

E-BULLETIN ON COUNTER-TERRORISM & HUMAN RIGHTS

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AFRICA & MIDDLE EAST

Ethiopia: Supreme Court upholds journalist's conviction under draconian anti-terrorism law

On 2 May, the Supreme Court upheld the conviction of journalist Eskinder Nega Fenta on charges of conspiracy to commit terrorist acts, as well as participation in a terrorist organization under the *Anti-Terrorism Proclamation 2009*. The Court also affirmed his sentence of 18 years of imprisonment. The UN Working Group on Arbitrary Detention had already found that his detention was arbitrary, as it resulted from "his peaceful exercise of the right to freedom of expression." Human Rights Watch and the Committee to Protect Journalists called for the release of all journalists convicted under this legislation and for the repeal of the Proclamation.

[NGO Statement 1](#)

[NGO Statement 2](#)

Nigeria: President declares state of emergency to dismantle "terrorist" organization

On 14 May, President Jonathan Goodluck declared a state of emergency in the States of Borno, Yobe and Adamawa, in order to facilitate measure against the "terrorist" organization Boko Haram. The state of emergency allows for the deployment of the army and security agencies to "take all necessary action, within the ambit of their rules of engagement, to put an end to the impunity of insurgents and terrorists." The powers of the authorities include power to "arrest and detain suspects, the taking of possession and control of any building or structure used for terrorist purposes, the lock-down of any area of terrorist operation, the conduct of searches, and the apprehension of persons in illegal possession of weapons". Amnesty International has expressed concern that emergency measures could be used to exacerbate an already problematic human rights situation in the region.

[UN Statement](#)

[NGO Statement](#)

[Press Article 1](#)

[Press Article 2](#)

Tanzania: Opposition members' terrorism indictment dismissed by High Court

On 8 May, the High Court dismissed the terrorism charges brought by the Director of Public Prosecutions against opposition members Wilfred Muganyizi Lwkatatare and Joseph Rwezahura Ludovick as the underlying facts did not make out elements of terrorism. The two are accused of conspiring to poison Mwananchi Communications managing editor Denis Msacky. They remain on trial for the charges of conspiracy to commit kidnapping and kidnapping. It was the first time that charges were brought under the Terrorist Act 2000. The Director of Public Prosecutions has appealed this ruling to the Court of Appeal in order to have the terrorism charges reinstated.

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

Somalia (Puntland): Military court convicts seven to death penalty for terrorism

On 23 May, a Puntland military court convicted and sentenced to death Abdirahman Hussein Jama Bile and Abdullahi Osman Ahmed for the killing of Sheikh Abdulkadir Nur Farah, the Mufti of Puntland, on 15 February 2013. Reportedly, independent media were prohibited from recording the court proceedings. The military court also convicted and sentenced to death *in absentia* Mohamed Abdullahi Ilkase; Mowlid Mohamed; Hassan Haybe; Buni Mohamed; and an individual named "Shine", for their involvement in the killing of the Mufti.

[Press Article](#)

Tunisia: Human Rights Minister announces revision of anti-terrorism legislation

On 13 May, the Minister of Human Rights and Transitional Justice, Samir Dilou, announced that he had tasked a commission to draft legislation aimed at revising the country's 2003 Anti-Terrorism Law to bring it into compliance with Tunisia's obligations under international human rights treaties. On 29 May, Human Rights Watch wrote to the National Assembly asking for a reform of the anti-terrorism legislation. The organization asserted that the definition of terrorism was overbroad, as it included acts of violence which could "disturb the public order" and "bring harm to persons and property", that the offence of "incitement to terrorism" was excessively vague and that provisions in the law serve to violate suspects' fair trial rights by undermining the professional client-attorney confidentiality.

[NGO Letter](#)

[NGO Statement](#)

[Press Article 1](#)

[Press Article 2](#)

Bahrain: Human rights defender under arrest for “terrorism” risks death penalty

On 9 May, Bahrain’s Public Prosecutor ordered the pre-trial detention for sixty days of Naji Fateel, board member of the Bahrain Youth Society for Human Rights, on the charge of creating, establishing, organizing, or managing a group with the purpose of obstructing the country’s laws or constitution under article 6 of the 2006 Anti-Terrorism Law, which provides for the death penalty. Naji Fateel had reportedly been arrested without a warrant by security forces on 2 May and has claimed that he was tortured in the first days of the detention, including through electric shocks, suspension from the ceiling and “waterboarding”, for the purpose of making him sign a “confession”. On 24 April, the UN Special Rapporteur on torture and cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, denounced the second cancellation by the Bahrain Government, at the last minute, of a mutually agreed mission to the country.

[UN Statement](#)

[NGO Statement 1](#)

[NGO Statement 2](#)

[Press Article](#)

Syria: UN General Assembly calls for release of human rights defenders detained for “terrorism”

On 15 May, the UN General Assembly adopted a resolution demanding that the Syrian authorities immediately release “all persons arbitrarily detained, including the members of the Syrian Centre for Media and Freedom of Expression”. This call preceded the appearance before an Anti-Terrorism Court in Damascus on 19 May of Mazen Darwish, Hussein Gharir and Hani Zaitani, currently under detention, and Mansour Omari and Abdel Rahman Hamada, conditionally released last 6 February, to answer the charges of “publicizing terrorist acts” under Article 8 of the Anti-Terrorism Law, which carried a maximum penalty of 15 years of imprisonment. The indictment reportedly refers to their activities as human rights defenders to justify the accusation. The men have been detained for over one year, including incommunicado for several months. Several NGOs have also reported allegations of torture and other ill-treatment in detention.

[Resolution](#)

[UN Statement](#)

[NGO Statement](#)

AMERICAS

USA: President announces new counter-terrorism strategy

On 23 May, in a public speech at the National Defense University, President Barack Obama gave an address on US counter-terrorism policy and strategy. President Obama said that the US could not indefinitely and perpetually remain in a state of war against terrorist organizations and that it would dedicate more to “targeted efforts to dismantle specific networks of violent extremists”. President Obama also announced the release of a new Presidential Policy Guidance signed the day before the speech to “establish a framework that governs our use of force against terrorists”, and defended the US targeted killing policy without limiting it to “senior Al-Qaeda officials”. He added that foreign assistance should be viewed as an important national security tool and announced his willingness to engage the Congress on a discussion of the Authorization for the Use of Military Force 2001 (AUMF) by stressing that he “will not sign laws designed to expand this mandate further”. While calling for the closure of Guantánamo detention centre and expressing concern over the situation of hunger strikers, who were being subjected to force feeding, he announced the lifting of the moratorium on transfer of detainees from Yemen.

[President Speech](#)

[Policy Guidance](#)

[UN SR Statement](#)

[NGO Statement 1](#)

[NGO Statement 2](#)

[Press Article](#)

USA: Attorney General officially recognizes US responsibility in killing of Anwar al-Aulaqi

On 22 May, Attorney General Eric Holder, under direction of President Obama, admitted officially in a letter to the US Congress that the US operatives had killed Anwar al-Aulaqi. He also referred to the killing in the same “counterterrorism operation” of Samir Khan, ‘Abd al-Rahman Anwar al-Aulaqi, and Jude Kenan Mohammed, who “were not specifically targeted by the United States”. The Attorney General claimed that the targeted killing of Anwar al-Aulaqi had been carried out in accordance with the internal rules, since the victim was a senior Al-Qaeda officer planning attacks against the USA, and with the laws of war, as the attack was, in his opinion, respectful of the principles of necessity, distinction, proportionality and humanity. He furthermore stated that the operation was “undertaken consistent with Yemeni sovereignty”.

[AG Letter](#)

[NGO Statement](#)

[Press Article](#)

USA: Senate Committee holds hearing on Authorization to Use Military Force

On 16 May, the US Senate Armed Services Committee held a hearing aimed at establishing whether it would be necessary to maintain, reform or repeal the Authorization to Use Military Force of 2001 (AUMF) which constitutes the legal basis for the US "war" against Al-Qaeda and the Taliban and which has been invoked as providing the legal grounds for a variety of extra-territorial counter-terrorism operations, including targeted killings. During the hearing, Michael A. Sheehan, Assistant Secretary of Defense for special operations, stated that the "war against Al-Qaeda" may still last ten to twenty years and that the AUMF "suits us very well" and applies to the present drone strikes policies also outside of Afghanistan and Pakistan. Some independent legal experts at the hearing indicated that the Guantánamo detention centre should be closed. Human Rights Watch's Executive Director, Kenneth Roth, called the system of Guantánamo an "unmitigated disaster".

[Hearing Webcast](#)

[NGO Statement](#)

[Press Article 1](#)

[Press Article 2](#)

USA: International human rights bodies issue joint call for Guantánamo closure

On 1 May, the Inter-American Commission on Human Rights, the UN Working Group on Arbitrary Detention, the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Ben Emmerson, the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, and the UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Anand Grover, called on the USA to "respect and guarantee the life, health and personal integrity of detainees at the Guantánamo Naval Base, particularly in the context of the current hunger strike". They also called for the closure of Guantánamo detention centre. There at least 103 detainees currently on a hunger strike, of whom 36 are being forcibly fed and another five are hospitalized.

[IACHR & UN Statement](#)

[Press Article 1](#)

[Press Article 2](#)

USA: Lawyers and NGOs protest at force-feeding and genital searches at Guantánamo

On 22 May, lawyers for Guantánamo detainees petitioned the US District Court for the District of Columbia to order Guantánamo officers to stop a new policy to subject detainees to a "pat down" of their genitals and buttocks when they leave the detention camps to meet with their lawyers and return to their cells, as this constituted an unjustified burden that the Government has imposed on Guantánamo detainees' right to access to counsel. Twenty national and international NGOs sent a letter to Secretary of Defense Chuck Hagel opposing the force-feeding of detainees which they said, citing international standards, constituted cruel, inhuman and degrading treatment and possibly torture.

[Lawyers Petition](#)

[IACHR & UN Statement](#)

[NGOs Letter](#)

[Press Article](#)

Canada: Parliament passes new counter-terrorism powers into law

On 24 April, the House of Commons passed the *Combating Terrorism Act*, which received royal assent the following day and thereby became law. The legislation, passed swiftly following the arrest of an alleged bomber in a US-Canadian train on 22 April, renews emergency powers enacted after 11 September 2001, which had expired in 2007 because of a sunset clause. These include the power for police to order "preventative detention" for up to three days without charge and based only on suspicion of terrorism, and the possibility of "investigative hearings" in which a person suspected to have some knowledge of a terrorist act would have to provide information under potential penalty of up to 12 months of imprisonment. Neither measure had reportedly been used so far.

[Law](#)

[Press Article 1](#)

[Press Article 2](#)

ASIA - PACIFIC

India: UN Special Rapporteur concerned at impunity for extrajudicial killings

On 26 April, the UN Special Rapporteur on extrajudicial, summary and arbitrary executions, Cristof Heyns, published the report of his visit to India from 19 to 30 March 2012. In his report, the UN expert concluded that, despite some positive developments, extrajudicial executions remained a matter of serious concern in the country and that impunity "is the central problem". He described

the situation as particularly concerning in contexts of counter-terrorism or counter-insurgency. The Special Rapporteur recommended the institution of a credible Commission of Inquiry into extrajudicial executions in India and to repeal or radically amend the emergency legislation *Armed Forces Special Powers Act* (AFSPA) and the Jammu and Kashmir AFSPA.

[Report](#)

Pakistan: High Court rules US drone strikes violate human rights law and Pakistan's sovereignty

On 9 May, the Peshawar High Court ruled that the US drone strikes in the Federally Administered Tribal Areas (FATA) of North and South Waziristan were a blatant violation of human rights, the UN Charter and the Geneva Conventions 1949, and were to be considered a war crime. The Court also found that the strikes were being carried out in breach of Pakistan's sovereignty as they had not been agreed by Pakistani authorities. The Court declared the US Government bound to compensate all victims' families and ordered the Government of Pakistan to ensure that the security forces, upon proper warning, "have the right being under constitutional and legal obligations to shoot down the drones". Finally the Court directed the Government of Pakistan to present the matter before the UN Security Council, or the General Assembly if veto power were exercised, and to request establishment of an independent war crime tribunal to assume jurisdiction over alleged international criminal breaches.

[Judgment](#)

[NGO Statement](#)

[Press Article](#)

Sri Lanka: Government refuses to repeal emergency Prevention of Terrorism Act

On 8 May, Prime Minister D.M. Jayaratne, answering to a question by opposition leader Ranil Wickremesinghe who called for the repeal of the *Prevention of Terrorism Act* (PTA), declared that the Government would not move for such a repeal and that the law, was still needed to tackle "attempts to revamp the (LTTE) in different parts of the world". Opposition leader Ranil Wickremesinghe had requested the abrogation of the PTA in light of the end of the conflict with the Liberation Tigers of Tamil Eelam (LTTE), alleging that it was being used now to repress the political opposition and citing as example the arrest of Azath Sally under the PTA for reported statements against discrimination towards Muslims in Sri Lanka.

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

Viet Nam: "Terrorism" conviction of bloggers confirmed by appeals court

On 23 May, an appeals court in the city of Vinh affirmed the conviction of five bloggers, Ho Duc Hoa, Paulus Le Van Son, Nguyen Van Duyet, Thai Van Dung and Tran Minh Nhat, on the charges of having links with Viet Tan, a pro-democracy party based in the United States that is banned in Viet Nam and regarded as a "terrorist" organization by the government. The sentences of three of the bloggers were upheld, 13 years for Ho Duc Hoa and four years for Thai Van Dung and Tran Minh Nhat, while the sentence of Le Van Son was reduced from 13 years to four and that of Nguyen Van Duyet from four to three and a half years of imprisonment. Other activists outside the courtroom were arrested. Reporters without Borders denounced the charges and convictions as false and fabricated.

[NGO Statement](#)

Australia: Two independent inquiries recommend reduction of counter-terrorism powers

On 14 May, the Federal Government tabled before Parliament two declassified reports, respectively by Bret Walker, the Independent National Security Legislation Monitor, and the Council of Australian Governments (COAG), tasked to review Australia's counter-terrorism legislation. Both reports call for a repeal of Australia's intelligence service's (ASIO) powers to detain a person suspected of terrorism for up to a week without charge. The Independent Monitor also recommended the repeal of the country's regime of control orders as presently constituted, while COAG suggested the abrogation of the offence of associating with a member of a terrorist organization and to narrow the grounds on which an organization could be banned as a terrorist organization. The Deputy Commissioner of the Australian Federal Police (AFP), Peter Drennan, has however declared that the current counter-terrorism powers were still necessary, in particular in order to counter possible risks from people coming to the country from Syria as a result of the armed conflict.

[INSLM Report](#)

[COAG Report](#)

[Press Article 1](#)

[Press Article 2](#)

Australia/USA: Former Guantánamo detainee to challenge plea agreement in the US

On 1 May, the lawyer of David Hicks, former Guantánamo detainee and Australian citizen, announced that his client would challenge his plea agreement of 2007 in the US courts in the next month, after the federal Court of Appeals for the District of Columbia overturned the conviction by a military commission of Salim Hamdan for "material support for terrorism", as the application of this offence to acts prior to 2006 constituted retroactive application of criminal law (see, story [here](#)). David Hicks pled guilty to the same offence in 2007 as a condition of his return to Australia, and was given a seven-year sentence. The majority of the sentence was suspended, but David Hicks was required to serve nine months in Adelaide's Yatala Labour Prison.

[Press Article](#)

Vanuatu: Journalist arrested on terrorism charges following heated Facebook comment

On 7 May, the police arrested the sub-editor of the *Vanuatu Independent*, Gratien Mulsoul, for a Facebook comment within a conversation online in which he reportedly expressed the wish that a plane carrying a Government Minister would crash. The arrest was on charges of terrorist activity, seditious publication, and making threats. However, after 30 hours of detention, the Public Prosecutor ordered his release and dropped all the charges.

[Press Article 1](#)

[Press Article 2](#)

EUROPE & COMMONWEALTH OF INDEPENDENT STATES

UK: Abu Qatada's bail refused despite commitment to accept future extradition to Jordan

On 20 May, the Special Immigration Appeals Commission (SIAC) denied the request of bail of Omar Othman, also known as Abu Qatada, who is in detention awaiting extradition to Jordan where he has been convicted *in absentia* for terrorism pursuant to information likely to be tainted by torture. His extradition has been blocked by British courts following a judgment of the European Court of Human Rights ruling that he would have suffered a real risk of a flagrant violation of his fair trial rights if sent to Jordan for re-trial. Abu Qatada had declared that he would be willing to be extradited to Jordan upon ratification of a new UK-Jordan Agreement, which, according to his lawyer, contains sufficient guarantees to avoid violations of his fair trial rights.

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

UK: New database rendition project unveils evidence of extended UK complicity

On 22 May, the Rendition Project, a collaborative research project between the University of Kent and Kingston University, launched a "Rendition Flights Database" documenting the roots of many alleged CIA rendition flights across the world. The database demonstrates that the UK facilitation of rendition flights has been more systematic than previously believed. The Project highlights at least 144 flights which entered the UK while suspected of being engaged in rendition operations. While the aircraft made overnight and refuelling stops in the UK, there is no evidence that prisoners were disembarked onto UK territory.

[Database](#)

[Project](#)

[Press Article](#)

UK: De facto statelessness resulting from nationality stripping not unlawful, says Appeals Court

On 24 May, the Court of Appeal reversed a decision of the Special Immigration Appeals Commission and held that the decision of the Secretary of State for the Home Office to rescind UK nationality of B2, who was born in Vietnam and granted British nationality in 1995, because of national security concerns, did not make him stateless *de jure* and was therefore legal. The ruling was reached regardless of the finding that, since the Vietnamese Government did not recognize his Vietnamese nationality, the Home Office decision had made him a *de facto* stateless. B2, who is currently in detention awaiting deportation, was reported by the Security Service to have undertaken training in Yemen with Al Qaida in the Arabian Peninsula.

[Judgment](#)

[Case Summary](#)

UK: UN Special Rapporteur concerned at proscription of civil society organizations for "terrorism"

On 29 May, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, published the report of his visit to the United Kingdom from 14 to 23

January 2013. In the report, the Special Rapporteur expressed concern at the impact of counter-terrorism measures on non-profit organizations and signalled that a number of organizations have been proscribed in the absence of any proof that they had been active in terrorist activities. The Special Rapporteur also called for an end to the use of stop-and-search powers in the context of peaceful protests.

Report

The Netherlands: Appeals Court demands US information on torture complicity before clearing extradition

On 28 May, the Appeals Court of the Hague confirmed the suspension of the extradition of Sabir K. to the United States and ordered the Dutch Government to request information from the US authorities as to whether they had requested the Pakistani authorities to arrest him in 2010. Such a request could suggest their complicity in the subsequent torture he endured while in detention in Pakistan and would constitute an obstacle to his extradition to the USA. The Appeal Court, on the other hand, reversed a ruling of the District Court, which had stopped the extradition in light of the fact that Sabir K., who suffers of serious psychological disorder, would not enjoy the same medical treatment offered to him in the Netherlands once he arrived in the USA.

Court Statement (Dutch)

Press Article 1 (E)

Press Article 2 (E)

Spain: European torture prevention committee concerned at *incommunicado* detention

On 30 April, the European Committee for the Prevention of Torture (CPT) published the report of its visit to Spain from 31 May to 13 June 2011. In its report, the Committee addresses in depth the regime of *incommunicado* detention in Spain for "terrorism" suspects during investigations. The CPT reported to have "received credible and consistent allegations of ill-treatment from 10 of the 11 persons interviewed who had been held under incommunicado detention in operations conducted by the Guardia Civil during the first few months of 2011". It has also provided recommendations on the need for judicial review of such detention and of guarantees of access to a lawyer.

Report

Turkey: UN Special Rapporteur concerned at legislation on use of lethal force

On 29 May, the UN Special Rapporteur on extrajudicial, summary and arbitrary executions, Cristof Heyns, presented to the UN Human Rights Council his report on his visit to Turkey from 26 to 30 November 2012. Among his findings, the Special Rapporteur identified that additional Article 2 of the Law no. 3713 to Fight Terrorism failed to limit the use of lethal force as strictly necessary to protect life, as required under international standards. The Special Rapporteur also reported that he had information on a number of cases of civilians who had been mistakenly identified as terrorists and were killed in counter-terrorism operations, and identified shortcomings in extrajudicial killings' investigations.

Report

Russian Federation: Authorities responsible for kidnapping and transfer to Tajikistan in breach of *non-refoulement*

On 24 April, the European Court of Human Rights ruled that Russian authorities and agents had been involved, either actively or passively, in the kidnapping of Savridin Dzhanoibiddinovich Dzhurayev, a Tajik citizen, wanted in his home country for "terrorism" charges of involvement in a muslim organization, who had obtained temporary asylum in Russian Federation after attempts of the Russian authorities at extraditing him to his home country were blocked by Russian courts. Savridin Dzhurayev had been kidnapped on the evening of 31 October 2011 and re-appeared three days later in detention in Tajikistan, more than 3,000 km away. The European Court ruled that Russian authorities had breached his right not to be sent to a country where he would be at risk of torture or ill-treatment. The Russian Federation was both directly responsible for these events and also for failing to protect the victim from kidnapping and to investigate. The Court also held that the Russian Federation had not respected the Strasbourg Court's interim measures and has indicated remedial measures to the Russian authorities in accordance with their obligations under Article 46 ECHR.

Judgment

Turkmenistan: Journalist arrested without charge finally released

On 22 May, Turkmen authorities released journalist Rovshen Yazmuhamedov, after two weeks of detention, following the protests of several international NGOs and of the European Union. Rovshen Yazmuhamedov was arrested on 6 May and held since then at the local directorate of the Internal

Affairs Ministry in Turkmenabat, within the counter-terrorism and organized crime department. No reasons have been given for his arrest or release. It has been reported that during his detention he had not been allowed to talk to his family and doubts have arisen as to whether he had access to a lawyer.

NGO Statement 1

NGO Statement 2

UNITED NATIONS & REGIONAL ORGANIZATIONS

UN: High Commissioner stresses counter-productivity of human rights violations in counter-terrorism

On 27 May, the UN High Commissioner for Human Rights, Navanethem Pillay reminded all States of the UN Human Rights Council, in her statement to this body at the opening of its 23rd session, that “measures that violate human rights do not uproot terrorism: they nurture it.” Referring to the detention centre of Guantánamo Bay, the High Commissioner declared that the “continuing indefinite detention of many of these individuals amounts to arbitrary detention, in breach of international law, and the injustice embodied in this detention centre has become an ideal recruitment tool for terrorists” and called for its closure. She also expressed concern at “the continuing failure of many European States to undertake public and independent investigations of past involvement in the U.S. renditions programme, under which terrorist suspects were captured and delivered to interrogation centres without regard for due process”. She also stated that she was “profoundly disturbed at the human rights implications of the use of armed drones in the context of counter-terrorism and military operations”.

HCHR Statement

UN: Special Rapporteur presents study on legal implications of lethal autonomous robotics

On 29 May, the UN Special Rapporteur on extrajudicial, summary and arbitrary executions, Christof Heyns, presented to the UN Human Rights Council his annual report which calls for an international moratorium on “at least the testing, production, assembly, transfer, acquisition, deployment and use” of lethal autonomous robotics (LAR), i.e. robots with the capacity to autonomously decide who and when to kill. The report analyses carefully the many consequences that the developments of such technologies may have for the right to life and for the conduct of warfare.

Report

NGO Statement

Press Article

UN: Special Rapporteur tackles human rights concerns in fight against financing of terrorism

On 24 April, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, published his annual report. In the report, the UN expert addressed the restrictions imposed on civil society organizations by restrictive laws tackling financing of terrorism. In particular, the Special Rapporteur criticized the necessity of a recommendation of the Financial Action Task Force, an inter-governmental organization dedicated to fight money laundering and financing of terrorism, on supervision of civil society organizations financing. It also found that the FATF recommendation “fails to provide for specific measures to protect the civil society sector from undue restrictions to their right to freedom of association”.

Report

EU: Delisted person can challenge listing to repair damage on reputation, rules Court of Justice

On 28 May, the Court of Justice of the European Union ruled that Abdulbasit Abdulrahim, was entitled to challenge the EU’s decision to maintain him on a terrorism list, even if he was no longer subject to the restrictions that such listing could bring about. Abdulbasit Abdulrahim had been included on an EU terrorism list following similar inclusion by the UN Sanctions Committee of the Security Council on its terrorism list in 2008, but he had been later removed from the UN list. The General Court had previously held that the applicant had no continuing material interest in the lawsuit and dismissed it. The Court of Justice has reversed this decision by holding that, in the light

of the extent of the damage to Mr Abdulrahim's reputation, he retains his interest in bringing proceedings for the purpose of seeking annulment of the Regulation ordering his insertion in the list and of securing, should his action be upheld, his rehabilitation and, thus, some form of reparation for the non-material harm suffered by him. The Court of Justice remanded the case back to the General Court to decide on the merits.

Judgment

Court Statement

East African Community: Court dismisses rendition case on admissibility grounds

On 15 April, the Appellate Division of the East African Court of Justice dismissed the action brought under the East African Community Treaty by Omar Awadh, Hussein Hassan Agade, Idris Mogandu, Mohamed Hamid Suleiman, Yahya Suleiman Mbutia, Habib Suleiman Njoroge against their rendition between 22 July and 17 September 2010 from Kenya to Uganda. They are currently on trial for the major terrorism attack in Kampala in 2010. The applicants argued that their rendition made their detention, arrest and trial illegal and in violation of their fundamental rights under the Kenyan and Ugandan Constitutions, international law and the Treaty establishing the East African Community. The Court dismissed the action, ruling that it had not been taken within the two-month time limit to file a complaint. The Court did not apply the doctrine of "continuing violation" for enforced disappearance, holding that it was not a human rights court and that the doctrine would have been contrary to the principle of legal certainty.

Judgment

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