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**AFRICA & MIDDLE EAST**

**Uganda: Habeas corpus petitions filed on behalf of five people subject to long incommunicado detention by Anti-terrorism Unit**

On 17 July, lawyers filed habeas corpus petitions on behalf of family and friends of Abdulrahman Kijjambu, Ismail Kambaale, Abdul Hamid Lugemwa, Mohamed Sekulima and Fatuma Nantongo. They were arrested by the Joint Anti-Terrorism Unite Task Force in 2008, and detained since then without charge, one for 16 months. The authorities have not revealed their whereabouts. Human Rights Watch has alleged that the men have been subjected to enforced disappearance and has expressed fears that they have been subjected to torture.

**Uganda: Protesters charged with terrorism offences**

On 23 September, Uganda’s Minister of Security, Amama Mbabazi, affirmed the issuance of terrorism charges against 29 people for their alleged involvement in riots in the region of Buganda in the first weeks of September. The riots, originating from clashes between some protesters and the police forces, resulted in 20 deaths and 50 injuries. The Minister of Security justified the charges by saying that under Ugandan law possession of a firearm without a license is tantamount to terrorism.

**Tanzania: Human Rights Committee asks for narrow and precise definition of terrorism offences**

On 29 July, the UN Human Rights Committee expressed its regret at the lack of information provided to the Committee by Tanzania on its counter-terrorism legislation and on the extent to which it may limit civil and political rights. The Committee recommended that Tanzania introduce a definition of terrorist acts in its domestic legislation, bearing in mind the need to define such acts in a precise and narrow manner.

**Kenya: Journalists allegedly harassed for revealing counter-terrorism flaws**

On 18 August, the Committee to Protect Journalists revealed that members of the Kenyan police Anti-Terrorism Unit have attempted to intimidate journalists of the newspaper *The Star* to reveal their sources for a 20 June article referring to the Anti-terrorism police having lost important files concerning a suspected Al-Qaeda member. On 27 August, a group of Parliamentarians denounced the police summons of the journalists as contrary to the Kenyan Media Act.

**Syria: Wife of Guantánamo detainee released after one year of detention without charge**

On 23 July, Usra al-Hussein, the wife of Guantánamo detainee Jehab Diab, was released from detention. According to news reports, Mrs al-Hussein had been detained without charge or contact with the outside world since July 2008. Amnesty International said that her arrest occurred after she had attempted to contact an international organisation regarding the detention of her husband.

**Gaza: UN Fact-Finding Mission documents war crimes committed during Gaza conflict**

On 15 September, the four-member UN Fact-Finding Mission on the Gaza Conflict, headed by Justice Richard Goldstone of South Africa, published its report. The Mission was mandated by the UN Human Rights Council to investigate international law violations during the Operation “Cast-Lead” conducted in Gaza by the Israeli Armed Forces between 27 December 2008 and 18 January 2009. The Mission found evidence that Israel committed
serious violations of international human rights and humanitarian law, some amounting to war crimes, and possibly crimes against humanity. The report also found evidence that Palestinian armed groups committed war crimes, as well as possibly crimes against humanity.

AMERICAS

USA: Government releases documents on CIA interrogation abuses and launches preliminary investigations
On 24 August, the US Government released documents, including a 2004 CIA Inspector General’s report, which provide a detailed official account of the CIA’s detention, interrogation and rendition programmes and describe the use of abusive interrogation techniques, including “waterboarding”, mock executions, and threats to kill or rape detainees’ family members. The US Attorney General appointed Assistant US Attorney John Durham to open a preliminary review into whether federal laws were violated in connection with the interrogation of specific detainees at overseas locations. The UN High Commissioner for Human Rights welcomed the decision. On the same day, the Special Task Force on Interrogations and Transfer Policies proposed the establishment of a specialised interrogation group to bring together officials from law enforcement, the Intelligence Community and the Department of Defense “to conduct interrogations in a manner that will strengthen national security consistent with the rule of law.” The Task force also made recommendations aimed to ensure that detainee transfers “comply with US law, policy and international obligations and do not result in the transfer of individuals to face torture.”

USA: CIA outsourced proposed targeted-killing programme to private company
On 20 August, news reports revealed that the CIA targeted-killing programme, unveiled by CIA Director Leon Panetta last June, which reportedly never became operational, had been outsourced to the private military and security company Blackwater. The revelations come some days after the end of the mission of the UN Working Group on Mercenaries, which expressed concern over reports of abuses committed by private contractors including in detainee interrogations and through alleged complicity in rendition flights.

USA: Child Guantánamo detainee released to Afghanistan denounces use of torture
On 30 July, US District Court Judge Ellen Segal Huvelle ordered the release of Guantánamo detainee, Mohammed Jawad. Jawad was reportedly twelve years old at the time of his apprehension in Afghanistan. He had been detained, inter alia, in the Bagram Air Base (Afghanistan) and in Guantánamo. On 24 August, the Justice Department announced the transfer of Mohammed Jawad to Afghanistan. Later, Mohammed Jawad reported in an interview that he had been subjected to torture and ill-treatment, and his military lawyer announced the intention to file a civil lawsuit against the US Government for compensation.

USA: Justice Department announces stricter policy on use of secret of state
On 23 September, the Department of Justice released new guidelines on the use of secret of state privilege in court. The policy says the Department will not defend the invocation of the privilege in order to conceal violations of the law, inefficiency or administrative error.
or to prevent embarrassment to a person, organisation, or agency of the United States government. In recent months, the Justice Department defended the use of secret of state privilege in a number of instances, including in the case *Mohammed et al. v. Jeppesen*, where victims of renditions are suing the Boeing company Jeppesen for complicity in renditions.

**USA: Federal judge adopts strict rules for use of hearsay evidence in *Habeas Corpus* proceedings**

On 19 August the US District Court for the District of Columbia limited the possibility for the federal government to rely on hearsay evidence in *habeas corpus* proceedings. Applying the precedents of *Hamdi* and *Boumediene*, Judge Reggie Walton ruled that hearsay evidence cannot be used when other evidence is not available due to shortage of resources or mistakes of the Government, or because it is the only evidence at its disposal. Furthermore, the Government must establish clearly that use of non-hearsay evidence would constitute an undue burden.

**USA: Government announces new detention review procedures in Bagram while opposing *Habeas Corpus* in US Courts for Bagram detainees**

On 14 September, the Justice Department filed a brief in the Court of Appeals for the District of Columbia in opposition to a decision of the US District Court granting *habeas corpus* jurisdiction to US federal courts on non-Afghan detainees in Bagram detention centre (Afghanistan). The brief underscores the alleged different status of Bagram and Guantánamo. It also discloses a new system for review of detention approved on 2 July by the Deputy Secretary of Defense. Under the new system, each detainee at Bagram will be assigned a personal military officer as representative, the detention will be reviewed periodically by a board of three field-grade officers, and the detainees will be provided with interpreters and permitted to testify and call witnesses. The hearing will be public with some possible exceptions. The new guidelines will be implemented from September 2009.

**Canada: Federal Court of Appeals confirms Government is obliged to ask for Khadr repatriation**

On 14 August, the Federal Court of Appeals upheld the lower court’s decision which found that the Canadian secret services (CSIS) violated Omar Khadr’s right to life, liberty and security protected by Article 7 of the *Canadian Charter of Rights and Freedoms*, when they interrogated him in Guantánamo in 2004 knowing he had been subject to unlawful ill-treatment. Omar Khadr has been detained in Guantánamo since 2002, when he was sixteen, after allegedly throwing a grenade at a military convoy in Afghanistan. The Court upheld Justice O’Reilly’s decision to require the Federal Government to seek Omar Khadr’s repatriation to Canada as an effective remedy to the violations committed. The Government appealed the decision to the Supreme Court which granted leave and will hear the case on 13 November 2009.

**Canada: Detainee held without charge for six years in Sudan alleges complicity by Canadian secret services**

On 23 July, Abousfian Abdelrazik gave an interview at the House of Commons where he described torture he alleges he was subject to during his six years of detention in Sudan. Abdelrazik also alleged that an agent of the Canadian intelligence services (CSIS)
interrogated him while he was detained in Sudan. The Security Intelligence Review Committee announced an inquiry into this alleged complicity of the CSIS in Mr Abdelrazik’s detention and torture in Sudan.

Colombia: UN Special Rapporteur concerned at stigmatisation of human rights defenders as “terrorists” and at security services’ illegal surveillance
On 18 September, the UN Special Rapporteur on Human Rights Defenders, Margaret Sekaggya, concluded her visit to Colombia. The Special Rapporteur found that Colombian human rights defenders had been made insecure as a result of repeated accusations by high level government officials that human rights defenders had colluded with “terrorists” or “guerrillas”. The Special Rapporteur also expressed concern at illegal surveillance of human rights defenders by the Colombian security services (DAS), including members of the judiciary and the former UN Special Rapporteur on Indigenous People, Rodolfo Stavenhagen. These findings came days after the newspaper Semana revealed that the DAS illegal interceptions were ongoing. The Inter-American Commission on Human Rights also denounced the DAS’ illegal monitoring of the then Inter-American Special Rapporteur on Rights of Women, Susana Villarán.

Honduras: Three protesters against coup d’Etat charged with terrorism; 24 charged with sedition
On 12 August, 28 people were arrested during a march to the National Assembly to protest against the coup d’Etat of 28 June. At least three were charged with terrorism offences and released, while another 24 were charged with sedition, damage to private property, illegal demonstration and theft. They were released between 14 and 20 August. The Inter-American Commission on Human Rights conducted a mission and in its preliminary observations of 21 August identified a pattern of disproportionate use of public force, arbitrary detention and control of information by the de facto government of Honduras.

Chile: UN independent experts concerned at use of anti-terrorism law against indigenous people
On 13 August, the UN Committee for the Elimination of Racial Discrimination (CERD) expressed its concern that the Anti-Terrorism Law had been mainly applied against members of the Mapuche people for acts that have occurred in the context of social activism. The Committee recommended that Chile amend the law to prevent its application in these situations. Similar recommendations were made by the UN Special Rapporteur on Indigenous People, James Anaya, in the report on his visit to Chile. The Rapporteur counted six Mapuche people already convicted for terrorist arson, two for threats of terrorist arson, and 15 remained on trial for offences included in the Anti-Terrorism Law.

ASIA - PACIFIC

China: Parliament gives People’s Armed Police power to handle terrorism attacks
On 27 August, the Chinese Parliament approved a People’s Armed Police Law. The People’s Armed Police is a paramilitary force that has been criticized by human rights organizations as abusive and lacking in accountability. The Law gives the People’s Armed
Police authority to act in specified situations, including rebellion, riots and terrorist attacks. Reportedly, the Law also gives the police the power to stop and question suspects in the course of operations.

Pakistan: Supreme Court mandates panel to monitor special Anti-Terrorism Courts
On 3 August, the Supreme Court of Pakistan announced the establishment of a panel to monitor the Anti-Terrorism Courts, special courts created under the 1997 Anti-Terrorism Act. The panel will be composed by Justice Javed Iqbal, Justice Sardar Muhammad Raza Khan, Justice Khalil-ur-Rehman Ramday, and Justice Mian Shakirullah Jan.

India: Three convicted of terrorist offences sentenced to the death penalty
On 6 August, Haneef Sayyed, his wife Fahmeeda and Ashrat Ansari were sentenced to death after they were convicted for carrying out bombings that killed more than 50 people in Mumbai (Bombay) in 2003. The three were convicted on charges of murder and conspiracy.

Sri Lanka: Journalist convicted to 20 years for terrorism for publishing critical articles
On 31 August, Tamil journalist J.S. Tissainayagam was convicted on two counts of intending to “cause communal disharmony” and one count of receipt of money “in the furtherance of any act of terrorism”, under the Prevention of Terrorism Act 1979, for a total of 20 years of imprisonment. The conviction was in relation to his criticism of the Sri Lankan Army’s treatment of civilians in two articles published in North Eastern Monthly magazine in June 2006. The decision led to condemnation by many international NGOs, alleging the criminalisation of dissent, and the unlawful application of emergency provisions. The ICJ conducted an Observation Mission at the trial.

Sri Lanka: Three international workers detained without charge under Anti-terrorism law
On 10 September, the UN expressed its concern at the fate of two UN employees held in detention without charge since 11 June on suspicion of collaborating with Tamil separatists. The two Tamil officers, Charles Raveendran Navaratnam and Kanthasamy Sounthararajan, were detained incommunicado until the announcement of their detention by the Government on 20 June. The Canadian Tamil Congress revealed on 17 September that Ratnarajah Thusiyanthan, an IT consultant for a World Bank funded project in Colombo, had been detained under the Prevention of Terrorism Act without charge since 29 April.

Indonesia: Wives of terrorist suspects detained for not revealing their husbands’ whereabouts; Government announces tougher anti-terrorism law
On 27 July, it was reported that Arina Rachmah, her two children and her mother, Dwi Astuti Anggraeni, were being detained by the Indonesian authorities for refusing to provide the police with information regarding the whereabouts of their husbands, respectively Bahrudin Latif and Ade Abdul Halim, considered terrorist suspects. On 10 September, the Indonesian Government announced draft law amendments to counter-terrorism legislation which aims to extend detention without charge to a maximum of 30 days and pre-trial detention to a maximum of two years.
Australia: Government announces Draft Law reforming counter-terrorism legislation
On 12 August, Attorney General Robert McClelland announced a Bill to reform Australian counter-terrorism legislation. Key measures include expanding the definition of a ‘terrorist act’ to include psychological as well as physical harm, and providing police with new emergency powers to enter and search premises without a warrant. The Bill will also expand the length of detention without charge to a maximum of seven days and 20 hours.

EUROPE & COMMONWEALTH OF INDEPENDENT STATES

UK: Further allegations of UK complicity in renditions unveiled
On 28 July, Reprieve, a UK-based NGO, launched a legal action against the British government in connection with its role in the rendition of Mohammed Saad Iqbal Madni from Indonesia on 11 January 2002 to Egypt, where he was allegedly tortured, and later to Guantánamo, where he has been held for six years. Madni claims that his journey took place through a refuelling stop at Diego Garcia, a British territory, part of which is leased to the US for use as a military facility. The announcement followed earlier information of the UK’s awareness of torture of Alam Ghafoor, a British businessman, alleged to have been ill-treated while in custody in the United Arab Emirates. According to the Guardian newspaper, heavily redacted documents seem to indicate that requests to see him were made to an undisclosed British intelligence officer.

UK: New evidence of MI5 complicity in the arbitrary detention and torture of Binyam Mohammed
On 30 July, the High Court modified certain findings of its previous judgment in the case of Binyam Mohammed, following new evidence revealing that the British Intelligence service MI5 had been aware of his detention in Morocco in 2002-2003, allegations previously repeatedly rejected by MI5. Binyam Mohammed, an Ethiopian citizen currently residing in the UK, was detained by the US from 2004 to February 2009 in Guantánamo and previously held in other countries including Pakistan and Morocco. According to the new evidence, a UK intelligence officer visited Mohammed while detained in Morocco where he was secretly interrogated and allegedly tortured. This information is said to call into question the credibility of the evidence given by the lawyers representing MI5.

UK: Parliamentary Committees issue two critical reports on UK complicity in torture and renditions in counter-terrorism
On 21 July, the UK Parliament published two reports addressing some of UK counter-terrorism measures in light of international human rights law. In the report The Allegations of UK Complicity in Torture, the Human Rights Joint Committee recommends setting up an independent inquiry into the numerous allegations about the UK’s complicity in torture in order to restore public confidence in the intelligence service. In its Human Rights Annual Report 2008, the Foreign Affairs Committee examines, inter alia, the problem of renditions and UK’s policy in this regard, transfer of detainees, oversight of private military and security companies and contractors.

UK: Government announces review of control orders system after High Court revokes another order
On 31 July, the High Court decided to set aside a control order against terrorism suspect “AN” because the Government did not disclose the material as to the basis or “essence”
for the case against him involving suspicion of terror links. The case applied the precedent of the House of Lords in *SSHD vs. AF and Others*. On 16 September, Home Secretary Alan Johnson announced that he had asked Lord Carlile, the independent reviewer of terrorism legislation, to consider if the control order regime is still “viable” following the ruling by the House of Lords.

The Netherlands: Human Rights Committee concerned at area exclusion powers and disturbance orders
On 11 August, the UN Human Rights Committee expressed its concern at a new Draft Law providing the Minister of the Interior with power to order the exclusion from certain areas or facilities of persons who may be “associated with terrorist activities” or “support of such activities”, without any prior judicial review. The Committee was further concerned that, as part of measures to combat terrorism, local mayors may issue administrative “disturbance orders” which may consist in making “house calls, approaching the individual’s acquaintances and repeatedly approaching the person in public.” These orders may be issued with no judicial authorisation or oversight.

Italy: Government expels Tunisian man convicted of terrorism offences, in defiance of interim measures order by the European Court of Human Rights
On 2 August, Ali Ben Sassi Toumi, a Tunisian citizen convicted *in absentia* in Tunisia, was forcibly returned from Italy to Tunisia after having served four years of his six-year term in an Italian prison following conviction in Italy for membership in a terrorist group. The expulsion ignored interim measures of the European Court of Human Rights requiring Italy to refrain from return of Ali Sassi Toumi to Tunisia pending consideration of the case by the Court. Ali Sassi Toumi alleges that he is at risk of torture or other inhuman or degrading treatment or punishment once expelled to Tunisia. Since his return, the applicant has allegedly been held *incommunicado* at the Department of State Security.

Lithuania: President launches parliamentary investigation into alleged secret detention centres for terrorist suspects
On 20 August, the *ABC News* station announced that at least eight people were believed to have been held secretly at a facility on the outskirts of Vilnius (Lithuania), for up to a year until late 2005. While such allegations were first denied outright by the Ministry of Justice, President Dalia Grybauskaite subsequently promised that an *ad hoc* parliamentary committee would be set up to investigate the case. Following the information on possible secret prisons, Senator Dick Marty, the Rapporteur of the Parliamentary Assembly of the Council of Europe on secret detentions, corroborated the claims that the secret detentions did take place in Lithuania and urged an end to the Government’s denial of such detentions.

Russian Federation: Parliament adopts Draft Law allowing transfer of terrorism prosecutions to Supreme Court for security reasons
On 25 September, the Parliament (*Duma*) adopted a draft Federal Law on Amendments to article 35 of the Criminal Procedure Code regarding “territorial jurisdiction of crimes of terrorist and extremist character.” The amendments give power to the President of the Supreme Court to move cases, upon the motion of the Prosecutor General, to the Supreme Court, when it is ascertained that there is a threat to the personal security of the
participants of a court hearing or their relatives or others close to them. Such power will be limited to cases involving crimes of terrorism, aiding in terrorism, hostage taking and other similar crimes.

Uzbekistan: Human Rights Committee finds terrorism conviction in trial in absentia unfair
In a recently published individual decision, the UN Human Rights Committee found that the trial in absentia on terrorism related charges of Mukhammed Salikh (Salai Madaminov), was unfair as neither he nor his family were notified of the criminal proceedings, therefore depriving him of the fair trial guarantees of Article 14 of the International Covenant on Civil and Political Rights. Mukhammed Salikh, a candidate for the 1991 Presidential elections in Uzbekistan against President Karimov, had been granted refugee status in Norway. At the trial in absentia, he was sentenced to 15 and one-half years’ imprisonment on charges related to a bombing in Tashkent on 16 February 1999.

UNITED NATIONS & REGIONAL ORGANISATIONS

UN: High Commissioner for Human Rights releases report on economic, social and cultural rights and counter-terrorism
On 2 September, the Office of the UN High Commissioner for Human Rights submitted to the UN Human Rights Council a report on the relation between economic, social and cultural rights and counter-terrorism. The report analyses the impact of counter-terrorism measures on these rights and recommends that States take into consideration repercussions on economic, social and cultural rights in the framing of their counter-terrorism policies.

UN: NGOs request investigation of whereabouts of alleged rendition victim
On 3 August, the American Civil Liberties Union, Reprieve and Alkarama jointly wrote to the Chairman of the UN Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on Torture and the Special Rapporteur on Counter-Terrorism and Human Rights asking them to investigate the whereabouts of Mustafa Setmariam Nassar. The three NGOs allege that Nassar had been apprehended by Pakistani authorities around October 2005 and then transferred to the US authorities within the CIA renditions programme. The NGOs condemned this practice as an enforced disappearance.

UN: NGO suspended from the UN for allowing alleged terrorist suspect to speak on its behalf
On 27 July, the UN Economic and Social Committee (ECOSOC) decided to suspend for one year the consultative status of the Paris-based NGO Arab Commission for Human Rights. The decision, taken without a vote, was prompted by Algeria’s request on the grounds that at the Human Rights Council session of June 2008 the NGO allowed to speak on its behalf Rachid Mesli, a Swiss-based Algerian lawyer against whom Algeria has issued an arrest warrant as a member of an "armed terrorist group." The NGO Alkarama, where Mr Mesli also works, protested the decision that will deprive the Arab Commission of the right to speak at the UN, and stated that the accusations against Mr Mesli as false.
EU: Court of First Instance upholds terrorism listing following first-instance conviction for participating in a terrorist organisation

On 2 September, the Court of First Instance of the European Union upheld the listing of Mohamed El Morabit by the European Council. El Morabit, a Moroccan citizen resident in Amsterdam, had been listed after a Dutch court convicted him of participating in a terrorist organisation. After the Court of Appeal in the Hague reversed the lower court’s decision and acquitted him, the EU Council took him off the list. The Court said that the first listing decision did not violate Mr El Morabit’s right to the presumption of innocence, as the freezing of assets is not a criminal sanction, but a preventive measure. The Court found that a first instance court conviction constituted sufficient evidence of suspicion to legitimately trigger the listing mechanism.

IN BRIEF

ICRC President suggests innovative interpretation of Geneva Convention after “war on terror”

On 12 August, the President of the International Committee of the Red Cross (ICRC), Jakob Kellenberger, delivered a speech on the occasion of the 60th anniversary of the Geneva Conventions. In his speech, President Kellenberger outlined the problems arising for international humanitarian law (IHL) from the new polarization of international relations and the humanitarian consequences of the so-called “war on terror”, and lamented the violations of IHL resulting from it. He called for interpreting international humanitarian law in light of new developments in the nature of armed conflicts.

Two reports document human rights violations by Saudi Arabia in counter-terrorism

In July and August, Amnesty International and Human Rights Watch published separate reports documenting the human rights violations occurring in Saudi Arabia following its new counter-terrorism measures. Among the violations exposed are practices of prolonged or indefinite arbitrary detention, torture and cruel, inhuman or degrading treatment and punishment, and unfair trials.

Report documents abuses against human rights defenders through counter-terrorism

On 20 August, Amnesty International published a report which documents the use of counter-terrorism measures by Tunisian authorities to harass human rights defenders and impede their activities, also leading to serious violations of human rights.

Russian human rights violations against defenders exposed in international report

On 22 July, the International Federation of Human Rights (FIDH) published a report on the Russian authorities’ practices of arbitrary arrests, intimidation, and torture of human rights defenders and dissidents purportedly in the name of the fight against terrorism.

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