



# **E-BULLETIN ON COUNTER-TERRORISM & HUMAN RIGHTS**

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## AFRICA & MIDDLE EAST

### Kenya: Army enters Somalia claiming “self-defence” against terrorism

On 15 October, the Kenyan Defence Minister Yusuf Haji and his Internal Security counterpart, George Saitoti, formally announced that the Kenyan army would enter Somalia to pursue and fight al-Shabaab, the Islamist force which controls a substantial part of Somalia. The Ministers invoked Kenya’s right to self-defence against terrorism under Article 51 of the UN Charter, after allegations that al-Shabaab members entered Kenya at the border zone with Somalia and performed a series of kidnappings. According to news media, on 16 October the Kenyan military and aviation entered the country. Somalia’s President Sheikh Sharif Sheikh Ahmed characterized the entrance of the Kenyan troops as “inappropriate”.

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

[Press Article 4](#)

### Ethiopia: Terrorism trial against two Swedish journalists begins

On 18 October, the trial against two Swedish journalists, photographer Johan Persson and reporter Martin Schibbye, began, but was immediately postponed to allow for the appointment of their public lawyers. The two are charged with engagement in terrorist activities, aiding and abetting a terrorist group, and entering the country illegally without permission from neighbouring Somalia. They were reportedly apprehended on 1 July during a fight between Ethiopian forces and members of the Ogaden National Liberation Front (ONLF), which the two journalists were following after having entered the country from Somalia. The journalists reject the terrorism charges. Reporters sans Frontiers and the Committee to Protect Journalists criticised the statement of the Ethiopian Prime Minister Meles Zenawi, who characterized the journalists as “accomplices of terrorism”. The organisations also criticised the use of the anti-terrorism legislation to arrest and curb freedom of the press and of expression.

[NGO Statement 1](#)

[NGO Statement 2](#)

[Press Article 1](#)

[Press Article 2](#)

### Egypt: Victim of rendition from Sweden reveals details in public interview

On 25 September, Ahmed Agiza, the victim of a rendition from Sweden to Egypt in December 2001, was interviewed by the independent Egyptian media organisation Al-Masry Al-Youm. In the interview, Agiza describes his rendition from Sweden and the torture he suffered while in detention in Egypt. He also refers to a visit from the Swedish Ambassador to verify the compliance of Egyptian authorities with diplomatic assurances given to Sweden. Mr Agiza said that the torture to which he was subjected has had physical and psychological consequences which will take years to resolve.

[Interview](#)

### Egypt: Embassy protesters charged with “terrorism” offences before special court

On 23 October, the Attorney General referred 76 defendants arrested during attacks on the Israeli Embassy in Giza to state security emergency courts and charged them with “gathering and using force and violence against public servants, assaulting police officers and personnel, attempting to occupy the Giza Security Directorate, damaging public property, damaging public transportation facilities for the purposes of terrorism, and deliberately damaging private property for the purposes of terrorism.” In early September, protests occurred outside the Israeli Embassy, with some people entering the embassy offices, and some clashes with security forces outside the Giza Security Directorate and the nearby Saudi Embassy, in which several people were injured. The protests occurred following the death of six Egyptian security officials on the border with Israel by gunfire from Israeli forces on 18 August.

[Press Article 1](#)

[Press Article 2](#)

## Libya/Canada: Canadian secret services interrogated detainee in Libya, despite torture allegations

See, AMERICAS

### Bahrain: Court of Appeals confirms military court's convictions of human rights defenders and opposition members for "terrorism"

On 28 September, the military National Safety Court of Appeal in Manama confirmed life sentences for seven opposition members and human rights defenders and shorter jail sentences for 14 other persons. Seven of the defendants were tried *in absentia*. On 22 June, the military court of first instance had convicted the 21 opposition members and human rights defenders of membership of a terrorist group aiming at overthrowing the monarchy; being in contact with a foreign terrorist group; and being financed by a terrorist group. The persons convicted include the main leaders of the opposition and of the protests which occurred across the country, and Abdelhadi Al-Khawaja, the Director of the Bahrain Centre for Human Rights. Amnesty International and Reporters Sans Frontier called the proceedings unfair and stressed that the defendants should not have been tried before a military court.

NGO Statement 1

NGO Statement 2

Press Article

### Occupied Palestinian Territory: Military Court in Gaza sentences three to the death penalty for "terrorism"

On 12 October, the Permanent Military Court in Gaza sentenced Bilal Saad al-Masri and Jihad Abdullah al-Sab' to death by hanging after having convicted them of the charge of "terrorism" under the *Palestinian Revolutionary Penal Code* of 1979. Another defendant, Saif Addin Mahmoud Abu Bakr, was sentenced to hard labour for four years for conspiracy. The convictions arose from the discharge of explosives which killed one person and wounded five other people. The Palestinian Centre for Human Rights called for the abolition of the Revolutionary Penal Code, which it considers to be unconstitutional, since it has never been approved by the legislature. It also called for a moratorium on the use of the death penalty.

NGO Statement

## AMERICAS

### USA: Capital charges sworn against Guantánamo detainee, victim of torture

On 28 September, the Convening Authority of the US military commissions established to try persons held at Guantánamo Bay referred for trial before a military commission Guantánamo detainee Abd al-Rahim Al-Nashiri. He is accused of organising the USS Cole attack in 2000, which killed 17 and injured 39 US Navy personnel, as well as an attempted attack on the USS Sullivan, and an attack on the French oil tanker Limburg, which also killed one sailor. The charges are capital and may lead to a sentence of death. Abd al-Rahim Al-Nashiri was detained in the United Arab Emirates in 2002 and held in secret CIA detention facilities before he was transferred to Guantánamo Bay in 2006. He had been subjected repeatedly to torture and ill-treatment, including water-boarding and mock executions. His lawyers have filed a motion challenging the proceedings as, even in case of acquittal, Al-Nashiri is likely to be kept in indefinite detention.

DoD Statement

Lawyers Petition

NGO Statement

Press Article

### USA: Foundation's assets freezing violated procedural rights, but remains valid

On 23 September, the federal Court of Appeals for the Ninth Circuit held that the Office of Foreign Assets Control (OFAC), which enforces assets freezing under anti-terrorism legislation, violated the right of Al-Haramain Islamic Foundation (AHIF) – Oregon to be free from unreasonable seizures under the fourth amendment of the US Constitution. The

Court determined that the government had failed to provide a warrant for the seizing of its assets and sent back the case to the lower District Court to assess the remedy for the violation. The Court also held that the failure to provide the Foundation with at least an unclassified summary of the classified evidence violated AHIF-Oregon's due process rights, and that the same rights were violated by not providing a timely statement of reasons for the investigation, without a proper national security justification. However, the Court held that these violations of due process rights were harmless, as they would not have changed the Agency's decision to designate the Foundation, and that the designation itself was not incorrect. In addition, the Court ruled that the ban on the Multicultural Association of Southern Oregon to conduct coordinated advocacy with AHIF violated the former's right to freedom of expression under the first amendment.

[Ruling](#)

[Press Article 1](#)

[Press Article 2](#)

### **USA: Federal judge allows court case for restrictions of external contacts of terrorism convict**

On 29 September, Judge Marcia S. Krieger of the US District Court for the District of Colorado allowed to proceed to trial a claim by Khalfan Khamis Mohammed that increased restrictions on his capacity to contact family members while imprisoned did not respect his right to freedom of expression. However, the Judge rejected admission his claims that due process guarantees were not respected in the procedures for the restrictions or that these constituted "cruel and unusual punishment". Khalfan Khamis Mohammed is imprisoned in the US Penitentiary-Administrative Maximum prison facility in Florence (Colorado), where he is serving a sentence of life imprisonment for his conviction for the 7 August 1998 bombing of the United States Embassy in Dar Es Salaam (Tanzania).

[Ruling](#)

[Press Article 1](#)

[Press Article 2](#)

### **USA: No civil contempt for CIA torture videotapes destruction in disregard of court's order**

On 5 October, Judge Alvin K. Hellerstein of the US District Court for the Southern District of New York ruled that the Central Intelligence Agency (CIA) could not be held in civil contempt for having destroyed at least ninety-two videotapes documenting the use of "enhanced interrogation techniques", including water-boarding, on "high-value detainees" Zayn Al-Abidin Muhammad Husayn and Abd Al-Rahim Al-Nashiri. The Judge denied the motion to find a civil contempt because at the present stage it would serve no beneficial purpose. The Judge found that the CIA had since enacted an internal protocol to avoid that such unwarranted destructions might occur in the future and that this constituted a sufficient remedy.

[Ruling](#)

### **USA/Spain: Spanish MP sues FBI for use of his fact in Bin Laden's mock-up**

On 11 October, a Member of the Spanish Parliament, Gaspar Llamazares, announced that he would sue the US Federal Bureau of Investigations (FBI) for having used his image, without his knowledge, as the basis for a computerised mock-up of how Osama Bin Laden might have looked several months before he was killed in Pakistan last May. The MP's image was also allegedly used to create the "most wanted" poster of another senior al-Qaida leader, Atiyah Abd al-Rahman, who was killed in Pakistan in August. The FBI had apologised for incident, calling it "unfortunate".

[Press Article 1](#)

[Press Article 2](#)

### **Canada/Libya: Canadian secret services interrogated detainee in Libya, despite torture allegations**

On 28 September, Human Rights Watch revealed the content of two interviews with Mustafa Krer, a Libyan-Canadian national who had been detained in Libya from 2002 to

2010 for alleged ties to the Libyan Islamic Fighting Group. The interview, corroborated by documents Human Rights Watch found in Libya, revealed that at least three times, between 2003 and 2005, members of the Canadian Security Intelligence Service (CSIS) interrogated or participated with Libyan officers in interrogations of Mustafa Krer. While ill-treatment was not alleged during these interrogation, Mustafa Krer was allegedly repeatedly beaten by Libyan officers between 2002 and 2004. He has also stated that he was interrogated by officials of the United States CIA and FBI. He was convicted in 2002 upon his return to Libya in a trial where his lawyers were not allowed to speak, and released in 2010 after the intervention of former leader Muammar Gaddafi's son, Saif al-Islam.

[NGO Statement](#)

[Press Article](#)

### **Canada: Torture private prosecution against George W. Bush blocked**

On 24 October, the Attorney General of British Columbia (Canada) blocked a private criminal prosecution brought on 21 October against former US President George W. Bush by the Canadian Centre for International Justice (CCIJ) and the US Center for Constitutional Justice (CCR) on behalf of former and current Guantánamo detainees Sami El-Hajj, Muhammed Khan Tumani, Hassan Bin Attash, and Murat Kurnaz. The complaint requested the criminal prosecution of the former US President for having ordered, authorised, aided, abetted, counselled, condoned or exercised command responsibility over acts of torture committed by US officials against these persons. The prosecution was sought on the occasion of the George W. Bush visit to Surrey in Canada on 20 October. Previously the two organisations had also filed an indictment with the Canadian Department of Justice. A number of human rights organizations and individuals signed a letter to the Attorney General in support of the investigation and prosecution.

[Complaint](#)

[Indictment](#)

[NGO Report](#)

[NGOs Letter](#)

[NGO Statement 1](#)

[NGO Statement 2](#)

### **Canada: Detention of Canadian by Syrian authorities triggered by false CSIS report**

On 25 October, the newspaper *The Ottawa Citizen* reported that new documents examined by Abdullah Almalki assert that the Royal Canadian Mounted Police (RCMP) described him to Syrian authorities as an "imminent threat" on 4 October 2001 despite an internal report which concluded on the same day that "O Div. (Ontario Division) task force are presently finding it difficult to establish anything on him other than the fact he is an arab running around." Abdullah Almalki spent 22 months in Syrian custody after his arrest on 3 May 2002 at Damascus airport while on a family visit, a period during which he alleges that he was subjected to torture.

[Press Article](#)

### **Chile: Terrorism charges quashed for irregular evidence gathering**

On 4 October, 13 of the 14 people accused of a series of bombings in Santiago (Chile) from 2006 to 2010 had their charges of membership of a terrorist organisation quashed by the first instance criminal court and most were released from detention. The quashing of the charges follows a Court of Appeals decision on 27 September upholding the trial judge's ruling not to admit most of the prosecution's evidence, on the grounds that it was gathered irregularly, and to reject the challenges of recusal against the trial judge. Five of the defendants have yet to answer to the charges of use of explosives.

[Appeals Ruling \(S\)](#)

[Court Statement \(S\)](#)

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

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

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

## **Chile: Minister announces use of Pinochet-era Anti-Terrorism Law to deal with student protests**

On 18 October, the Ministry of Interior, Rodrigo Hinzpeter, announced the application of the Pinochet-era anti-terrorism law *Ley de Seguridad del Estado* against people suspected to have burned a bus and some barricades on the margins of recent student protests in Chile, in which the students have advocated for free and higher standard of education. The opposition parties and the President of the Senate, Guido Girardi, expressed fear at the use of this legislation to repress dissent.

[Senate Pres. Statement \(S\)](#)

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

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

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

## **ASIA - PACIFIC**

### **China: Legislature passes new anti-terrorism law defining “acts of terrorism”**

On 29 October, the Standing Committee of the National People's Congress (NPC), China's legislative body, passed new anti-terrorism legislation, introducing a definition of “terrorist acts”. According to the State news agency Xinhua, these are defined as “those acts which are intended to induce public fear or to coerce state organs or international organizations by means of violence, sabotage, threats or other tactics. These acts cause or aim to cause severe harm to society by causing casualties, bringing about major economic losses, damaging public facilities or disturbing social order.” The law also defines terrorist organisations as those established with the purpose of conducting terrorist acts, and extends the meaning of “terrorists” to members of a terrorist organisation. Reportedly, the new legislation will institute a list of terrorist organisations and provide for powers of asset freezing.

[Xinhua Article](#)

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

### **India: Anti-terrorism legislation withdrawn in parts of Kashmir**

On 21 October, the Chief Minister Omar Abdullah announced the withdrawal of the *Armed Forces Special Powers Act* (AFSPA) for parts of Kashmir following a decline in rebel violence. The AFSPA is a 1958 counter-terrorism law giving the armed forces the power to shoot to kill, to arrest without a judicial warrant, and to detain suspects indefinitely. The legislation also prohibits prosecutions of members of the armed forces without the government's approval, giving rise to impunity. Human Rights Watch has called for the repeal of the legislation.

[NGO Statement](#)

[Press Article 1](#)

[Press Article 2](#)

### **Pakistan: Governor's killer sentenced to death for murder and “terrorism”**

On 1 October, the Anti-Terrorism Court Judge Syed Pervez Ali Shah sentenced to death Mumtaz Qadri, after he had been convicted of murder and for “creating a scene of terrorism” under the *Anti-Terrorism Act*. Mumtaz Qadri was convicted of the killing of Governor Salman Taseer, of whom he was a bodyguard, to protest against the politician's activity against blasphemy laws. Mumtaz Qadri's lawyer has filed an appeal against the conviction, in particular contesting the competence of the Anti-Terrorism Court and the validity of the terrorism charges against his client. The Islamabad High Court has stayed the execution of the death sentence.

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

### **Indonesia: Parliament approves controversial intelligence law**

On 26 October, the Indonesian Parliament approved new legislation on intelligence services. The new law reportedly authorises the Indonesian State Intelligence Agency (Badan Intelijen Negara, BIN) to prevent or fight any activity that may be “harmful to

national interests and national security”, including that originating by “opponents”. Human Rights Watch criticized the legislation as too broad and giving excessive power to intelligence services, which might be used to repress internal dissent, and called for its modification.

Law (Indonesian)

NGO Statement (E)

### **Afghanistan: UN report documents use of torture against “terrorism” suspects**

On 10 October, the UN Assistance Mission in Afghanistan (UNAMA) published a report documenting human rights violations in Afghanistan. The report, which has been rejected by the Afghan Government, documents the systematic use of torture by NDS officials in Herat, Kandahar, Khost, Laghman and in the counter-terrorism department in Kabul, where “high value” suspects are interrogated. In Kandahar, an Afghani official reportedly said that these methods have to be used against “terrorists” given the situation in the region to make them “confess” and to obtain information. UNAMA recommended that all reports of torture and ill-treatment be investigated, and that those officials found responsible should be removed, prosecuted, and disciplined or punished.

Report

UN Statement

Press Article

## **EUROPE & COMMONWEALTH OF INDEPENDENT STATES**

### **UK: Intelligence guidelines might condone hooding, says High Court**

On 3 October, the High Court of Justice ruled, in the case *Equality and Human Rights Commission and Al Bazzouni v. Prime Minister and Others*, that part of the Government’s *Consolidated Guidance to Intelligence Officers and Service Personnel on the Detention and Interviewing of Detainees Overseas and on the Passing and Receipt of Intelligence Relating to Detainees* was not precise enough in that its language might be interpreted by individual officers as meaning that hooding by foreign liaison officers might be acceptable for particular security reasons. The Court expressed the hope that the language in the Guidelines be made more precise. It rejected, however, another argument that demanded substitution of the standard of “serious risk” of torture or ill-treatment of a detainee with “real risk” as the basis on which an officer would decide whether or not to proceed with collaboration with foreign intelligence officers. The Court held that, given the operative nature of the Guidelines, the difference of terminology did not have a practical effect, although it would be significant were the Guidelines a legal document.

Ruling

Press Article 1

Press Article 2

### **UK: Government seeks to introduce classified evidence court proceedings**

On 19 October, the Department of Justice presented a Green Paper for public consultation in which it included proposed measures addressed to the manner in which sensitive information is treated in the full range of civil proceedings. The Green Paper proposes, among other things, to standardise the closed material procedures (CMPs) to admit classified intelligence information in civil court proceedings; clarifications on 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.

Green Paper

Public Consultation

Press Article 1

Press Article 2

### **UK: Use of counter-terrorism “stop and searches” powers fell last year**

On 13 October, the Home Office published the last statistics of the stop and searches made under the *Terrorism Act 2000* in the year 2010-2011. The statistics demonstrate that there had been a drop of 90 percent in their use in comparison to the previous year, with 9,652 stop and searches performed against 102,504 in 2009/10. The use of these powers led to 77



arrests, none of which were for terrorism-related offences. The stop and search powers were modified in March in a measure aimed to avoid their widespread use.

Statistics

Press Article

### **UK: Parliament's Human Rights Committee seeks more guarantees in new "control orders" system**

On 19 October, the UK Parliament's Joint Human Rights Committee published its second report on the *Terrorism Prevention and Investigation Measures Bill*, which aims at replacing the system of control orders for terrorism suspects. The Committee stressed that the draft legislation raised concerns as to compliance with the UK's international human rights law obligations. In particular the Committee considered that the Terrorism Prevention and Investigation Measures (TPIMs) should be subject to prior judicial authorisation and not only authorisation after they have been issued; that the standard of proof for their issuance now set at "reasonable belief" of terrorism activity or involvement should be changed to the higher civil standard of a "balance of probabilities"; that the review of the orders by the courts should be explicitly on the merits; and that the law should contain a requirement that sufficient information on the reasons leading to the order should be given to the person subjected to it, so that the person is able to instruct his or her lawyer. Finally, the Committee highlighted that the requirement for renewal of the legislation's powers every five years is inappropriate and recommended that renewal should be required annually.

Report

### **Spain: ETA ends its activities; Amnesty calls for reform of counter-terrorism measures**

On 20 October, the Basque separatist organization *Euskadi Ta Askatasuna* (ETA), considered by the Spanish government to be a terrorist organization, announced the "definitive cessation of its armed activities", therewith ending a 40-year armed campaign against the Spanish institutions. The announcement was welcomed by a number of national and international institutions and authorities. Amnesty international, while welcoming the announcement, called on Spanish authorities to end those counter-terrorism measures that were incompatible with Spain's international human rights law obligations, such as the system of *incommunicado* detention, and the clauses in the *Law on Political Parties* which allowed for the banning of certain political parties in the Basque Countries.

ETA Statement (S)

NGO Statement (E)

Press Article (S)

Press Article (E)

### **Spain: Extremist Islamic teaching is not "collaboration" with terrorist organisation, says central criminal court**

On 10 October, the central criminal court *Audiencia Nacional* acquitted Moutaz Almallah Dabas of the charge of collaborating with a terrorist organisation because the acts with which he was charged were found not to constitute a criminal offence. Moutaz Almallah Dabas was accused of having engaged in extremist Islamic teaching which could lead to acts of Jihad. However, the Court held that these acts did not in themselves constitute collaboration with a terrorist organisation, in particular because the facts occurred before *Organic Law 5/2010* which, by incorporating in national law the *EU Framework Decision 2008/919/JHA*, extended the definition of the offence of collaboration to include such acts.

Judgment (S)

### **Spain/USA: Spanish MP sues FBI for use of his fact in Bin Laden's mock-up**

See, AMERICAS

### **Netherlands: LTTE is not a "terrorist organisation" says Hague Appeals Court**

On 21 October, the Court of Appeals of the Hague acquitted five Tamil refugees of the charge of participating in a terrorist organisation by gathering funds destined to the

Liberation Tigers of Tamil Eelam (LTTE), because the LTTE could not be characterised as a “terrorist organisation”, but instead as an “armed group”. The Court held that there has been a non-international armed conflict in Sri Lanka. However, it found the defendants guilty of participating in a criminal organisation, of participating in initiatives to further the existence and activities of the organisation, and of aiding an organisation included within the EU Terrorism List.

[Judgment \(Dutch\)](#)

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

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

### **Lithuania: Victim of rendition and torture brings case to the European Court of Human Rights**

On 27 October, it was reported that Guantánamo detainee Abu Zubaydah, a “high value detainee” who was subjected to torture, including 83 instances of water-boarding, was bringing a case before the European Court of Human Rights against Lithuania. The victim alleges that Lithuania failed to investigate its role in his rendition from Pakistan through Lithuania and then to Guantánamo Bay, throughout which he was allegedly detained in secret detention facilities and subject to torture and ill-treatment. National investigations were dropped last January 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. The Prosecutor reportedly justified his position by saying that the offence for which the officers were investigated, “abuse of position”, could not be prosecuted because of the statute of limitations. On 21 October, the Prosecutor had announced that he would not reopen the investigation following the release of a report of Amnesty International documenting the abuses.

[Application](#)

[NGO Statement 1](#)

[NGO Statement 2](#)

### **Turkey: Protesters against Prime Minister cleared of “terrorism” charges**

On 27 September, Ali Aksu, İbrahim Aksu, Görgü Demirpençe, İdris Akbıyık, Erhan Köse, Şafak Ustabaş and Önder Öner were acquitted by the Erzurum 2<sup>nd</sup> High Criminal Court of the charges of “spreading propaganda for an illegal organisation” under the *Anti-Terrorism Law*, after disorders arose in a demonstration against hydroelectric power plants on 31 May during a visit of Prime Minister Erdoğan. The Court had reportedly held that these charges could not be brought against the defendants because they were exercising their right to freedom of expression. However, the five defendants remain in detention with other suspects pending trial due to further allegations of “resistance against the police”, “opposing the law on meetings and demonstrations”, and “damage of public property”.

[Press Article](#)

### **Turkey: “Terrorism” suspect was subject to inhuman and degrading treatment, says European Court**

On 11 October, the European Court of Human Rights ruled that Turkey had breached the prohibition of inhuman and degrading treatment towards Safak Gümüşsoy, the editor and owner of the monthly political magazine *Devrimci Mücadele Birliği* (Revolutionary Struggle Union). Safak Gümüşsoy was arrested on 29 November 2001 by police officers of the Anti-Terrorism Branch of the Istanbul Security Headquarters and beaten up during transport to the headquarters, resulting in a broken nose. The Court also held that “the criminal justice system as applied in this case was not sufficiently dissuasive to effectively prevent illegal acts” of inhuman or degrading treatment, in violation of Turkey’s obligations under Article 3 of the European Convention on Human Rights.

[Judgment](#)

## **Turkey: European Commissioner for Human Rights concerned at counter-terrorism measures**

On 14 October, the Council of Europe's Commissioner for Human Rights, Thomas Hammarberg, concluded a five-day visit to Turkey. The Commissioner welcomed the abolition of the state security courts system, but remained concerned at the maintenance of certain anti-terrorism powers such as "incommunicado custody for 24 hours, the restriction of the number of defence lawyers to one, the restriction of access by defendants to the prosecution file, and censorship of correspondence between the defendants and their lawyer."

### **Commissioner Statement**

## **Russian Federation: Authorities responsible for enforced disappearance in counter-terrorism operation, says European Court of Human Rights**

On 25 October, the European Court of Human Rights held that the Russian Federation had violated the right to life of Elbek Tashukhadzhiyev, by not undertaking effective investigations into his enforced disappearance; as well as his right to liberty. The Court also found that the Russian Federation did not provide an effective remedy against these human rights violations. Elbek Tushakhadzhiyev was apprehended on 9 February 1996 by military intelligence officers in counter-terrorism operation in Chechnya. He has been missing since that date. Several investigations into his detention and enforced disappearance were opened and closed during the last fifteen years.

### **Judgment**

## **Kazakhstan: President signs law restricting religious activities as counter-terrorism response**

On 13 October, President Nursultan Nazarbayev signed into law *The Law on Religious Activity and Religious Associations*, which was approved by Parliament on 29 September in order to place further controls on religious activities, after terrorist attacks over the last year were attributed to religious extremism. The legislation tightens registration procedures for religious institutions and bans unregistered religious activities. The construction of places of worship will now have to be approved by local authorities and religious education will be subject to state control. In addition, the new law imposes a ban on praying in the workplace. The Director of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), Ambassador Janez Lenarčič, expressed concern about the legislation, noting that it seems to restrict unnecessarily the right to freedom of religion or belief.

### **OSCE Statement**

### **Press Article 1**

### **Press Article 2**

## **UNITED NATIONS & REGIONAL ORGANISATIONS**

### **UN: UN Symposium stresses centrality of human rights and rule of law in countering terrorism**

On 19 September, the UN Counter-Terrorism Implementation Task Force (CTITF) organised a Secretary General's Symposium on International Counter-Terrorism Cooperation in New York. One of the topics of the symposium was the promotion of human rights and the rule of law while countering terrorism. The concluding document noted that "participants repeatedly underlined the importance of promoting and protecting human rights and the rule of law in all counter-terrorism activities." The discussion also stressed that "upholding human rights obligations and the rule of law are essential elements of any sustainable counter-terrorism strategy."

### **Chairman's Summary**

### **Symposium Documents**

### **UN: Counter-Terrorism Committee observes ten years of founding resolution**

On 28 September, the UN Counter-Terrorism Committee held a special meeting commemorating the tenth anniversary of UN Security Council resolution 1373 which instituted the Committee itself. The outcome document of the discussion “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” and “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”.

[SG Statement](#)

[CTC Chairman Statement](#)

[CTED Statement](#)

[Outcome Document](#)

[UN Statement](#)

### **UN: Global Surveys finds flaws in human rights respect in countering terrorism**

On 26 September, the UN Counter-Terrorism Executive Directorate of the Security Council’s Counter-Terrorism Committee presented its recent global survey on the implementation of UN Security Council resolution 1373 (2001). The survey reports the progress in Member States of the UN in incorporating international terrorism offences, coordinating in tackling financing of terrorism, and also outlines a number of problems which have arisen concerning the respect by Member States of their human rights obligations. These have been reported as being overly broad definitions of terrorism offences; human rights violations by law enforcement bodies, including violations of the right to a fair trial and extrajudicial killings; and inappropriate use of military tribunals.

[Global Survey](#)

[UN Statement](#)

### **UN: Special Rapporteur finds targeted killings “highly problematic”**

On 21 October, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, presented his annual report to the UN General Assembly. In his report, the Special Rapporteur deals with the practice of targeted killings including in the framework of the so-called “war on terror”. He found the current use of drones and raids into countries where there is not a recognised armed conflict to kill an opponent, such as in Pakistan or Yemen, to be “highly problematic”.

[Report \(A/66/330\)](#)

[Press Article](#)

### **UN: Special Rapporteur on counter-terrorism and human rights to focus on victims of terrorism and prevention**

On 21 October, the newly appointed UN Special Rapporteur on counter-terrorism and human rights, Ben Emmerson, presented his first report to the UN General Assembly. In the report and in his presentation, the Special Rapporteur announced that he would dedicate particular attention to the rights of victims of terrorism and prevention of terrorism during his tenure. He stressed, in particular, that “dehumanization of victims of terrorism can take various forms, including reducing them to mere pretexts for justification of tougher counter-terrorism measures by States that violate human rights”. He added that this particular focus of his mandate will in no way affect his attention in pointing out violations of human rights caused by counterterrorism measures.

[Report \(A/66/310\)](#)

[Press Article](#)

### **EU: Passenger data agreement with Australia passed by European Parliament**

On 27 October, the European Parliament consented to the conclusion of an agreement on Passenger Name Records (PNR) between the European Union and Australia. The agreement had been stalled in May 2010 by the European Parliament because it lacked human rights guarantees. The new agreement will limit the exchange of data only to cases where it is necessary for the prevention, detection, investigation and prosecution of

terrorist offences or serious transnational crime; will contain an obligation to share analysis of information, an absolute prohibition of the use of sensitive data, strong data security and integrity requirements; and will include rights of access, rectification and erasure and the possibility to obtain administrative and judicial redress, and a limited storage period of five and a half years.

[Agreement](#)

[EP Resolution](#)

[EP Statement](#)

[Council Statement](#)

[Home Commissioner Statement](#)

### **Council of Europe: Parliamentary Assembly concerned at use of state secret doctrine to enhance impunity**

On 6 October, the Parliamentary Assembly of the Council of Europe (PACE) approved a resolution and a recommendation entitled “Abuse of state secrecy and national security: obstacles to parliamentary and judicial scrutiny of human rights violations”. In the resolution, the PACE noted that States use the doctrine of state secret to avoid accountability for human rights violations stemming from counter-terrorism operations and stressed that “information concerning the responsibility of state agents who have committed serious human rights violations, such as murder, enforced disappearance, torture or abduction, does not deserve to be protected as secret”.

[Resolution](#)

[Recommendation](#)

### **Council of Europe: “War on terror” misleading and unhelpful, says Parliamentary Assembly**

On 6 October, the Parliamentary Assembly of the Council of Europe (PACE) approved a resolution “Human rights and the fight against terrorism”. The resolution stressed that “[t]here is no need for a “trade-off” between human rights and effective counter-terrorist action, as safeguards exist in human rights law itself”, defines the concept of “war on terror” as misleading and unhelpful, and stresses the danger that counter-terrorism measures conceived as temporary may become permanent.

[Resolution](#)

### **OSCE: Human Dimension meeting discusses of counter-terrorism and human rights**

From 26 September to 7 October, the Organisation for Security and Cooperation in Europe (OSCE) organised its 2011 Human Dimension Implementation meeting. On 28 September, a section of the meeting was dedicated to issues related to rule of law in human rights, in which several NGOs, including the International Commission of Jurists, presented papers on human rights violations occurring while countering terrorism.

[Meeting Programme](#)

[Section Documents](#)

[ICJ Statement](#)

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