services

On 25 April, the Federal Court of Appeal reversed a lower court's decision to uphold the security certificate of Mohammed Harkat. Security certificates are issued for the purpose of allowing for the deportation of non-Canadian nationals suspected of terrorism connections. The Federal Court of Appeal upheld the constitutionality of the system of security certificates and the connected proceedings through the use of special advocates, affirming the lower court's reasoning. The Court of Appeal, however, found that the principle of fundamental justice had been breached by the admission of summaries of conversation, the original tapes and transcripts of which had been destroyed by the Canadian secret service (CSIS). As a remedy, the higher court held that only the summaries of the conversation to which Mohammed Harkat was privy could be admitted in trial and directed the lower court to reassess the validity of the security certificate on the basis of the admissible evidence. Mohammed Harkat had been detained as a person inadmissible for residence in Canada on national security grounds from 2002 to 2006, when he was released under a control order allowing the police to search his home in order to ascertain his compliance with the order.

[Judgment](#)

[Press Article](#)

El Salvador: No extradition of nationals for crimes against humanity or terrorism, says Supreme Court

On 8 May, the Supreme Court of Justice of El Salvador rejected the extradition request of the Spanish Central Criminal Court (*Audiencia Nacional*) for 13 former members of the Salvadoran military charged in Spain with murder, terrorism and crimes against humanity for the killing of six Jesuit priests, including Ignacio Ellacuría, Ignacio Martín-Baró and Segundo Montos, and two of their collaborations in 1989. Reportedly, the Supreme Court held that the extradition could not be granted as the Constitution of El Salvador in force at the time of the events forbade the extradition of any national of El Salvador abroad. Reportedly, the Spanish examining judge, Eloy Velasco, may now close the case.

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

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

[Press Article 3 \(S\)](#)

ASIA - PACIFIC

Pakistan: Foreign Affairs Minister opposes use of drones by US

On 30 April, Minister for Foreign Affairs, Hina Rabbani Khar, stated in an address at the Lahore University of Management Sciences that Pakistan is requiring that the US end drone attacks on Pakistan's territory, and that such attacks have been proven to be counter-productive in the counter-terrorism effort. On 4 May, the Foreign Office spokesman Moazzam Ahmad Khan informed the media that talks were underway with US authorities to find alternatives to drones. The efforts to stop drone attacks came after a unanimous resolution was passed by Parliament on 12 April calling for their immediate cessation.

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

Bangladesh: NGO denounces enforced disappearance masked as "counter-terrorism"

In April 2012, the NGO Odhikar revealed that Shah Alif Prince had been allegedly arrested by plainclothes members of RAB-2 (Rapid Action Battalion) and CPC (Crime Prevention Company). The officers reportedly told him that there was a case against him under the *Anti Terrorism Act 2009*. According to his family, his whereabouts were unknown for 44 days, during which time he was detained and allegedly subject to torture and other ill-treatment. On 10 April, the members of a Rapid Action Battalion handed Shah Alif Prince to the police of Boalia Model Police Station in Rajshahi. On 16 April, he was released on receiving bail from the Chief Metropolitan Magistrate Court of Rajshahi.

[Report](#)

Sri Lanka: Police open records of anti-terrorism detainees

On 13 May, Police spokesman Ajith Rohana announced that an information centre had been set up to provide details of people detained under anti-terrorism legislation and/or arrested by the Terrorism Investigations Department. The spokesperson did not communicate how many people were recorded to have been detained in the long-term conflict with the Liberation Tigers of Tamil Eelam (LTTE). On 22 March, the UN Human Rights Council adopted a resolution in which it noted that the report of the Lessons Learnt and Reconciliation Commission of Sri Lanka, a commission of inquiry appointed by Sri Lankan President Rajapaksa in May 2010 after the defeat of the Liberation Tigers of Tamil Eelam (LTTE) in 2009, had not adequately addressed serious allegations of violations of international law. The Human Rights Council requested the Sri Lankan Government to present an action plan on steps to be taken to address these alleged violations of international law.

[HRC Resolution](#)

[Press Article](#)

Indonesia: New Law on State Intelligence subject to constitutionality test

On 1 May, the NGO ARTICLE 19 submitted an *amicus curiae* brief before the Constitutional Court of Indonesia in support of a challenge of unconstitutionality brought by several media and civil society groups against the *Law on State Intelligence* adopted in November 2011. Article 19 contends that many provisions of this law violated freedom of expression, including through an overbroad definition of national security which includes “national interests” relating to “ideological, political, economic, social, cultural” issues. Concern has been also expressed at the application of a legal obligation to protect secrets to all persons and not only to officials; for the lack of protection for whistle-blowers; and for the power for intelligence officers to wiretap in cases relating to “socio-culture”, “ideology” and “politics” issues.

[Amicus Brief](#)

[NGO Statement](#)

Vietnam: Opposition activists arrested for “terrorism” while entering the country

On 17 April, Nguyen Quoc Quan, also known as Richard Nguyen, was arrested as he arrived from abroad in Tan Son Nhat airport for “trying to enter Vietnam to instigate a demonstration and undermine celebrations” for the anniversary of the fall of Saigon, as declared by the official Vietnam News Agency. Nguyen Quoc Quan, a member of the U.S.-based opposition group Viet Tan, known as the Vietnam Reform Party, which is outlawed in Vietnam, has been charged with “terrorism against the people's administration” and will be detained for four months pending investigations. The charge of terrorism carries the death penalty. Vietnam has never executed a foreign citizen on politically related charges.

[Press Article](#)

Australia: Attorney General launches public consultation on anti-terrorism laws

On 4 May, Attorney-General Nicola Roxon announced that she had asked the Parliamentary Joint Committee on Intelligence and Security to consider potential reforms of national security legislation through public hearings. The Government said the reforms should be put in place with the aim “to ensure our national security capability can evolve to meet emerging threats, while also delivering the right checks and balances for a civil society.” The Attorney General announced that the reform should touch the Telecommunications (Interception and Access) Act 1979, the Telecommunications Act 1997, the Australian Security Intelligence Organisation Act 1979 and the Intelligence Services Act 2001.

[AG Statement](#)

EUROPE & COMMONWEALTH OF INDEPENDENT STATES

UK: Reduction of pre-trial detention now law

On 1 May, Queen Elizabeth gave royal assent to the *Protection of Freedoms Act 2012*, sanctioning its entry into force. The new legislation reduces the maximum permissible time of pre-charge detention for terrorist suspects from 28 to 14 days. However, it introduces the powers of the Secretary of State for the Home Office to increase the limit to 28 days for a period of up to three months in circumstances where Parliament is dissolved or in the period before the first Queen's Speech of the new Parliament. The law also reforms the stop and search system, including by ensuring that stop and search powers are only exercised when there is a reasonable suspicion of a connection with terrorism.

Law

Explanatory Notes

UK: Afghan detainee can challenge UK transfer to Afghani authorities, says High Court

On 16 May, Justice Collins of the High Court of Justice allowed case of Serdar Mohammed to proceed to a full hearing. Serdar Mohammed, an Afghan detainee transferred by UK forces to Afghani authorities, is challenging the lawfulness of the transfer in light of the fact that it allegedly exposed him to torture by Afghan authorities seeking to make him "confess" to involvement with the Taliban. Serdar Mohammed signed a statement admitting to membership of the Taliban and was sentenced to 16 years in prison, eventually reduced to six years. He is set to appeal against his conviction and sentence before the Afghanistan Supreme Court.

Press Article

UK: Queen's Speech confirms introduction of secret intelligence courts

On 8 May, Queen Elizabeth, in her yearly programmatic speech before Parliament (Queen's Speech), confirmed that the UK Government "will introduce legislation to strengthen oversight of the security and intelligence agencies. This will also allow courts, through the limited use of closed proceedings, to hear a greater range of evidence in national security cases." The *Justice and Security Bill*, presently under public consultation proposes, among other things, the standardisation of the closed material procedures (CMPs) to admit classified intelligence information in civil court proceedings; clarifications as to when the obligation to provide a summary of classified evidence to the other party does not apply; and limitations on the role of courts in cases in which individuals are seeking disclosure of sensitive material, where the Government is not otherwise a party, particularly in foreign legal proceedings.

Queen's Speech

Queen's Speech Measures

NGO Statement 1

NGO Statement 2

UK: Referral of Abu Qatada arrived in time but rejected

On 9 May, a Panel of the Grand Chamber of the European Court of Human Rights, composed of Judges Tulkens, Casadevall, Vajić, Jočienė and Potocki, refused the request of Omar Othman, also known as Abu Qatada, that his case be referred to the Grand Chamber. This decision makes final the previous judgment of the Court holding that Abu Qatada could not be transferred to Jordan to face detention after a terrorism conviction *in absentia* and a possible re-trial. Abu Qatada had argued that he would be at real risk of a flagrant denial of a fair trial, due to the practice there to admit statements and evidence obtained by torture, upon which his conviction would be likely to rely. The Panel also confirmed that the application for referral had been presented in time, contradicting the Home Secretary's statement that the appeal had been filed late and that this allowed her to arrest Abu Qatada. At present, the Government is seeking to extradite Abu Qatada after assurances were reportedly received from the Jordanian Government that information

obtained by torture would not be used in his retrial for terrorism. However, Abu Qatada's lawyers are filing for bail as they deem that the extradition will take still many months before it can be executed.

Court Statement

Press Article 1

Press Article 2

Press Article 3

Spain: Court drops investigations into US torture memoranda lawyers

In a decision of 23 March, published in April, the Spanish Central Criminal Court (*Audiencia Nacional*) rejected the request of the *Asociacion pro Dignidad de los Presos y Presas de España*, together with the organisations *Izquierda Unida* and *Asociacion Libre de Abogados*, to set aside the order of the examining judge closing the investigation into charges of torture against senior legal advisers of the Bush administration who formulated legal policy allowing for practices of torture and other ill-treatment. The officials included Alberto Gonzales, a former White House counsel and attorney general; David Addington, former vice-president Dick Cheney's chief of staff; Douglas Feith, who was undersecretary of defence; William Haynes, formerly the Pentagon's general counsel; and John Yoo and Jay Bybee, who were both senior justice department legal advisers. The Central Court held that universal jurisdiction did not apply because the US authorities had undertaken effective investigations and judicial proceedings.

Ruling (S)

Case History (E)

Slovakia: Terrorism convict cannot be transferred to Algeria due to risk of torture

On 15 May, the European Court of Human Rights found that Slovakia had violated the the European Convention of Human Rights, including the principle of *non-refoulement* by deporting Mustapha Labsi to Algeria where he was at risk of being subject to torture or inhuman or degrading treatment. Mustapha Labsi was deported because he was deemed to constitute a danger to national security and because he was wanted in Algeria where he had been convicted on 1 June 2005, *in absentia*, of membership of a terrorist organisation acting both in Algeria and abroad, and of forgery. He had also been convicted by a French court on 7 April 2006 of involvement, as a member of an organised group, in the preparation, between 1996 and 1998, of a terrorist act in France and several other countries and of forging identity documents. The European Court held that the diplomatic assurances given by the Algerian government were insufficient, in particular in light of the reports of torture committed by its secret services, which detained Mr Labsi for twelve days upon arrival. The Court also found that his right to a remedy had been violated as he was not given time to use a constitutional remedy which could have avoided deportation. Finally, the Court held that Slovakia violated Article 34 of the European Convention on Human Rights for having expelled the applicant while interim measures of the same Court were still in force.

Judgment

Lithuania: MEPs call for investigation into CIA secret detention centres

On 30 April, a delegation of Members of the European Parliament (MEPs) visiting Lithuania called on the Lithuanian authorities to reopen investigations into the use of two alleged secret detention facilities used as part of the CIA rendition, interrogation and secret detention programme. One of the facilities is thought to have been used in the rendition from Pakistan via Lithuania and then to Guantánamo Bay of Abu Zubaydah, a "high value detainee" who was subjected to torture, including 83 instances of water-boarding. He was allegedly detained in prolonged secret detention by the CIA. National investigations were dropped in January 2011 when the Lithuanian Prosecutor General announced the closing of the investigations into alleged collusion of State Security Department (SSD) officials with the CIA to create and operate secret sites in Lithuania, used to arbitrarily detain and interrogate, through the use of torture and ill-treatment, individuals apprehended pursuant to the CIA rendition programme.

Press Article

Turkey: Mothers protest daughters' "terrorism" detention and trial for "anti-missile" banner

On 11 May, the parents of teacher Meral Dönmez and university student Gülşah Işıklı held a press conference at Parliament protesting at the four-and-a-half months of detention of their daughters who are charged with "making propaganda for a terrorist organization" for having unveiled in a protest a banner against a missile shield programme. They are on trial at Istanbul 15th High Criminal Court With Special Powers, under Article 220/6 of Turkish Penal Code "committing crimes on behalf of the Revolutionary People's Liberation Party/Front (DHKP-C) without being a member of that organization" and Article 7/2 of Anti-Terror Law "making propaganda for a terrorist organization" and "making a person deprived of liberty, violation of freedom of operation, violation of the inviolability of the workplace".

[Press Article 1](#)

[Press Article 2](#)

Turkey: UN independent expert concerned at counter-terrorism courts and legislation

On 4 May, the UN Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul, published the report on her visit to Turkey between 10 to 14 October 2011. In her report, the Special Rapporteur expressed concern at the restrictions applied to the right to defence in anti-terrorism cases tried before the Special Heavy Penal Courts. The report highlighted concern that in such cases there is a limitation on the number of lawyers who can assist the suspect during the custody and pre-trial investigation period; that there are restrictions on lawyers' access to documents and censorship of lawyer-client correspondence; pre-charge detention of up to 96 hours; a broad definition of terrorism and a wide application of the anti-terrorism legislation including to public protest.

[Report](#)

UNITED NATIONS & REGIONAL ORGANISATIONS

UN: Security Council's Statement reaffirms commitment to human rights in anti-terrorism

On 4 May, the President of the Security Council issued a public statement on behalf of the Council after a discussion on "threats to international peace and security caused by terrorist acts". In the Statement, the "Security Council reaffirms that Member States must ensure that any measures taken to combat terrorism comply with all their obligations under international law, in particular international human rights, refugee and humanitarian law, underscores that effective counter-terrorism measures and respect for human rights, fundamental freedoms and the rule of law are complementary and mutually reinforcing, and are an essential part of a successful counter-terrorism effort, and notes the importance of respect for the rule of law so as to effectively prevent and combat terrorism."

[SC Statement](#)

[Press Article](#)

UN: Person removed from UN Terrorism List after eight years

On 4 May, the UN Security Council Al Qaeda Sanctions Committee removed the name of Kamel Darraji from its Al-Qaeda Sanctions List, after considering the report of the Ombudsperson on his case. Kamel Darraji had been kept in the list for eight years, on the basis that he was allegedly "associated with" an Italian Al-Qaida terrorist cell, an accusation always rejected by the accused. The European Centre for Constitutional and Human Rights has stated that the listing decision has never been based on evidence; that "in 2005 Italian courts found there was no evidence to support the allegation that he was part of a terrorist cell; [and that] US embassy cables released last year by Wikileaks revealed that in 2009 even the US government itself could find no evidence to justify his

continued inclusion.” For the last eight years, Kamel Darraji has been subject to restrictions on accessing funds, work and travel as a result of the listing.

[UN Statement](#)

[NGO Statement](#)

UN: UN Special Rapporteur publishes report on victims of terrorism’s human rights

On 7 May, the UN Special Rapporteur on the promotion and protection of human rights while countering terrorism, Ben Emmerson, published its annual report entitled “Framework Principles for Securing the Human Rights of Victims of Terrorism”. In the report, the UN expert contends that “victims of acts of terrorism must now be recognised as victims of grave violations of international human rights law” and that a “purely legalistic perspective, which insists that only States and comparable entities can violate human rights, must now be regarded as an outdated and retrograde analysis”. Among his conclusions he recommends the drafting of a “specific normative framework developed under the auspices of the United Nations”.

[Report](#)

EU: General Court rules for transparency in negotiating documents

On 4 May, the General Court of the European Union annulled a 2009 decision of the Council of the European Union not to grant access to MEP Sophie in’t Veld at least in part to the undisclosed parts of an opinion of the Council’s Legal Service. The opinion concerned a recommendation from the Commission to the Council to authorise the opening of negotiations between the European Union and the United States for an international agreement to make available to the United States Treasury Department financial messaging data to prevent and combat terrorism and terrorist financing. The Court held that parts of the document relating to the legal basis in EU Law of the agreement should have been disclosed, as its disclosure would not constitute a threat to international relations, and would not have undermined the protection of legal advice to the Council and the Council had failed to ascertain whether there was an overriding public interest for disclosure.

[Judgment](#)

[MEP Statement](#)

[Press Article](#)

EU: Council agrees on EU passenger records system possible also for intra-EU flights

At a meeting of the Justice and Home Affairs Council of 26-27 April, the Council of the European Union reached a general agreement on a draft directive on the use of flight passenger data for protection against terrorist offences and serious crime for the European Union. Although initially proposed only for flights coming in and out the EU space, the Council proposal will now allow, but not oblige, Member States also to collect PNR data from those intra-EU flights where it considers such data necessary in order to prevent, detect, investigate or prosecute cases of terrorism or other serious crime. In addition, the Council maintained a maximum period of retention of data of five years, but extended the period of full accessibility of data from 30 days to two years after which the data will be masked. The Presidency of the Council will now begin negotiations with the European Parliament.

[Draft Directive](#)

[Council Statement](#)

[Presidency Statement](#)

EU: Resolution before Parliament’s committee calls for accountability for renditions

On 8 May, a resolution was presented by MEP Hélène Flautre before the Civil Liberties, Justice and Home Affairs Committee of the European Parliament as follow-up to the 2007 Report of the Temporary Committee on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners. The resolution denounces the fact that “Member States have so far not properly fulfilled their positive obligation under international law to investigate serious human rights violations connected with the CIA programme and to afford full redress to victims”. Among many measures suggested, it calls on Member States to conduct inquiries fully compatible with their international

obligations and asks the Council of the European Union to issue “a declaration acknowledging and apologising for Member States’ involvement in the CIA programme.” The resolution will have to be voted by the Committee and then be subject to a vote of the European Parliament’s plenary.

Draft Resolution

NATO: Summit approved “Policy Guidelines on Counter-terrorism”

On 21 May, Member States of the North Atlantic Treaty Organisation (NATO) approved at their summit in Chicago (USA) *NATO’s Policy Guidelines on Counter-terrorism*. The Guidelines declare that “NATO will continue to act in accordance with international law, the principles of the UN Charter and the Universal Declaration of Human Rights.” They continue by identifying priorities in NATO’s counter-terrorism action: to “ensure shared awareness of the terrorist threat and vulnerabilities among Allies through consultations, enhanced sharing of intelligence, continuous strategic analysis and assessments in support of national authorities”; to “strive to ensure that it has adequate capabilities to prevent, protect against and respond to terrorist threats”; and to “strengthen its outreach to and cooperation with partner countries as well as international and regional organisations, in particular the UN, EU and OSCE.”

Guidelines

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