

E-BULLETIN ON COUNTER-TERRORISM & HUMAN RIGHTS

No. 80, February 2014

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AFRICA & MIDDLE EAST

Rwanda: UN expert concerned at terrorism trial of political opponents

On 27 January, the UN Special Rapporteur on the right to freedom of assembly and association, Maina Kiai, at the end of a mission to Rwanda, expressed concern at the prosecution and trial of political opposition leaders on a number of charges ranging from negation of genocide to membership of a terrorist organization. The Special Rapporteur stated that this situation "sends a chilling and unacceptable message that peaceful public disagreement with the Government is equivalent to criminality. The legitimate combat against terrorism, and other security considerations, should not be used as a bogeyman to restrict the right to freely associate". The UN independent expert highlighted the cases of "Ms Victoire Ingabire, Mr Sylvain Sibomana and Mr Anselme Mutuyimana from the FDU Inkingi, an opposition party denied registration to date, as well as of Mr Bernard Ntaganda from the PS Imberakuri". On 28 January, the Rwandan President's former bodyguard, Joel Mutabazi, refused to acknowledge the legitimacy of his trial for "terrorism", alleging that he had been extradited from Uganda, where he had been a refugee, in breach of international refugee law.

[UN SR Statement](#)

[Press Article 1](#)

[Press Article 2](#)

Burkina Faso: UN Special Rapporteur calls on international community to protect Burkina Faso

On 4 February, the UN Special Rapporteur on the promotion and protection of human rights while countering terrorism, Ben Emmerson, published a report on his visit to Burkina Faso from 8 to 12 April 2013. The UN expert noted an absence of terrorist activity in the country's history, but warned against the risk of infiltration along the border with Mali, where an armed conflict is ongoing with groups alleged to be "terrorist". In his report, the UN Special Rapporteur calls on the international community "to ensure that the material and other resources necessary to protect that small and peaceful State from both external and internal threats are made available to it as a matter of regional priority" and to provide assistance in "border security maintenance". On the legislative side, the UN Special Rapporteur recommended that Burkina Faso ensure that *Act No. 60-2009/AN of 17 December 2009 punishing acts of terrorism*, although not applied to date, "will not be misused, particularly in application of the offence of "criminal conspiracy" in article 2".

[Report](#)

Qatar: UN experts concerned at detention without charge and lack of *habeas corpus* protection in anti-terrorism law

On 26 January, the UN Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul, issued her preliminary observations at the end of her mission to Qatar. The UN expert reported that she had been informed that "persons arrested under the Law on the Protection of Society, the Law on Combating Terrorism or the Law on State Security Agency can be detained for lengthy periods of time without charge and fundamental safeguards, including access to a lawyer and the possibility to challenge the legality of the detention before a judge". Gabriela Knaul further stated that "under the Law on the Protection of Society, one's detention can be extended up to six months by the Ministry of Interior without being presented to a judge constitutes a serious interference of the executive power in the prerogatives of the judiciary."

[Preliminary Findings](#)

[UN Statement](#)

Saudi Arabia: Anti-terrorism law with broad terrorism definition enters into force

On 1 February, the *Penal Law for Crimes of Terrorism and its Financing* entered into force. The legislation, which had been secret until its publication on 31 January, introduces an overly broad definition of terrorism that is feared would risk criminalizing legitimate forms of expression of protest or opposition: "Any act carried out by an offender in furtherance of an individual or collective project, directly or indirectly, intended to disturb the public order of the state, or to shake the security of society, or the stability of the state, or to expose its national unity to danger, or to suspend the basic law of governance or some of its articles, or to insult the reputation of the state or its position, or to inflict damage upon one of its public utilities or its natural resources, or to

attempt to force a governmental authority to carry out or prevent it from carrying out an action, or to threaten to carry out acts that lead to the named purposes or incite [these acts]." The legislation also introduces discretionary ministerial powers to arrest terrorism suspects without judicial oversight, restricts access to a lawyer at the discretion of the investigators and allow for incommunicado detention for sixty to ninety days from the apprehension of the suspect.

[NGO Statement 1](#)

[NGO Statement 2](#)

[Press Article](#)

Morocco: Editor accused of "incitement to terrorism" should be freed and charges dropped, say human rights organizations

On 18 February, several human rights organizations called on investigating Judge Abdelqader Chentouf to drop all charges against website editor Ali Anouzla. Ali Anouzla, who had been released from custody on 25 October, 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. Investigating Judge Abdelqader Chentouf postponed the hearing for interrogation of the suspect to 20 May.

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

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

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

Egypt: Twenty Al-Jazeera journalists charged with assistance to or membership of a terrorist organization

On 29 January, Egypt's chief prosecutor announced that three journalists from the Al-Jazeera media outlet, Peter Grete, Mohamed Fahmy and Baher Mohamed, detained since 29 December 2013, had been referred to trial for the charges of "allegedly providing assistance or belonging to a banned group engaged in terrorist activities". The journalists are considered by Amnesty International, which called for their immediate and unconditional release, to be "prisoners of conscience, imprisoned solely for the peaceful exercise of their right to free expression." Another seventeen staff members of Al-Jazeera were also brought to trial on charges of "belonging to a terrorist group and spreading false news about the political situation in Egypt." Reporters without Borders also condemned this decision as a breach of freedom of expression and called for the journalists' immediate and unconditional release.

[NGO Statement 1](#)

[NGO Statement 2](#)

[Press Article 1](#)

[Press Article 2](#)

Yemen/USA: Human Rights Watch calls on US to investigate drone strike on wedding procession

On 20 February, Human Rights Watch called on the US government to investigate a drone strike on a wedding procession on 12 December 2013 that killed twelve persons and wounded at least another fifteen people, including the bride. According to Human Rights Watch, US and Yemeni authorities claim that participants in the wedding procession included members of Al-Qaeda in the Arabian Peninsula (AQAP), but evidence points to casualties of persons who were not AQAP members. Human Rights Watch called for an investigation, publication of the investigation's findings and for the authorities to "act in the event of wrongdoing". The investigations of Human Rights Watch are documented in a report released on 20 February, *A Wedding That Became a Funeral: US Drone Attack on Marriage Procession in Yemen*.

[Report](#)

[Press Article](#)

AMERICAS

USA: NSA surveillance used for industrial spying, declares Edward Snowden

On 26 January, whistleblower and former NSA contractor Edward Snowden alleged, in an interview with the German channel ARD, that the US National Security Agency (NSA) is involved in industrial spying, including on the German company Siemens, for which it also uses surveillance systems purportedly designed for national security activities. Edward Snowden stated in the interview that he no longer possesses any NSA documents, as he has handed them all over to selected journalists and that he does not have control over their publication. During the interview, Edward Snowden expressed the opinion that, in addition to Chancellor Angela Merkel, other high level German officials may also have been monitored by the NSA. Edward Snowden indicated that he would not come back to the United States, as he would risk an unfair trial there.

[Interview \(Video\)](#)

[Interview \(Text\)](#)

[Press Article 1](#)

[Press Article 2](#)

USA: Internet companies release data on US Government's surveillance requests

On 27 January, the Justice Department partially lifted a prohibition on technology companies revealing the quantity of surveillance requests from Government agencies. Following this action, Google, Microsoft, Facebook, Yahoo, and LinkedIn dropped a pending lawsuit against the Government and begun disclosing statistics about the information given to the government for national security reasons. According to media accounts,, the requests for surveillance extend to 10,000 users in a six-month period. Reportedly, Google received requests under the *Foreign Intelligence Surveillance Act* for 9,000 to 9,999 users in the first half of 2013, while Yahoo, during the same period, had to allow access to the information of 30,000 to 30,999 accounts. On 7 February, the Washington Post reported a statement by a senior US official that the NSA's collection of US citizens' phone records had plummeted from close to 100 percent in 2006 to around 30 percent at present due to the difficulty in following the rapid increase of phone users. However, the agency was said to be putting plans in place to return to full capability by seeking new court orders to "compel wireless companies that currently do not hand over records to the government to do so."

[DoJ Statement](#)

[NGO Statement](#)

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

USA: NSA surveillance programme challenged in federal courts

On 29 January, the American Civil Liberties Union (ACLU) and the Office of the Federal Public Defender of Colorado challenged, on behalf of Jamshid Muhtorov, a defendant in a terrorism case, the admissibility in the trial of evidence the prosecution admitted had been obtained through practices authorized by the *FISA Amendment Act of 2008* which includes the mass surveillance programme of the National Security Agency. The motion contends that the very FAA "violates the Fourth Amendment because it authorizes surveillance that violates the warrant clause and, independently, because it authorizes surveillance that is unreasonable. The statute also violates Article III by requiring judges to issue advisory opinions in the absence of a case or controversy." Consequently, the motion considers the admission of any evidence obtained through the FAA to be unconstitutional. Jamshid Muhtorov, reportedly a former human rights defender in his native Uzbekistan, is accused of "providing and attempting to provide material support to a designated foreign terrorist organization", namely the Islamic Jihad Union. On 12 February, US Senator Rand Paul and Matt Kibbe of the organization FreedomWorks filed a class action against the NSA mass surveillance programme, claiming it violates the Fourth Amendment to the US Constitution.

[Motion \(Muhtorov\)](#)

[Complaint \(Paul\)](#)

[NGO Statement](#)

[Press Article 1](#)

[Press Article 2](#)

USA: Defence lawyers are entitled to see secret surveillance evidence in trial, rules federal court

On 29 January, Judge Sharon Johnson Coleman of the US District Court of the Northern District of Illinois, Eastern Division, ruled that information obtained through mass surveillance programmes authorized by the *Foreign Intelligence Surveillance Act* could be accessed by national security cleared defence lawyers for the purpose of challenging the legality of the surveillance and, hence, the admissibility of the evidence. Judge Coleman held that the government had not provided any reasonable explanation as to why access to the evidence should be denied, its only position being

that “it has never been done.” Recognizing that this order is a first in US legal history, Judge Coleman ruled that “an accurate determination of the legality of the surveillance is best made in this case as part of an adversarial proceeding. The adversarial process is the bedrock of effective assistance of counsel protected by the Sixth Amendment.” The evidence is challenged in the trial of Adel Daoud, who is charged with “attempting to use a weapon of mass destruction” and “attempting to destroy a building by means of explosive.”

[Ruling](#)

[Press Article 1](#)

[Press Article 2](#)

USA: NSA surveillance intelligence determines targeted killings, reveals *The Intercept*

On 10 February, *The Intercept*, a news outlet, revealed that the “National Security Agency is using complex analysis of electronic surveillance, rather than human intelligence, as the primary method to locate targets for lethal drone strikes – an unreliable tactic that results in the deaths of innocent or unidentified people.” The revelations are based on the testimony of an anonymous former drone operator who worked for the army’s Joint Special Operations Command (JSOC) that carries out killing operations in several countries, including Afghanistan, Somalia and Yemen. This testimony is also corroborated by documents provided by whistleblower and former NSA contractor Edward Snowden and by a former military drone operator, Brandon Bryant. According to the testimony, the National Security Agency “often identifies targets based on controversial metadata analysis and cell-phone tracking technologies,” following which the CIA or the military order strikes, without counter-verification by human intelligence, sometimes resulting in killings of civilians. On 10 February, the Associated Press revealed that the Obama administration had been discussing the possibility of executing a targeted killing on a US citizen resident in an unspecified foreign country, who is suspected of planning attacks against US targets, but whose attacks did not appear to be “imminent” as requested by the new guidelines on targeted killings issued by President Obama.

[NGO Statement](#)

[Press Article 1](#)

[Press Article 2](#)

USA: Guantánamo force-feeding can be challenged in court, but case unlikely to succeed, ruled Appeals Court

On 11 February, the US Court of Appeals for the District of Columbia reversed two lower District Court rulings that had dismissed legal challenges to the practice of force-feeding Guantánamo detainees during their hunger strike protest, on the basis that these actions were barred by the *Military Commissions Act 2006*. This Act barred any legal actions originating from Guantánamo Bay. However, in 2008 the US Supreme Court in the case of *Boumediene v. Bush* had affirmed the right of Guantánamo detainees to challenge the lawfulness of detention through *habeas corpus* proceedings. The Court of Appeals ruled that conditions of detention and treatment while in detention were actionable through *habeas corpus* petition under the consistent jurisprudence of the federal courts. It therefore ordered the District Court to consider the case on the merits. The Court of Appeals denied, however, a request for a preliminary injunction to immediately halt the force-feeding practices pending the outcome of the case, indication that the action has little chance of success considering previous federal court decisions allowing for force-feeding in case of risk of death of the detainee.

[Ruling](#)

[NGO Statement](#)

USA/UK: Secret agencies’ strategies against WikiLeaks and other groups revealed

On 18 February, *The Intercept*, drawing on documents provided by whistleblower and NSA consultant Edward Snowden, revealed that the US National Security Agency and the UK Government Communications Headquarters (GCHQ), at the request of the NSA, had mounted a full scale response strategy against Wikileaks. The strategy had been in effect at least since the publication of the Afghan war logs, which document violations of human rights and humanitarian law by US forces. The documents recount that the Obama administration had put pressure on foreign allies to file criminal charges against WikiLeaks founder Julian Assange and that the NSA has considered using its mass surveillance system not only for counter-terrorism purposes, but also to spy on Pirate Bay, a website considered to be a vehicle of violations of copyright, and to contest actions by the activist hacker group Anonymous. One document reveals that GCHQ has used its own surveillance system to monitor and collect IP addresses of visitors to the website of WikiLeaks, “as well as the search terms that visitors used to reach the site from search engines like Google.”

[Intercept Article](#)

[Assange Interview](#)

[NGO Statement 1](#)

[NGO Statement 2](#)

Canada: Government bill aims to strip citizenship of terrorism convicts

On 6 February, the Minister of Citizenship and Immigration, Chris Alexander, introduced into Parliament the *Strengthening Canadian Citizenship Act* (Bill C-24), which aims at reforming the country's legislation on citizenship. In the draft legislation, the Government has introduced a prohibition on granting citizenship to any person who "was convicted of a terrorism offence as defined in section 2 of the *Criminal Code* – or an offence outside Canada that, if committed in Canada, would constitute a terrorism offence as defined in that section – and sentenced to at least five years of imprisonment." The draft legislation also provides that persons belonging to this same category may be stripped of their citizenship at the discretion of the Minister unless such action would render the person stateless.

[Draft Law](#)

[Press Article 1](#)

[Press Article 2](#)

Canada: Canadian secret services airports spying programme unveiled

On 30 January, CBS News published a document provided by whistleblower and former NSA contractor Edward Snowden revealing that Canada's foreign intelligence agency, the Communications Security Establishment Canada (CSEC), "used information from the free internet service at a major Canadian airport to track the wireless devices of thousands of ordinary airline passengers for days after they left the terminal." According to media accounts, once hooked in the airport the agency could follow the movements of passengers through their mobile phone or computers for a week or more in Canada or the United States. The document states that this surveillance of Canadian airport wireless devices was "a trial run of a powerful new software program CSEC was developing with help from its U.S. counterpart, the National Security Agency. Sources tell CBC News the technologies tested on Canadians in 2012 have since become fully operational." On 10 February, International Civil Liberties Monitoring Group (ICLMG) and la Ligue des droits et libertés called on members of the Canadian parliament to revisit the recommendation on intelligence services contained in the Arar Commission report on Canada's role in the rendition by the United States and subsequent torture in Syria of Canadian national Maher Arar. In particular, the two organizations recalled that "the Commission proposed an integrated and robust oversight mechanism with powers to receive complaints, to investigate and to carry out reviews of the activities of a dozen federal agencies, including CSEC."

[Snowden Document](#)

[NGOs Statement](#)

[Press Article](#)

ASIA - PACIFIC

India: Military court closes case on extrajudicial killings in counter-terrorism operation

On 24 January, a military court of inquiry decided to close investigations into allegations of extrajudicial executions against army officers, reportedly for "lack of evidence". Brig. Ajay Saxena, Lt. Col. Brahendra Pratap Singh, Maj. Saurabh Sharma, Maj. Amit Saxena, and Subedar Idrees Khan were accused of having extrajudicially killed five civilians on 25 March 2000 in Pathribal and to have erroneously alleged that they were "terrorists" suspected of the killing of 36 persons in the village of Chattisinghpura in Anantnag district on 20 March 2000. Human Rights Watch expressed concern that the closure of the case fosters impunity, and called for the repeal of the Armed Forces Special Powers Act (AFSPA) that "prohibits prosecutions of military personnel in civilian courts without government approval, allowing the government and its agencies to shield officers and soldiers from being tried for serious offenses. It grants the military wide powers to arrest, to shoot to kill, and to occupy or destroy property in counterinsurgency operations."

[NGO Statement](#)

Pakistan: Anti-drone activist and drone victim subject to enforced disappearance and torture

On 13 February, unidentified authorities, alleged to be part of Pakistan's security services, released human rights defender Kareem Khan, who had been abducted on 5 February by a dozen men, some of whom were in police uniforms, and secretly detained. The action, amounting to enforced disappearance, occurred days before Kareem Khan was supposed to give a testimony before the European Parliament on the effect of drones in Pakistan. Kareem Khan's brother and son were killed in a US drone strike in December 2009 and he was in the course of bringing legal action against the US CIA and the Pakistani Government before the Pakistani courts. Amnesty International expressed concern at his enforced disappearance. Kareem Khan reported that he had been tortured daily during his eight days of arbitrary detention: "There were different types of torture. There was

mental torture – they would abuse me using very harsh and dirty curse words. Physically, they would punch me and slap me, on the face and shoulder. I was hit with a stick, on my arms and legs. They hit me on my open palms, ..., they would hang me upside down, and then one of them would hit the soles of my feet with a leather strap so that it did not leave a mark. But it was very painful."

[NGO Statement](#)

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

Bangladesh: Government accused of extra-judicial killings amid "anti-terrorism" calls

On 27 January, Human Rights Watch called on the Government of Bangladesh to begin effective and independent investigations into recent allegations of extrajudicial killings attributed to security forces. The spate of killings reportedly increased since the State Minister for Home Affairs, Asaduzzaman Khan Kamal, said on 21 January that "the Joint Forces were engaged in an operation against 'terrorists' and that none of those involved in violence before the elections 'will be spared'." Human Rights Watch reported that "Joint Forces consisting of the Bangladesh Police, the Rapid Action Battalion (RAB), and the Border Guards Bangladesh continue to arrest opposition supporters, some of whom are accused of involvement in violent protests before and during the January 5, 2014 elections which were boycotted by opposition parties. Security forces claim that the deaths after arrest occurred during 'crossfire,' which Human Rights Watch has previously documented is used by security forces as a common euphemism to describe what they claim to be shootouts, but which in reality appears to be the killing of people already in detention."

[NGO Statement](#)

Afghanistan: Government releases 65 Bagram detainees amid US and NATO protests

On 13 February, the Afghan Government released 65 alleged Taliban members who had been detained in the formerly US administered Bagram detention centre. The prisoners released were part of a group of 88 remaining detainees. The head of an Afghan board charged with reviewing the lawfulness of the prisoners' detention reportedly declared that their internment had been unjustified since the beginning. The situation of the remaining 23 prisoners is still under examination by the Afghan government. The US Department of State had protested declaring that there was "strong evidence" linking them to "terror-related crimes". The Secretary General of NATO, Anders Fogh Rasmussen joined the US criticism and stated that ""this decision, which appears to have been made based on political calculations and without regard for due process before the Afghan courts, is a major step backwards for the rule of law in Afghanistan, and poses serious security concerns."

[Press Article 1](#)

[Press Article 2](#)

EUROPE & COMMONWEALTH OF INDEPENDENT STATES

UK: Airport detention of David Miranda on basis of terrorism legislation lawful and not in violation of press freedom, rules High Court

On 19 February, the Divisional Court of the High Court of Justice rejected a claim by David Miranda, the partner of journalist Glenn Greenwald, that his detention of almost nine hours at Heathrow airport in August 2013 under section 7 of the *Terrorism Act 2000* had been unlawful. The Court agreed with the government that the detention had been triggered by the need to access material he was transporting to journalist Glenn Greenwald allegedly containing documents provided by whistleblower and former NSA contractor Edward Snowden. The High Court ruled that the purpose of the detention, "to ascertain the nature of the material [he] was carrying and if on examination it proved to be as was feared, to neutralise the effects of its release (or further release) or dissemination" was in compliance with schedule 7 of the Act and proportionate to the intention of the government to avoid disclosure that may put "lives at risk". The Court also held that, in the balancing of interests with press freedom in these circumstances, national security considerations would prevail. As to the challenge that schedule 7 of the *Terrorism Act 2000* was in itself in breach of Article 10 of the European Convention on Human Rights, the High Court ruled that the boundaries of these powers were sufficiently narrowly defined in law, as they could be activated only in border areas of airports, land or ports. In addition, the degree to which legislation interferes with journalistic freedoms "vary greatly from State to State: such differences illustrate the importance of the well known doctrine of the margin of appreciation."

[Ruling](#)

[Miranda Lawyers Statement](#)

[NGO Statement](#)

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

UK: EU citizens must be informed of the essence the grounds for expulsion in all circumstances, rules Court of Appeal

On 24 January, the Court of Appeal ruled that the Special Immigration and Asylum Commission (SIAC) should reconsider the case of ZZ, a dual French and Algerian citizen, suspected of involvement in activities of the Armed Islamic Group in Algeria in 1995 and 1996 and subject to an expulsion order from the UK for reasons of public security. The Court held that the grounds of the expulsion order had not been sufficiently disclosed to ZZ. The Court of Appeal interpreted and applied a 4 June 2013 ruling of the Court of Justice of the European Union that authorities must in any circumstances disclose the essence of the grounds for an expulsion order of a EU citizen and that this "is a minimum requirement which cannot yield to the demands of national security", while the related evidence "may be withheld from disclosure for reasons of national security".

[Ruling \(CA\)](#)

[Judgment \(CJEU\)](#)

UK: Snowden documents reveal aggressive operations of UK surveillance agency

On 5 and 7 February, NBC reported that documents provided by whistleblower and former NSA contractor Edward Snowden showed the existence within GCHQ of a Joint Threat Research Intelligence Group (JTRIG), which has carried out mass cyber attacks against protester hacker groups, such as Anonymous, the first reportedly undertaken against private citizens. The JTRIG is also alleged to have developed the use of "dirty tricks" for use against nations, hackers, terror groups, suspected criminals and arms dealers that include releasing computer viruses, spying on journalists and diplomats, jamming phones and computers, and using sex to lure targets into "honey traps". These operations aimed to "destroy, deny, degrade [and] disrupt" enemies by "discrediting" them, planting misinformation and shutting down their communications".

[Documents 1](#)

[Documents 2](#)

[Press Article 1](#)

[Press Article 2](#)

UK: Commons approves legal provision stripping persons convicted of terrorism offences of UK citizenship, even if resulting in statelessness

On 30 January, the House of Commons approved the insertion into the *Immigration Bill* under discussion in Parliament of an amendment proposed by the Home Secretary Theresa May which would effectively allow the Minister to strip a person convicted of a terrorism offence of his or her UK citizenship even if that would make him or her stateless. The approved amendment allows for this action if "the citizenship status results from the person's naturalisation, and the Secretary of State is satisfied that the deprivation is conducive to the public good because the person, while having that citizenship status, has conducted him or herself in a manner which is seriously prejudicial to the vital interests of the United Kingdom, any of the Islands, or any British overseas territory."

[Amendment](#)

[Press Article 1](#)

[Press Article 2](#)

Germany: Organizations file criminal complaint for complicity in mass surveillance

On 3 February, the International League for Human Rights, the International Federation for Human Rights (FIDH), the hackers organization Chaos Computer Club (CCC), and other activists filed a criminal complaint before the Federal Prosecutor General against the Federal Government, including Chancellor Merkel and the Minister of Interior, the heads of German secret services (Bundesnachrichtendienst, Militärischer Abschirmdienst, Bundesamt für Verfassungsschutz), the UK Government Communications Headquarters (GCHQ) and the US National Security Agency. The complaint asks the Prosecutor to open criminal investigations into "illegal and prohibited covert intelligence activities, ... aiding and abetting of those activities, ... violation of the right to privacy and obstruction of justice in office by bearing and cooperating with the electronic surveillance of German citizens by NSA and GCHQ". In a press release, the Chaos Computer Club stated that it had learned "with certainty that the leaders of the secret services and the federal government have aided and abetted the commission of these crimes." The complaint seeks prosecutions under the criminal offences of "illegal activity as a foreign spy" (article 99 of the Criminal Code), "violation of privacy" (article 201) and "obstruction of justice" (article 258).

[Complaint \(German\)](#)

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

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

France: Administrative court invalidates Ministry's security expulsion

On 12 February, the administrative tribunal of Paris annulled an expulsion order of 3 March 2012 by then Minister of Interior, Claude Guéant, against Ali Balhadad, an Algerian citizen then working in a bookshop. The order was issued at the time on the grounds of "an imperative necessity for State's security". After an examination of the facts grounding the expulsion order, the administrative

tribunal ruled that nothing supported the Minister's view that there was "converging evidence" to suspect that Ali Belhadad could have committed or incited to commit a "serious act". The fact that he had once had dinner with two veterans of an Al-Qaeda training camp in Afghanistan and the presence of Salafist material in the bookshop where he worked did not constitute sufficient elements to consider him a danger for public order. The administrative tribunal concluded that the Minister of Interior had made an "error of appreciation" and committed an abuse of power.

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

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

Italy: Supreme Court annuls Italian secret service top agents' conviction for Abu Omar rendition

On 24 February, the Court of Cassation annulled the conviction of the former head of the Italian military secret services, Nicolò Pollari, of his deputy, Marco Mancini, and of other three Italian secret agents for their alleged complicity in the 2003 unlawful rendition, enforced disappearance and torture of Osama Mustafa Hassan Nasr, also known as Abu Omar. The acquittal, which is final, was based on the fact that their acts were covered by the secret of state doctrine. The decision follows a 13 February ruling of the Constitutional Court holding that the Italian Government may protect from disclosure and use in court what it considers to be "secrets of state", even if to do so would prevent the revelation of the truth about serious crimes and human rights violations and the holding of those responsible to account. The Constitutional Court held that, under the Italian Constitution and the law on secrets of state, it is the sole prerogative of the President of the Council of Ministers, exercising "a wide discretionary power", to establish the scope of application of the secret of state doctrine. The Court further affirmed that such decisions may not be questioned by ordinary courts.

[Judgment \(Italian\)](#)

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

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

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

Spain: Amnesty International urges Government not to extradite opposition member to Kazakhstan

On 19 February, Amnesty International called on the Spanish Government not to extradite to Kazakhstan Aleksandr Pavlov, former head of security for the Kazakh opposition member Mukhtar Ablyazov, where he is wanted to answer charges of expropriation or embezzlement and "plotting a terrorist attack", charges which his lawyer claims are fabricated. The call comes after the Spanish Government, on 14 February, had cleared the way for the extradition, following the approval of the Central Criminal Court (*Audiencia Nacional*). Amnesty International alleges that Aleksandr Pavlov would be at risk of torture or cruel, inhuman or degrading treatment if sent to Kazakhstan. The Spanish government was reportedly offered "diplomatic assurances" from the Kazakh authorities that Pavlov would not be subject to ill-treatment. Amnesty International urged the Government not to rely on such assurances and recalled that "assurances of humane treatment from governments that routinely torture are useless."

[NGO Statement](#)

Lithuania: Prosecutors open investigation into complicity in CIA rendition and secret detention programme

On 20 February, Lithuanian prosecutors confirmed that they had opened an investigation into the allegations brought by Guantánamo detainee Mustafa al-Hawsawi that he had been unlawfully detained in a detention facility in Lithuania and subjected to torture as part of the US-led rendition, secret detention and interrogation programme. According to media statements, the investigation is focused on "possible illegal transportation of persons across the state border." The decision follows a ruling on 29 January by the Vilnius Regional Court ordering the office of the Public Prosecutor to investigate the claim, filed by the human rights organizations REDRESS and the Human Rights Monitoring Institute, on behalf of Mustafa al-Hawsawi. Reportedly, the Court held that "the prosecutor's reliance on a past investigation into similar claims by other alleged detainees was not sufficient to satisfy their obligation to investigate these new claims. The Court held that, given the grave nature of the allegations, prosecutors should have interviewed Mr al-Hawsawi and filed information requests with United States government agencies."

[NGO Statement 1](#)

[NGO Statement 2](#)

[Press Article 1](#)

[Press Article 2](#)

Turkey: Parliament abolishes special counter-terrorism courts

On 21 February, the Turkish Parliament approved modifications to *Anti-Terror Law no. 3713* abolishing special courts (OYM), which until 2012 had jurisdiction over "serious criminal offences", including terrorism, drug trafficking and organized crime. The law transfers their competences to ordinary criminal courts. The special courts, established in 2004, had replaced the state security courts which had a similar remit. Both special courts had special investigative powers, including the authority to hold suspects in pre-arrest detention for up to 48 hours, twice the time foreseen for ordinary courts, and to detain them for up to ten years on remand. The new legislation further reduces the maximum time limit for detention on remand to five years.

Law (Turkish)

Press Article 1 (E)

Press Article 2 (E)

Press Article 3 (E)

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

On 30 January, the European Court of Human Rights found, in two separate cases, that the State had violated the right to life of Isa Mikiyev, Artur Ibragimov, Ramzan Shaipov, Zelimkhan Batariyev and Mansur Esuyev, apprehended in the framework of security operations in Chechnya between 2001 and 2004. All of the persons concerned 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 of the European Convention on Human Rights (ECHR), 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 requirements of Article 2 ECHR and of the right to an effective remedy under Article 13 ECHR.

Judgment

UNITED NATIONS & REGIONAL ORGANIZATIONS

UN: Security Council adopts resolution on terrorism hostage-taking

On 27 January, the UN Security Council adopted resolution no. 2133(2014) on kidnapping and hostage-taking committed by terrorist groups. In the resolution, the Security Council reaffirms the content of previous resolutions on counter-terrorism legislation and anti-financing, in particular resolution 1373(2001), as effective means to tackle these activities. The Security Council also tasked the Counter-Terrorism Committee and other UN organs to continue studying these criminal practices with a view to their prevention. The Council reaffirmed that "States must ensure that any measures taken to counter terrorism comply with their obligations under international law, in particular international human rights law, refugee law, and international humanitarian law, as appropriate."

Resolution

EU: European Parliament's Committee approves NSA inquiry report

On 12 February, the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament approved, with a vote of 33 members against seven, with 17 abstentions, the final report of the Committee's inquiry into the US National Security Agency mass surveillance systems. The report strongly criticizes the NSA mass surveillance programmes and the complicity of several EU Member States in accessing the online conversation of EU citizens and the mass gathering of internet data. The report's conclusions call for the creation of an EU data storage "cloud" and judicial redress for EU citizens to protect their data in the US. They also urge the EU to "suspend the "Safe Harbour" principles (data protection standards that US companies should meet when transferring EU citizens' data to the US) and to re-negotiate new, appropriate data protection standards" and to suspend the Terrorist Finance Tracking Programme (TFTP). The report also calls for better legal protection for whistleblowers.

Report

EP Statement 1

EP Statement 2

Council of Europe: Member of Parliament issues introductory report on mass surveillance and European Convention on Human Rights

On 23 January, Pieter Omtzigt, a member of the Parliamentary Assembly of the Council of Europe and Dutch MP, issued an introductory memorandum on the questions of mass surveillance and a possible new additional protocol to the European Convention on Human Rights on the protection of whistleblowers. The introductory report outlines the main surveillance programmes conducted by the US National Security Agency, the UK secret services and those of other countries and makes a preliminary assessment of their impact on the right to privacy. Pieter Omtzigt has proposed to continue the work on two separate reports and resolutions or recommendations, subject to approval by the Legal Committee, although without giving further consideration to the idea of an additional protocol to the ECHR, and to invite Edward Snowden to give evidence before the Legal Committee of the Parliamentary Assembly of the Council of Europe.

[Report](#)

[PACE Statement](#)

ICC: Prosecutor asked to investigate member of the armed forces of several NATO countries for war crimes

On 19 February, the human rights organizations Reprieve, The Foundation for Fundamental Rights and the law firm Leigh Day submitted a communication to the Office of the Prosecutor of the International Criminal Court asking her to conduct a war crimes investigation pursuant to the Rome Statute of officers of the United Kingdom, Germany, Australia and other States members of NATO for having supported the carrying out drone strikes by the United States in Pakistan. According to the organization, the "CIA has launched more than 300 missiles at North Waziristan since its covert drone programme began and it is estimated that between 2004 and 2013, thousands of people have been killed, many of them civilians including children". The complaint alleges that the officers have facilitated the US drone strikes programme through "intelligence-sharing".

[Communication](#)

[NGO Statement](#)

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