



E-BULLETIN ON COUNTER-TERRORISM & HUMAN RIGHTS

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AFRICA & MIDDLE EAST

Uganda: Human rights activist and his lawyer detained without access to a lawyer

On 15 September, Al-Amin Kimathi, a human rights defender from the Kenyan Muslim Human Rights Forum, and Kenyan lawyer Mbugua Mureithi were arrested at Entebbe airport in Uganda and brought to the Rapid Response Unit headquarters in Kireka, Kampala. On 20 September, Kimathi was remanded in custody on terrorism charges for alleged involvement in the 11 July bombing in Kampala. Mbugua Mureithi was released on the same day. He claimed not to have been allowed access to a lawyer while in detention. The Rapid Response Unit has allegedly been responsible for serious violations against criminal suspects, including torture and extrajudicial executions.

[NGO Statement 1](#)

[NGO Statement 2](#)

[Press Article 1](#)

[Press Article 2](#)

Somalia: Puntland Parliament approves anti-terrorism law creating special court

On 20 July, the Parliament of the Puntland State of Somalia adopted a new Anti-Terrorism Law that reportedly establishes a special court system with jurisdiction over terrorism offences with broad powers of the security forces to arrest. Following the approval of the law, news reports revealed that security forces arrested and deported at least 500 people from southern Somalia in the town of Bosaso.

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

Somalia: Journalist convicted under anti-terrorism law for interview with rebel leader

On 14 August, Abdifatah Jama Mire, deputy director of *Horseed Media FM*, a radio station based in Bosaso (Puntland), was sentenced by a court to six years in prison for infringing the recently approved anti-terrorism law (see above) by interviewing a local rebel chief alleged to be linked to Al-Qaeda. The first-instance decision is under appeal and Abdifatah Jama Mire continues to be detained. The President of the Puntland State of Somalia Abdirahman Farole was reported to have publicly threatened the media owners of *Horseed Media* on 13 September by saying “they will get what they deserve, good or bad...in this world and the hereafter...”.

[NGO Statement](#)

[Press Article 1](#)

[Press Article 2](#)

Angola: Human rights activists convicted of terrorist attack

On 4 August, Francisco Luemba, Raul Tati, José Benjamin Fuca and Belchior Lanso Tati, four Angolan human rights activists, were sentenced to terms of imprisonment for the alleged participation in the 8 January attack, described by some as an act of terrorism, on the Togolese football team in Cabinda that left two people dead and several injured. Amnesty International called for their release and expressed its concern that the authorities are using this attack as a pretext to detain human rights activists.

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

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

Equatorial Guinea: Four men convicted based on torture confessions executed

On 21 August, Guinean authorities executed Jose Abeso Nsue, Manuel Ndong Anseme, Alipio Ndong Asumu and Jacinto Micha Obiang, only an hour after the issuance of their first-instance conviction on terrorism charges, high treason, and attempting to assassinate the head of state and to overthrow the government. The men were convicted for the alleged involvement in the attack on the presidential palace on 17 February 2009. Amnesty International condemned the executions, reporting that the four men had been abducted by Guinean authorities in January in Benin, where they had lived as refugees. They were said to have been secretly detained at Black Beach, a prison notorious for torture and ill-treatment, until “confessing” to the crimes, reportedly after being subjected to torture. The men were afforded no chance to file an appeal.

[NGO Statement](#)

Morocco: UN Committee concerned over anti-terrorism practice

On 27 August, the UN Committee on the Elimination of Racial Discrimination examined the periodic report of the Kingdom of Morocco. In its concluding observations, the Committee expressed concern that certain anti-terrorism measures fail to provide appropriate human rights guarantees to terrorism suspects, in particular when they are non-nationals.

Concluding Observations (F)

Bahrain: Human rights defenders charged with terrorism

On 4 September, Bahraini authorities announced that they were formally laying charges against a group of 23 people for “forming an illegal organisation with the objective of overthrowing the government and dissolving the constitution”, “inciting and planning terrorist acts”, and “agreeing to and inciting others to damage public property and committing terrorist acts”, under a 2006 counter-terrorism law. Among the persons charged are several human rights defenders and members of a Shiite opposition group. Abdul-Jalil Al-Singace, Sheikh Mohammed Habib Al-Muqdad, Sheikh Saeed Al-Nori, Abdul-Ghani Khanjar and Dr. Mohammed Saeed of the Bahrain Centre for Human Rights, an NGO banned in the country since 2004. They are alleged to have been subject to torture and ill-treatment. Since 13 August, more than 160 people have been reportedly arrested by the security services under terrorism laws, most of them linked to the Shiite majority’s opposition political parties and to human rights groups.

NGO Statement 1

NGO Statement 2

NGO Statement 3

Press Article

Israel: UN mission finds grave violations of international law in fl otilla raid

On 22 September, the Independent International Fact-finding Mission, entrusted by the UN Human Rights Council to investigate the Israeli attack on the fl otilla ships carrying humanitarian assistance to Gaza on 31 May 2010, issued a report on its findings. The mission concluded that in Gaza a humanitarian crisis existed at the time of the interception, making the Israeli blockade, which Israel defends as a legitimate counterterrorism measure, unlawful. It found the conduct of the Israeli military and personnel in the interception, which led to the death of nine people, disproportionate, unnecessary and of an “unacceptable level of brutality”. The mission concluded that these acts constituted a grave violation of human rights law and international humanitarian law.

Report

AMERICAS

USA: Divided court blocks rendition lawsuits by accepting “state secret” doctrine

On 8 September, the federal Court of Appeal for the Ninth Circuit, sitting *en banc*, held in a 6-5 ruling that the lawsuit brought by the American Civil Liberties Union on behalf of a group of victims of CIA renditions against Jeppesen Dataplane Inc. could not proceed because the information on which the case would be based is protected as non-disclosable secrets of state, and without it the case could not proceed. Jeppesen is a Boeing company alleged to have been complicit in the organisation and carrying out of rendition fl ights, a component of a process by which detainees were subjected to arbitrary detention, enforced disappearance and torture and ill-treatment. The dissenting judges argued that despite these considerations the case should proceed at the District Court level, as it was for that Court to decide whether the conditions for the lawsuits still stood. Human rights advocates denounced the ruling as allowing for complete impunity and a denial of the right to remedy for victims.

Ruling

NGO Statement

Press Article

USA: Constitutionality of targeted killing list challenged in court

On 30 August, the American Civil Liberties Union (ACLU) and the Center for Constitutional Rights (CCR) filed a lawsuit against the US Government, in the case of *Al-Aulaqi v. Obama*, seeking a court injunction impeding the Executive from carrying out the targeted killing of Anwar Al-Aulaqi, a US citizen suspected of terrorist activity who is hiding in Yemen. The two organisations claim that the US policy of targeted killing of people, included - according to unknown selection criteria - in an undisclosed “kill-list”, is in breach of the Fourth and Fifth Amendments to the US Constitution and constitutes an extrajudicial execution prohibited by international law. In order to present the lawsuits, the two NGOs had to obtain clearance from the Treasury Department, as Al-Aulaqi is designated in the US terrorism list, and providing legal aid to him constitutes a criminal offence in the USA. The two organisations also challenged the constitutionality of this procedure.

[Complaint \(killings\)](#)

[Complaint \(clearance\)](#)

[NGO Statement 1](#)

[NGO Statement 2](#)

[Press Article 1](#)

[Press Article 2](#)

USA: Military Judge rules Khadr’s statement admissible as not obtained through torture

On 17 August, Military Judge Patrick J. Parrish ruled that the statements obtained from Omar Khadr while in detention in the Bagram and Guantánamo detention centres could be admitted as evidence as it had not been established that he was tortured or subject to ill-treatment, as alleged. Omar Khadr, a Canadian national, was 15 years old at the time of his detention by US forces in Afghanistan in 2002 and has been held in Guantánamo for nearly eight years. On 7 August, the Supreme Court refused to block the military commission trial of Omar Khadr by rejecting without reasons his lawyer’s petition that the trial was unconstitutional.

[Ruling \(M.Judge\)](#)

[SC Order](#)

[Petition to SC](#)

USA: CIA used secret flights to avoid fair trial guarantees, journalists reveal

On 6 August, AP journalists Adam Goldman and Matt Apuzzo revealed that the CIA had repeatedly relocated terrorism suspects Abu Zubaydah, Abd al-Nashiri, Ramzi Binalshibh and Mustafa al-Hawsawi in 2003 in order to avoid granting them access to a lawyer. The press article details the journey to Guantánamo of the four persons who were detained in secret facilities in Afghanistan, Poland, Romania, and Morocco. The journalist revealed that, fearing the outcome of the Supreme Court’s decision in *Rasul v Bush* extending court jurisdiction to those detained in Guantánamo, the CIA relocated the prisoners on 27 March 2004 back to other “black sites”, until *The Washington Post* revealed the secret detention programme two years later.

[Press Article](#)

USA/Afghanistan: CIA created Afghan paramilitary group of 3,000 members

[See in ASIA & PACIFIC](#)

USA: Bill restricting guarantees in Guantánamo habeas proceedings tabled in Senate

On 4 August, Senator Lindsay Graham (R) introduced in the Senate a bill, the *Terrorist Detention Review Reform Act*, intended to create tightened procedural rules for habeas corpus remedies of those detained as “unprivileged enemy belligerents”. The bill would allow the Government to designate, without rebuttal, the organisations considered as “associated forces” of the Taliban and Al-Qaeda. The bill also provides for a series of rebuttable presumptions of membership in these organisations, a set of rules of the use of classified evidence, and that the lawyer of the person filing for habeas corpus under the bill must be determined or eligible to access classified information.

[Draft Law](#)

USA/Poland: News reports reveal torture of Guantánamo detainee in Polish secret prison

See in **EUROPE & COMMONWEALTH OF INDEPENDENT STATES**

Canada: Judge rejects US extradition request of terrorist suspect

On 4 August, Judge J. Speyer of the Ontario Superior Court of Justice rejected a US extradition request for Abdullah Khadr, the older brother of Guantánamo detainee Omar Khadr. Abdullah Khadr was indicted in the US on charges of supplying weapons to Al-Qaeda. Judge Speyer ruled that the extradition request could not be satisfied due to the gross misconduct of the US, contravening “fundamental notions of justice”, by having been the driving force behind Khadr’s capture on ransom in Pakistan, pressure to deny to him access to consular services, and delay of his repatriation to Canada by the Pakistani authorities. The Judge also qualified statements gathered by FBI officials in Pakistan and Canada as manifestly unreliable. Abdullah Khadr was apprehended in Pakistan in 2004 and held for 14 months without warrant or access to a lawyer. Upon return to Canada, he was re-arrested in December 2005 under the US extradition request. Abdullah Khadr was immediately released after Judge Speyer’s decision.

Ruling

Press Article 1

Press Article 2

Colombia: Prosecutor requests arrest of journalist to Venezuela on terrorism charges

On 6 September, a prosecutor of the Anti-Terrorism Unit in Bogotá requested an international arrest warrant against journalist William Parra, a Colombian citizen who has refugee status in Venezuela. The warrant is for the charges of criminal association and financing of a terrorist organisation, namely the Revolutionary Armed Forces of Colombia (FARC), and rebellion. The NGOs *Reporters without Borders* and the *Collectivo de Abogados José Alvaro Restrepo* (CAJAR) voiced concern at the fact that the initiative was taken many years after the beginning of the investigations and that the fair trial guarantees of Parra had not been respected.

NGO Statement (S)

NGO Statement (E)

Press Article 1 (S)

Press Article 2 (S)

Peru: UN expert concerned at impunity law and definition of terrorism

On 8 September, the UN Special Rapporteur on the promotion and protection of human rights while countering terrorism, Martin Scheinin, concluded a mission to Peru. In his final statement, he addressed, among other issues, concern at the new *Law Decree no. 1097* which appears to set a statute of limitations on crimes against humanity. The Special Rapporteur also found that the definition of the crime of terrorism was too broad and required further reform. On 14 of September, the Congress of Peru repealed *Law Decree 1097* by a 90 to 1 vote.

SR Statement (E)

IACHR Statement (E)

Press Article (S)

Chile: House of Representatives rejects terrorism offence to cover damage to private property

On 22 September, the House of Representatives rejected a draft law approved by the Senate which would have amended the Law on Terrorist Conducts. The action came pursuant to a special session called following the hunger strike of 34 Mapuche prisoners, detained under the Anti-Terrorism Law. The amendments included provisions exempting from criminal responsibility those who desist from carrying out a terrorist act and reveal their plans to the authorities. The main reason for the rejection reportedly was because the Senate had failed to exclude arson or damage to private property from the definition of terrorism. The draft law will now return to the Senate.

Draft Law (S)

House amendments (S)

Press Article 1 (S)

Press Article 2 (S)

ASIA - PACIFIC

Afghanistan/USA: CIA created Afghan paramilitary group of 3,000 members

A recently published book by *Washington Post* journalist Bob Woodward, "Obama's War", reveals that the CIA has trained and deployed in Afghanistan a 3,000-member Afghan paramilitary force collectively known as Counterterrorism Pursuit Teams. The author reports that the Unit was created in Kabul shortly after the U.S.-backed invasion in 2001 and that the Unit has been used for surveillance, raids and combat operations in Afghanistan, and for seeking and taking down Taliban targets.

[Press Article 1](#)

[Press Article 2](#)

Thailand: Extradition to USA of arms trafficker wanted for terrorism granted

On 20 August, a Thai appeal court reversed a lower criminal court ruling and allowed the extradition to the USA of Viktor Bout, an international businessman alleged to be an arms-trafficker. Viktor Bout is charged in the USA with having provided weapons and material to the Revolutionary Armed Forces of Colombia (FARC). The appeal court reversed the finding of the lower court which did not recognise the FARC as a terrorist organisation. Viktor Bout's lawyer has requested the Prime Minister to order a stay in the extradition, for fear that he would not receive a fair trial in the USA.

[Indictment \(E\)](#)

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

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

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

Indonesia: Terrorism squad suspected of torture practices arrests ten human rights activists

On 4 August, Amnesty International drew attention to the situations of Benney Sinay, Izak Sapulete, Andy Maruanaya, Ongen Krikof, Marven Bremer, Steven Siahaya, Ong Siahaya, Nomo Andries, Charly Souisa, and Glenn Wattimury. The ten individuals, Malukan human rights defenders, were arrested by the Anti-Terrorism Squad Detachment 88 (D-88) on 2 August. They had been planning to use a visit by President Susilo Bambang Yudhoyono on 3 August to draw attention to human rights violations. D-88 is reported to have a record of torture and ill-treatment of people in custody. The Australian Government, which, jointly with the US, trains and funds the unit, reportedly sent an officer to investigate allegations of human rights violations. The Australian initiative was allegedly taken after it became known that the US had secretly withdrawn its assistance to the D-88 unit present in Maluku.

[NGO Statement](#)

[Press Article](#)

Philippines: Government asks court to designate Abu Sayyaf as terrorist organisation

On 26 August, the Department of Justice filed a petition with the Basilan Regional Trial Court requesting it to proscribe Abu Sayyaf as a terrorist organisation. This is the first time that the judicial procedure of designation of a terrorist organisation provided for by section 17 of the *Human Security Act 2007* has been used by the Government. The designation will trigger the Act's increased surveillance powers, authorisations to examine bank deposits, accounts and records, and on seizing assets.

[Human Security Act](#)

[Press Article 1](#)

[Press Article 2](#)

Australia: UN Committee concerned at racial profiling in gathering biometric data

On 27 August, the Committee on the Elimination of Racial Discrimination examined the periodic report of Australia. In its concluding observations, the Committee expressed concern at the collection of biometric data for visa applications to Australia in ten countries as part of the country's counter-terrorism and security measures. The Committee considered that this practice may constitute racial profiling and could increase the stigmatisation of certain groups.

[Concluding Observations](#)

Australia: Court denies victim of counter-terrorism access to classified documents

On 27 August, the Federal Court denied Mohamed Haneef access to documents he was seeking to consult for the lawsuit he is undertaking against the federal government. The Court found that disclosure of one document containing conversations between a senior Australian diplomat and an Indian officer would have damaged Australia's international relations, and another, containing indications as to how the Department of Immigration and Citizenship carries out security checks, would undermine national security. Dr Haneef was arrested in July 2007 because intelligence linked him to a failed terrorist attack in UK that year. He was held for 12 days before he was charged with recklessly giving support to a terrorist organisation. When a judge ordered his release, the Minister cancelled Haneef's visa and ordered his detention pending deportation. The terrorism charges were later dropped for lack of evidence.

[Ruling](#)

[Press Article](#)

Australia: New South Wales enacts new anti-terrorism measures

On 10 September, the Parliament of New South Wales approved the extension until 2013 of the offence of membership of a terrorist organisation, a requirement for the use of covert search warrant powers. On 22 September, the Parliament also passed the *Terrorism (Police Powers) Amendment Act 2010*, which enables the Supreme Court to order the provision of legal aid to people subject to a preventative order, obliges police officers to inform persons subject to such order to their right to contact the ombudsman (in addition to a Counsel), and introduces provisions regarding the assistance of a lawyer and a chaplain in these situations.

[Law \(Extension\)](#)

[Law \(TAA\)](#)

[Press Article 1](#)

[Press Article 2](#)

EUROPE & COMMONWEALTH OF INDEPENDENT STATES

UK: Media reports suggest 28 days pre-charge detention for terrorist suspects to be scrapped

On 24 September, the newspaper *The Independent* reported that the Home Office plans to scrap the power of police to hold terrorist suspects for up to 28 days without charge. The unconfirmed reports also state that alternative proposals suggest either the reduction to 14 days with a possibility to request bail after that period, if extension to further 14 days is asked, or a reduction to 21 days.

[Press Article](#)

UK: Police officers who ill-treated terrorism suspect will be prosecuted

On 12 August, the Crown Prosecution Service announced that it would prosecute four officers of the Metropolitan Police Service's Territorial Support Group on charges of inflicting bodily harm to Babar Ahmad during his arrest on suspicion of terrorism offences on 2 December 2003. In 2004, the Prosecution Service had decided not to bring charges, but changed its position when Babar Ahmad won compensation in civil proceedings in the High Court in 2009. The Prosecution Service found that Mr Ahmad had suffered a number of injuries, including heavy bruising to the head, neck, wrists and feet.

[CPS Statement](#)

UK: Former Foreign Minister alleged to have given the "green light" for cooperation on intelligence with states practicing torture on suspects

On 22 September, an article appearing in *The Guardian* newspaper alleged that, according to an unnamed source, David Miliband, during the three years from 2007 that he served as Foreign Secretary, had given authorisation to proceed with intelligence operations in

countries with poor human rights records and that are known to resort to torture. The source reportedly stressed that the authorisation of the Foreign Secretary was sought only when suspects were held in one of the countries and that authorisation was not always provided.

Press Article

UK: Terrorist suspect may be deported to Ethiopia, Commission holds

On 10 September, the Special Immigration Appeals Commission (SIAC) held that the deportation of a suspect to Ethiopia, due to his alleged links with the persons who carried out the failed terrorist attack of 21 July 2005, would not infringe the principle of *non-refoulement*. The Commission found that suspect “XX” did not face a real risk of torture or inhuman or degrading treatment once in Ethiopia. SIAC also considered the diplomatic assurances submitted by the Ethiopian Government to the UK sufficient, as the assurances were said to apply not only to torture and ill-treatment, but also to any risk of flagrant denial of fair trial or arbitrary detention.

Ruling

Press Article

France: Police detention of terrorist suspects up to six days constitutional, says Constitutional Council

On 22 September, the Constitutional Council upheld the constitutionality of the police detention (*garde-à-vue*) of terrorist suspects for a maximum of six days. The Council found that this measure did not violate the suspect’s rights to presumption of innocence and freedom from arbitrary detention because it could be ordered only exceptionally in order to protect the security of people and goods from an imminent and precisely identified terrorist threat. In addition, the measure was subject to the authorisation of a judge, who must verify the existence of this requirement.

Judgment (F)

France: Government reforms police custody, but not for terrorist suspects

On 7 September, the Minister of Justice announced that a bill reforming the safeguards and procedure of police detention (*garde-à-vue*) had been presented to the *Conseil d’Etat* for its opinion. The bill was prompted by the 31 July decision of the Constitutional Council which declared some provisions of the detention unconstitutional. While the bill introduces the right to have contact with a lawyer at latest after 12 hours, this provision does not apply to terrorist suspects. The regime of *garde-à-vue* for terrorist suspects remains unchanged with the possibility of not seeing a lawyer for a period of up to 72 hours. The Constitutional Council had upheld the constitutionality of that provision.

Draft Law (F)

MoJ Statement (F)

Press Article 1 (F)

Press Article 2 (F)

France: Constitutional Council upholds constitutionality of DNA-prints to counter terrorism

On 16 September, the Constitutional Council ruled that provisions allowing the taking of DNA-prints of those suspected or convicted of serious crimes, including terrorism, and their storage in a central database, did not violate the right to private life and the right to presumption of innocence. It based its ruling on the seriousness of the crimes concerned and the standard of suspicion required to allow the taking of the DNA.

Judgment (F)

France: Government refuses resettlement of Algerian Guantánamo detainee

On 11 September, the French Foreign Ministry announced that France would not agree to the resettlement of Guantánamo detainee Nabil Hadjarab in the country. Nabil Hadjarab

has been detained in US detention facilities since 2002 and has been cleared for release. He is an Algerian citizen, but has no connections to that country. He had asked President Sarkozy to be allowed to rejoin his uncle and father, both French citizens, in France.

Uncle and NGO Statements (F)

Press Article (F)

Press Article (E)

Germany: GPS surveillance in terrorism investigations in line with European Convention

On 2 September, the European Court of Human Rights held that the surveillance of terrorism suspects by means of Global Positioning System (GPS), ordered by the North Rhine-Westphalia Department for the Protection of the Constitution (*Verfassungsschutz*), for prevention or investigation purposes did not disproportionately infringe the suspect's right to private life. The Court found that such measures are less intrusive than other surveillance measures and do not require the same legal guarantees as phone wiretapping or video surveillance. The case was brought by Bernhard Uzun, a German national who was sentenced on 1 September 1999 by the Düsseldorf Court of Appeal to thirteen years of imprisonment for attempted murder and having caused four explosions as a member of *Antimperialistische Zelle*, an organisation alleged to engage in terrorism. The conviction was based in part on GPS surveillance.

Judgment

Denmark: Kurdish TV prosecuted for propaganda of terrorist organisation

On 31 August, Justice Minister Lars Barfoed confirmed and upheld the charges brought by the Danish Prosecution Service against Danish-based Kurdish TV station Roj-TV. The station is being charged under section 114 of the Danish Criminal Code, which makes it a criminal offence to promote the activities of an individual, group or association that commits or intends to commit acts of terrorism. The charges have been reportedly prompted, after five years of monitoring of Roj-TV broadcasting, by the concern that some of its broadcasts have characteristics of propaganda in support of the PKK.

Press Article 1

Press Article 2

Poland/USA: News reports reveal torture of Guantánamo detainee in Polish secret prison

On 13 September, news media reported that CIA agents revealed that a terrorist suspect, later transferred to Guantánamo, Abd al-Rahim al-Nashiri, had been subjected to torture several times with an electric drill at the converted Stare Kiejkuty military base near Szymany in the Masuria region of Poland. The torturer was identified as a CIA agent named "Albert". Amid denials by former Prime Minister Leszek Miller of the existence of CIA detention centres in Poland, *Justice Initiative* filed a request for investigation with the Polish Prosecution Service. Polish prosecutors, who are investigating the allegations of the existence of the detention facility, announced that they would include the allegations in their investigations.

NGO Statement

Press Article 1

Press Article 2

Press Article 3

Lithuania: NGO Reprieve requests investigation into torture of Guantánamo prisoner

On 20 September, the NGO *Reprieve* wrote to the General Prosecutor of the Republic of Lithuania, Darius Valys, to request investigations of the alleged torture and detention of Zayn al-Abidin Muhammad Husayn, a stateless Palestinian who was subjected by rendition by the CIA. According to the allegations, Mr Husayn was repeatedly transferred by the CIA to several secret detention facilities in Thailand, Poland, Morocco, Guantánamo and Lithuania from 2002 until 6 September 2006, when he was officially detained in Guantánamo. The letter also reports that he was subject several times to torture and was allegedly used as a "guinea pig" to experiment with interrogation techniques.

Letter

Turkey: Terrorism law violates freedom of expression, holds European Court

On 21 September, the European Court of Human Rights held that Turkey had breached its obligations under the European Convention on Human Rights by violating the right to freedom of expression of several owners, executive directors, editors-in-chief, news directors and journalists of the weekly newspapers *Haftaya Bakis*, *Yasamda Demokrasi* and *Yedinci Giin*. The Court found that the decision by courts to suspend the newspapers' publication for a period of one month under Article 6(5) of Law no. 3713, the *Prevention of Terrorism Act*, on the assumption that they constituted propaganda in favour of the Kurdistan Workers' Party (PKK), was not necessary in a democratic society and violated their freedom of expression.

Judgment

Russian Federation: Parliament to extend state secrets to counter-terrorism

On 22 September, the Russian State Duma, the lower chamber of the Parliament, passed in first reading amendments to the Law on State Secrets, extending state secrets information to the counter-terrorism regime. In particular, the extension will include under secret of state information on protection of objects of critical importance and potentially dangerous infrastructure from terrorist and sabotage acts, operative-search activities and counter-terrorism, financing such types of activity, forms, methods and circumstances of planning terrorist activity, and results of financial monitoring. The law is said to risk obstructing the recourse to jury trials in terrorism cases, as recent legislation amending the Criminal Procedure Code excludes jury trials where state secrets are involved.

Law (R)

Press Article (R)

Russian Federation: Parliament refuses to extend civil liability for terrorist acts to family

On 22 September, the Russian State Duma voted against amendments to the *Law on Countering Terrorism*, which would have allowed for the seizure of property of terrorists and their families for the benefit of victims of terrorism. The law, defeated by a 51 to 49 vote, would have expanded the ambit of persons considered legally responsible for the damage resulting from a terrorist act. In addition to the organization and individuals directly involved, those held responsible could include the members of their families who share living space, as well as members of the family living separately, but sharing common property.

Draft Law (R)

Government Statement (R)

Press Article 1 (R)

Press Article 2 (R)

Russian Federation: SCO Counter-terrorism Convention ratified

On 22 September, the Russian Federation ratified the *Shanghai Convention on Combating Terrorism, Separatism and Extremism* of the Shanghai Organisation of Cooperation (SOC). The Convention provides for a wide definition of terrorism, which is described as "an ideology of violence and practice of influencing the decision making by organs of power or international organisations by means of commission or a threat of commission of violent and (or) other criminal acts related to threatening of population and aimed at inflicting damage upon a person, society and state". The Convention provides, furthermore, for a list of actions which must be criminalised, which include a terrorist act, call to terrorism or public justification of terrorism and others.

Convention (R)

Ratification Law (R)

Russian Federation: Man was convicted on evidence obtained by torture, UN Committee finds

On 19 July, the UN Human Rights Committee, in consideration of a communication submitted to it under the optional protocol to the *International Covenant on Civil and Political Rights*, ruled that Adrakhim Usaev had been subjected by the Russian police forces to torture or cruel, inhuman and degrading treatment while in detention and during

the interrogations. The Committee also found that these acts constituted a violation of the victim's right not to be compelled to testify against himself or to confess guilt. Adakhim Usaev was arrested on 14 July 2001 under suspicion of having taken part in an armed attack against a police station in Gudermes (Chechen Republic) on 14 March 2001. He was convicted by a criminal court to thirteen years' imprisonment for illegal acquisition of firearms, participation in an illegal armed organisation, terrorism, and attempt on the life of law-enforcement officials.

Decision

Kazakhstan: Kyrgyz extradited to Uzbekistan on terrorism charges; other 29 still detained

On 14 September, news agency *Radio Free Europe/Radio Liberty* (RFE/RL) reported that Kazak authorities had extradited to Uzbekistan Khurshid Kamilov, a Kyrgyz citizen of Uzbek origin, wanted in Uzbekistan for alleged involvement in the murder of two Uzbek police officers and participation in extremist and terrorist activities. Kamilov was part of a group of 30 foreigners who were detained last June on immigration grounds, but who were alleged to have in fact been held for extradition to Uzbekistan. Persons extradited to Uzbekistan for security offences, according to international human rights bodies including the European Court of Human Rights, are at real risk of being subject to torture, inhuman or degrading treatment or punishment or of being sentenced to death penalty.

NGO Statement

Press Article

UNITED NATIONS & REGIONAL ORGANISATIONS

UN: General Assembly renews Global Counter-Terrorism Strategy

On 8 September, the UN General Assembly, in its resolution 64/297, reaffirmed the UN Global Counter-Terrorism Strategy. The resolution, which follows the second re-examination of the Global Strategy, calls upon the United Nations entities involved in supporting counter-terrorism efforts to facilitate the promotion and protection of human rights and fundamental freedoms, as well as due process and the rule of law, while countering terrorism.

Draft Resolution

Press Article

UN: Security Council counter-terrorism resolutions were *ultra-vires*, says UN Special Rapporteur

On 6 August, the UN Special Rapporteur on the promotion and protection of human rights while countering terrorism, Martin Scheinin, issued his sixth and final report to the General Assembly. In the report, the Special Rapporteur concludes that Security Council resolution 1373(2001) establishing permanent measures on Member States and the sanctioning regime set up by the current version of SC resolution 1267(1999) go beyond the powers conferred upon the Security Council. The Special Rapporteur, furthermore, expressed concern that the declared centrality of human rights in countering terrorism is often not translated into counter-terrorism practice within the UN system and at the national level.

Report

UN: Sanctions Committee concludes review of Terrorism List

On 30 July, the Security Council Al-Qaeda and Taliban Sanctions Committee concluded the review of its consolidated list of people and entities subject to sanctions measures. Of the 488 entries taken under examination, 443 were retained. 45 entries have been removed, including eight deceased individuals.

Committee Statement

UN: Secretary General presents report on human rights and counter-terrorism

On 4 August, the UN Secretary General published a report on the protection of human rights and fundamental freedoms while countering terrorism. The report, requested by the General Assembly in resolution 64/168, presents a compendium of the main actions and positions undertaken by its own Office; the United Nations Counter-Terrorism Implementation Task Force; the Counter-Terrorism Committee and its Executive Directorate; the Human Rights Council, human rights treaty bodies; the UN High Commissioner for Human Rights.

[Report](#)

UN: UN body on counter-terrorism and human rights publishes Guides for States

In September, the UN Working Group on protecting human rights while countering terrorism issued two basic human rights reference guides. The publications aim to provide guidance on how Member States can adopt human rights-compliant measures in a number of counter-terrorism areas. The first two guides to be issued dealt with the areas of security infrastructures and the stopping and searching of persons.

[Guide \(Infrastructure\)](#)

[Guide \(Stop & Searches\)](#)

EU: Terrorism listing needs previous national decision, rules General Court

On 9 September, the General Court of the European Union annulled the EU Council decision to include the organization Stichting Al-Aqsa, which provides support to organizations in Israel and the Occupied Palestinian Territory, on the EU Terrorism List for the purpose of freezing assets destined to finance a terrorist organisation. The Court made this ruling after having ascertained that the administrative decision by the national authorities of the Netherlands, which was the ground of the Council's decision to include the organisation, had been repealed by the Netherlands Government.

[Judgment](#)

[Court Statement](#)

EU: Ombudsman refuses access on EU rendition documents

The EU Ombudsman, P. Nikiforos Diamandouros, published a 29 June decision in which he upheld the European Council General Secretariat's decision not to disclose a document, to which an unnamed applicant requested access. The document was allegedly related to discussions which took place between EU and US representatives on 3 May 2006 in Brussels on the subject of "rendition" and "extraordinary rendition". The Ombudsman found that the General Secretariat was justified in refusing access based on *Regulation 1049/2001/EC* for reasons of "protection of the public interest as regards international relations".

[Decision](#)

[Summary](#)

EU: European Commission adopts EU external strategy on Passenger Name Record

On 21 September, the EU Commission adopted a communication setting up general principles for Passenger Name Record agreements with third countries. The policy, which will be the basis of any future negotiation, establishes that PNR data should be used exclusively to fight terrorism and serious transnational crime; passengers should be given clear information about the exchange of their PNR data, have the right to see their PNR data and the right to effective administrative and judicial redress; and third countries must ensure an effective independent oversight of the authorities which use PNR data.

[EC Communication](#)

[EC Statement](#)

[Press Article](#)

IN BRIEF

South-Asian NGO Network issues statement on counter-terrorism and human rights

On 15 September, South Asians for Human Rights, a network of human rights defenders and concerned citizens, issued a final statement at the end of its conference in New Delhi. In the statement, the network criticises responses to terrorism which lead to militarisation, and sanctions impunity for intelligence agencies and security forces.

Statement

Report on discussion between victims of Northern Ireland and international counter-terrorism

In July, the Edge Hill University published a report recording two days of discussions that took place in Belfast in June 2009 between a group of Irish human rights and community activists and former political prisoners. The participants have substantial experience of dealing with the consequences of counter-terrorism policy and law introduced because of the conflict in and about Northern Ireland, and representatives of a number of Muslim groups working on similar issues today.

Report

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