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AFRICA & MIDDLE EAST

Ethiopia: Anti-terrorism law used to curb opposition and media

Over the past two months, several people, including opposition members and journalists, have been arrested by anti-terrorism squads and detained without charge under the *Anti-Terrorism Proclamation 2009*, a law which allows for up to four months detention without charge. The detainees were arrested for alleged contacts with the Oromo Liberation Front and Ginbot 7, organisations considered as “terrorist” by the Ethiopian Government. On 6 September, two Swedish and three Ethiopian journalists were charged with terrorism offences in two separate trials, after having been arrested in July. International NGOs have called for the release of the detainees and the repeal of the anti-terrorism law, which is allegedly being used to silence the opposition and the press.

[NGO Statement 1](#)

[NGO Statement 2](#)

[NGO Statement 3](#)

[NGO Statement 4](#)

[Press Article](#)

Uganda: Terrorism charges against human rights defender dropped after one year detention

On 12 September, the Ugandan authorities dropped the charges of terrorism against Al-Amin Kimathi, Director of the NGO Muslim Human Rights Forum, and another four defendants, who were on trial for the Kampala terrorist attacks of July 2010, which killed 76 people. Al-Amin Kimathi had spent a year in pre-trial detention following his arrest after he travelled to Uganda to observe the trial of six Kenyans charged in connection with the attacks. He was held *incommunicado* for six days from 15 September 2010 before being charged with terrorism and murder on 21 September 2010. On 15 September 2011, two of the remaining 14 defendants, Edris Nsubuga and Muhamoud Mugisha, pled guilty to the charges of terrorism and conspiracy to commit terrorism, and were sentenced respectively to 25 years, and five years in prison. The trial of fourteen other defendants in the case is continuing.

[NGO Statement](#)

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

[Press Article 4](#)

Somalia: NGO Reprieve reveals CIA secret detention centre in Mogadishu

On 9 September, Clairra Gutteridge from the UK-based NGO Reprieve told the BBC's Network Africa programme that she had evidence from "multiple, concurrent sources" of the existence of a United States CIA secret detention facility in the underground of the presidential palace in Mogadishu. She also reported on the case of an individual abducted from the streets of Nairobi 18 months ago and flown to Mogadishu, where he has continued to be held. According to Reprieve's sources, those held in the CIA secret detention facilities were mostly Somalis, including children as young as 14, who ended up there after being subject to rendition by US officials. Somali Prime Minister Abdiweli Mohammed Ali denied to the BBC the existence of the CIA facility.

[Press Article](#)

Libya/USA/UK: Documents reveal Libyan, US and UK secret services collaboration in rendition

From 2 to 9 September, hundreds of thousands of secret documents were uncovered by journalists and the NGO Human Rights Watch in what appeared to have been an office of deposed Libyan leader Muammar Gaddafi's head of intelligence service, Moussa Kouassa. Some of the documents relate to the collaboration of the Libyan secret services with the US CIA, which established a presence in Libya in 2004, and, sporadically, with the British secret service MI6 in the carrying out of renditions under the CIA programme. The

documents show that Libya was used as a “place of arrival” of certain renditions victims, where they were allegedly subjected to enforced disappearance and tortured or ill-treated. One of the victims of a CIA rendition to Libya, Abdel Hakim Belhaj, now a rebel forces’ commander in Tripoli, had been arrested in Bangkok where he was allegedly subjected to torture. Abdel Hakim Belhaj demanded formal apologies from the USA and the UK, as the the UK allegedly knew that he had been tortured and did nothing to help him and take action to prevent further abuse. The UK Prime Minister, David Cameron, announced that the allegations of complicity in rendition by MI6 would be investigated by the already established Torture Inquiry, led by Sir Peter Gibson, which has already encountered strong criticism by national and international NGOs.

[NGO Statement 1](#)

[NGO Statement 2](#)

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

[Press Article 4](#)

Egypt: Military refuses to end emergency legislation after street clashes

On 12 September, following clashes between demonstrators and security forces at the Israeli embassy on 9 September, the executive cabinet, after a meeting with the ruling Supreme Council of the Armed Forces (SCAF), decided not to let longstanding emergency legislation lapse at the end of September. The military had committed to discontinue the emergency legislation in the Interim Constitution issued after the January uprising, which ousted then President Hosni Mubarak. The confrontation before the Israeli embassy resulted in three reported deaths and some 130 arrests. SCAF member General Mamdouh Shaheen has been reported to say in an interview that “[w]hat the Egyptian street is currently witnessing is terrorism”. The military has therefore continued the practice of arrests and detention without charge and the use of the state security court, also extending its jurisdiction to new offences, such as criminal damage to state property and disrupting public work, blocking roads through demonstrations, and spreading false news and information. Amnesty International called this decision “the greatest erosion of human rights since the resignation of President Hosni Mubarak earlier this year”.

[NGO Statement](#)

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

Israel: UN Secretary General’s Panel Report condemns 2010 flotilla attacks but legitimises Gaza blockade

On 2 September, the Inquiry Panel tasked by the UN Secretary General to investigate the attack by Israeli forces on 31 May 2010 of a flotilla ships of humanitarian activists carrying humanitarian assistance to Gaza, published its final findings. The Panel, composed of Sir Geoffrey Palmer, former Colombian President Alvaro Uribe, Joseph Ciechanover Itzhar and Süleyman Özdem Sanberk concluded that the boarding was excessive and unreasonable, although the flotilla acted recklessly and the blockade of Israel on Gaza was legitimate. The report, accepted by the Israeli Government, was strongly criticised by independent experts of the UN Human Rights Council, who reiterated their view that the blockade is illegal under international law. A 22 September 2010 report by an Independent International Fact-finding Mission, entrusted by the UN Human Rights Council, had previously concluded that the Israeli blockade, which Israel defends as a legitimate counterterrorism measure, is unlawful. It found the conduct of the Israeli military in the interception constituted a grave violation of human rights law and international humanitarian law.

[SG Panel Report](#)

[HRC Mission Report](#)

[UN Experts Statement](#)

[NGO Statement](#)

AMERICAS

USA: Contractors litigation against the CIA reveals rendition programme documents

On 31 August, the press revealed a group of 1,500 documents which are related to the CIA rendition programme. The documents were made public in the framework of civil litigation over contracts and payments between Richmor Aviation and SportsFlight, two private companies who had been involved in the fitting of the planes and the organisation of the rendition flights. The documents reveal costs of the trips and logistical structures. One of the planes used by these companies carried out the rendition of Abu Omar, who was abducted from the streets of Milan Italy on 17 February 2003 and allegedly subjected to rendition, enforced disappearance and torture.

[NGO Statement](#)

[Press Article 1](#)

[Press Article 2](#)

USA: Former Vice-President Cheney defends “enhanced interrogation” techniques; FBI expert discredits them

On 29 August, former Vice-President Dick Cheney in an interview to the NBC TV channel to promote his recent book declared that he continued to support use of “enhanced” interrogation techniques, if that was the only way to get information from “high-value detainees”. Such techniques amount to torture or cruel, inhuman or degrading treatment under international law. On 12 September, former FBI Special Agent Ali H. Soufan published a book *The Black Banners* documenting that relevant information, some of which led to Osama Bin Laden’s killing, had been obtained by proper police techniques not involving torture. The use of torture had, on the contrary, hampered US capacity to obtain information from “high value detainees”. On 24 September, Human Rights Watch called on Canadian authorities to prosecute Dick Cheney for torture on the occasion of an imminent visit to Vancouver.

[Cheney Interview \(Video\)](#)

[Soufan Interview 1 \(Video\)](#)

[Soufan Interview 2 \(Video\)](#)

[NGO Statement](#)

[Press Article](#)

USA: Web of secret drones bases built in African and Arabian Peninsula

On 21 September, the *Washington Post* revealed that the United States has been building up a number of secret bases for their drones operations in countries of the horn of African, including in Ethiopia, the Seychelles, Djibouti, as well as in the Arabian Peninsula. The establishment of these bases is said to be part of an accelerated effort to make use of drones in “counter-terrorism” operations against Al-Qaeda and other operatives in Yemen and Somalia. The question compatibility of the US drone program with human rights law has been the subject of concern by a number of international human rights organizations, and lawyers, including by former UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, who published an analysis on the question.

[Press Article](#)

[Alston Article](#)

USA: Extrajudicial killing of Anwar al-Awlaqi by drone

On 30 September, US officials announced that a drone had killed in Yemen alleged Al-Qaeda member Anwar al-Awlaqi, and Samir Khan, the co-editor of an al-Qaeda magazine. According to the *Washington Post*, the Justice Department had previously produced a secret memorandum authorising and certifying the legality of the targeted killing of al-Awlaqi. The American Civil Liberties Union and the Center for Constitutional Rights had tried to prevent the targeted killing through federal courts, claiming that al-Awlaqi was inserted in a killings list approved by the President, but the case was blocked on procedural grounds.

[NGO Statement](#)

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

USA: No duty to reveal CIA drones programme information, says federal judge

On 9 September, US District Court Judge Rosemary M. Collyer rejected the request of the American Civil Liberties Union (ACLU) to be given by CIA records related to the CIA drones programmes and the “legal basis” for the programmes; the selection of human targets; civilian casualties; post-strike assessments; limits to the use of drones; the agency of government or branch of the military involved; the supervision, oversight, discipline, or training of drone operators and those involved in targeting decisions. The District Court found that this information was covered by the *Freedom Of Information Act (FOIA)* exceptions, as information that may be withheld from disclosure. In particular, the judge ruled that release of possible records would reveal information on the CIA’s internal structure and its capabilities and potential interests and involvement in or operation of the drone programme; lead to the unauthorized disclosure of intelligence sources and/or methods; and damage national security.

[Ruling](#)

[Press Article](#)

USA: Obama counter-terrorism advisor outlines administration’s strategy

On 16 September, John O. Brennan, the US President’s senior advisor on counter-terrorism and homeland security, described in a speech at Harvard Law School the main tenets of the Obama administration counter-terrorism policies. After indicating the respect for the rule of the law continues to guide all US Government actions, the advisor said that the US maintains the right to act unilaterally against Al-Qaeda members “if or when other governments are unwilling or unable to take the necessary actions themselves”; and that it may make use of provisions of the renewed *PATRIOT Act*. John Brennan also highlighted the Executive’s preference for ordinary courts to try terrorist suspects, although he referred to the policy to try some of them in military commissions, when counter-terrorism experts believe that would be best to protect US national security. Finally, Mr Brennan also recalled the objective of the Obama administration to close the Guantánamo detention facilities and the fact that progress in this direction was frustrated by Congress.

[Speech](#)

[Press Article](#)

USA/UK/Libya: Documents reveal Libyan, US and UK secret services collaboration in rendition

[See, AFRICA & MIDDLE EAST](#)

Canada: Prime Minister announces attempt to revive anti-terrorism powers

On 6 September, Prime Minister Harper announced in a Canadian Broadcast Company interview his intention to restore some expired provisions of the *Anti-Terrorism Act 2001*, which allowed for the preventive detention of terrorism suspects for up to 72 hours, granted police the ability to arrest them without a warrant and enabled judges to compel witnesses to testify. The provisions had elapsed in 2007 when the opposition Liberal Party blocked their renewal. Canadian human rights NGOs have voiced their opposition to the reintroduction of these measures.

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

Mexico: Man charged and detained on terrorism charges for alarming tweets

On 31 August, the State of Veracruz (Mexico) charged Gilberto Martínez Vera and María de Jesús Bravo Pagola with the office of terrorism for having transmitted messages on Twitter about imaginary gang attacks on schools and children, which caused panic among part of the population. They were arrested on 25 August on the charge of terrorism carrying a maximum penalty of thirty years of imprisonment. After protests by national

and international NGOs, the State prosecutor on 21 September dropped the charges against them and ordered their immediate release. The State legislature has adopted a new offence of public disturbance to apply in the future to similar acts.

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

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

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

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

ASIA - PACIFIC

China: NGO seeks access to refouled Uighurs

On 2 September, Human Rights Watch sent a letter to the Government of China, asking for an account of the whereabouts and general situation of and to allow access to a number of Chinese citizens of Uighur origin who had been returned in the last months by Malaysia, Thailand, Pakistan and other Asian countries to China in disregard of the prohibition of *non-refoulement*. Human Rights Watch also called on the Chinese Government to stop pressuring other States to surrender Uighurs to China in open violation of their right to seek asylum and not to be forcibly returned in a country where they risk being subject to torture or cruel, inhuman or degrading treatment or punishment. China seeks the return of Uighur refugees abroad, claiming they are members of terrorist organisations operating in Xinjiang.

[Letter](#)

[NGO Statement](#)

China: Four Uighurs sentenced to death for alleged terrorist attack

On 13 September, courts in Hotan and Kashgar convicted and sentenced to death Abdugheni Yusup, Ablikim Hasan, Muhtar Hasan, and Memetniyaz Tursun, Chinese citizens of Uighur origin, on the charges of “forming and participating in a terrorist organization, the illegal manufacture of explosives, premeditated homicide, arson, and several other related crimes.” The charges were in connection with an attack on a police station in Hotan and two separate attacks in Kashgar. Two other Uighurs, Abdulla Eli and Pulat Memet, were sentenced to 19 years in prison and a five-year suspension of their political rights for their part in the attacks.

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

Pakistan: Senior Government Officers asks to refer drone attacks to UN expert

On 19 September, the Advisor to the Prime Minister of Pakistan on Human Rights, Mustafa Nawaz Khokhar held a press conference at which he expressed concern at the use of drones by US forces, considering them “extrajudicial killings” which must be stopped. He also requested that after every such strike the matter must be reported to the United Nations Special Rapporteur on Extra Judicial, Summary or Arbitrary Executions.

[Advisor Statement](#)

[Press Article](#)

Sri Lanka: Sweeping anti-terrorism powers revived after end of emergency law

On 1 September, President Rajapaksa approved four regulations under the *Prevention of Terrorism Act* that became effective on a temporary basis and will continue to ban the Liberation Tigers of Tamil Eelam group and the Tamil Rehabilitation Organization, which received donor funds to rehabilitate rebel-controlled areas and was accused of financing the rebels. Another two regulations give the Government power to continue to detain LTTE suspects and subject them to “rehabilitation”. The Government has apparently not published the regulations. The enactment of these regulations effectively nullifies the repeal of the emergency legislation on 31 August.

[NGO Statement](#)

[Press Article 1](#)

[Press Article 2](#)

Malaysia: Security law allowing indefinite detention to be repealed

On 15 September, Prime Minister Najib Razak announced that his Government would repeal the *Internal Security Act 1960*, a counter-terrorism law allowing for administrative

detention of terrorism suspects and other persons suspected of serious offences, without charge, for up to two years. The Prime Minister also announced that the Government would seek to pass two anti-terrorism draft laws modeled on US and UK counter-terrorism measures. Reportedly, they would provide for a substantially shorter detention period than under the *Internal Security Act* and would require that any further extension to a detention be made by a court order, except for those laws related to terrorism, which would remain under the relevant minister's purview. The Prime Minister also announced that the repeal would take place next year when he will be able to table the two new counter-terrorism draft laws before Parliament.

Law (ISA)

NGO Statement 1

NGO Statement 2

Press Article

Australia: Former Prime Minister asked USA to charge David Hicks to help with elections

On 21 August, Australian newspapers reported that declarations by Colonel Morris Davis, the former Chief Prosecutor of Guantánamo Bay Military Commissions, and documents in the hands of journalist Jason Leopold, of the internet publication Truthout, demonstrate that former Prime Minister John Howard asked the US authorities to charge David Hicks with war crimes, as his case had become uncomfortable for his re-election. David Hicks is an Australian citizen who was detained in Afghanistan in 2001 and then transferred in Guantánamo Bay where he was held for five years. In March 2007 he pleaded guilty to providing material support for terrorism and was able to serve the rest of the seven year sentence in Australia until his release at the end of 2007.

Press Article

Australia: State Ombudsman finds anti-terrorism powers not used

In August 2011, the New South Wales Ombudsman issued a report on the State authorities' use of the powers of preventative detention and covert search warrants granted by Australian and New South of Wales counter-terrorism legislation. The Ombudsman noted that the power of preventative detention, allowing officers to detain a terrorism suspect without charge for up to 14 days, has never been used since it was first inserted in legislation in 2002. The report provides recommendations on the use of these powers, and recommends reconsideration of the necessity of some of them.

Report

EUROPE & COMMONWEALTH OF INDEPENDENT STATES

UK: Constitutional Committee concerned at anti-terrorism draft law

On 15 September, the Constitutional Committee of the UK Parliament published a report on the Terrorism Prevention and Implementation Measures (TPIMs) draft legislation of the Government. The Committee observed that the TPIMs are "strikingly similar to control orders". The Committee welcomed the higher test of "reasonable belief" instead of "reasonable suspicion" in order to allow for TPIMs, but was concerned at the permanent nature of the TPIMs legislation, while the previous control order regime had to be renewed by Parliament yearly. The Committee found constitutional concerns in giving this power to the Executive on a permanent basis.

Report

UK: Government presents anti-terrorism emergency powers law

On 1 September, the Home Office published draft legislation, entitled *Enhanced Terrorism Prevention and Investigation Measures Bill*, to be tabled before Parliament. The draft law provides stronger preventive measures than those contemplated in the *Terrorism Prevention and Investigation Measures Bill* currently in discussion in Parliament. The draft legislation would require that, for the imposition of preventive measures, the Home Secretary be

satisfied on a “balance of probabilities” and not only based on “reasonable grounds” that the individual is or has been involved in terrorism-related activity. The Secretary must not only reasonably consider that each measure is necessary, for purposes connected with preventing or restricting the individual’s involvement in terrorism related activity, but also that at least some of the measures imposed must be measures that cannot be imposed under a standard Terrorism Prevention and Investigation Measure (TPIM) notice. The draft law would empower the Home Secretary to impose “residence measures” applicable during the day as well as overnight; “movement restrictions measures”, confining the movements of a suspect to a specified area; and “association measures”, which may be extended to impede communication with any individual without prior authorisation. The validity of the Act is 12 months, which may be renewed yearly through approval of an order by Parliament.

[Draft Law](#)

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

UK: Parliament’s Human Rights Committee criticises new stop and searches powers

On 13 September, the UK Parliament’s Joint Committee on Human Rights issued a second report on the *Terrorism Act 2000 (Remedial) Order 2011*, which maintains temporarily stop and search powers in case of terrorist investigations or emergency. The Committee called for the Order to be amended “to make explicit on its face that the authorising officer must have a reasonable basis not only for his or her suspicion that an act of terrorism will take place, but also for his or her view that the authorisation is necessary and proportionate to prevent such an act”. It also recommended that the Code of Practice attached to the Order be amended so as to remove all references to “random” searches and to make more explicit that any individual exercise of the power to stop and search must be capable of being justified by the precise nature of the intelligence about the threat; and that stop and searches without reasonable suspicion require prior judicial authorisation.

[Report](#)

UK: New control orders system must not discriminate, says UN Committee

On 1 September, the UN Committee on the Elimination of Racial Discrimination issued its concluding observations on the compliance of the United Kingdom with its obligations under the *International Convention on the Elimination of All Forms of Racial Discrimination*. The Committee welcomed the announcement of the review and reform of the control order system, which, in the Committee’s view, might have had a negative impact on certain groups such as Muslims, a contention rejected by the UK. The Committee recommended that “the new system of terrorism prevention and investigation includes safeguards against abuse and the deliberate targeting of certain ethnic and religious groups”.

[Concluding Observations](#)

UK/Libya/USA: Documents reveal Libyan, US and UK secret services collaboration in rendition

[See, AFRICA & MIDDLE EAST](#)

France: Terrorism convict cannot be extradited to Algeria for risk of torture, says European Court of Human Rights

On 22 September, the European Court of Human Rights ruled that H.R., an Algerian citizen sentenced in that country to life imprisonment for the offences of “creating and founding a terrorist group” and “attempt murder on national security personnel”, could not be expelled to Algeria as he risked to be subject there to torture or inhuman or degrading treatment or punishment, in violation of Article 3 of the European Convention

on Human Rights. The Government had claimed that the end of the decades-long state of emergency last February 2011 changed the circumstances of risk, but the Court found that the new legislation, which assigns to the military the management of Algerian counter-terrorism, did not eliminate the risk of being subject to torture.

Judgment (F)

Lithuania: Investigations in CIA secret detention sites must be resumed, says Amnesty International

On 29 September, Amnesty International called on the Lithuanian authorities immediately to reinstate the criminal investigations into Lithuania's involvement in the CIA rendition and secret detention programmes, after the Prosecutor General closed his inquiry in January 2011. The organization released a report, entitled *Unlock the Truth in Lithuania: Investigate Secret Prisons Now*, which documents developments since the Lithuanian authorities admitted to having hosted two secret CIA detention facilities between 2002 and 2006. Amnesty International also called on Lithuania to investigate possible connections with Poland and Romania where other CIA secret centres are known to have operated.

Report

NGO Statement

Estonia: Uzbek asylum seeker deported back to Russia for lack of documents

Between 17 and 18 September, the Estonian authorities deported Rakhim Sobirov to Russia because he had entered Estonian territory from Russia illegally by swimming across the 300-meter-wide Narva River. The reason for the deportation was his lack of any identification documents in his possession. Mr Sobirov was reportedly among a group of 30 Uzbek asylum seekers wanted by Uzbekistan on terrorism and extremism charges who were arrested in Kazakhstan last year. He traveled to Russia after his release from detention. The remaining 29 Uzbek asylum seekers were sent back to Uzbekistan last June.

Press Article

Turkey: Anti-terrorism law closes down another newspaper

On 10 September, the Istanbul Public Prosecution Office banned the publication of the *Halkın Günü* newspaper ('Agenda of the People') for one month under the *Anti-Terrorism Law No. 3713*, which has been sanctioned by the European Court of Human Rights in several judgments. The decision is reportedly based on news and statements printed in the paper pertaining to the clandestine Maoist Communist Party (MKP) and the People Liberation Army (HKO). The prosecution ordered the banning of the publication on the grounds of alleged "propaganda for an illegal armed terrorist organization".

Press Article

Russian Federation: European Human Rights Commissioner concerned at situation in North Caucasus

On 6 September, the European Commissioner for Human Rights, Thomas Hammarberg, published a report on his visit to the North Caucasus Federal District of the Russian Federation from 12 to 21 May 2011. The Commissioner took note of the fact that in certain parts of Kabardino-Balkaria a regime of counter-terrorism operations were still ongoing. The Commissioner expressed concern at allegations of unlawful killings, enforced disappearances and ill-treatment perpetrated in the framework of these counter-terrorism operations. He also was particularly concerned with allegations of collective punishments of relatives of insurgents or members of illegal armed groups, and of fabricated charges of terrorism or terrorism-related offences. Finally, Commissioner Hammarberg stressed his continued concern at the situation of impunity and the dire insecurity of human rights defenders in North Caucasus.

Report

Kazakhstan: President calls for enhanced control on religious activities after terrorism arrests

On 1 September, 24 hours after the arrest of 18 persons and the killing of one man suspected of a terrorist attack in the West of Kazakhstan, President Nursultan Nazarbayev called on Parliament to approve a law regulating religious activities. He also reportedly called for increased monitoring of Muslims converts, Muslims from other countries and mosques.

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

UNITED NATIONS & REGIONAL ORGANISATIONS

UN: Human Rights Council approves resolution on human rights and terrorist hostage taking

On 29 September, the UN Human Rights Council at its 18th session adopted without a vote a resolution on *Human rights and issues related to terrorist hostage-taking*, after having held a panel discussion on the issue. In the resolution, the Council reaffirms that the promotion and protection of human rights for all and the rule of law are essential to the fight against terrorism, and recognises that effective counter-terrorism measures and the protection of human rights are not conflicting goals but are complementary and mutually reinforcing. In the operative part of the resolution, the Council entrusted its Advisory Committee to prepare a study on the issue to be presented at its 23rd session (June 2013) with an interim report at the 21st session (September 2012).

[Resolution \(as orally revised\)](#)

[Meeting Summary](#)

UN: Enforced disappearances still occurring in countering terrorism, says UN Working Group

On 30 August, on the occasion of the first UN International Day of the Victims of Enforced Disappearance, the Working Group on Enforced and Involuntary Disappearances issued a statement recalling the persistence of this practice around the world and its absolute prohibition under international law. The Working Group also highlighted the use of “so-called ‘short term disappearances,’ where victims are placed in secret detention or unknown locations, outside the protection of the law, before being released weeks or months later, sometimes after having been tortured and without having been brought in front of a judge or other civil authority”, also under the frame of alleged counter-terrorism operations.

[Statement](#)

UN: Special Rapporteur on torture concerned at abuse of solitary confinement in counter-terrorism

On 5 August, the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, published a report to the UN General Assembly on the issue of solitary confinement. In the report, the UN independent expert found that the “use of prolonged or indefinite solitary confinement has increased in various jurisdictions, especially in the context of the “war on terror” and “a threat to national security”.” He also recorded that persons subject to solitary confinement suffer from extreme forms of anxiety and exclusion superseding ordinary imprisonment. The Special Rapporteur also registered cases of solitary confinement for several years without charge or trial or in secret detention facilities, where the practice is also used as part of interrogation practices. An example noted was the situation of Guantánamo Bay, where some detainees were repeatedly returned to isolation after very short breaks over periods of up to 18 months.

[Report](#)

EU: Council approves Conclusions on Counter-terrorism

On 12 September, the General Affairs Council of the European Union issued its Conclusions on Counter-Terrorism, on the occasion of the tenth anniversary of the terrorist attacks of 11 September 2001. In the Conclusions, the Council underlined “the importance of respecting international law, human rights and fundamental freedoms, and promoting the rule of law and criminal justice approach to counter-terrorism.” Among its conclusions, the Council also stressed that through the revolutions of the Arab spring, “by setting in motion processes of democratic reform, the peoples of the region have discredited the terrorists’ argument that change can only be brought about through violence.”

Conclusions

Council of Europe: European Human Rights Commissioner calls for end to impunity in counter-terrorism crimes

On 1 and 5 September, the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, issued two human rights comments on the occasion of the tenth anniversary of the terrorist attacks of 11 September 2001. While denouncing these attacks, which he defined as a crime against humanity, the Commissioner called for an assessment of the serious crimes committed in the course of the US-led “global war on terror” and of European Governments’ complicity in the practices of renditions, enhanced interrogations and secret detention facilities. The Commissioner strongly criticised the several attempts by European Government to obstruct efforts at accountability and to foster impunity and called for investigations and prosecutions in these crimes and human rights violations.

Human Rights Comment 1

Human Rights Comment 2

Council of Europe: Secret of State must not foster impunity, says Parliamentary Committee

On 7 September, the Legal Affairs Committee of the Parliamentary Assembly of the Council of Europe (PACE) approved a draft resolution stating that secret services and intelligence agencies must be held accountable for human rights violations such as torture, abduction or renditions and not shielded from scrutiny by unjustified resort to the doctrine of “state secrets”. In its resolution, based on a report of Senator Dick Marty (Switzerland), the Committee deplored the deficiencies, hindrance or lack of investigations in cases of complicity in renditions in Germany, Italy, United Kingdom, former Yugoslav Republic of Macedonia, Spain and Portugal; and secret detention facilities in Poland, Romania, and Lithuania.

Committee Statement

Resolution and Report

Organisation of American States: Secretary General recalls centrality of human rights and rule of law in countering terrorism

On 19 September, the Secretary General of the Organisation of American States (OAS) in a speech at the UN symposium, recalled that the respect for human rights and the rule of law is essential in the enhancement of counter-terrorism cooperation and information sharing as it is essential for trust among countries in respect for shared values and principles that place the human being and her or his life, liberty, and dignity at the very centre of our actions. “Without such trust, cooperation becomes difficult, partial, or, in the worst case scenario, nonexistent: a state of affairs that criminals, organized crime, and, obviously, terrorists use to their advantage”.

Speech

OAS Statement

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