

E-BULLETIN ON COUNTER-TERRORISM & HUMAN RIGHTS

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AFRICA & MIDDLE EAST

Mauritania: Amnesty International documents use of torture and enforced disappearance in counter-terrorism

On 26 June, Amnesty International issued preliminary findings on a mission it undertook to Mauritania. The organization denounced the use of "torture to coerce men, women and children to confess to crimes while in custody" by the police in Mauritania. The persons allegedly tortured include people under detention on terrorism-related charges. Amnesty International also documented cases of grossly unfair trials and enforced disappearances. The organization concluded that, in Mauritania, "there's a terrifying pattern of abuse when it comes to terrorism-related cases: individuals are arrested, prevented from speaking to a lawyer, tortured into confessing to a crime and taken to short and summary trials where confessions are used as the main evidence".

NGO Statement

Press Article

Mauritania: UN Committee against Torture concerned at extended police custody measures

On 27 May, the UN Committee against Torture adopted its concluding observations on the compliance by Mauritania with its obligations under the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. Among its findings, the Committee expressed particular concern that police custody (*garde à vue*) for "terrorism crimes" extends to fifteen days renewable twice by the prosecutor and that there is no possibility to contest the lawfulness of the detention. The UN experts also expressed concern at the vague definition of "terrorism" included in Article 3 of *Law no. 2005-047 on fighting terrorism*. The Committee further drew attention to the allegations received on practices of secret detention.

Concluding Observations (F)

Mali: Report documents serious violations of human rights against "terrorism" suspects

On 7 June, Amnesty International issued a briefing, *Mali: Preliminary findings of a four-week mission. Serious human rights abuses*, on its mission to Mali occurred in May and June. The report documents several cases of "detainees being tortured or ill-treated after being arrested for having alleged links with armed groups [and] more than 20 cases of extrajudicial-executions or enforced disappearances." Most of the persons interviewed had been charged with acts of terrorism and other offences and at least five detainees were reported to have died in a Bamako detention centre in April as a result of exceedingly poor conditions of detention and lack of medical care. Amnesty International expressed also concern at the transfer of prisoners by French and West African troops to Malian authorities despite the fact that "they knew or should have known the detainees were at real risk of being tortured or ill-treated". In addition, the report calls attention to alleged human rights abuses by the opposition armed groups involved in the conflict, including the Movement for Oneness and Jihad in West Africa (MUJAO) and the National Movement for the Liberation of Azawad (MNLA).

Report

NGO Statement

Syria: NGOs denounce use of counter-terrorism law to suppress dissent

On 25-26 June, Amnesty International and Human Rights Watch denounced the misuse of counter-terrorism powers contained in *Law no. 19 of July 2012 "Counter-Terrorism Law"* to detain and prosecute human rights defenders and opposition dissenters. The call is linked to the request to drop the charges against five members of the Syrian Centre for Media and Freedom of Expression - Mazen Darwish, Hussein Gharir and Hani al-Zitani, currently detained, and Mansour al-Omari and Abd al-Rahman Hamada, released provisionally last February - for "publicizing terrorist acts". The charge is reportedly linked to their activities as human rights defenders. Amnesty International stated that it "has learned that Hani al-Zitani, Mansour al-Omari and Abd al-Rahman Hamada were beaten with whips, sticks and electric shock rods during their mealtimes every day for a period of three months, while being held in military custody. (...) It understands that Mazen Darwish and Hussein Gharir were also tortured or otherwise ill-treated."

NGO Statement 1

NGO Statement 2

Kenya: Two "terrorist" suspects allegedly subjected to extrajudicial execution

On 17 June, Muslims for Human Rights, an NGO, alleged that two "terrorist" suspects, Kassim Omolo Otieno and Salim Mohammed Nero, had been extra-judicially killed by the police and that a

police death squad had been tasked with the killing of suspects believed to have links with "terrorist" groups, mainly the Somali group Al-Shabaab. Thirteen people suspected of links with "terrorist" groups were said to have been "either been killed or have disappeared in unclear circumstances so far this year", and eighteen last year. The families of the victims have called on the Interior Cabinet Secretary, Joseph ole Lenku, to set up a judicial inquiry to investigate the incidents.

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

[Press Article 4](#)

AMERICAS

USA: Massive phone and internet surveillance NSA programme revealed

In a series of media exposures beginning on 6 June, including by the newspaper *The Guardian* and *the Washington Post*, it was revealed that the US National Security Agency had been engaging in massive surveillance and information gathering programs. The revelations were provided by former CIA operative and NSA contractor Edward Snowden. They outline the existence of the NSA "PRISM" programme, under which nearly all emails and other forms of electronic data and communication, among foreign nationals or between US and foreign nationals, has been gathered from the major internet companies and providers: Microsoft, Yahoo, Google, Facebook, PalTalk, AOL, Skype, YouTube, Apple. This programme seems to have also involved the United Kingdom. In addition, it was revealed that NSA had gathered virtually all telephone communications from the company Verizon. The US Government tried to justify the existence of the programme as a necessary counter-terrorism tool, but many have challenged this assertion, including members of the US Senate. Edward Snowden was subsequently criminally indicted in the USA under the *Espionage Act*, and is currently in the international zone of the Sheremetyevo airport in Moscow seeking asylum in several European, Latin American and Asian countries. At present, Venezuela and Nicaragua have apparently indicated they would grant him asylum. Several US and international organizations have voiced concern at the programme's alleged interferences with the rights to privacy and to freedom of expression and association. The American Civil Liberties Organization has filed a lawsuit challenging the constitutionality of the programme under the First and Fourth Amendments to the US Constitution.

[Leaked document 1](#)

[Leaked document 2](#)

[Leaked document 3](#)

[UN Statement](#)

[NGO Statement 1](#)

[NGO Statement 2](#)

[NGO Statement 3](#)

[Press Article 1](#)

[Press Article 2](#)

USA: Federal Court rejects Abu Grahیب lawsuit against private contractor

On 25 June, the US District Court for the Eastern District of Virginia dismissed a complaint under the Alien Torts Statute (ATS) by Suhail Najim Abdullah Al Shimari, Taha Yaseen Arraq Rashid, Asa'ad Hamza Hanfoosh Al-Zubae, and Salah Hasan Nsaif Jasim Al-Ejaili, Iraqi citizens, against CACI PT, a United States military government contractor, seeking damages for torture and other abuses endured while in detention as "suspected enemy combatants" in Abu Grahیب (Iraq) between 22 September 2003 and 6 May 2005. The contested practices include "food deprivation, forced nudity, beatings, electric shocks, sensory deprivation, extreme temperatures, death threats, oxygen deprivation, sexual assaults, and mock executions". The Court held that, following the US Supreme Court decision in *Kiobel v. Royal Dutch Petroleum*, it lacked jurisdiction under the ATS "because the acts giving rise to their tort claims occurred exclusively in Iraq, a foreign sovereign."

[Ruling](#)

[NGO Statement](#)

USA: US Senator asks to stop force-feeding of Guantánamo detainees

On 19 June, the Chairperson of the Senate Intelligence Committee, Diane Feinstein, wrote to the Secretary of Defense, Chuck Hagel, urging him to re-evaluate the Defense Department policy of force-feeding of Guantánamo detainees. Senator Feinstein, after a visit to the detention facility with Senator John McCain, asserted that the force-feeding practices there were not in line with federal guidelines as used in federal prisons. She expressed her opposition "to the force-feeding of detainees, not for reasons of medical necessity but as a matter of policy that stands in conflict with international norms". At present, there are 104 out of 166 detainees involved in a hunger-strike, 44 of which are reportedly subject to force-feeding, a practice that considered by human rights experts and medical ethicists to be a violation against the prohibition against cruel, inhuman or degrading

treatment and a contravention of medical ethical standards. In a related development, the Obama administration has announced the appointment of Clifford Sloan as a new special envoy tasked with the closure of Guantánamo, and released, under a *Freedom of Information Act* action, the names of the detainees considered for indefinite detention.

[Letter](#)

[NGO Statement 1](#)

[NGO Statement 2](#)

[NGO Statement 3](#)

[Press Article 1](#)

[Press Article 2](#)

USA: Military trial against whistleblower Bradley Manning begins

On 3 June, began, before Judge Col. Denise Lind, the military trial of corp. Bradley Manning, the army whistleblower who transmitted large amounts of classified government information to Wikileaks, including information relating to alleged human rights and international humanitarian law violations. He is being tried on charges of related to his distribution of thousands of classified documents to unauthorized parties, including the charge of "aiding the enemy", which could carry a sentence of life imprisonment, as the prosecution is not seeking the death penalty. Amnesty International has urged that Bradley Manning be allowed to "argue that he acted in the public interest when he distributed information to Wikileaks", which the judge had previously disallowed, saying it could be considered only as a factor of mitigation for sentencing. Some 350 requests by journalists have requested to attend the court martial proceedings, but only 70 have been granted, and the journalists reportedly will have to bear the significant costs to receive transcripts of the proceedings.

[NGO Statement 1](#)

[NGO Statement 2](#)

[NGO Statement 3](#)

[Press Article](#)

USA: Supreme Court refuses to hear torture complaint against Donald Rumsfeld

On 10 June, the Supreme Court declined to consider the appeal in the cases of Donald Vance and Nathan Ertel, two US whistleblowers, against former Defense Secretary Donald Rumsfeld, for responsibility for torture to which they were allegedly subjected by US forces in Iraq. The two were held in military detention after alleging wrongdoing by a private Iraqi company for which they worked. The denial effectively affirms the Court of Appeals judgement that held that the Secretary of Defense could not be held liable for actions beyond the law taken from subordinates.

[SC Order](#)

[CA Ruling](#)

[Press Article](#)

Colombia: Secret documents reveal army knew in advance of 1985 terrorist attack on Supreme Court

On 16 June, the newspaper *El Espectador* revealed the contents of secret documents seized ten days earlier by the public prosecutor's office at the headquarters of the army's Brigade XIII. The documents revealed that the army knew one or two months in advance that a terrorist attack by the armed group M19 was planned against the Supreme Court's Justice Palace (*Palacio de Justicia*). On 6 and 7 November 1985, M19 seized the Justice Palace and took several hostages, after which the army stormed in and killed the assailants but also subjected a number of hostages to enforced disappearance. The documents, found in the frame of the re-investigation of the murder of lawyer Eduardo Umaña Mendoza, who represented some of the victims of this operation, contradict the army's version that they had been taken by surprise from the M19 attack.

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

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

ASIA - PACIFIC

China: Uighurs convicted for "terrorism" offences amid unrest in Xinjiang

On 20 June, 19 ethnic Uighurs were convicted in separate courts in Kashgar and Aksu, in Xinjiang, for having illegally downloaded "religious extremist" material from the internet, including alleged incitements to "holy war" and to racial hatred. They were reportedly convicted to imprisonment terms from two to six years. On 26 a group of persons allegedly attacked with knives and killed nine security officers and eight civilians, near Tourfan, in Xinjiang, after which the police opened fire and killed ten persons. The authorities have referred to this incident as an "act of terrorism".

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

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

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

India: Human Rights Watch calls for review of "terrorism" charges for Dalit cultural group members

On 26 June, Human Rights Watch called for an independent review of the charges under the anti-terrorism law *Unlawful Activities (Prevention) Act 1967* against six members of a Dalit cultural group who are accused of being members of a "terrorist organization". The charges have been reportedly filed for their alleged support of the Naxalite Maoist militants considered by Indian authorities as a "terrorist organization". Human Rights Watch called for the review of the charges caused by an expanded definition of "terrorism" in the legislation, and for the revision of India's counter-terrorism laws to be put in line with international human rights law.

[NGO Statement](#)

Thailand: Human Rights organizations protest at overbroad "terrorism" financing blacklist

On 5 June, a group of national and international NGOs criticized the recent adoption of a terrorism financing blacklist by the national Anti-Money Laundering Office (Amlo), characterizing the methodology behind its creation as "murky" and alleging that it may hamper peace efforts with insurgents in the South of the country. Amlo's Secretary General, Pol Col Seehanat Prayoonrat, dismissed the criticism, stating that not "everyone on the list is a terrorist. They only have outstanding arrest warrants containing terrorism charges". The list, which AMLO aims to expand to 4,000 entries, prohibits any entity to handle financial transactions with the enlisted people under sanction of criminal prosecution and imprisonment.

[Press Article 1](#)

[Press Article 2](#)

Bangladesh: Parliament approves amendments to anti-terrorism legislation

On 11 June, the Parliament of Bangladesh, the Jatiya Sangsad passed the *Anti-Terrorism (Amendment) Bill 2013*, which introduces the possibility for courts to accept videos, still photographs and audio clips used in Facebook, twitter, Skype and other social media as evidence for trial of cases under the anti-terrorism legislation. The International Federation for Human Rights (FIDH) and the national NGO Odhikar have criticized this development and the already vague definition of "terrorist activities" in the *Anti-Terrorism Act* that they consider may lead to potential abuses and political repression. The opposition party, Bangladesh Nationalist Party (BNL), walked out of Parliament in protest during the vote approving what they termed a "black law".

[NGO Statement](#)

[Press Article 1](#)

[Press Article 2](#)

EUROPE & COMMONWEALTH OF INDEPENDENT STATES

UK/Jordan: Abu Qatada extradited to Jordan under new extradition treaty

On 7 July, Omar Othman, also known as Abu Qatada, was flown to Jordan pursuant to a recently ratified *Treaty on Mutual Legal Assistance in Criminal Matters* between the UK and Jordan, after the cleric himself had voluntarily accepted the extradition. This cooperation and extradition treaty was announced by the UK Government already in April, because his transfer to Jordan had previously been blocked by the European Court of Human Rights on grounds that he would risk to be exposed to flagrant denial of a fair trial. Abu Qatada previously was convicted *in absentia* in Jordan for terrorism offences, allegedly on the basis of information obtained through torture. It is feared that such information could be admitted as evidence in any re-trial.

[Treaty](#)

[Press Article 1](#)

[Press Article 2](#)

UK: UN Committee against Torture concerned at closed proceedings and impunity in counter-terrorism

On 27 May, the UN Committee against Torture adopted its concluding observations on the compliance by the United Kingdom of its obligations under the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. The Committee expressed concern at the reliance by the UK on diplomatic assurances when sending persons to countries where they may be at risk of torture or ill-treatment, at the extension of the use of closed material procedures by the *Justice and Security Act 2013* to civil cases, and at the case of "Shaker Aamer, the last UK resident held in Guantánamo Bay, who has been detained without charges for more than eleven years and whose condition is rapidly deteriorating, particularly in the context of the current hunger

strike". The Committee recommended that the UK "establish without further delay an inquiry on alleged acts of torture and other ill-treatment of detainees held overseas committed by or at the instigation of or with the consent or acquiescence of British official" and to prosecute and punish those responsible.

Concluding Observations

UK: Supreme Court agrees to hold closed material procedures for "secret" evidence

On 19 June, the Supreme Court delivered its judgment in the case of *Bank Mellat v. Her Majesty's Treasury*, in which the Iranian bank asked for the annulment of the *Financial Restrictions (Iran) Order 2009*, under the *Counter-Terrorism Act 2008*, which effectively shut down the operations of the bank in the UK. The Supreme Court had ruled that it was entitled to establish closed material procedures in order to consider closed judgments and evidence issued from or used by the lower courts in deciding the case. The Court's majority imputed such a power, not expressed in the law, from the overall appeal competence of the Supreme Court on lower courts. The minority strongly opposed this view saying that such any such deviation from the principles of fundamental justice had to be expressly provided for by Parliament. In the end, the holding of the closed material procedure proved unhelpful to reach the judgment, in which the Court ruled for the annulment of the restriction order both on substantive and procedural grounds.

Judgment

Summary

UK: High Court dismisses complaint for UK torture complicity in Pakistan

On 26 June, Justice Irwin of the High Court of Justice dismissed a civil claim brought by Salahuddin Amin against the intelligence agencies MI5, MI6, the Foreign and Commonwealth Office, the Home Office and the Attorney General for the alleged complicity of UK services in his alleged torture at the hands of Pakistani secret services in 2004. The High Court dismissed the complaint as the issue of complicity in torture had been already examined and dismissed in the criminal trial for terrorism against Salahuddin Amin. He was convicted and his appeal rejected in the criminal trial, at which he had alleged abuse of process as his "confessions" in Pakistan had been elicited by torture and that his statements delivered in the UK in 2005 should have been inadmissible as a result of that torture.

Judgment

Press Article

UK: Massive interception and surveillance UK programme revealed

On 21 June, the newspaper *The Guardian* revealed, pursuant to information provided by NSA whistle-blower Edward Snowden (see, US developments [here](#)), that the UK Government Communications Headquarters (GCHQ) has been intercepting fibre-optic cables carrying Internet data in and out of the UK since 2011 and collected content, stored for up to three days, and "metadata", stored for up to 30 days, in an operation called "Tempora". This data has reportedly been regularly shared with the US National Security Agency. According to the reports, more than 200 internet cables have been tapped, as the UK is in a strategic geographical position for internet trans-Atlantic communications. The Justice Minister of Germany, the EU Commissioner for Justice and Fundamental Rights, and Human Rights Watch have called on the UK Government to provide explanations and legal basis for such programme. Foreign Minister William Hague has defended, without directly addressing the programme, the US-UK "special relationship", including when it comes to intelligence collaboration.

Hague Speech

NGO Statement

Press Article 1

Press Article 2

Press Article 3

France: European Court stops extradition of "terrorist" suspect to Morocco for risk of ill-treatment

On 30 May, the European Court of Human Rights ruled that France would violate the principle of *non-refoulement* if extradited Rachid Rafea to Morocco, where he is wanted under an international warrant for acts of terrorism, being suspected to be an active member of Al-Qaeda in the Islamic Maghreb (AQIM). The Court determined that, should the transfer occur, Rachid Rafea would be at risk of being subject to ill-treatment there in breach of Article 3 of the European Convention on

Human Rights. The Court held that the practices of ill-treatment against people suspected to participate to terrorism groups persist in Morocco and did not consider necessary to examine whether he would be exposed to such treatment in light of his activism in support of self-determination for the Western Sahara.

Judgment (F)

France: Draft law proposes to extend administrative detention of terrorism convicts

On 26 June, a group of parliamentarians presented a private bill to the National Assembly entitled a *Bill to modify the status of foreigners convicted for acts of terrorism (Proposition de loi visant à modifier le statut des étrangers condamnés pour actes de terrorisme)*. The draft legislation, if approved, would allow for the extension of administrative detention for such foreigners, after having completed their sentences, when expulsion is not possible due to lack of cooperation of foreign authorities or until a decision is reached by the competent authorities on asylum or by the European Court of Human Rights. The current maximum length for this detention is of six months, according to the proponents of the law.

Draft Law (F)

Italy: Former terrorism convict has “right to be forgotten”, rules Court of Cassation

On 26 June, the Court of Cassation published a judgment in which it ruled that a former member of a terrorist organization was entitled to a “right to be forgotten” under the right to privacy. The Court upheld the individual’s action for defamation against a local newspaper which had arbitrarily linked his past conviction to a recent finding of weapons of a dismantled terrorist group. The judgment was based on the ground that journalists were not entitled to revive pejorative labels of “terrorist” for someone who had been convicted decades before and served his sentence, unless the news had a direct and meaningful link with the fresh events.

Judgment (Italian)

Poland: Amnesty International calls for effective investigations in renditions’ complicity

On 12 June, Amnesty International called on Polish authorities to complete a now five-year long investigation into the country’s alleged involvement in the US-led rendition and secret detention programmes and to hold accountable those responsible. Since 2008 it had been revealed that the CIA had established a secret detention centre at Stare Kiejkuty, 180 km north of Warsaw, where people apprehended across the globe were allegedly subject to enforced disappearance and torture between 2002 and 2005. In a newly released report, *Unlock the truth: Poland’s involvement in CIA secret detention*, Amnesty International documents the search for accountability in Poland. Meanwhile, Yemeni national Walid bin Attash, currently detained at Guantánamo, has joined Adb al-Rahim al-Nashiri and Abu Zubaydah by obtaining victim status in the national investigations.

Report

NGO Statement 1

NGO Statement 2

Lithuania: NGOs urge to begin investigations into alleged complicity in renditions

On 25 June, Human Rights Watch and the Lithuanian Human Right Monitoring Institute called on Lithuanian authorities, in occasion of their first presidency of the Council of the European Union, to reopen investigations into alleged involvement in the US-led rendition and detention programmes. The organizations reported that the government had admitted collaboration with the CIA to build two facilities and that CIA-related flights had landed in the territory of the country but refused to comment on whether the flights had detainees on board. Investigations have been reportedly obstructed by claims of state secrecy. The two organizations also name eleven other EU countries: Denmark, Finland, Germany, Italy, Macedonia, Poland, Portugal, Romania, Spain, Sweden, and the UK, allegedly involved at different degrees in the CIA programmes.

NGOs Statement

Turkey: European Court rules Turkey violated terrorist suspect’s right to access a lawyer

On 4 June, the European Court of Human Rights ruled that Turkey had violated the right to access to a lawyer of Hikmet Yilmaz, when investigators, prosecutors and an investigative judge in 2002 interrogated him without the presence of a lawyer. Hikmet Yilmaz had been convicted, partly on the basis of reliance on information derived from these interrogations, for membership of the Kurdistan’s Workers Party (PKK), an offence under Article 168 § 2 of the former Criminal Code (Law no. 765) and Section 5 of the *Prevention of Terrorism Act* (Law no. 3713). The conviction was affirmed by the Court of Cassation in 2004, and Hikmet Yilmaz was sentenced to twelve years and

six months of imprisonment. In its judgment, the Court observed that “at the material time, the restriction imposed on the applicant’s right to legal assistance was systemic and applied to anyone held in custody in connection with an offence falling under the jurisdiction of the State Security Courts”.

Judgment

Russian Federation: Family members of killed terrorist have right to participate to their burials, rules Strasbourg Court

On 6 June, the European Court of Human Rights ruled that Russian authorities had breached the right to family and private life of several family members of “terrorist” suspects who had been killed in counter-terrorism operations in the North Caucasus in 2005. The Court held that, since the legislation provided an automatic duty not to transfer the bodies to the family members without seeking alternatives ways to ensure their participation to the burials, this measure was disproportionate and in breach of Article 8 of the European Convention on Human Rights (ECHR). It also ruled that the family members did not have access to an effective remedy to vindicate these violations, contrary to Article 13 ECHR.

Judgment 1

Judgment 2

Russian Federation: European Court blocks extradition of “terrorism” suspect to Tajikistan for risk of ill-treatment

On 20 June, the European Court of Human Rights ruled that Russian authorities would violate the principle of *non-refoulement*, were they to extradite Farrukh Sidikov to Tajikistan, where he is charged with incitement to religious hatred and involvement in a criminal organization, and appeals to overthrow the constitutional order, for allegedly being a member of Hizb ut-Tahrir, considered a “terrorist” organization by Tajikistan and the Russian Federation. The Court held that there are “serious reasons to believe in the existence of the practice of persecution of members or supporters of Hizb ut-Tahrir” in Tajikistan and that Farrukh Sidikov may be at risk of ill-treatment if extradited there. His wife, Umedakhon Sidikova, had also been the subject of a Tajik extradition request which was, however, refused by Russian authorities on procedural grounds.

Judgment

UNITED NATIONS & REGIONAL ORGANIZATIONS

UN: Counter-Terrorism Committee holds special event on information technologies

On 24 May, the Counter-Terrorism Committee (CTC) held a special event on countering terrorism through the use of new communications and information technologies. In his concluding remarks, the Chair of the CTC, Ambassador Mohammed Loulichki, Permanent Representative of Morocco, underlined, among other findings, that “the Internet presents a wide variety of means and opportunities to prevent, detect and deter acts of terrorism and to bring terrorists to justice through intelligence gathering, evidence-collection, and the introduction of measures to counter the terrorist narrative”. He also stressed that it is “essential to achieve an appropriate balance by ensuring that the use of such technologies does not violate human rights, individual right to privacy, or the rule of law”.

CTC Chair’s Summary

Meeting Papers

UN Statement

EU: Court of Justice rules on closed material procedures in EU citizens refusal of entry

On 4 June, the Grand Chamber of the Court of Justice of the European Union held that the use of closed material procedures in cases of refusal of entry of EU citizens for national security reasons is subject to limitations. It must be applied in such a way as to ensure that “the person concerned is informed of the essence of the grounds which constitute the basis of the decision in question in a manner which takes due account of the necessary confidentiality of the evidence and, second, to draw, pursuant to national law, the appropriate conclusions from any failure to comply with that obligation to inform him.” According to the Court, failure to communicate appropriate information must be limited to what is strictly necessary and must ensure that the essence of the grounds to expulsion are communicated. The case arose for the order to expel from the UK “ZZ”, a dual French and Algerian citizen, suspected of involvement in activities of the Armed Islamic Group in Algeria in 1995 and 1996.

Judgment

Summary

Council of Europe: Parliamentary Committee adopts draft resolution on right to information and national security

On 24 June, the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe approved a draft resolution providing that "whistleblowers" who disclose State wrongdoing in the public interest should be protected from retaliation, provided they acted in good faith and followed procedures. The draft resolution also welcomed "the adoption, on 12 June 2013, by a large assembly of experts from international organizations, civil society, academia and national security practitioners, of the "Global Principles on National Security and the Right to Information" (Global Principles), which are based on existing standards and good practices of States and international institutions" (see, the Principles [here](#)).

[Draft Resolution](#)

[CoE Statement](#)

Experts publish Tshwane Principles on National Security and the Right to Information

On 12 June, a group of 22 independent experts and civil society organizations, including the ICJ, under facilitation of the Open Society Justice Initiative, issued the Tshwane Principles on National Security and the Right to Information. The principles address in unprecedented detail the standards to be applied when States seek to shield information from public disclosure, in a world that has been transformed by global efforts to combat terrorism and the parallel rise of new digital technologies, as well as the rapid growth of right to information laws. They seek to protect the right to information and to ensure public access to information held by governments, without jeopardizing legitimate efforts to protect people from security threats.

[Principles](#)

[ICJ Statement](#)

Council of Europe: Committee of Ministers issues declaration on digital tracking and surveillance technologies

On 11 June, the Committee of Ministers of the Council of Europe issued a *Declaration on Risks to Fundamental Rights stemming from Digital Tracking and other Surveillance Technologies*. In the Declaration, the Committee of Ministers recalls that States have negative and positive obligations under Articles 8 and 10 of the European Convention on Human Rights to respect and protect the right to privacy and to expression and information. Furthermore, it "alerts member States to the risks of digital tracking and other surveillance technologies for human rights, democracy and the rule of law and recalls the need to guarantee their legitimate use which benefits individuals, the economy, society at large, and the needs of law enforcement" and encourages them "to bear these risks in mind in their bilateral discussions with third countries, and, where necessary, consider the introduction of suitable export controls to prevent the misuse of technology to undermine those standards"

[Declaration](#)

Organization of American States: General Assembly adopts resolution on counter-terrorism and human rights

On 5 June, the General Assembly of the Organization of American States (OAS) adopted a resolution on *Protecting human rights and fundamental freedoms while countering terrorism*. In the resolution, which details a number of human rights obligations States must respect in counter-terrorism legislation, measures and policies, the General Assembly has underlined that "the fight against terrorism must be waged with full respect for the law, including compliance with due process, and for human rights, comprising civil, political, economic, social, and cultural rights, as well as for democratic institutions, so as to preserve the rule of law and democratic freedoms and values in the Hemisphere".

[Resolution](#)

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