

E-BULLETIN ON COUNTER-TERRORISM & HUMAN RIGHTS

No. 77, October 2013

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AFRICA & MIDDLE EAST

Ethiopia: Anti-terrorism law challenged before African Human Rights Commission

On 17 October, journalists Eskinder Nega and Reeyot Alemu brought an application before the African Commission on Human and Peoples' Rights challenging their conviction and sentence to imprisonment under the *Anti-Terrorism Proclamation 2009* as a violation of the African Charter on Human and Peoples' Rights. The two journalists were arrested in 2011, convicted of offences under the country's anti-terrorism law and sentenced to eighteen and fourteen years of imprisonment respectively, with Reeyot Alemu's sentence reduced to five years on appeal. The application argues that their "conviction and imprisonment ... was solely because of their criticism of the government and violates both their right to freedom of expression and their right to a fair trial". The journalists also argue violations of their right to health and serious violations of human rights in their treatment while in detention. They have asked the Commission to refer the case to the African Court on Human and Peoples' Rights.

NGO Statement 1

NGO Statement 2

Ethiopia: Report documents torture and ill-treatment in anti-terrorism prison

On 18 October, Human Rights Watch published a report, *'They Want a Confession': Torture and Ill-Treatment in Ethiopia's Maekelawi Police Station*, documenting cases of serious violations of human rights, including torture and ill-treatment of persons detained in the Federal Police Crime Investigation Sector, known as Maekelawi, in Addis Ababa. The detention centre hosts several journalists, protesters and opposition members arrested or convicted under the *Anti-Terrorism Proclamation 2009*. Former detainees and their relatives report that the detainees have been "denied their basic needs, tortured, and otherwise mistreated ... to extract information and confessions, and refused ... access to legal counsel and their relatives." The report also documents the ineffectiveness of Ethiopian courts in providing redress and accountability for these violations as "courts have taken inadequate steps to investigate these allegations or to protect defendants complaining of mistreatment from reprisals".

Report

NGO Statement

Burundi: Journalist convicted on terrorism related charges provisionally released

On 16 October the Ministry of Justice granted a conditional release of journalist Hassan Ruvakuki, after he withdrew an appeal against his conviction for participating in a terrorist group. The Minister's decision was based on the ground that he had served more than a quarter of the sentence of three years' imprisonment. On 6 March, the authorities had already provisionally freed journalist Hassan Ruvakuki, allegedly for health reasons. His initial conviction for participating in a terrorist group and sentence to life imprisonment had been reduced on appeal to a three-year jail term. The appeal court held that Hassan Ruvakuki was involved in an armed attack in eastern Cankuzo province in 2011, although he had always argued that he had been working as a journalist, investigating a newly formed Burundian rebel group near the border with Tanzania. Hassan Ruvakuki is a journalist with the local radio Bonesha FM and the Swahili service of *Radio France Internationale*.

NGO Statement

Nigeria: Report reveals hundreds of deaths in detention facilities for terrorism suspects

On 15 October, Amnesty International revealed that, according to credible information received from senior officers of the Nigerian Army and former detainees, "over 950 people died in military custody in the first six months of 2013 alone" in detention facilities used

by the army to detain people “suspected of being members of or associated with the armed Islamist group Boko Haram”, considered a “terrorist group” by the Nigerian authorities. The organization reports that “people died on an almost daily basis ... from suffocation or other injuries due to overcrowding, and starvation. Some suffered serious injuries due to severe beating and eventually died in detention due to lack of medical attention and treatment”. Interviews conducted by Amnesty International revealed that “in some cases detainees in these facilities may have been extrajudicially executed”.

[NGO Statement](#)

[Press Article 1](#)

[Press Article 2](#)

Morocco: Journalist accused of terrorism assistance offences provisionally released

On 25 October, an investigative judge ordered the provisional release of news website editor Ali Anouzla, after a request filed by his defence lawyer. Ali Anouzla was released on the same day, but he still faces an indictment on charges of defending, providing material assistance to, and inciting terrorist acts. He had been arrested on 17 September by plain-clothed police officers at his home in Rabat, after having allegedly published on the online news website “Lakome” a story on a video of Al-Qaeda in the Islamic Maghreb (AQIM), including the organization’s own video. Over sixty human rights organizations, in a joint public statement, have called for the charges to be dropped, considering them to be “unfounded under international law, and a violation of the journalist’s freedom of expression and his right to inform the public”. The contested article is reported to contain criticism of AQIM and the video in question was posted by the Spanish newspaper *El Pais*. The posting was said to be in accordance with common journalistic practice when reporting news or comments.

[NGO Statement 1](#)

[NGO Statement 2](#)

[Press Article](#)

Algeria: Blogger detained and charged with “terrorism glorification” for Facebook caricatures

On 20 October, an investigative judge ordered the detention on remand of blogger Abdelghani Aloui, who had been arrested on 15 September and charged with “insulting State institutions” and “glorification of terrorism” for having posted on Facebook pictures and caricatures critical of President Abdelaziz Bouteflika. The charge of “glorification of terrorism” is allegedly grounded on the finding of a scarf in his apartment citing the Islamic creed “La Ilaha illa Allah” (There is no god but God). Amnesty International and Human Rights Watch called on the Algerian authorities to release him immediately and drop all charges against him arguing that his detention and prosecution is in violation “international standards on freedom of expression”. Abdelghani Aloui’s lawyer announced that he would appeal the decision of the investigative judge.

[NGO Statement 1 \(E\)](#)

[NGO Statement 2 \(E\)](#)

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

Syria: Human Rights Watch starts campaign for political detainees

On 3 October, Human Rights Watch launched a campaign, “Inside the Black Home”, reporting stories of 21 Syrian citizens who had been detained by the Government since the beginning of the widespread protests Syrian in 2011 and the ensuing armed conflict. Human Rights Watch stated that the “Syrian government is unlawfully holding tens of thousands of political detainees solely on the basis of their peaceful activity” and that “[m]any have been held for long periods and tortured”. The human rights organization also stressed that the “systematic use of torture by the government is strong evidence of state policy which would constitute crimes against humanity”. Human Rights Watch stressed that the Counterterrorism Law adopted in July 2012 “criminalizes almost all peaceful opposition activity” and that the new Counterterrorism Court is used by the Government to “target activists and punish peaceful dissent”, while denying basic fair trial rights to the

defendants. The organization underlined that the “charges in these courts are brought under the guise of security or countering armed opposition, but the allegations actually involve distributing humanitarian aid, participating in peaceful protests, and documenting human rights abuses”.

NGO Statement

Iraq: 42 people convicted on terrorism charges executed

On 10 October, the Ministry of Justice announced to have carried out the execution of 42 persons, including one woman, who had been convicted under the Anti-Terrorism Law No. 13 of 2005 and sentenced to death. The Office of the UN High Commissioner for Human Rights (OHCHR) called on the Iraqi Government “to halt all executions immediately, and to review and commute the sentences of the hundreds of other people who are believed to be on death row in Iraq”. The OHCHR also added that “large-scale executions of the sort that have been carried out on a number of occasions over the past two years in Iraq are not only obscene and inhuman, they are most probably in contravention of international law”. According to a UN statement of 11 October, 140 people have been executed in Iraq so far this year.

MoJ Statement (A)

UN Statement (E)

Press Article (E)

Yemen/USA: Report reveals killing of civilians in drone targeted killing strikes

On 22 October, Human Rights Watch published a report, *‘Between a Drone and Al-Qaeda’: The Civilian Cost of US Targeted Killings in Yemen*”, documenting five targeted killings carried out by the US from 2012 to 2013 and one in 2009. The report notes that “[t]wo of the attacks killed civilians indiscriminately in clear violation of the laws of war; the others may have targeted people who were not legitimate military objectives or caused disproportionate civilian deaths.” The operations documented by Human Rights Watch have reportedly killed 82 people, at least 57 of them civilians. The organization specified that it has based its research on compliance with international humanitarian law, or the laws of war, but that “the applicability of this body of law was not always clear”. Human Rights Watch called “on the US Congress to fully investigate the cases the two organizations have documented as well as other potentially unlawful strikes, and to disclose any evidence of human rights violations to the public” and to discipline or prosecute those responsible for unlawful killings.

Report

NGO Statement

AMERICAS

USA: Snowden’s documents link NSA surveillance to CIA targeted killings programme

On 17 October, the *Washington Post* revealed that the National Security Agency (NSA) has an “extensive involvement in the [CIA] targeted killing program that has served as a centerpiece of President Obama’s counterterrorism strategy”, according to documents provided by whistle-blower and former NSA contractor Edward Snowden. The newspaper reports that CIA drone operations rely “heavily on the NSA’s ability to vacuum up enormous quantities of e-mail, phone calls and other fragments of signals intelligence, or SIGINT”. For this purpose, the NSA reportedly created a secret unit dedicated to focus on hard-to-find terrorism targets. The information provided by Edward Snowden documents the involvement of the NSA in the CIA operations which led to the targeted killing via unmanned drones of Hassan Ghul, alleged to be an Al-Qaeda associate.

Press Article 1

Press Article 2

USA: More wide-reaching NSA surveillance programmes revealed

On 15 October, the *Washington Post* reported that the National Security Agency (NSA) is collecting “hundreds of millions of contact lists from personal e-mail and instant messaging accounts around the world, many of them belonging to Americans”. This operation, according to documents provided by whistle-blower and former NSA contractor Edward Snowden and certain senior intelligence officials, takes place outside the United States and without the authorization of the Federal Intelligence Surveillance Court. The US Congress is not kept informed about the operations. The data collected through emails accounts’ address books and online chats means that it is possible to “draw detailed maps of a person’s life, as told by personal, professional, political and religious connections”, and even to create “false associations”. The newspaper reported that “[d]uring a single day last year, the NSA’s Special Source Operations branch collected 444,743 e-mail address books from Yahoo, 105,068 from Hotmail, 82,857 from Facebook, 33,697 from Gmail and 22,881 from unspecified other providers”. On 25 October, the Department of Justice informed Jamshid Muhtorov, under trial in Colorado for material aid to a terrorist organization, that they will use information collected through the NSA surveillance programme as evidence in the trial, thereby paving the way for a constitutional challenge of the legislation supporting the programme. On 30 October, the *Washington Post* also reported, based on information in documents provided by Edward Snowden, that the NSA “has secretly broken into the main communications links that connect Yahoo and Google data centers around the world” and that in thirty days it “had processed and sent back 181,280,466 new records” in the frame of this programme called “MUSCULAR”.

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

[Press Article 4](#)

USA: NSA monitored 35 world leaders’ conversation

On 25 October, *The Guardian* reported, on the basis of documents provided by whistle-blower and former NSA contractor Edward Snowden, that the National Security Agency “monitored the phone conversations of 35 world leaders after being given the numbers by an official in another US government department”. The leaders monitored, news reports include German Chancellor Angela Merkel and former Chancellor Gerhard Schröder. According to the report, the leaked confidential memo, dated October 2006, “reveals that the NSA encourages senior officials in its ‘customer’ departments, such as the White House, State and the Pentagon, to share their ‘Rolodexes’ so the agency can add the phone numbers of leading foreign politicians to their surveillance systems”. On 29 October, in a hearing before Congress, the Director of National Intelligence, James Clapper, defined as “unrealistic” that the White House or the Congress be informed about US eavesdropping on foreign leaders. James Clapper affirmed that the monitoring of foreign leaders’ conversation was normal business for intelligence agencies. NSA Director, General Keith B. Alexander, rejected the claims from the Snowden documents as false and contended that most of the surveillance activities purported to have been conducted in European countries were in reality conducted abroad and by European intelligence services.

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

[Press Article 4](#)

USA: California law prohibits the State's collaboration with elements of US federal counterterrorism practice

On 1 October, the Governor of California Jerry Brown signed into law Bill no. 351 which inserts in the State’s Penal Code a prohibition for any California State officials to “knowingly aid an agency of the Armed Forces of the United States in any investigation, prosecution, or detention of a person within California pursuant to (A) Sections 1021 and 1022 of the National Defense Authorization Act for Fiscal Year 2012 (NDAA), (B) the federal law known as the Authorization for Use of Military Force (Public Law 107-40), enacted in 2001, or (C) any other federal law, if the state agency, political subdivision, employee, or member of the California National Guard would violate the United States Constitution, the California Constitution, or any law of this state by providing that aid”.

Section 1021(b)(2) of the federal National Defense Authorization Act is a law which affirms the authority of the US President under the AUMF to detain indefinitely any "person who was a part of or substantially supported al Qaeda, the Taliban, or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act or has directly supported such hostilities in aid of such enemy forces." The new Californian legislation also affirms that it is "the policy of this state to refuse to provide material support for or to participate in any way with the implementation within this state of any federal law that purports to authorize indefinite detention of a person within California".

Law

USA: Federal courts have no jurisdiction over Guantánamo ill-treatment claims, rules Appeals Court

On 7 October, the Court of Appeals for the Ninth Circuit ruled that federal courts have no jurisdiction to consider the claims of civil damages brought by Adel Hassan Hamad, a former Guantánamo detainee, for his wrongful detention in Pakistan and in Guantánamo Bay from 2002 to 2007 and for the torture and ill-treatment to which he had allegedly been subjected. The Court of Appeals affirmed a lower court ruling dismissing the claims and stated that section 2241(e)(2) of the US Code, inserted by the *Detainee Treatment Act 2005*, forecloses jurisdiction of federal courts in any question related to treatment or detention of any person "properly detained as an enemy combatant". The Court held that the abrogation by the Supreme Court in the *Boumediene* case of the similar provision barring the federal courts' jurisdiction in *habeas corpus* claims did not affect the validity of the provision at stake.

Ruling

Canada: Canadian secret surveillance programme challenged in court

On 22 October, the British Columbia Civil Liberties Association and OpenMedia Organization filed a lawsuit against the secret agency Communications Security Establishment Canada (CSEC) alleging that the agency violated the right against unreasonable search and seizure and the right to freedom of expression under the *Canadian Charter of Rights and Freedoms* through their programmes of interception of "private communications of Canadians" and the "sweeping collection of metadata information produced by Canadians in their everyday activities online and through phone conversations". This lawsuit comes after the revelations, based on documents provided by whistle-blower and former NSA contractor Edward Snowden, that the CSEC had collected metadata of phone calls and emails from the Brazilian Mines and Energy Ministry. Brazil strongly protested at these actions and demanded explanations.

Complaint

NGO Statement

Press Article 1

Press Article 2

ASIA - PACIFIC

Pakistan: President promulgates anti-terrorism ordinance extending detention powers

On 11 October, President Mamnoon Hussain, on the advice of Prime Minister Mian Muhammad Nawaz Sharif, promulgated the *Anti-terrorism (Amendment) Ordinance, 2013*. The ordinance, approved while Parliament was in recess, considerably increases law enforcement powers in "counter-terrorism" operations. The legislation extends the length of preventative detention without charge from 30 to 90 days in connection to any offence under the Anti-Terrorism Act relating to security or defence of Pakistan, public order, kidnapping for ransom and extortion. The amendments allow the use of screens to

conceal witnesses, judges and prosecutors from the public, as well as for the possibility of trials via video-links or in jail, and for a trial to be held in a province different from that ordinarily seized with jurisdiction.

[Ordinance](#)

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

Pakistan: Government drops death penalty reinstatement plans

On 3 October, the Government announced that it will not pursue its plan to reinstate the death penalty and will continue to apply the existing moratorium. On 30 August, a presidential order imposing a moratorium on the death penalty, issued in 2008, was allowed to expire by the Prime Minister Nawaz Sharif, effectively reintroducing the use of the death penalty after a five-year near moratorium. Since that time, only one execution has been carried out, that of Muhammad Hussain in November 2012 following a court martial. International organizations, including the ICJ, Human Rights Watch and Amnesty International, denounced this decision and called for a reinstatement of the moratorium. The ICJ and Human Rights Watch, in a letter to the highest authorities of Pakistan, made reference to the fact that "an anti-terrorism court in Sindh province has issued 'black warrants' for the execution of two members of the banned sectarian and militant group Lashkar-e-Jhangvi, Attaullah alias Qasim and Muhammad Azam alias Sharif, who were convicted by an anti-terrorism court in July 2004 for the killing of a Shia doctor".

[ICJ-HRW Letter](#)

[ICJ Statement](#)

[Press Article](#)

Pakistan/USA: Report documents extrajudicial killings by drone strikes

On 22 October, Amnesty International published a report, *'Will I be next?' US drone strikes in Pakistan*, documenting 45 drone strikes occurred in North Waziristan between January 2012 and August 2013. The organization stated that these killings "raise serious questions about violations of international law that could amount to war crimes or extrajudicial executions". The report documents that people involved in the attacks were often "not involved in fighting and posed no threat to life", despite official claims that the US drones targeted killing programme targets "terrorists". Amnesty International also reported that people living in tribal areas are caught in the middle of the conflict as "Al-Qa'ida-linked groups have killed dozens of local villagers they accused of being spies for US drone strikes". The human rights organization also expressed concern "that some officials and institutions in Pakistan and in other countries including Australia, Germany and the UK may be assisting the USA to carry out drone strikes that constitute human rights violations."

[Report](#)

[NGO Statement](#)

Malaysia: Parliament approves law re-introducing security administrative detention

On 3 October, the Parliament passed into law the *Prevention of Crime (Amendment and Extension) Bill No. 8* of 2013. The legislation introduces in criminal legislation the possibility that a "Prevention of Crime Board" may order the detention without charge for up to two years, renewable, of any person who was alleged to have committed two or more "serious offences", even if the person has not been convicted of the crime. The decision of the Board may be subject to appeal to a court only for breaches of procedural law and not on the merits. The Malaysian Bar Association denounced the passage of this legislation as a "great blow to the rule of law in Malaysia". Human Rights Watch had previously called for the withdrawal of the proposed legislation, which it defined as "a huge step backwards on rights by returning to administrative detention practices much like the draconian Internal Security Act".

[Prevention of Crime Act](#)

[NGO Statement 1](#)

[NGO Statement 2](#)

Myanmar: Government announces elaboration of first anti-terrorism law

On 21 October, the Deputy Minister of Home Affairs, Major-General Kyaw Kyaw Tun, announced that Myanmar is preparing a draft anti-terrorism legislation to address the recent bombings that occurred in the country, which have left at least two persons dead and four injured. The Government branded these attacks as "terrorist acts". The Minister did not reveal any details of the anti-terrorism law, the first to be introduced in the country, but announced that "several international organizations have given us suggestions on drafting a law to halt terrorism." The draft legislation was expected to be submitted to Parliament once it receives the approval of the Attorney-General.

[Press Article](#)

Australia: Government knew of NSA PRISM surveillance programme before leaks

On 8 October, the ABC radio news show AM revealed that documents obtained through a Freedom of Information action demonstrate that the Australian Government knew about the existence of the NSA surveillance programme "PRISM" more than two months before *The Guardian* and Edward Snowden revealed its existence. AM reportedly obtained a secret briefing prepared for the Attorney General on 21 March 2013 about the surveillance programme. The document was withheld from release by the Department of the Attorney General on grounds of national security. AM reported that "[w]hile the FOI documents show a close relationship between Australian and US authorities, what's still not known is how often Australian intelligence and law enforcement agencies make use of data obtained by the National Security Agency".

[Press Article 1](#)

[Press Article 2](#)

EUROPE & COMMONWEALTH OF INDEPENDENT STATES

UK: New anti-terrorism powers may breach human rights, says Parliamentary Committee

On 11 October, the Parliamentary Joint Committee on Human Rights issued a report on the *Anti-social Behaviour, Crime and Policing Bill*. The draft legislation, among other measures, modifies the powers to stop, question and search travellers at ports and airports under Schedule 7 of the Terrorism Act 2000. While the Committee held that the Government "has clearly made out a case for a without suspicion power to stop, question and search travellers at ports and airports, given the current nature of the threat from terrorism", it found that new powers to be introduced, activated without reasonable suspicion, would be "incompatible with the right to liberty in Article 5 ECHR or the right to respect for private life in Article 8 ECHR". The powers referred to are those "to detain for up to 6 hours; to access, search, seize, copy and retain all the information on personal electronic devices such as mobile phones, laptops and tablets; and to take and retain fingerprints and DNA samples without consent". In the Committee's view, these measures would only be justified if exercised on the basis of reasonable suspicion.

[Report](#)

[Press Article](#)

UK: Secret services lobbied against disclosure of surveillance programme

On 25 October, *The Guardian* revealed that the Government Communications Headquarters (GCHQ) effectively lobbied the Government against a proposal which would make intercept evidence admissible as evidence in judicial proceedings as it feared "a "damaging public debate" on the scale of its activities because it could lead to legal challenges against its mass-surveillance programmes". In particular, GCHQ did not want to disclose that telecom firms "had gone well beyond" what they were legally required to do to help intelligence agencies' mass interception of communications, both in the UK and overseas", and it feared legal challenges based on the Human Rights Act. On 6 October, former Cabinet Minister Chris Huhne, who sat until 2012 in the National Security Council, declared that he had never been briefed on the existence of the GCHQ mass surveillance

programme “Tempora” or on GCHQ’s collaboration in the NSA programme “Prism”. On 13 October, *The Guardian* reported that the Law Society was considering issuing guidelines to the legal profession responding to fears that the surveillance programme may endanger lawyer-client confidentiality. In addition, on 30 September, three organizations advocating in support of the right to privacy submitted a petition to the European Court of Human Rights alleging a violation of their right to privacy under Article 8 ECHR caused by the UK surveillance programme.

[ECtHR Application](#)

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

UK: Deprivation of nationality for “terrorism” suspect unlawful, rules Supreme Court

On 9 October, the Supreme Court ruled that the stripping of the UK citizenship of Hilal Abdul Razzaq Ali Al-Jedda by the Home Secretary in 2007 was unlawful, as it relied on a misinterpretation of the British Nationality Act 1981 and would have rendered him stateless. The Court rejected the argument of the Home Office that Al-Jedda could have re-applied for his Iraqi citizenship which he had lost automatically once he was granted UK citizenship in 2000. The Supreme Court held that “[f]rom a plain reading of the statute and surrounding guidance, it is clear that the question is simply whether the person holds another nationality at the date of the order depriving him of British citizenship.” Hilal Abdul Razzaq Ali Al-Jedda was granted UK citizenship in 2000 after having fled Iraq during the regime of Saddam Hussein in 1992. In 2004 he moved to Iraq and was arrested by US forces in October 2004 on suspicion of attacking coalition soldiers and then detained by UK forces for three years. After his release in 2007, he moved to Turkey where he currently lives with his family. The Home Secretary stripped him of his citizenship under suspicion of “terrorist” activities.

[Judgment](#)

[Court Summary](#)

[Press Article](#)

UK: Supreme Court upholds “very wide” definition of terrorism

On 23 October, the Supreme Court upheld the conviction of Mohammed Gul on five counts of disseminating terrorist publications, for which he was sentenced to five years’ imprisonment. The Supreme Court upheld the definition of “terrorism” in the Terrorism Act 2000, which may include armed attacks by non-state armed groups against national or international armed forces in a non-international armed conflict. The Court ruled that “it is difficult to see how the natural, very wide, meaning of the definition can properly be cut down”, as it had been clearly deliberately drafted in wide terms to take into account various forms of terrorism. The Court also rejected the argument that the definition was contrary to international law, finding an “insuperable obstacle” in the fact that there is no accepted definition of terrorism in international law.

[Judgment](#)

[Court Summary](#)

Spain: European Court finds detention of terrorism convict in breach of Convention rights due to retroactively imposed sentencing rules

On 21 October, the Grand Chamber of the European Court of Human Rights ruled that the recalculation of the sentence of Inés Del Rio Prada in 2008, which postponed her release for several years, had violated the prohibition on retroactive penalties guaranteed in Article 7 of the European Convention on Human Rights and her right to liberty under Article 5(1) of ECHR. The ICJ submitted a third party intervention case. Inés Del Rio Prada had been convicted of terrorism offences and sentenced to a total of over 3,000 years of imprisonment, converted to an effective sentence of 30 years imprisonment. While at that time, the benefit of sentence reduction for work performed in prison was applied to the 30-year period, in 2008 the Spanish courts decided to deduct such benefits from the 3,000 years of nominal imprisonment instead, thereby significantly reducing their impact, and leading to a considerably longer sentence in the case of the applicant. The European Court held that the jurisprudential doctrine created in 2006 by the Supreme Court (*Parot doctrine*), which altered the system of calculation of maximum terms of sentences, leading

to reduced remission of sentences for work done in prison, constituted a retroactive redefinition of the sentence previously imposed, which could not have been foreseen. The day following the judgment, the Central Criminal Court (*Audiencia Nacional*) ordered the release of Inés Del Rio Prada.

Judgment (E)

ICJ Amicus (E)

Audiencia Statement (S)

ICJ Statement (E)

Press Article (E)

Lithuania: Prosecutor General refuses to investigate rendition complicity case

On 3 October, Amnesty International denounced the decision of the Lithuanian Prosecutor General to reject the application of Redress and the Human Rights Monitoring Institute (HRMI) on behalf of Guantánamo detainee Mustafa al-Hawsawi to investigate his alleged secret detention in Lithuania in the context of his rendition by US authorities. The Prosecutor General reportedly “stated that that they had failed to ‘prove’ that al-Hawsawi was transported to Lithuania between 2004 and 2006, and illegally detained and tortured there”. Amnesty International recalled that it is the duty of the Prosecutor General to establish the veracity of the allegations through proper and effective investigations and that inquiries by the Prosecution Office in cases of complicity in renditions had been ineffective. Redress and HRMI indicated that they were planning to appeal the decision of the Prosecutor General.

NGO Statement 1

NGO Statement 2

Turkey: Prosecutions for calling Öcalan “sayın” violate freedom of expression, rules European Court of Human Rights

On 1 October, the European Court of Human Rights ruled that Turkey had exercised a disproportionate interference with the freedom of expression of nineteen persons who had been convicted for “praising the leader of a terrorist organization” under the Turkish criminal law. The conviction stems from having sent letters to a prosecutor contesting the criminalization of the use of the title “sayın”, said to be a title of respect, before the name of Kurdistan Workers' Party (PKK) leader Abdullah Öcalan. The letters pointed out that, if the use of such a title constituted a criminal offence, then the sender would self-incriminate himself by writing in the same letter “sayın Abdullah Öcalan”. The Court held that in no manner could it be determined that such an expression would constitute incitement to violence or terrorism nor propaganda in favour of a terrorist organization. As such, the interference in their freedom of expression was not “necessary in a democratic society” and so was in breach of Article 10 ECHR.

Judgment (F)

Turkey: Crime “glorification” conviction breached freedom of expression, rules European Court of Human Rights

On 22 October, the European Court of Human Rights held that Turkish authorities had violated the right to freedom of expression of Bülent Kaya in relation to his conviction for “glorification of crime and of a criminal” under the Turkish Penal Code. The conviction stems from a speech he gave at a rally organized in 2003 by a political party, during which slogans were chanted in support of Kurdistan Workers' Party (PKK) leader Abdullah Öcalan. The Court found that his speech did not constitute propaganda in favour of a terrorist organization, nor did it constitute incitement to violence, armed resistance or hatred. Furthermore, the Court held that his speech were not part of the slogans that were chanted and recalled that it had already ruled that similar slogans have no impact on national security or public order. For these reasons, the European Court ruled that Bülent Kaya’s conviction was not “necessary in a democratic society” and, as such, breached his right to freedom of expression under Article 10 ECHR.

Judgment (F)

Russian Federation: Indiscriminate bomb attack breached right to life, rules European Court of Human Rights

On 3 October, the European Court of Human Rights ruled that the Russian Federation had violated the right to life of residents of the town of Aslanbek-Sheripovo (Chechnya) when forces carried out an indiscriminate bomb attack on 17 February 2000, which killed eighteen residents and left three injured. The bombing was said to have been conducted in the framework of a security operation. The Court also held that the investigations into these deaths had been insufficient and that the right to life under Article 2 ECHR had also been breached in its procedural aspect. The Court also ruled that, as a result, the victims and their relatives did not have access to an effective remedy, in breach of Article 13 ECHR.

Judgment

Russian Federation: Killing of terrorism suspect breached his right to life, rules European Court of Human Rights

On 3 October, the European Court of Human Rights ruled that Russian authorities bear responsibility under the European Convention on Human Rights for the unlawful killing of Beslan Arapkhanov in the context of a counter-terrorism operation in Ingushetia. He had been arrested in the context of the operation but later had his handcuffs removed to "assist" with the search of the premises, after which he was shot. The Court found that "the respondent State had not, at the relevant time, done all that could be reasonably expected of it to avoid real and immediate risk to life which they knew was liable to arise in police operations" and had thereby violated his right to life under Article 2 ECHR. The Court also held that the criminal investigations into the killing had been ineffective, in breach of the procedural aspect of Article 2 ECHR. The Court also ruled that Russian authorities had breached the right not to be subject to inhuman and degrading treatment (Article 3 ECHR) of Beslan Arapkhanov's cousin who "had been beaten by State agents and had sustained the injuries, namely, cerebral bruising and numerous abrasions on the face and abdomen". The investigations into the ill-treatment were also found ineffective in breach of the procedural tenet of Article 3 ECHR.

Judgment

Russian Federation: European Court finds Convention breached in several counter-terrorism operations

On 10 and 24 October, the European Court of Human Rights found, in three separate cases, that the Russian authorities had violated the right to life under Article 2 ECHR of several persons apprehended in the framework of security operations in Chechnya and Ingushetia between 2001 and 2004. All of the persons concerned had either been found dead or were to be presumed dead in light of the prolonged enforced disappearance to which they had allegedly been subject. The Court also held that the enforced disappearances amounted to a grave violation of the right to liberty and security under Article 5 ECHR of the persons concerned, and caused inhuman and degrading treatment to their family members in breach of Article 3 ECHR. The Court also ruled that the investigations into the enforced disappearance had been ineffective in breach of the procedural limb of Article 2 ECHR and of the right to an effective remedy under Article 13 ECHR.

Judgment 1

Judgment 2

Judgment 3

UNITED NATIONS & REGIONAL ORGANIZATIONS

UN: UN Special Rapporteurs question US targeted killings by drones

On 25 October, the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Ben Emmerson, and the UN Special Rapporteur on summary, arbitrary and extrajudicial executions, Christof Heyns, presented separate reports to the UN General Assembly concerning the use of use of armed drones in targeted killing operations, including their potential unlawfulness in some situations. Both experts “called upon States to be transparent in their use of drones as weapons, to investigate allegations of violations of the right to life through drone killings, and to respect all applicable international law standards”. The report of the Special Rapporteur on counterterrorism and human rights is centered on the “use of armed drones in counter-terrorism operations and its civilian impact”. The report of the special rapporteur on summary, arbitrary and extrajudicial execution focuses on “the use of lethal force through armed drones from the perspective of the right to life and international norms in this regard”.

[SR Report 1](#)[SR Report 2](#)[UN Statement](#)[Interview](#)

UN: UN bodies launch global initiative in support of criminal justice prosecutions for crimes of terrorism

On 2 October, the UN Office on Drugs and Crime (UNODC) and the Counter-Terrorism Executive Directorate (CTED) launched a global initiative in Geneva with the aim to “support State efforts to confront their challenges in bringing terrorists to justice”. As presented by the two organizations, “[t]he initiative calls on States to strike a balance between protecting the rights of suspects and protecting their citizens against the threat of terrorism”. The two bodies highlighted that the investigations and prosecutions of acts of terrorism present many challenges for criminal justice systems, including the risk “of infringing on human rights and fundamental freedoms during the investigation and prosecution of suspects”. It was emphasized that States’ response to terrorism “should be grounded in the rule of law and fully respect human rights”.

[UN Statement](#)

EU: Parliament requests suspension or termination of anti-terrorism bank data exchange agreement with US

On 23 October, the European Parliament passed a resolution, by a margin of 280 to 254, asking the European Commission to take action to suppress or terminate the *Agreement between the European Union and the United States of America on the processing and transfer of Financial Messaging Data from the European Union to the United States for the purposes of the Terrorist Finance Tracking Program*. The action came following revelations based on the documents provided by whistleblower and former NSA contractor Edward Snowden, that the US authorities had circumvented the agreement in collecting bank information in the EU held by the Society for Worldwide Interbank Financial Telecommunication (SWIFT). The European Parliament stated that, although it does not have power to suspend or terminate an international agreement directly, “when considering whether or not to give its consent to future international agreements, Parliament will take account of the responses of the Commission and the Council in relation to this Agreement”. The European Commission replied that talks with US authorities on the matter were ongoing and that in interim the agreement would remain in place.

[EP Resolution](#)[COM Statement](#)[EP Statement](#)[EP Report 1](#)[EP Report 2](#)

EU: European Council denounces risk of “lack of trust” in intelligence collaboration with US

After revelations that the US National Security Agency (NSA) had monitored phone conversations of several world leaders, including German Chancellor Angela Merkel, and that the NSA surveillance programmes may have involved collection of data in France, Spain and Italy, the European Council on 25 October issued a statement underlining that “a lack of trust could prejudice the necessary cooperation in the field of intelligence gathering” and that this deficit could be detrimental to the fight against terrorism. The Heads of State and Government of the EU Member States stressed the “close relationship between Europe and the USA and the value of that partnership [and] expressed their conviction that the partnership must be based on respect and trust, including as concerns the work and cooperation of secret services”.

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

[Spanish FM Statement \(E\)](#)

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

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

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

[Press Article 4 \(Italian\)](#)

EU: Parliament concerned at climate of impunity in rendition complicity

On 10 October, the European Parliament, by a count of 286 to 180, with 114 abstentions, adopted a resolution on *Alleged transportation and illegal detention of prisoners in European countries by the CIA*. In the resolution, the European Parliament “[d]eeply deplores the failure to implement the recommendations contained in its ... resolution of 11 September 2012, notably by the Council, the Commission, the governments of the Member States, the candidate states and the associated countries, NATO, and the United States authorities, especially in the light of the serious fundamental rights violations suffered by the victims of the CIA programmes”. It stresses that “the climate of impunity regarding the CIA programmes has enabled the continuation of fundamental rights violations in the counter-terrorism policies of the EU and the US, as further revealed by the mass surveillance programmes of the US National Security Agency and surveillance bodies in various Member States, which are currently being investigated by Parliament”. The resolution contains detailed recommendations on the EU institutions, the EU Member States and the United States on the question of tackling impunity for renditions.

[EP Resolution](#)

[EP Statement](#)

Council of Europe: Human Rights Commissioner issues comment on secret surveillance and human rights

On 24 October, the Council of Europe Commissioner for Human Rights, Nils Muižnieks, issued a comment addressing “Human rights at risk when secret surveillance spreads”. The Commissioner recalled that “States ... have a duty to ensure security within their borders and in doing so they can undertake secret surveillance of individuals who can pose a threat. But adequate and effective guarantees against abuse are needed. This can be achieved through legislation that strictly abides by the case-law of the European Court of Human Rights”. He further underlined that “[p]rivate companies and states alike must be more cautious in using data relating to our private life and must avoid any abuses that could arise from indiscriminate mining. For this they must develop surveillance and data collection policies that respect human rights”.

[Human Rights Comment](#)

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