

E-BULLETIN ON COUNTER-TERRORISM & HUMAN RIGHTS

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AFRICA & MIDDLE EAST

Somalia: UN Independent Expert documents counter-terrorism human rights violations in Puntland and Somaliland

On 25 September, the Independent Expert on the situation of human rights in Somalia, Shamsul Bari, presented to the UN Human Rights Council his annual report. He reported that in Somaliland and Puntland "political conflict, security concerns and the fight against terrorism are having a negative impact on some basic human rights, including the rights to justice and to freedom of expression and of the media". With particular reference to the situation in Puntland, the Independent Expert urged the authorities to "treat all alleged perpetrators of terrorist acts in accordance with international human rights standards relating to due process and fair trial".

[Report](#)

Syria: UN Inquiry Commission reports counter-terrorism human rights violations during armed conflict

On 11 September, the Commission of Inquiry on Syria presented its sixth report to the UN Human Rights Council. The report, which documents crimes against humanity and war crimes committed by the parties to the conflict, revealed that "medical staff were arrested on the pretext of 'having supported terrorists' when they provided medicine or medical aid to fighters. Many Red Crescent volunteers were detained for 'assisting terrorists'." The Commission also documented that most bodies of people who died as the result of torture in Abdul Gadir Al-Shagafi Military Hospital and in State Security in Damascus were not returned to the family unless they would sign a "statement confirming that the victim had been killed by 'terrorists'". The Commission also reported that three of the thirteen journalists from the Damascus-based Syrian Centre for Media and Freedom of Expression arrested on 16 February 2012 remained in detention and faced charges of "promoting terrorist acts", and that allegations of torture had been made. On 27 September, the UN Human Rights Council passed a resolution condemning the "continued gross, systematic and widespread violations of human rights and all violations of international humanitarian law" in the Syrian conflict.

[Report](#)

[HRC Resolution](#)

[Inquiry Statement](#)

Egypt: Proposed criminal law amendments said to excessively expand "terrorism" definition

On 8 September, the Arab Network for Human Rights Information (ANHRI) denounced the preparation by the Ministry of Justice of a draft presidential decree which would amend the definition of terrorism in the Criminal Code. According to the organization's statement, the new amendment would extend liability for "terrorism" to "whoever, directly or indirectly, collects, receives, possesses, transfers, supplies or provides funds, arms, ammunition, bombs, missions, machines or information in order to use all or some of them in terror acts and/or a crime to be committed for the purposes of terrorism or by a body, organization, group or a gang that uses terrorism in implementing its purposes". Furthermore, the new amendments would introduce the sentence of imprisonment from three to fifteen years for "whoever establishes, founds, organizes or administrate [...] an association, institution, organization, group or gang at the purpose of calling for suspending the provisions of the constitution or laws, or to prevent one of the state's institutions or the public authorities from practicing its work, or attacking the citizen's personal freedom or any other freedoms and general rights that guaranteed by the constitution and law, or harming the national unity, the social peace, or funding the terrorism". ANHRI expressed concern at this very vague definition of "terrorism offence" which may be deemed to encompass public protest activities of opposition political groups.

[NGO Statement](#)

[Press Article](#)

Morocco: Journalist arrested for "terrorism" for article and video on AQIM

On 17 September, plain-clothed police officers arrested journalist Ali Anouzla at his home in Rabat, after he had 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. On 25 September, the General Crown Prosecutor, who ordered the arrest, charged him with "material assistance" to a terrorist group, "defending terrorism" and "inciting the execution of terrorist acts." International and regional human rights organizations have condemned this arrest and prosecution as arbitrary and

as an undue interference with the journalist's freedom of expression. The contested article is reported to be a critic of AQIM and the video referred to was actually posted by the Spanish newspaper *El Pais*, as common journalistic practice when reporting news or comments. The Moroccan Ministry of Justice has announced that it will bring action against the Spanish newspaper.

NGO Statement 1

NGO Statement 2

NGO Statement 3

NGO Statement 4

Iraq: Thirteen people executed, nine after convictions on terrorism charges

On 22 September, Iraqi authorities executed thirteen men who had been sentenced to death. Nine of them were identified by Amnesty International as having been convicted and sentenced to death, with final decision by the Court of Cassation in 2011, under the 2005 Anti-Terrorism Law after unfair trials and on the basis of "confessions" allegedly obtained under torture. Amnesty International reported that the criminal court which convicted them "appear[ed] to have disregarded compelling medical evidence supporting these complaints, and used "confessions" inadmissible as evidence under international law". The defendants had alleged that "interrogators had tortured them while they were detained incommunicado at the Directorates of Counter-Terrorism in Haditha and Hit. They said they were beaten, subjected to electric shocks and suspended by their arms until they agreed to 'confess'. Some of the defendants reportedly showed the court marks on their bodies that they said were caused by torture and submitted evidence from medical examinations in support of their allegations". These executions bring the total count of people subjected to the death penalty in Iraq to 73 since the beginning of the year.

NGO Statement

Bahrain: Human rights defenders and activists convicted of terrorism offences in unfair trial

On 29 September, a criminal court convicted and sentenced fifty persons, including human rights defender Naji Fateel, to a total of 430 years of imprisonment, under the country's anti-terrorism laws, which are alleged to be widely used to suppress political opposition and the activities of human rights defenders. They were accused of being part of a "terrorist" group named "February 14th Coalition". The Bahrain Centre for Human Rights and other national NGOs denounced the trial as unfair due to the lack of independence of the court. Allegations were also made that "confessions" had been extorted under torture. Two children are among the defendants convicted. On the same day, another four persons were sentenced to ten years of imprisonment for criminal arson under the terrorism law, for the burning of a vehicle.

NGO Statement 1

NGO Statement 2

Yemen: UN High Commissioner Office calls for international law compliant use of drones

On 25 September, the Office of the High Commissioner for Human Rights presented to the UN Human Rights Council its report on the situation of human rights in Yemen which contains an analysis of the security situation in the country. Among the recommendations, the Office of the High Commissioner called on Yemen to "ensure that the counter-terrorism policies and strategies comply fully with international law, including human rights law. In this regard, ensure that any use of lethal force, including through the use of armed drones, complies fully with relevant international law, including the obligations of Yemen under international human rights law. Where violations of the law occur, conduct independent, impartial, prompt and effective investigations, and provide victims with an effective remedy."

Report

AMERICAS

USA: NSA searched and profiled US communications, further documents reveal

On 8 September, the *Washington Post* revealed, on the basis of interviews with government officials and recently declassified materials, that the National Security Agency (NSA) has obtained since 2011 authorization "to search deliberately for Americans' communications in its massive databases" without any warrant, after the Foreign Intelligence Surveillance Court lifted a previous ban it ordered in 2008, and without determining whether the targeted people of the search are "foreign" persons or powers. On 10 September, further declassified documents, released after *Freedom of Information Act* lawsuits, documented that such search of US communications went on unnoticed from 2006 until 2009, when the Justice Department discovered the practice, for lack of

understanding of the technical functioning of the surveillance mechanism by the NSA. On 28 September, the *New York Times* revealed, pursuant to documents provided by NSA whistleblower Edward Snowden, that, since 2010, the NSA has used “metadata” collected under its surveillance programmes, together with public available data on the Internet, to create graphs and profiles of “some Americans’ social connections that can include associates, travel companions and their locations”.

[Declassified Documents](#)

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

[Press Article 4](#)

USA: Video and photo material of Guantánamo detainee tortured in detention cannot be declassified, rules District Court

On 12 September, the US District Court for the Southern District of New York, presided by Judge Naomi Reice Buchwald, dismissed an action brought by the Center for Constitutional Rights against the Department of Defense and the CIA, under the *Freedom of Information Act*, asking for the disclosure of videotapes, photographs and other audio and visual records related to Mohammed al-Qahtani, a Guantánamo detainee believed to be the intended 20th hijacker of the 9/11 attacks, during his detention in Guantánamo. The Judge upheld the Department of Defense national security exception to the release, considering “logical and plausible that extremists would utilize images of al-Qahtani (whether in native or manipulated formats) to incite anti-American sentiment, to raise funds, and/or to recruit other loyalists, as has occurred in the past”. She added that “such misuse is particularly plausible in this case, which involves a high-profile detainee, the treatment of whom the Convening Authority for Military Commissions Susan J Crawford determined “met the legal definition of torture.” The Judge, however, added that it could not find any evidence in the classified material she had examined of “illegal conduct, evidence of mistreatment, or other potential sources of governmental embarrassment”. Judge Buchwald also upheld the CIA defence response that it would neither confirm nor deny their holding of such material.

[Ruling](#)

[Press Article](#)

USA: Task Force will end updates on Guantánamo hunger strike as strikers’ number lowers

On 23 September, the Joint Task Force Guantánamo announced that it would stop publishing daily bulletins on the situation of the hunger strike ongoing in the detention centre of Guantánamo Bay. The Task Force said that the action was due to the fact that only nineteen detainees were considered to be on hunger strike, a significant reduction from the 106 registered at the peak of the protest last July. The Task Force also announced that eighteen of the hunger strikers were subjected to force-feeding “meaning they can be strapped down and fed a liquid nutrient mix through a nasal tube”.

[Press Article](#)

USA: Two Algerians Guantánamo detainees voluntarily transferred to their country

On 29 August, the Department of Defense announced the release and transfer of two Guantánamo detainees, Nabil Hadjarab and Motai Sayab, to Algeria. According to media reports, their transfer was voluntary. The two men had been among the first prisoners to be held at the Guantánamo facility since its opening in 2002. They also both participated in the mass hunger strike in Guantánamo, with Nabil Hadjarab having been subject to force-feeding. According to the Associated Press, the two men were interrogated by judicial authorities upon arrival pending an investigation and were placed in detention until they appear before a prosecutor. The US had cleared them for release in 2007 and stated that they did not constitute a threat to national security. There are currently 164 persons detained in Guantánamo.

[DoD Statement](#)

[Press Article 1](#)

[Press Article 2](#)

USA: New York police labelled mosques as “terrorist organizations”

On 28 August, the Associated Press revealed that the New York Police Department (NYPD) has secretly designated some mosques as “terrorist organizations” in order to conduct, since the 9/11 attacks, at least a dozen “terrorist enterprise investigations”, an investigative tool allowing them to “use informants to record sermons and spy on imams, often without specific evidence of criminal

wrongdoing". According to the news agency, this classification has "allowed the NYPD to send undercover officers into mosques and attempt to plant informants on the boards of mosques and at least one prominent Arab-American group in Brooklyn".

[Press Article](#)

Brazil: President Dilma Rousseff criticizes US NSA surveillance programme before UN General Assembly

On 24 September, President Dilma Rousseff denounced in her speech at the UN General Assembly the mass global surveillance of the US National Security Agency as a "breach of international law" and of State sovereignty and a "serious case of violation of human rights and civil liberties". She also stated that "the right to security of country's citizens can never be ensured by violating the fundamental human and civil rights of another country's citizens', even worse, when private sector companies uphold this type of spying activity". President Rousseff announced that "Brazil will put forth proposals aimed at establishing a multi-lateral civil framework for internet governance and use". The reaction of President Rousseff came after revelations that the NSA had placed under surveillance communications of the Brazilian Presidency, of Brazilian diplomatic representation offices including the Permanent Mission of Brazil with the United Nations, and of the oil company Petrobras.

[President Speech \(Video\)](#)

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

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

Chile: UN Committee concerned at disproportionate use of anti-terrorism law against Mapuche

On 30 August, the UN Committee on the Elimination of Racial Discrimination issued its concluding observations on the compliance by Chile with its obligations under the *International Convention on the Elimination of All Forms of Racial Discrimination*. While welcoming certain modifications to the anti-terrorism law no. 18,314, the Committee expressed concern at its continuous disproportionate application to the Mapuche indigenous people in cases involving their protests for land rights. The Committee expressed concern at the lack of objective legal criteria for its application which could breach the principles of legality, equality and non-discrimination. The Committee also registered cases of excessive use of force against the Mapuche people, including children, women and older people, by law enforcement officers, and the existing impunity for these violations.

[Concluding Observations](#)

ASIA - PACIFIC

China: Three Uighurs sentenced to the death penalty for terrorism amid allegations of extrajudicial killings

On 12 September, a criminal court in Xinjiang sentenced three persons of Uighur ethnicity to death after having found them guilty of the charges of "violent terrorism", murder and membership of a terrorist organization. The three, together with another person sentenced to 25 years of imprisonment, were accused of having been involved in the disorders occurring in the region last June, in which 35 people died and which Chinese authorities labelled as a "terrorist attack". On 29 August, Radio Free Asia reported that at least 22 Uighurs had been killed by Chinese police forces and one Chinese policeman died in the "anti-terrorism" operation. The World Uighur Congress, based in Munich, denounced the sentence as tantamount to "extrajudicial killings".

[NGO Statement](#)

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

India: India said to be fifth largest target of NSA surveillance and not for "anti-terrorism" purposes

On 23-24 September, the newspaper *The Hindu* revealed that, according to documents provided by whistleblower and former NSA employee Edward Snowden, India is the fifth most targeted country under US surveillance programmes led by the National Security Agency (NSA), such as "PRISM" and "Boundless Informant". The first programme "intercepts and collects actual content from the networks", while the second "keeps track of how many calls and emails are collected by the security agency" and has been used to monitor telephone calls and access to the Internet. According to

these documents, the collection of information has not been directed to terrorism threats but “much of the surveillance was focused on India’s domestic politics and the country’s strategic and commercial interests”. According to the newspaper report, India was the fifth most monitored country after Iran, Pakistan, Jordan and Egypt.

[Press Article 1](#)

[Press Article 2](#)

Pakistan: Draft anti-terrorism legislation to extend preventative detention and hamper fair trial guarantees

On 20 September, the Government approved an *Anti-Terrorism (Third Amendment) Bill 2013* which considerably increases law enforcement powers in “counter-terrorism” operations. According to details revealed by the press, the draft legislation, if approved by the National Assembly, will extend the length of preventative detention without charge from 30 to 90 days in relation to any offence under the Anti-Terrorism Act relating to security or defence of Pakistan, public order relating to target killing, kidnapping for ransom and extortion. The amendments would also allow the use in trials of screens to hide witnesses, judges and prosecutors from the public, for the possibility of trials via video-links or in jail, and to hold the trial in a province different from that ordinarily seized with jurisdiction. In addition, the draft law would also include a provision according to which, if the case has not been decided in one week’s time, the case may be referred to the Chief Justice of the High Court concerned for disciplinary action against the judge.

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

Sri Lanka: UN High Commissioner calls for repeal of conflict-era anti-terrorism law

On 25 September, the UN Deputy High Commissioner for Human Rights, Flavia Pansieri, provided an oral update to the UN Human Rights Council on behalf of UN High Commissioner for Human Rights, Navanethem Pillay, on promoting reconciliation and accountability in Sri Lanka, after her visit to the country last August. Among the many concerns and recommendations expressed by the High Commissioner, she suggested “that it may now be time to repeal the Prevention of Terrorism Act which has long been cause for concern to the international human rights mechanisms”. However, she reported that the Government response was “not encouraging”. She indicated that “cases of arbitrary detention under the PTA continue to be recorded during her mission” and that “50 such cases of arrests, all recorded between 2009 and 2013, were brought to her attention”.

[HCHR Oral Update](#)

[HCHR Preliminary Findings](#)

Afghanistan/USA: Report reveals new Guantánamo in US controlled detainees at Bagram

On 4 September, a report published by the human rights organization Justice Project Pakistan (JPP) revealed that in the Bagram detention centre, used by the US since the beginning of the Afghanistan war and transferred to the overall control of Afghan authorities last March, there are still at least 60 non-Afghan prisoners who remain under the US authority and control. The report highlights that around 40 of these detainees are Pakistani citizens and that some had been cleared for release since 2010, but remained in a situation of indefinite detention, without charge, trial or access to a lawyer. One of the detainees cleared for release, Hamidullak Khan, was 14-years-old when apprehended. The report states that the US has been unable to negotiate their release or return to their country of origin.

[Report](#)

[Press Article 1](#)

[Press Article 2](#)

Malaysia: Proposed legislation to re-establish sweeping security powers

On 25 September, the Government introduced the *Prevention of Crime (Amendment and Extension) Bill No. 8* of 2013, which would, if approved, effectively introduce in criminal legislation the possibility for a Prevention of Crime Board to order the detention without charge up to two years, renewable, of any person who was alleged to have committed two or more “serious offences”, without the need of any conviction. The decision of the Board would be subject to appeal to a court only for breaches of procedural law and not on the merits. The Malaysian Bar, the Sabah Law Association and the Advocates Association of Sarawak, on 27 September, called on the Government to withdraw this amendment, which was said to resemble the sweeping detention powers that applied under the Internal Security Act and the Emergency Ordinance 1969, used in the past to curb “terrorism” and since repealed. The lawyers’ organizations stated that the presented

amendments “revive preventive detention without trial, repeated renewals of such detention without trial, oust the jurisdiction of the judiciary, deny the rights of suspected persons to due process of the law, such as the right to legal representation and the right to be heard before any adverse decision or direction is made”.

[NGO Statement](#)

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

EUROPE & COMMONWEALTH OF INDEPENDENT STATES

UK: High Court upholds validity of anti-terrorism detention at borders, ports and airports

On 28 August, the High Court of Justice dismissed the case brought by Sylvie Beghal challenging her prosecution for failing to comply with her duty under Schedule 7 of the Terrorism Act 2000 to answer the questions posed to her by the UK authorities. Sylvie Beghal is a French national, resident in the UK, whose husband is currently in custody in France in relation to terrorist offences. She was detained at Heathrow airport on 4 July 2011 when she arrived with her three children. Two of the children were allowed to proceed beyond border control. The High Court held that the measure taken and the subsequent prosecution was a necessary and proportionate limitation of her family rights under Article 8 of the European Convention on Human Rights (ECHR) and that it did not constitute arbitrary detention under Article 5 of the ECHR. It also held that it did not infringe the right to freedom of movement of EU citizens under the Treaty on the Functioning of the European Union. It further concluded that her fair trials rights under Article 6 ECHR were not engaged in this procedure. The High Court, however, stressed in its conclusion that, although it had upheld the validity of Schedule 7 powers, room for improvements in the legislation remained.

[Judgment](#)

[Press Article](#)

UK: Human rights defender detained at airport for “terrorism” questioning

On 23 September, UK authorities held Baraa Shibani, Yemen project co-ordinator for London-based legal charity Reprieve, for over 90 minutes at Gatwick airport for interrogation under Schedule 7 of the Terrorism Act 2000, which allows for detention and interrogation at the borders for up to nine hours to determine if someone may be a “terrorist” or have links with “terrorism”. Baraa Shibani reports that he was brought for interrogation immediately after he stated that he worked for Reprieve. He was travelling in the UK at the invitation of Chatham House to speak at a seminar on Yemen. Baraa Shibani is a researcher on the drone attacks in Yemen led by US forces. According to Baraa Shibani, the interrogation dealt only with his human rights work and he was threatened at one point with being held for the full nine hours permitted.

[Press Article 1](#)

[Press Article 2](#)

UK: Guantánamo detainee sues UK secret services for complicity in his indefinite detention and ill-treatment

On 25 September, Guantánamo detainee Shaker Aamer filed a complaint through the UK NGO Reprieve before the Investigatory Powers Tribunal against the UK secret services MI5, MI6, and the Government Communication Headquarters (GCHQ) over the “actions of the [UK] security services [which] have prevented [his] release due to defamatory statements that have no basis in honest fact.” The complaint also alleges that UK security services had interrogated him at Bagram detention centre in Afghanistan “despite the fact that they knew that [he] was being abused,” and “actively sanctioned or encouraged [his] illegal transfer from Afghanistan to Guantánamo Bay”. Shaker Aamer alleges violations of his human rights under Article 3 (prohibition of torture), Article 5 (right to liberty), Article 6 (right to a fair trial), Article 8 (right to privacy and family life), Article 10 (freedom of expression) and Article 14 (non-discrimination) of the European Convention on Human Rights.

[Complaint](#)

[NGO Statement](#)

France: Sri Lankan Tamil cannot be sent home, rules European Court of Human Rights

On 19 September, the European Court of Human Rights held that France would violate the obligation of *non-refoulement* under Article 3 ECHR in relation to R.J., a Sri Lankan national of Tamil ethnicity if it were to expel him to his country of origin where he would be at risk of torture or inhuman or degrading treatment or punishment. R.J. had stated that he had been subjected to persecution by the Sri Lankan authorities on the basis of his role in a construction trade union which made contributions to the Liberation Tigers of Tamil Eelam (LTTE). He had been interrogated by the

Criminal Investigation Department in January 2011, after which he was detained in the camp of Boosa for seven days. There he was allegedly subjected to ill-treatment. He had also produced to the French authorities medical evidence of the ill-treatment inflicted on him.

Judgment (F)

Italy: Amnesty International calls on Italian President not to pardon CIA agent convicted for rendition

On 12 September, the Office of the President of the Republic of Italy confirmed that it had received a letter from Robert Seldon Lady requesting the President's pardon of his conviction and sentence by Italian courts to nine years of imprisonment for his role in the abduction and rendition of Abu Omar in 2003. Amnesty International called on the President of the Republic, Giorgio Napolitano, to reject the request of pardon, contending that its granting would "send a very dangerous message that there is no accountability for crimes that led to enforced disappearance and torture". President Giorgio Napolitano has previously pardoned Colonel Joseph L. Romano III for the same offence in relation to the abduction of Abu Omar.

NGO Statement

Press Article

The Netherlands: Government issues draft legislation to strip dual national terrorism convicts of Dutch citizenship

On 2 September, the State Secretary for Security and Justice, Fred Teeven, sent draft legislation to the Advisory Committee on Migration Affairs for consultation. If approved by Parliament, the legislation would introduce the automatic stripping of Dutch citizenship for dual citizens in case of a final conviction for participation in a terrorist organization, or "assistance with preparations for a terrorist crime by providing information, transferring knowledge and skills or providing resources." At present, the loss of Dutch citizenship for dual nationals is foreseen only when the person had served voluntarily in an army involved in combat operations against the Netherlands or an alliance involving the Netherlands.

Government Statement

Press Article

Lithuania: Human rights organizations call for reopening of investigations into renditions complicity

On 13 September, Redress and the Lithuanian Human Rights Monitoring Institute filed a joint complaint to the Lithuanian Prosecutor General on behalf of Guantánamo detainee Mustafa al-Hawsawi, a Saudi Arabian national currently facing trial by military commission. In the complaint, the two organizations request a reopening of the investigations closed in 2011 into the existence of CIA detention facilities in the country and the responsibilities of State officials connected them. According to the complaint, the analysis of newly obtained documents reveal claims that Mustafa al-Hawsawi was held in secret detention in Lithuania sometime between 2004 and 2006. On 26 September, Amnesty International, Reprieve, Redress and the Human Rights Monitoring Institute jointly requested a reopening of the investigations.

Petition

NGO Statement 1

NGO Statement 2

Sweden: UN Committee concerned at possible racial profiling in counter-terrorism

On 30 August, the UN Committee on the Elimination of Racial Discrimination issued its concluding observations on the compliance by Sweden of its obligations under the *International Convention on the Elimination of All Forms of Racial Discrimination*. The Committee expressed concern at the "reported discrepancy between the number of arrests and the number of convictions under the Swedish Terrorism Act, which gives rise to concerns as regards unwarranted arrests due to racial profiling". The Committee recommended that Sweden "take measures to evaluate the effects of the application of the Terrorism Act, including on minority communities, and ensure the application of relevant guarantees to prevent possible police profiling and any discrimination in the administration of justice".

Concluding Observations

Turkey: Letter to Prime Minister identifies anti-terrorism undue restrictions on journalists' work

On 17 September, the Committee to Protect Journalists (CPJ) published a letter sent to Prime Minister Recep Tayyip Erdogan on the state of freedom of expression of journalists and media in the country. In the letter, the CPJ identifies, among the issues of concern, the "continued jailing of journalists in retaliation for their work, and the linkage of reporting that challenges government

policies with terrorism". The letter highlights the arrest in January of eleven journalists on the charge of being members of a banned terrorist organization. CPJ reports that five of these journalists remain in jail today and that there have been allegations that some have been beaten in police custody.

Letter

Russian Federation: Family members and "dear" ones of terrorist bear civil damage liability under new draft law

On 26 September, President Vladimir Putin submitted to the federal Parliament a draft law introducing amendments to laws related to countering terrorism including the Criminal Code. Under these amendments, relatives or "other persons whose life and wellbeing are dear to him/[her] as a result of established personal relationships" would have to themselves provide compensation for the damages caused by a terrorist attack with their own resources, when there are sufficient grounds to believe that such resources were obtained as a result of terrorist activity. In addition, criminal responsibility is introduced for undergoing training in terrorist camps. Such responsibility could be avoided provided that the accused person were to provide information on the training and discloses the identity of other trainees. The proposed amendment would also introduce in the Criminal Code new offences of "organization of an operation of a terrorist organization", "participation in a terrorist organization", "organization of a terrorist community" and "participation in a terrorist community".

Draft Law (R)

Press Article 1 (R)

Press Article 2 (R)

UNITED NATIONS & REGIONAL ORGANIZATIONS

UN: UN Secretary General calls for defence of the right to privacy in surveillance and protection of whistleblowers

On 28 August, the UN Secretary General Ban Ki-moon delivered the Freedom Lecture at the University of Leiden (The Netherlands). The Secretary General stated that "surveillance without safeguards to protect the right to privacy hampers fundamental freedoms. People should feel secure in the knowledge that their private communications are not being unduly or unjustly scrutinized by the State". He also pointed out that "[t]hose disclosing information on matters that have implications for human rights need to be protected" and said that "[a]lthough some in power might claim they need to curtail freedoms to preserve order, this in fact could have the opposite effect".

Speech

UN: Human Rights Council deeply concern at counter-terrorism hindrance of civil society's activities

On 27 September, the UN Human Rights Council approved a resolution on *Civil society space: creating and maintaining, in law and in practice, a safe and enabling environment*. In this resolution, the Council expressed deep concern "that, in some instances, domestic legal and administrative provisions, such as national security and counter-terrorism legislation, and other measures, such as provisions on funding to civil society, have sought to or have been misused to hinder the work and endanger the safety of civil society in a manner contrary to international law, and recogniz[ed] the urgent need to prevent and stop the use of such provisions, and to review and, where necessary, amend any relevant provisions in order to ensure compliance with international human rights law and, as appropriate, international humanitarian law".

Resolution

UN: UN Independent Expert calls on States not to use anti-terrorism laws to suppress dissent

On 11 September, the UN Independent Expert on the promotion of a democratic and equitable international order, Alfred de Zayas, presented his second report to the UN Human Rights Council. He recommended that States "refrain from misusing anti-terror legislation to intimidate and suppress dissent and thus undermine participation in the democratic process". During the presentation of his report, the Independent Expert stressed that "specific protection must be granted to human rights defenders and whistleblowers who have in some contexts been accused of being unpatriotic, whereas they perform, in reality, a democratic service to their countries and to the enjoyment of human rights of their compatriots".

Report

IE Statement

UN: UN report documents use of anti-terrorism laws to hamper journalists' work

During the 24th session of the UN Human Rights Council, the Office of the High Commissioner for Human Rights presented a report on *The safety of journalists*. According to the report, "the impact of counter-terrorism legislation on journalists and other media professionals raises concern, given that the use of broader police and intelligence service powers for combating terrorism are also used to unduly restrict freedom of expression". The Office of the High Commissioner calls on States to "ensure that legislative measures, such as counter-terrorism or national security laws, cannot be used to threaten or undermine the safety of journalists".

[Report](#)

UN: Civil society organizations present principles on human rights in communications surveillance

On 20 September, a group of more than 260 civil society organizations presented in a side event at the UN Human Rights Council, hosted by the governments of Germany, Norway, Austria, Hungary, Liechtenstein and Switzerland, a new set of *International Principles on the Application of Human Rights to Communications Surveillance*. The principles were said to be particularly necessary in light of the revelations on the NSA surveillance programme by whistleblower and former NSA employee Edward Snowden. The principles "for the first time set out an evaluative framework for assessing surveillance practices in the context of international human rights law".

[Principles](#)

[NGO Statement](#)

EU: Inquiry on NSA surveillance programmes begins

On 5 September, the Civil Liberties, Justice and Home Affairs Committee of the European Parliament began an inquiry into the US global surveillance system led by the NSA. The Committee is at present holding a hearing every week. It has heard from investigative journalists, including Glenn Greenwald and Guardian editor-in-chief Alan Rusbridger, EU officers, including Europol, EU Commissioner for Home Affairs Cecilia Malmström, SWIFT officers and former NSA employees and one former MI5 officer. At the 30 September hearing, Edward Snowden sent a statement read to the Committee in which he declared: "when I began my work, it was with the sole intention of making possible the debate we see occurring here in this body. Public debate is not possible without public knowledge (...) the surveillance of whole populations, rather than individuals, threatens to be the greatest human rights challenge of our time". Commissioner Malmström told the MEPs that she had not yet received satisfactory replies from the US on her 12 September request for clarification on the alleged in surveillance by the US National Security Agency of SWIFT communication. Suggestions to suspend the EU-US Terrorism Financing Tracking Programme and the negotiations for a EU-US Trade Agreement have been put forward by MEPs. The US and Dutch authorities have declined the Committee's invitation to participate in the inquiry hearings.

[Commissioner Statement](#)

[EP Statement 1](#)

[EP Statement 2](#)

[EP Statement 3](#)

[EP Statement 4](#)

Council of Europe: Human rights commissioner calls for accountability in CIA renditions complicity

On 11 September, the Council of Europe Commissioner for Human Rights, Nils Muižnieks, issued a human rights comment on the twelfth anniversary of the 9/11 attacks of 2001. In his comment, the Commissioner stressed that up to now governments "have been unwilling to establish the truth and ensure accountability for their complicity in the unlawful programme of "extraordinary renditions" – involving abduction, detention and ill-treatment of suspected terrorists – carried out by the CIA in Europe between 2002 and 2006. In many cases, an abuse of the state secrets privilege hampered judiciary and parliamentary initiatives to determine responsibility. Though secrecy is sometimes necessary to protect the State, it should never serve as an excuse to conceal serious human rights violations". In his conclusion, he stressed that the "CIA programme of rendition and secret detention is not simply a grave political mistake: it is above all a serious violation of fundamental human rights. The continued impunity breeds contempt for democracy and the rule of law, as well as disrespect for the victims and values in whose name the fight against terrorism was carried out. It is high time to set the record straight."

[Human Rights Comment](#)

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