



E-BULLETIN ON COUNTER-TERRORISM & HUMAN RIGHTS

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AFRICA & MIDDLE EAST

Uganda: Human rights defender challenges committal procedure in terrorism case

In November, Al-Amin Kimathi, a human rights defender from the Kenyan Muslim Human Rights Forum, filed a petition to the Constitutional Court challenging the constitutionality of his committal procedure. The committal is taken at the discretion of the Department of Public Prosecution and he alleges that the procedure risks violation of his right to a trial within a reasonable time and indefinite prolongation of his detention. Al-Amin Kimathi was arrested on 15 September at Entebbe airport in Uganda and brought to the Rapid Response Unit headquarters in Kireka, Kampala. 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.

Petition

Rwanda: Bail refused to opposition leader arrested on terrorism charges

On 12 November, the High Court of Rwanda denied a request for bail by Victoire Ingabire Umuhoza, leader of the opposition party United Democratic Forces (FDU-Inkingi). She was arrested on 14 October based on the authorities' claims that she was collaborating in setting up a "terrorist group". The authorities allege that she ordered the establishment of a military wing of the Democratic Forces for the Liberation of Rwanda (FDLR), an unregistered opposition political party. Human rights organisations accused the government of using terrorism charges to undercut political opposition.

NGO Statement

Press Article 1

Press Article 2

Ethiopia: UN Committee against Torture finds use of torture and abductions in counter-terrorism

On 19 November, the UN Committee against Torture published its concluding observations on the first periodic report by Ethiopia on its obligations under the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. The Committee expressed its deep concern at the routine use of torture by the police, prison officers and other members of the security forces, as well as the military, in particular against political dissidents and opposition party members, students, alleged terrorist suspects and alleged supporters of insurgent groups such as the Ogaden National Liberation Front (ONLF) and the Oromo Liberation Front (OLF). The Committee also reported allegations that Ethiopia had unlawfully abducted terrorism suspects from other countries, including Somalia, under the justification of pursuing counter-terrorism operations. The Committee underscored that several provisions of the *Anti-terrorism Proclamation No. 652/2009* unduly restricted legal safeguards against torture and ill-treatment for persons suspected or charged with a terrorist or related crime.

Concluding Observations

Yemen: US citizen on trial for capital offences allegedly tortured in detention

On 27 October, Sharif Mobley, a US citizen resident in Yemen, was charged with the murder of a Yemeni soldier and the wounding of another during a failed escape attempt, offences carrying the risk of the death penalty. Mr Mobley had been subjected to an alleged arbitrary detention by security forces on 26 January on suspicion of links with Al-Qaeda and since held without charge. The hearing on the charges reportedly occurred without the presence of any lawyer. The family of Mr Sharif has claimed that he had been tortured while in detention.

Case History

NGO Video

Press Article 1

Press Article 2

Yemen: Terrorism trial begins against journalist for interviews with Al-Qaeda members

On 26 October the trial opened of Yemeni journalist Shae, accused of participating in an armed gang and working for the benefit of a terrorist organisation, Al-Qaeda in the Arabic

Peninsula (AQAP). The charges were reportedly based on contacts made by the journalist in the context of his work. Abdul Ilah Haydar Shae has refused to recognise the legitimacy of the State Security Court to try him, contending that is a special court lacking competency. He was apprehended by State security forces on 16 August and detained arbitrarily. It is also alleged that he was subject to ill-treatment.

NGO Statement 1

NGO Statement 2

Press Article

Jordan: UN Human Rights Committee concerned at torture cases and wide definition of terrorism

On 27 October, the Human Rights Committee published its concluding observations on the fourth periodic report by Jordan on its obligations under the *International Covenant on Civil and Political Rights*. The Committee expressed its concern at the vague and broad definition of “terrorist activities” included in the *Prevention of Terrorism Act of 2006*. The body of experts also outlined the high number of reported cases of torture and ill-treatment in detention centres, particularly in the General Intelligence Directorate facilities.

Concluding Observations

Bahrain: Trial of opposition members and human rights defenders begins amid claims of torture

On 28 October, in the High Criminal Court in Manama, the trial began of 23 human rights defenders and opposition supporters who were arrested in August and September and charged with plotting to overthrow the government and planning terrorist acts, under Bahrain’s 2006 anti-terrorism law. The defendants complained of lack of access to their families and lawyers while in detention, and of the use of torture and ill-treatment, including deprivation of sleep and abusive solitary confinement. Amnesty International reported further allegations of ill-treatment following their declarations at the trial hearing.

NGO Statement 1

NGO Statement 2

Iraq: Journalists arrested and TV closed under anti-terrorism law

On 1 November, the Iraqi authorities closed the Baghdad, Kerbala and Basra bureaux of Cairo-based satellite TV station *Al-Baghdadia*, in connection with its coverage of the hostage-taking in a Syriac Catholic church in Baghdad, according to *Reporters Sans Frontiers*. The authorities also arrested two of the station’s employees, producer Haidar Salam and video editor Mohammed Al-Johair, under article 1/2/4 of the anti-terrorism law. While Mohammed Al-Johair was released the following day, Haidar Salam is reported to remain detained at an unknown location.

NGO Statement

Somalia: NGOs call on Puntland President not to curb freedom of expression with counter-terrorism

On 30 October, 56 journalists and organisations active in the area of freedom of expression sent a letter to the President of the Puntland State of Somalia, Abdirahman Mohamed Farole, denouncing the worsening situation of journalists in the state. The authors alleged that journalists have been arrested, physically assaulted, suspended, censored and killed, and the operations of news organisations have been threatened, closed or restricted. Among the requests, the NGOs asked the President to end the application of the Somali penal code and the terrorism law of Puntland to journalists and media.

Letter

Israel: NGO asks for withdrawal of counter-terrorism draft law

On 21 October, the Legal Centre for Arab Minority Rights in Israel (Adalah) sent a letter to the Chairman of the Knesset urging rejection of the *Criminal Procedure Law (Suspects of*

Security Offenses) (Temporary Order) (Amendment No. 2) – 2010. The bill would allow the authorities to delay bringing a detainee suspected of security offenses before a judge for up to 96 hours after the arrest, and would permit the courts to extend the detention of a security suspect for up to 20 days at a time and to hold extension of detention hearings in the absence of the detainee. In particular, the last measure runs counter to a High Court ruling of last February striking down an equivalent provision.

[HC Ruling \(Hebrew\)](#)

[Letter \(Hebrew\)](#)

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

AMERICAS

USA: Former President Bush admits and defends use of waterboarding torture

On 9 November, George W. Bush published his memoirs in which he confirms that he authorised the use of the torture technique known as waterboarding on al-Qaeda suspects Khalid Sheik Mohammed and Zayn al-Abidin Muhammed Hussein in order to extract information from the suspects. The former president writes that his lawyers assured him of the legality of the practice. The declarations were also reiterated in his first public interview since he left the White House. The American Civil Liberties Union and Amnesty International called on the Secretary for the Department of Justice, Eric Holder, and Assistant U.S. Attorney John Durham to prosecute former President George W. Bush for torture.

[Interview](#)

[NGO Letter](#)

[NGO Statement](#)

[Press Article](#)

USA: Ghailani trial ends with conviction on one charge and acquittal on 284 others

On 17 November, a jury in the US District Court of the Southern District of New York found Ahmed Khalfan Ghailani guilty of one count of conspiracy to damage or destroy U.S. property for his participation in the bombings of the US Embassy in Nairobi (Kenya) and Dar es Saalam (Tanzania) in 1998, which killed 224 people, including 12 US citizens. The conviction carries a sentence of 20 years to life imprisonment which will be determined in a subsequent phase of the trial. He was acquitted of 284 other charges, including multiple murder and attempted-murder. Ahmed Khalfan Ghailani was apprehended in Pakistan in July 2004 and turned over to the CIA, which held him in several secret prisons overseas before he and 13 other high-value detainees were transferred to Guantanamo Bay in September 2006. Sources within the Obama administration suggested that the outcome, namely the acquittal on most charges, could increase the likelihood that Khalid Sheik Mohammed will remain in military detention and will not be tried in a civilian court.

[NGO Statement](#)

[Press Article 1](#)

[Press Article 2](#)

USA: CIA agents who destroyed torture tapes not to be prosecuted, says Justice Department

On 9 November, the Department of Justice announced that, after an “exhaustive investigation”, it would not prosecute any CIA agents in relation to the destruction of videotapes in contravention of a federal court order. The videotapes were said to show the interrogations of terrorist suspects Abu Zubaydah and Abd al-Rahim al-Nashiri while they were being held in a secret CIA “black site” in Thailand in 2002, and during which the CIA reportedly subjected detainees to torture and ill-treatment, including by waterboarding.

[DoJ Statement](#)

[CIA Statement](#)

[NGO Statement](#)

[Press Article](#)

USA: Court of Appeals overturns habeas ruling in favour of Guantanamo detainee

On 5 November, the US federal Court of Appeals for the District of Columbia reversed a District Court decision which granted a petition of *habeas corpus* to Guantanamo detainee Mohammedou Ould Salahi, apprehended in his native Mauritania in November 2001 and

held in Guantanamo Bay since 2002. The basis of his detention was that he was allegedly “part of” al-Qaeda and the District Court had ruled that the determination was without merit based on the evidence. The Court of Appeals, however, determined that to be “part of” Al Qaeda one did not have to receive and execute orders or directions, but need only to be “sufficiently involved with Al-Qaeda to be deemed part of it” on the basis of the interpretation of all the evidence. The Court sent back the case to the District Court for reconsideration under this standard.

[Ruling](#)

[Press Article](#)

USA: Supreme Court refuses to hear constitutional challenge to PATRIOT Act

On 1 November, the Supreme Court refused to hear an appeal in the case *Mayfield and others v USA*, thereby upholding the Court of Appeals ruling which had dismissed the case. Brandon Mayfield is a US citizen who was placed under surveillance by the FBI and thereafter arrested on 6 May 2004 for two weeks on what turned out to be an erroneous suspicion of involvement in the Madrid bombings of 11 March 2004. Brandon Mayfield reached a settlement with the US authorities which did not preclude the possibility of continuing a constitutional challenge to the PATRIOT Act for violation of the Fourth Amendment to the US Constitution. The Court of Appeal dismissed the case on the grounds that a declaration of constitutionality would not have constituted effective relief for the applicant, which had already been granted to him through the settlement.

[SC Order](#)

[CA Ruling](#)

[Press Article](#)

USA: Gang-war is not terrorism, says New York Supreme Court

On 9 November, the Appellate Division of the New York State Supreme Court vacated the conviction of Edgar Morales, a gang member, for the offence of terrorism. The Court held that this offence could not be applied to the case of the defendant who was convicted of the unlawful killing of a 10 year old and wounding another person during a gang shoot-out. The Court found that the conclusion of the prosecution, upheld by the jury at first instance, that such action had a terrorist intent was misplaced and inapplicable. The Court modified the conviction of Morales to manslaughter, attempted murder and criminal possession of a weapon.

[Ruling](#)

[Press Article](#)

Canada: Canada will accept Omar Khadr in one year under plea agreement

On 1 November, the Minister of Foreign Affairs, Lawrence Cannon, confirmed in the House of Commons that Canada would accept the repatriation of Guantanamo detainee Omar Khadr from the USA, in accordance with the pleading agreement reached between the US authorities and Omar Khadr himself. According to the plea, Omar Khadr is to serve his detention in Canada after having served one further year of imprisonment in the USA. The agreement between the two countries was preceded by an exchange of notes of 23 October, according to which the detention of Omar Khadr in Canada will be governed by Canadian law, including the possibility of earlier release. On 31 October, following the plea deal, Omar Khadr was sentenced by a US Military Commission to 40 years’ imprisonment, but he will have to serve eight years under the agreement. Omar Khadr, a Canadian national, was 15 years old at the time of his detention by US forces in Afghanistan and in Guantánamo in 2002.

[Parliament Hansard](#)

[Diplomatic Notes](#)

[Press Article](#)

Colombia: Constitutional Court quashes Intelligence Law on procedural grounds

On 16 November, the Constitutional Court ruled the *Law on Intelligence Activities* (no. 1288/2009) to be invalid, as it had not been approved following the proper legislative process. The Court found that, as the law affected fundamental rights, the Congress should have followed a more stringent procedure than the ordinary legislative one. The constitutional challenge was brought by the *Colombian Commission of Jurists* and

Reiniciar, which argued that certain provisions of the law, which relate to the right to privacy, violate the principle of legality and are in breach of the freedom of information and the right to truth, justice and reparation.

Petition (S)

Amicus Brief (S)

NGO Statement (S)

Press Article (S)

Ecuador: Students leader convicted for “terrorist assault”

On 8 November, the Third Criminal Court of Pichincha sentenced Marcelo Rivera, leader of the University Students Federation of Ecuador, to three years of imprisonment on the charge of “terrorist assault” (Article 164 of the Criminal Code). The conviction was related to his leadership of a group of students who seized the *Universidad Central* on 8 December 2009, destroying some of the University’s property and assaulting the dean. Ecuadorean jurists have expressed concern at the use of this terrorism offence in this case.

Criminal Code (S)

Press Article 1 (S)

Press Article 2 (S)

ASIA - PACIFIC

India: Woman’s hunger strike against anti-terrorism law enters eleventh year

On 4 November, Irom Sharmila, a human rights defender resident in Imphal, capital of Manipur, reached the tenth year of hunger strike to demand the repeal of the *Armed Forces Special Powers Act 1958*, an anti-terrorism law which gives the military powers such as the right to arrest suspected militants without a warrant and to shoot anyone suspected of being a rebel. Ms Sharmila has been repeatedly arrested by Indian authorities during the last ten years on charges of attempted suicide as a result of the hunger strike, under Section 309 of the Indian Penal Code. She has been subjected to forced feeding through nasal tubes.

NGOs Statement

Press Article

Malaysia: Report documents abuses of anti-terrorism law

On 16 November, the International Bar Association Human Rights Institute published a report on the use by Malaysian authorities of the anti-terrorism law *Internal Security Act (ISA) 1960*. The ISA allows arrest without a judicial arrest warrant and detention for up to 60 days in special police remand centres, without the right to see relatives or legal counsel or to be produced before a court. The report describes the detention and trial of Raja Petra Kamarudin (Raja Petra), editor of the online newspaper *Malaysia Today*, who was accused of publishing articles on his website which allegedly tarnished the leadership of Malaysia and “maligned Islam”.

Report

NGO Statement

Japan: Leak of counter-terrorism files reveals massive surveillance of Muslim community

On 31 October, the news media reported the leaking on the internet of more than 100 documents, dated 2004 to 2010 and including data from the US FBI, documenting terrorism investigations and surveillances from the Tokyo Metropolitan Police Department’s Public Security Bureau. The files reportedly reveal that Japanese police, under pressure from U.S. authorities, placed under surveillance many members of Tokyo’s Muslim community. According to the *Japan Times*, some victims of the surveillance declared that the Security Bureau tried to recruit them as spies.

Press Article 1

Press Article 2

Press Article 3

Australia: Anti-terrorism law passed by Parliament

On 15 November, the Parliament passed the *National Security Legislation Amendment Bill 2010*, which modifies Australia’s counter-terrorism laws. Among the many measures introduced, the bill provides new powers for police to enter a premises without a warrant

in emergency circumstances relating to a terrorism offence; extends the time available for police to re-enter a premises under a search warrant from one hour to 12 hours in emergency circumstances; establishes a maximum seven-day limit on the detention period, that may be disregarded when a person has been arrested for a terrorism offence; and extends the expiration period of regulations proscribing a terrorist organisation from two to three years.

[Draft Law](#)

[Attorney General Statement](#)

EUROPE & COMMONWEALTH OF INDEPENDENT STATES

UK: More than 100,000 stops and searches resulted in no terrorism arrest

On 28 October, the UK Home Office published statistical research on arrests based on counter-terrorism legislation. The report revealed that in 2009 -2010 there were 101,248 stop and searches made under section 44 of the *Terrorism Act*, which gives law enforcement authorities the power to stop and search anyone present in a designated zone without “reasonable suspicion”. The report also revealed that less than one half of one percent, numbering 506, actual arrests arose from these procedures and that none of them was terrorism related.

[Research](#)

[Press Article 1](#)

[Press Article 2](#)

UK: Government announces settlement in Guantanamo detainees lawsuit

On 16 November, the Lord Chancellor and Secretary of State for Justice, Kenneth Clarke, announced to the House of Commons that the Government had concluded a settlement in the civil lawsuits brought against the UK secret services by former Guantanamo detainees Binyam Mohamed, Bisher al-Rawi, Jamil el-Banna, Richard Belmar, Omar Deghayes, Moazzam Begg and Martin Mubanga, for these services’ complicity in the torture and arbitrary detention they suffered in Guantanamo. One clause of the settlement, which is confidential, is reported to contain a commitment by the UK Government to act in order to repatriate the last remaining former UK-resident Guantanamo detainee, Shaker Aamer. The Secretary of Justice also declared that the reaching of the settlement paved the way for the beginning of an inquiry into UK complicity in torture practices led by Sir Peter Gibson.

[Parliament Video](#)

[Parliament Hansard](#)

[NGO Statement](#)

[Press Article](#)

UK: One Muslim cleric refused entry to UK; another maintains UK citizenship

On 5 November, the High Court of Justice ruled that the Home Secretary’s decision to exclude Zakir Naik from entry to the United Kingdom to participate in conferences and public events, based on past statements he had made deemed to justify terrorist activity and to foster hatred, did not infringe his right to freedom of expression, as the restriction of the right was proportionate. The Court found that Zakir Naik could still convey his views via videos or other channels. In another case, the Special Immigration Appeals Commission ruled that Abu Hamza could not be stripped of his British citizenship by the Home Secretary, because he would have otherwise be rendered stateless, since he had been *de facto* deprived of his Egyptian nationality.

[HC Judgment](#)

[SIAC Judgment](#)

UK: Parliamentary Committee finds guarantees in *Terrorist Asset Freezing Bill* insufficient

On 9 November, the Joint Committee on Human Rights published its comments following the Government’s reply to its preliminary report on the *Terrorist Asset Freezing Bill*, a draft government legislation designed to replace the temporary regime enacted following a Supreme Court decision which had abolished the previous system. In the report, the Committee underlined that the standard of proof designated in the Bill for the freezing of assets was too low, as it did not equate to a “balance of probabilities”. The Committee

found that the Bill should require a summary of reasons to be given in the written notice of designation; and that the designated person should be given sufficient information about any allegations to enable the designated person to give effective instructions in relation to those allegations to the person who represents his interests.

Report

Hungary: UN Human Rights Committee concerned at unclear definition of terrorism

On 25 October, the UN Human Rights Committee published its concluding observations on the fifth periodic report by Hungary on its obligations under the *International Covenant on Civil and Political Rights*. The Committee expressed its concern at the unclear definition of certain offences related to terrorist acts. The Committee recommended that Hungary ensure that the Penal Code defines terrorist crimes with sufficient precision, not only in terms of their purpose but also regarding the nature of the relevant acts, to enable individuals to regulate their conduct accordingly.

Concluding Observations

Poland: UN Human Rights Committee concerned at CIA secret detention centre

On 27 October, the UN Human Rights Committee published its concluding observations on the sixth periodic report by Poland on its obligations under the *International Covenant on Civil and Political Rights*. The Committee expressed concern at reports of the existence of a secret detention centre used as part of the CIA rendition programme and that investigations of it were not yet concluded. The Committee was also concerned at the broad definition of a terrorist crime in article 115 of the Penal Code.

Concluding Observations

Turkey: UN Committee against Torture concerned at anti-terrorism detention of juveniles

On 19 November, the UN Committee against Torture published its concluding observations on the third periodic report by Turkey on its obligations under the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. The Committee, while welcoming the amendments to the *Law on Combating Terrorism* prohibiting trial on charges of terrorism of juveniles who attend illegal meetings and demonstrations, expressed concern that children arrested during demonstrations continue to be detained in unrecorded adult pre-charge facilities, including those of the Anti-Terrorism Branch of Security Directorate, rather than in the Children's Branch. Furthermore, the Committee, among other findings, expressed concern at the denial of a suspect's right to contact a lawyer until 24 hours after arrest under the *Law on Combating Terrorism (Law No. 3713)* and at the fact that certain privileges relating to group activities of prisoners can be restricted for persons accused or convicted of terrorist or organised crime offences and held in solitary confinement in high security prisons.

Concluding Observations

Turkey: Report documents use of anti-terrorism law to curb public demonstrations

On 1 November, Human Rights Watch published a report documenting the use of anti-terrorism legislation by the Turkish authorities to prosecute hundreds of Kurdish demonstrators solely for participating in a demonstration. The report documents a line of national court jurisprudence that merely being present at a demonstration that the PKK encouraged people to attend amounts to acting under PKK orders.

Report

NGO Statement

Press Article

Turkey: Journalist prosecuted and TV news channel fined under anti-terrorism law

On 11 November, news channel CNN Türk was reportedly fined more than 285,000 Turkish Liras under Turkey's anti-terrorism law for broadcasting comments of a parliamentary deputy regarding the outlawed Kurdistan Worker's Party (PKK). On 10 November, Neşe

Düzel, a journalist for the daily Taraf went to trial on charges of “making propaganda on behalf of a terrorist organisation”, as a result of her interviews with PKK officials Zübeyir Aydar and Remzi Kartal. *Reporters sans frontières*, while documenting other similar cases, condemned the use of anti-terrorism legislation as a means to curb freedom of expression and information.

NGO Statement

Press Article

Azerbaijan: Human rights defender cleared of terrorism charges remains in jail

On 11 November, the Supreme Court revoked charges against human rights defender Eynulla Fatullayev of defamation, terrorism, and incitement to racial hatred, after a judgment of the European Court of Human Rights became final in October. However, Eynulla Fatullayev remains in detention on a separate conviction for drugs possession for which he was sentenced to two-and-one-half years in July. Several international NGOs have criticised these charges as manufactured and called for his immediate release.

ECtHR Judgment

NGO Statement 1

NGO Statement 2

Press Article

Russian Federation: European Court rules on enforced disappearances during “counter-terrorism” operations in Chechnya

On 28 October, the European Court of Human Rights ruled on the enforced disappearances of Ilyas and Isa Yansuyev, which took place in Chechnya during “counter-terrorism operations”. The Court found that Ilyas and Isa Yansuyev had been abducted by State servicemen during unacknowledged security operations and their whereabouts were subsequently unknown, and that they must be presumed dead. The Court found that the Russian Federation had violated their right to life and their right to liberty. It also ruled that the investigations into their enforced disappearance were insufficient, also subjecting their relatives to mental, and sometimes physical, inhuman or degrading treatment.

Judgment

Russian Federation: Law on aiding terrorism to be adopted

On 26 November, the Russian State Duma approved the third reading of a law aggravating criminal responsibility for terrorists. The new amendments to the Criminal Code increase criminal responsibility for terrorist acts, facilitating terrorist activity, public calls to carry out terrorist activity or public justification of terrorism. In addition, the law introduces criminal responsibility of up to twenty years for aiding a terrorist act, defined as intentional assistance in carrying out a crime by advice, directions, offering information, means or tools for committing crimes or eliminating obstacles for its commitment, as well as promises to conceal the criminal means or tools of the crime, traces of the crime or objects acquired as a result of criminal activity and likewise promises to acquire or dispose of such objects. The law is yet to be voted on by the Russian Senate or approved by the President.

Draft Law (R)

Government Opinion (R)

Sup. Court Opinion (R)

Press Article (R)

Russian Federation: Security Service “Warnings” Order to enter into force

On 28 November, the Order of the Federal Security Service (FSB) *On announcing by the bodies of the FSB an official warning on inadmissibility of actions creating conditions for committing crimes, enquiry and investigation which fall under the purview of the FSB under the Russian Federation legislation* entered into force. It allows the FSB to issue binding warnings to individuals, including in cases of suspected terrorism, in the absence of grounds for criminal responsibility. The Order establishes procedures for issuing warnings which were introduced by a controversial law adopted by Duma in July 2010 and heavily criticised by experts in Russia. On October 8, the law was amended giving an authorised FSB official ten days from the time he receives information on the case to decide to inform the person of a warning and another five days to inform them.

Order (R)

Press Article (R)

Germany, Italy, Lithuania, Macedonia, Poland, Romania, Sweden and the United Kingdom: Amnesty International reports latest evidence in European countries complicity in CIA renditions and secret detention

On 15 November, Amnesty International published the report *Open secret: Mounting evidence of Europe's complicity in rendition and secret detention*, which documents and evaluates the latest evidence available on the complicity of several European countries in the CIA rendition and secret detention programme. The report stresses the need for the governments of these countries to ensure accountability for the human rights violations arising out of these practices.

Report

NGO Statement

UNITED NATIONS & REGIONAL ORGANISATIONS

UN: Third Committee resolution urges respect for rule of law in terrorism list implementation

On 22 November, the Third Committee of the UN General Assembly approved with oral modifications a resolution on *Protection of human rights and fundamental freedoms while countering terrorism*. In the resolution, the Committee provides a detailed set of recommendations to States in order to ensure the respect and promotion of human rights while countering terrorism. Furthermore, the resolution recognises the “need to continue ensuring that fair and clear procedures under the United Nations terrorism-related sanctions regime are strengthened”, and urges States to “ensure the rule of law and to include adequate human rights guarantees in their national procedures for the listing of individuals and entities with a view to combating terrorism”. The draft resolution will now be considered by the full General Assembly.

Resolution

UN: UN anti-terrorism committees report to Security Council

On 15 November, the UN Security Council was briefed by its subsidiary committees – the UN Al-Qaeda and Taliban Sanctions Committee, the Counter-terrorism Committee and the Committee on the non-proliferation of weapons of mass destruction on their activities. In his presentation, the chairman of the Sanctions Committee recognised that there were due process and human rights concerns with the UN listing system, including the challenge by the European General Court in the case “Kadi II”, and suggested introducing a majority vote for de-listing instead of the present consensus system. In a report presented on this occasion to the Security Council, the Counter-terrorism Executive Directorate (CTED) of the Counter-terrorism Committee (CTC) stated that it “has become increasingly convinced that counter-terrorism strategies can be fully effective in the long term only if they are firmly grounded in the rule of law and comply with international human rights and humanitarian obligations.”

Meeting Summary

CTED Report

Sanctions Committee Briefing

NATO: Summit declaration upholds military response to terrorism and intelligence sharing

On 20 November, the North Atlantic Council of the Heads of State and Government of the North Atlantic Treaty Organisation (NATO) issued a declaration after their Lisbon Summit aimed at drawing up the Organisation's agenda for the next decade. The declaration contains a statement that NATO and its Member States will continue “to enhance both the political and military aspects of NATO's contribution to deter, defend, disrupt and protect” against terrorism, “including through advanced technologies and greater information and intelligence sharing”.

Declaration

EU: Exclusion for refugee status based on terrorism must be weighed in the individual case, says European Court of Justice

On 9 November, the European Court of Justice issued a preliminary ruling interpreting the exclusion clauses for refugee status in the case of two applicants in Germany who were members of an organisation included on the EU Terrorism List. The Court held that these clauses, enshrined in *Directive 2004/83/EC*, could not automatically exclude someone from refugee status for mere membership of a “terrorist” organisation, but that national authorities had to assess on a case-by-case basis if the person had committed “a serious non political crime” or “acts contrary to the purposes and principles of the United Nations”.

Judgment

Court Statement

EU: European Commission outlines incoming counter-terrorism measures

On 2 November, the European Commission adopted a communication on the EU *Internal Security Strategy in Action*. While stressing that the measures to be adopted must respect the rule of law and fundamental rights, the Commission announced that in 2011 it would propose EU legislation on the collection of Passenger Name Records of passengers on flights entering or leaving the territory of the EU in order to prevent and prosecute terrorist offences and serious crimes; the development of a policy for the EU to extract and analyse financial messaging data held on its own territory; and the establishment of a framework for administrative measures for the freezing of assets to prevent and combat terrorism and related activities.

Strategy

Commission Statement

IGAD: Anti-terrorism body publishes manual on mutual assistance and extradition

In November, the Capacity Building Programme against Terrorism (ICPAT) of the Inter-Governmental Authority on Development (IGAD) and the Center on Global Counterterrorism Cooperation published a *Practitioner Reference Manual for Mutual Legal Assistance and Extradition*, which aims at making accessible the procedures envisaged by the *IGAD Convention on Mutual Assistance in Criminal Matters* and the *IGAD Convention on Extradition*. These Conventions were adopted by IGAD, a sub-regional organisation composed by Djibouti, Eritrea, Ethiopia, Somalia, Kenya, Sudan and Uganda, on 7-8 December 2009.

Manual

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