



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

No. 19, September 2007

Hearings of the Eminent Jurists Panel on Terrorism, Counter-terrorism and Human Rights conclude with visit to Israel and the Occupied Palestinian Territory

In August, the Panel traveled to Israel and the Occupied Palestinian Territory to inquire into counter-terrorism laws, policies and practices. The hearings were organised with the co-operation of the Association for Civil Rights in Israel, and with the ICJ affiliated organisations, Al-Haq in Ramallah and the Palestinian Center for Human Rights in Gaza. This was the sixteenth and last hearing in the EJP process. The final report of the Panel is expected to be published towards spring 2008.

EJP Website

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AFRICA & MIDDLE EAST

Morocco: Political coalition rejects all forms of terrorism

On 6 August, five political parties issued a joint declaration rejecting extremism and terrorism. They called for a national strategy to counter terrorism, and stated that counter-terrorism and human rights were two complementary objectives. On 9 September, these parties obtained the majority in the national parliamentary elections.

[Declaration \(in French\)](#)

Mali: Government adopts draft law criminalizing terrorism

On 5 September, the government of Mali adopted draft legislation on terrorism. The text contains a definition of terrorism, which was not previously included in the Penal Code. It also includes special measures on the length of pre-trial detention and allows for the death penalty in certain circumstances. The draft law is now expected to be considered by Parliament.

[Government Press Release \(in French\)](#)

[Press Article](#)

Mauritania: International NGO accuses police forces of torture while countering terrorism

In a report released on 9 September, the International Federation for Human Rights (FIDH) concluded that Mauritania's vague counter-terrorism legislation has led to violations of fair trial rights and of the prohibition of torture. The organisation called for the law to be amended in conformity with international human rights law. The report follows a FIDH mission to Mauritania in February 2007.

[Report \(in French\)](#)

[Press Article](#)

Zambia: New law on terrorism approved by Parliament

On 17 August, the Zambian Parliament adopted new legislation criminalizing acts of terrorism, as well as complicity, training and incitement of terrorism. The law also provides for a system of listing of organisations and for forfeiture of property. It allows for preventive detention orders of fourteen days, extendable to thirty days, and for search of premises and persons without judicial warrant in cases of urgency.

[Anti-Terrorism Bill](#)

[Press Article](#)

AMERICAS

US: Supreme Court receives new material on right to habeas corpus of Guantánamo detainees

On 24 August, lawyers for Lakhdar Boumediene and Khaled Al Odah filed briefs to the Supreme Court, following the 29 June decision to review both cases. The question posed to the Court is whether the Military Commissions Act of 2006 validly striped foreign citizens detained indefinitely at Guantánamo Bay of their right of habeas corpus. At least 20 *Amicus Curiae* Briefs were filed in favour of the petitioners.

[Brief Boumediene](#)

[Brief Al Odah 1](#)

[Brief Al Odah 2](#)

[Amicus Curiae Briefs](#)

US: New law expands Executive powers of surveillance

On 5 August, President Bush signed into law the Protect America Act 2007, counter-terrorism legislation that allows the Director of National Intelligence and the Attorney General to carry out surveillance without judicial warrant. This legislation is enacted for a period of six months, while

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Congress works on the modernisation of the Foreign Intelligence Surveillance Act.

[Protect America Act 2007](#)

[CCR Background](#)

[Press Article](#)

US: The CIA analyses intelligence failings prior to 11 September 2001

On 21 August, the CIA released the summary of a report from its Inspector General acknowledging its failure to adequately analyse intelligence and share it with the FBI in 2000 and 2001. The Inspector General report also states that resources devoted to counter-terrorism in the CIA were mismanaged and suggests creating a board to establish the accountability of individual members of staff within the Agency.

[Summary of CIA Report](#)

[Press Article](#)

Canada: New study comparing systems of “Special Advocates”

The Canadian Centre for Intelligence and Security Studies commissioned a study on the role and utility of special advocates in Canada, the United Kingdom and New Zealand. The study concludes that the model used in the Canadian Security and Intelligence Review Committee should be applied in national security-related hearings rather than importing the UK or New Zealand systems.

[Report](#)

Canada: Arar Commission releases additional material about intelligence

Following a 25 July decision of the Federal Court of Canada, on 9 August the Arar Commission released an addendum to its factual findings. The addendum contains an abstract of a 2002 memorandum from a Canadian Security Intelligence Service agent about the probability of Maher Arar being sent to Jordan to be tortured.

[Federal Court Judgement](#)

[Arar Commission Addendum](#)

[Press Article](#)

El Salvador: Terrorism legislation applied to protesters

On 2 July, fourteen people who were blocking roads and throwing stones at the police during a protest against decentralisation of water distribution were charged with terrorism and put in pre-trial detention on the basis of the Special Law Against Acts of Terrorism of 2006. When the legislation was enacted, concern was expressed about the wide scope of terrorism offences. On 26 July, 9 of the suspects were freed on bail.

[Law \(in Spanish\)](#)

[HRW Statement](#)

[Press Article](#)

Honduras: Parliament studies draft law on financing of terrorism

On 14 August, the Security Commission of the National Congress presented a draft law on financing of terrorism to the Parliament. The bill requires banks to inform the National Commission of Banks and Insurance about every suspicious transaction. It also contains an obligation for NGOs and specific companies to declare all contributions and financial support for their activities.

[Draft Law \(in Spanish\)](#)

[Press Article \(in Spanish\)](#)

ASIA-PACIFIC

Australia: Senate approves wider powers for police investigations

On 8 August, the Senate passed the Crimes Legislation Amendment Bill 2006, which gives law enforcement agents extended powers to search homes and computers and to intercept communications, without a judicial warrant. Contrary to the recommendation of a Senate committee, these powers would not be limited to terrorism investigations. The bill is currently being

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examined by the House of Representatives.

[Bill](#)

[Press Article](#)

Australia: Federal Court overturns visa decision concerning Mohamed Haneef

On 21 August, the Federal Court of Australia reversed the Minister of Immigration's decision to revoke the visa of Mohamed Haneef. The Australian doctor, accused of links with the London and Glasgow attacks in June, was arrested on 2 July, detained under the Anti-terrorism Act and subsequently charged with intentionally providing resources to a terrorist organisation. On 16 July the Court granted him bail, but on the same day the Minister of Immigration cancelled his visa and detained him again. On 27 July, the Prosecutor dropped the charges against him and Dr. Haneef left Australia to return to India.

[Federal Court Decision](#)

[Minister's Decision](#)

[Transcripts of Interrogations](#)

Bangladesh: Think-tank advises Government to adopt a national counter-terrorism strategy

On 27 August, the Bangladesh Enterprise Institute launched a strategy paper on countering terrorism in Bangladesh. The report looks at the prevention of radicalisation in Islamic schools, and advises the government to enact the draft Anti-terrorism Act, to revise the Money Laundering Prevention Act 2002, and to improve intelligence capacity.

[Report](#)

EUROPE & COMMONWEALTH OF INDEPENDENT STATES

Italy: New law revises the use of secret of state doctrine for terrorism related documents

The law reforming the Italian Secret Services and the Secret of State Doctrine and Procedure was published on 13 August and will enter into force on 12 October. Under the new law, state secret status will cover documents whose disclosure may be liable to harm the state's integrity, and the Prime Minister is the only authority entitled to remove the requirement of secrecy. The law excludes information and acts concerning terrorism from the regime of state secrets.

[Law \(in Italian\)](#)

[Statewatch Background](#)

UNITED NATIONS & REGIONAL ORGANIZATIONS

OSCE: International conference seeks to bring justice to the victims of terrorism

On 13 and 14 September, two hundred participants from OSCE countries discussed issues related to victims of terrorism, including how to define victims of terrorism, how to best support them, how to ensure justice for victims and how countries can co-operate to improve their situation. US representatives boycotted the session in protest at the ban on a Chechen victims' organisation participating in the meeting.

[OSCE Background](#)

[US Mission Statement](#)

[Press Article](#)

IN BRIEF

New NGO statement on the "ticking-bomb" scenario

The Association for the Prevention of Torture released a brochure stating arguments against the 'ticking bomb' exception to the prohibition of torture, and challenging all the assumptions at the basis of the scenario.

[Brochure](#)

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New report on “enhanced” interrogation techniques

Human Rights First and Physicians for Human Rights issued a joint report detailing the physical and mental trauma that may result from extreme interrogation methods. The report also studies the risk that interrogators using the techniques may be prosecuted under US law.

Report

American psychologists reject inhuman and degrading treatment in interrogations

In a resolution adopted on 19 August, the American Psychological Association labelled as torture some specific interrogation techniques, prohibited psychologists from participating directly or indirectly in these techniques, and called upon the US judicial authorities to reject testimony obtained by torture.

Resolution