

# ***E-BULLETIN ON COUNTER-TERRORISM & HUMAN RIGHTS***

**No. 84, June 2014**

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## AFRICA & MIDDLE EAST

### **Nigeria: International summit adopts statement on security in Nigeria**

On 12 June, the Foreign Ministers of Cameroon, Chad, Niger and Nigeria, together with representatives of the United Kingdom, the European Union, France, Canada, the United States, the United Nations and the African Union issued a statement on the situation of security in Nigeria. In the statement, they condemned “in the strongest terms the series of atrocities perpetrated by Boko Haram and other groups.” The statement also indicated that “Nigeria and its neighbours ... reaffirmed their commitment to human rights and civilian security, to the prevention of sexual violence in conflict and to the empowerment and education of women and girls.” The authorities recognized “that security and stability can be achieved only through an approach that includes respect for human rights, alleviating poverty and creating jobs, strengthening rule of law and accountable governance, improving education, protecting the rights of women and girls, and including women and civil society in efforts to resolve conflict.” On 13 June, Nigerian President Goodluck Jonathan endorsed the statement of the summit, including the commitment to respect human rights.

[Summit Statement](#)

[Press Article](#)

### **Egypt: Al-Jazeera journalists convicted in unfair trial**

On 23 June, the Cairo Criminal Court convicted Peter Greste, Mohamed Fahmy and Baher Mohamed, all journalists working for Al-Jazeera, of the charges of “spreading false news” and belonging to or assisting an illegal organization, the banned Muslim Brotherhood. The Court sentenced them to seven years of imprisonment each, adding three additional years for Baher Mohamed, who was also found guilty of the charge of “possessing a bullet shell”. Another four persons were sentenced to seven years of imprisonment in this trial and two of the defendants were acquitted. Furthermore, the Court sentenced ten people *in absentia* to ten years of imprisonment. The ICJ said in relation to the case that the judiciary was being used to “crush freedom of expression” in Egypt. Amnesty International, which has been observing the trial, called the verdict “a ferocious attack on media freedom”. On 24 June, President Abdel Fatah al-Sisi refused to pardon the journalists, as had been requested by President Barack Obama.

[NGO Statement 1](#)

[NGO Statement 2](#)

[Press Article 1](#)

[Press Article 2](#)

### **Jordan: Reporters Without Borders calls for repeal of anti-terrorism law amendments**

On 16 June, Reporters Without Borders (RWB) wrote a letter to King Abdullah asking him to repeal recent amendments to the Anti-Terrorism Law 2006, approved by Parliament on 21 April and published in the Official Gazette on 1 June. The letter asserts that some of these provisions were “particularly likely to obstruct the work of news providers, whether professional or not, and even result in their arrest and imprisonment.” RWB reports that article 3(e) punishes with more than ten years of imprisonment “using information systems or the Internet, or any means of publishing or media, or establishing a website to facilitate terrorist acts or support a group or organization or charity that commits terrorist acts or promotes their ideas or funds it.” The organization stresses that “publishing or relaying reports referring to terrorist groups or activities, with the aim of providing information in the public interest to Jordanians or the international community, could potentially be treated under this new article as support for terrorism.”

[NGO Statement](#)

[Press Article](#)

### **Jordan: Iraqi opposition journalists charged with “terrorism” conduct**

On 12 June, the public prosecutor of the State Security Court charged fourteen journalists of the Iraqi exiled opposition TV station Al-Abassiya, including its owner, to “terrorism” offences. The journalists were all arrested three days before in a police raid. According to the press, they are accused of “having used the Internet to perform acts that would expose Jordanians to aggression.” Reportedly, they face sentences of up to five years of imprisonment. Al-Abassiya has often taken positions critical of the current Iraqi government of President Nouri al-Maliki. The head of the Jordanian Media Commission pointed out that the TV station had “broadcasted illegally from Jordan” and without licence. He added that it “incited to terrorism and exposed Jordan and other countries.”

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

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

### **Iran: Opposition member executed; UN experts call for end to executions**

On 1 June, Iranian authorities executed Gholamreza Khosravi Savadjani, a political opponent who had been convicted of the charges of *Moharabeh* (enmity against God) and sentenced to death. Gholamreza Khosravi Savadjani was convicted for “sharing information and possibly providing financial assistance to a London-based TV station supposed to be affiliated with the Mujadiheen-e Khalq (MKO) organization.” On 5 June, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, the UN Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul, the UN Special Rapporteur on freedom of opinion and expression, Frank La Rue, and the UN Special Rapporteur on the situation of human rights in Iran, Ahmed Shaheed, “expressed outrage” at this execution and “urged the Government to put an end to executions once and for all.” The UN Special Rapporteur on extrajudicial executions declared that “the execution of an individual for the alleged offence of transmitting information and providing financial assistance to a dissident organization is simply illegal.” On 13-14 June, Human Rights Watch and Amnesty International called for the quashing of another 33 dissidents’ death sentences on the charge of *Moharabeh* (enmity against God).

[UN SRs Statement](#)

[NGO Statement 1](#)

[NGO Statement 2](#)

[NGO Statement 3](#)

### **Israel: UN Secretary General concerned at administrative detention of Palestinians**

On 6 June, UN Secretary General Ban Ki-Moon expressed concern “about reports regarding the deteriorating health of Palestinian administrative detainees who have been on hunger strike for over a month. He reiterate[d] his long-standing position that administrative detainees should be charged or released without delay.” On 5 June, the UN Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories “expressed grave concerns about the reported worsening health conditions of more than 75 Palestinian detainees on hunger strike now in hospital protesting Israel’s continued use of administrative detention”, after a mission in Amman and Cairo from 1 to 5 June. The Committee “urged Israel to heed the demand of the hunger strikers to end the practice of arbitrary administrative detention of Palestinians.” The Committee stated that “a first group of around 100 Palestinian administrative detainees launched a peaceful protest on 24 April 2014 and were later joined by more detainees. The total number of hunger strikers now stands at 290, with more expected to join in the coming weeks.”

[UN SG Statement](#)

[UN SC Statement](#)

## AMERICAS

### **USA: Government releases redacted version of targeted killings legal memo**

On 23 June, the Government, pursuant to an order following a decision Court of Appeals for the Second Circuit of New York, released the Justice Department legal memorandum purporting to set forth the legal basis for the targeted killing of Anwar al-Awlaki, a US citizen killed by a CIA-led drone in Yemen in September 2010. The legal memorandum of 16 July 2010, released in the context of a Freedom Of Information Act litigation brought by the New York Times and the American Civil Liberties Union, is signed by David J. Barron, then Acting Assistant Attorney General. The memorandum says that a targeted killing against an Al-Qaeda suspect would not constitute an unlawful killing under section 1119 US Code, as it would be covered by the justification of public authority and “that the justification would be available because the operation would constitute the ‘lawful conduct of war’ – a well-established variant of the public authority justification.” It noted that “high-level government officials have concluded, on the basis of al-Aulaqi’s activities in Yemen, that al-Aulaqi is a leader of AQAP whose activities in Yemen pose a ‘continued and imminent threat’ of violence to United States persons and interests.” It concludes that the operation would be in line with international law, including the laws of war applicable to this armed conflict and falls under the Authorization to the Use of Military Force of 2001. The memo argues that the targeted killing of Anwar Al-Awlaqi would not constitute a war crime since he is “an active, high-level leader of an enemy force who is continually involved in planning and recruiting for terrorist attacks, [and he] can on that basis fairly be said to be taking ‘active part in hostilities.’”

[Memo and Ruling](#)

[NGO Statement](#)

[Press Article 1](#)

[Press Article 2](#)

### **USA: Snowden documents reveal NSA mass facial recognition programme**

On 31 May, journalists James Risen and Laura Poitras reported in the New York Times that documents provided by whistleblower and former NSA agent Edward Snowden revealed that the National Security Agency has been collecting a vast number of images of people from internet communications “for use in sophisticated facial recognition programs.” The account outlines that the “agency intercepts “millions of images per day” — including about 55,000 “facial recognition quality images” — which translate into “tremendous untapped potential,” [and that] the N.S.A. now considers facial images, fingerprints and other identifiers just as important to its mission of tracking suspected terrorists and other intelligence targets ... .”

[Press Article](#)

### **USA: President releases five Guantánamo detainees in exchange for captured US soldier**

On 31 May, President Barack Obama announced that the Taliban had released Sergeant Bowe Bergdahl, the only confirmed US prisoner of war in Afghanistan to date. The US brokered a deal for his release that included the release of five unnamed “high-level” Guantánamo detainees to Qatar, where they would be living under monitoring for one year. The agreement received criticism, particularly by a number of Republicans in Congress, as a violation of the National Defense Authorization Act of 2013 that requires a notification of 30 days to Congress before being able to transfer any Guantánamo detainee. However, President Obama has maintained that this provision is unconstitutional as a violation of the President of the United States’ inherent powers as Commander in Chief.

[President Statement](#)

[NDAA 2013](#)

[President Statement 2013](#)

[Press Article](#)

### **USA: Federal judge allows for temporary continuation of force-feeding**

On 22 May, Judge Gladys Kessler of the US District Court for the District of Columbia declined to re-issue a previous order stopping the force-feeding of Guantánamo detainee Abu Wa'el Dhiab, who is undertaking a hunger strike. Judge Kessler had ordered an end to his force-feeding on 16 May. The District Court said that it was "in no position to make the complex medical decisions necessary to keep Mr. Dhiab alive. Thanks to the intransigence of the Department of Defense, Mr. Dhiab may well suffer unnecessary pain from certain enteral feeding practices and forcible cell extractions. However, the Court simply cannot let Mr. Dhiab die." Indeed, Abu Wa'el Dhiab had "indicated his willingness to be enterally fed, if it could be done at the hospital in Guantánamo Bay, if he could be spared the agony of having the feeding tubes inserted and removed for each feeding, and if he could be spared the pain and discomfort of the restraint chair", but the Defense Department had not acquiesced to his requests.

[Ruling 1](#)

[Ruling 2](#)

[Press Article 1](#)

[Press Article 2](#)

### **Canada/France: Court allows extradition of terrorism suspect to France**

On 15 May, the Ontario Court of Appeal cleared the way for the extradition of Hassan Diab, a Canadian national to France, where he is wanted as a defendant in a trial where he is accused of having been involved in a 1980 bombing in a Paris synagogue "that killed four people and injured 40 others." Hassan Diab challenged his extradition, claiming that information admitted as evidence in his French trial had been obtained by torture, based on the fact that it may have been attained by the French authorities from the Syrian intelligence services. The Court ruled that the French legal system ensured the fairness of the trial.

[Judgment](#)

### **Chile: Government announces reform of anti-terrorism law**

On 15 May, the Minister of Justice, José Antonio Gómez, announced that four Mapuche prisoners, Leonardo Quijón, Luis Marilao, José Llanca Tori and Cristian Melinao, had ended their hunger strike begun on 7 April, after confirmation that the Government would undertake a revision of the country's anti-terrorism law, first enacted under the Pinochet regime. For this purpose, the Minister of Justice announced the setting up of a working group to come up with proposals within sixty days and indicated that the group "will be composed of lawyers with recognized experience in human rights, and it will also receive proposals for changes to the legislation put forward by representatives of the protesters."

[Minister Statement \(S\)](#)

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

## **ASIA - PACIFIC**

### **China: Numerous Uighurs executed for "terrorism" amid mass trials**

On 16 June, thirteen unnamed people, likely to be members of the Uighur community in Xinjiang, were executed by Chinese authorities after having been convicted on charges of "terrorism and violent crimes", according to the Xinhua News Agency. On the same day, a criminal court in Urumqi, Xinjiang's capital, convicted eight persons for the terrorist attack in Tiananmen Square on 28 October 2013 that killed five people, including the three attackers. Three of those convicted have been sentenced to death, while one has been sentenced to life imprisonment and four others to prison terms of from five to twenty years. Press reports also document that on 28 May 55 people were put on trial in a sports stadium and convicted of "violent terrorism" and other offences before 7,000 people. Three of them were sentenced to death.

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

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

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

### **Pakistan: Senate Committee softens anti-terrorism amendment law**

On 31 May, the Senate Standing Committee of Interior and Narcotics Control unanimously approved and sent to plenary the Anti-Terrorism (Second Amendment) Bill, 2014, with amendments. According to one media account, the Committee “strongly rejected the provisions particularly relating to 90-day preventive detention of any person who has been nabbed in any of the offences under the Anti-Terrorism Act as well as provision of additional powers to law-enforcement agencies (power to shoot the suspects at sight).” The original draft law would have provided the investigative authorities with the power to detain “any person who has been concerned in any offence under this Act or against whom a reasonable complaint has been made or credible information has been received, or a reasonable suspicion exists of his having been so concerned” for up to 90 days with no access to a court.

[ICJ Statement](#)

[Press Article 1](#)

[Press Article 2](#)

### **Pakistan: Former CIA station chief charged by criminal court for drone killings**

On 5 June, the High Court of Islamabad issued an arrest warrant for Jonathan Banks, former CIA Pakistan station chief, accusing him of involvement in a 2009 drone strike that killed the brother and the son of Kareem Khan in North Waziristan. Jonathan Banks is charged with murder, conspiracy and waging war against Pakistan. According to press reports, he left Pakistan in December 2010 “after his identity was disclosed through the court case, and there is little expectation Islamabad will seek his return to face charges.”

[Press Article](#)

### **Thailand: UN experts concerned by human rights violations under state of emergency**

On 13 June, the Chair-rapporteur of the UN Working Group on Arbitrary Detention, Mads Andenas, the UN Working Group on Enforced or Involuntary Disappearances, the UN Special Rapporteur on the right to freedom of opinion and expression, Frank La Rue, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, and the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, urged Thai military authorities “to reverse all measures affecting basic rights and to restore democratic rule in the country.” They found the current restrictions on human rights “deeply disturbing” and they noted that “reportedly numerous individuals remain arbitrarily detained, and unacceptable restrictions continue to be imposed on freedoms of expression, association and peaceful assembly.” On 20 May, General Prayuth Chan-ocha, the Commander-in-Chief of the Royal Thai Army, announced that martial law was immediately in force throughout Thailand, citing continued protests led by “various groups.” Martial Law gives the military superior power over civil authorities in maintaining security and keeping public order. It also gives the military wide-ranging powers, including enlarged powers of arrest and detention without charge and impunity from claims for compensation. The ICJ and other human rights organizations called on the army and the government to withdraw this declaration.

[UN SRs Statement](#)

[NGO Statement 1](#)

[NGO Statement 2](#)

[NGO Statement 3](#)

### **Afghanistan: US President announces 9,800 troops to remain after withdrawal deadline**

On 27 May, US President Barack Obama announced that 9,800 troops would remain in Afghanistan after the deadline for withdrawal previously set for December 2014. The President stressed that these troops would remain for one year and will be cut in half at the end 2015 to leave only a small military presence at the end of 2016 at the US Embassy. According to a media report, “around 1,800 US troops would conduct counter-

terror operations in Afghanistan beyond 2014 [and] [t]he remaining 8,000 troops would be part of new North Atlantic Treaty Organization (NATO) training and advisory mission.” The Guardian had reported that, according to Pentagon officials, this decision “is likely to mean two more years behind bars for America’s most secret detainee population,” referring to the fifty non-Afghan citizens who are currently detention in the Detention Facility in Parwan near the Bagram military base.

[Press Article 1](#)

[Press Article 2](#)

### **Australia: Human Rights Law Center calls for investigation into Australian complicity in drone killings**

On 26 May, the Human Rights Law Center wrote to the UN Special Rapporteur on the promotion and protection of human rights while countering terrorism, Ben Emmerson, and to the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, asking them to investigate whether the Australian government had been involved, through information sharing, with the US drone strike that on 19 November 2013 killed Christopher Havard and Muslim bin John, both Australian citizens, in Hadramout in eastern Yemen. The letter asserts that “Australia’s Department of Foreign Affairs and Trade (DFAT) stated that the two men were killed during counter terrorism operations and has refused to discuss the details of the deaths.” The Centre added that “the joint Australian-American Pine Gap facility in Australia provides the US with location information used to track targets of US drone strikes. Reports in the media stated that former personnel at Pine Gap reported that the signals intelligence base has located and tracked al-Qaeda and Taliban leaders and has passed on location data to the US drone strike program and other military operations.” Jeremy Scahill, a US journalist with access to some of the documents revealed by US NSA whistleblower Edward Snowden, is reported to have said to be “absolutely, 100 per cent” sure about Pine Gap’s involvement in the targeting of US drone strikes.”

[Letter](#)

[NGO Statement](#)

[Press Article](#)

## **EUROPE & COMMONWEALTH OF INDEPENDENT STATES**

### **UK: Court orders disclosure of “terrorism” suspects’ names, but allows for closed doors trial**

On 12 June, the Court of Appeal ruled that defendants in a trial for terrorism, until then identified anonymously by the letters “AB” and “CD”, had to be identified with their names in the interest of open justice and that no reasons of national security warranted otherwise. Erol Incedal and Mounir Rarmoul-Bouhadjar, whose trial began on 16 June, are charged with “preparation of terrorist acts” and “collection of information” and “possession of false identity documents with improper intention.” However, the Court of Appeal agreed that the trial should be mostly held behind closed doors since “there is a significant risk – at the very least, a serious possibility – that the administration of justice would be frustrated were the trial to be conducted in open Court.” The Court tried to find arrangements through which the opening and final moments of the trial could be held in open court. A small group of journalists will be able to be accredited to follow part of the closed hearings but will not be able to carry notes outside of the courtroom for the duration of the trial.

[Ruling](#)

[Press Article](#)



### **UK: Home Office publishes statistics on use of counter-terrorism special powers**

On 5 June, the Home Office released statistics on the use of counter-terrorism powers and prosecutions in 2013. The data shows that, in 2013, "of the 222 people arrested for terrorism 114 were charged with an offence" (just over 51 percent) and that "154 described themselves as British, 11 as Pakistani, with five from Algeria and four from Somalia." With regard to the power to stop and detain people at airports, ports or border points, the Home Office stated that "a total of 46,184 persons were stopped at ports in Great Britain [and] 549 persons were detained" in 2013. The maximum of fourteen days pre-trial detention power is not used in practice as, in the last year, "all 40 detainees were dealt with within 8 days (out of 14 days detention available under terrorism legislation), with 33% detained for less than a day." On 12 June, the Home Office also published the statistics on the use of the Terrorism Prevention and Investigation Measures (TPIM), revealing that, as of 31 May 2014, no TPIM notices were in force.

[Report 1](#)

[Report 2](#)

[Press Article 1](#)

[Press Article 2](#)

### **UK: Legal rationale of UK surveillance programme explained in litigation statement**

On 16 June, Privacy International published the sworn statement of Charles Blandford Farr, Director General of the Office of Security and Counter-Terrorism (OSCT) at the Home Office, explaining the legal justification for the UK secret services surveillance system. The Director General clarified that, while emails sent from a person within the UK to another person in the same country would be considered an internal communication for the purpose of using the surveillance powers under the RIPA, messages and other communications via Google, Facebook, or Twitter, for example, would be considered external communications. With regard to external communications, the UK secret services had a blanket authorization to intercept and store them. These communications are considered external because the intended recipient is located outside the country. Indeed, according to the Director, when someone does a Google search or posts a message on Facebook or Twitter, those are communications intended to be sent to Google, Facebook and Twitter which are located outside the UK. The statement originates from a lawsuit in which Privacy International, Liberty, the American Civil Liberties Union, the Canadian Civil Liberties Association, the Egyptian Initiative for Personal Rights, the Hungarian Civil Liberties Union, the Irish Council for Civil Liberties, the Legal Resource Centre, Amnesty International and Bytes for All are challenging the lawfulness of the UK surveillance programme "Tempora" before the Investigatory Powers Tribunal.

[Statement](#)

[Press Article](#)

### **France: Senators call for granting of asylum to Edward Snowden**

On 5 June, eighteen Senators presented to the Senate a resolution asking that the Government grant political asylum in France to Edward Snowden. The senator finds that Edward Snowden should be granted asylum because, "with his engagement in launching a warning alert, he defended the rights of everyone and, because of this, he faces several risks for his security and future in case of return to his country." The Senators declared that "to the extent that Edward Snowden has put itself at risk to defend the freedoms of us all, it is proposed to [to proclaim him] honorary citizen of the French Republic." This call was pursuant to a revival of a 1792 tradition of the Legislative Assembly during the French Revolution that awarded the "French citizenship for reasons of honour" to Thomas Clarkson, Friedrich von Schiller, Henri Pestalozzi, George Washington, Alexander Hamilton, James Madison and Thomas Paine.

[Draft Resolution \(F\)](#)

### **France: Draft law on terrorists' nationality stripping tabled in National Assembly**

On 11 June, several members of the National Assembly tabled a draft legislation aiming to strip of their nationality French citizens linked with "terrorism". The 'Draft Law to allow for the stripping of nationality for the French jihadist combatants', if approved, would add a provision to the Civil Code according to which "any French citizen can be stripped of the French nationality by decree, after favourable opinion of the Council of State, if he engaged in a jihadist movement or has been involved in terrorist acts under articles 421-1 and following of the criminal code." The provision does not contain any safeguard against statelessness and does not define "jihadist movement".

[Draft Law \(F\)](#)

### **Germany/USA: Snowden documents reveal massive NSA spy activity in Germany**

On 18 June, *Der Spiegel* disclosed a series of documents provided by whistleblower and former NSA agent Edward Snowden revealing that the US National Security Agency "has developed an increasingly intimate relationship with Germany over the past 13 years while massively expanding its presence. No other country in Europe plays host to a secret NSA surveillance architecture comparable to the one in Germany. ... In 2007, the NSA claimed to have at least a dozen active collection sites in Germany." The documents report that one of the most important data collection centres in Europe is in Wiesbaden, Germany, officially named the European Technical Center (ETC). They reveal a plan to establish another such facility, "in the Clay Kaserne, a US military complex located in the Erbenheim district of Wiesbaden, (called) the "Consolidated Intelligence Center". The documents provided by Snowden also suggest that "information collected in Germany is used for the 'capture or kill' of alleged terrorists."

[Press Article 1](#)

[Press Article 2](#)

[Documents](#)

### **Germany: Federal Prosecutor launches investigation into Chancellor's mobile NSA wiretapping**

On 4 June, the German Federal Prosecutor, Harald Range, informed the Legal Committee of the Bundestag that he would be launching a formal investigation into the allegations, prompted by documents provided by whistleblower and former NSA agent Edward Snowden, that the mobile phone of Chancellor Angela Merkel had been tapped by the US National Security Agency. It is the first formal investigation of a German authority into the NSA surveillance programmes. For now the investigation appears to be limited to this act. According to *Der Spiegel*, "[s]ources close to the federal prosecutor [said] that Range has concluded that there are insufficient reasons for opening an official investigation into the mass spying, although the office still has the option of initiating proceedings at a later date."

[Press Article](#)

### **Denmark/USA: NSA collaborating countries more extended than thought, reveals Information**

On 19 June, the Danish newspaper *Information* revealed, on the basis of documents provided by whistleblower and former NSA agent Edward Snowden, that "'third party' countries tap fiber optic cables carrying the majority of the world's electronic communications in collaboration with the NSA." The documents reportedly demonstrate NSA collaboration beyond the Five Eyes club (USA, Australia, UK, New Zealand and Canada) and show that at least 33 countries "with weaker ties to the NSA ... are more deeply involved in the NSAs global mass surveillance of individuals and organizations than previously known." These countries are said to include Denmark and Germany.

[Press Article 1](#)

[Press Article 2](#)

## **Turkey: Anti-terrorism law application breached journalists' freedom of expression, rules European Court**

On 16 July, the European Court of Human Rights ruled in several cases that Turkey had violated the right to freedom of expression under Article 10 of the European Convention on Human Rights of Memet Aslan and Zozan Sezen, owner and editor-in-chief of the bi-monthly periodical Dema Nu, and of Ahmet Sami Belek and İsmail Muzaffer Özkurt, the owner and editor-in-chief respectively of the daily newspaper Evrensel. The applicants had twice been convicted and sentenced to pay fines by Turkish courts under article 6(2) and (4) of 'Law no. 3713 on fighting terrorism' for "having published statements by an illegal armed organisation", namely the Workers' Party of Kurdistan (PKK), KADEK and the Socialist Party of Kurdistan (PSK). The Court held that the writings made no call for violence, armed resistance, insurgency or hate speech and that therefore these convictions were not "necessary in a democratic society", in breach of Article 10 ECHR.

[Judgment 1 \(F\)](#)

[Judgment 2 \(F\)](#)

[Judgment 3 \(F\)](#)

[Judgment 4 \(F\)](#)

[Judgment 5 \(F\)](#)

[Judgment 6 \(F\)](#)

[Judgment 7 \(F\)](#)

## **Ukraine: Parliament widens the powers of counter-terrorism agents and limits rights of individuals**

The President of Ukraine, Petro Poroshenko, signed the law "On introducing amendments into the laws of Ukraine regarding fight against terrorism", adopted by the Supreme Rada earlier this month. The legislations amends a number of laws including the law "On fight against terrorism", "On the military forces of Ukraine." The law widens the number and the powers of counter-terrorism operation agents. It permits the head of the Antiterrorism Centre to involve the Security Service, Ministry of Justice, the army and other state agents in wide-ranging counterterrorism operations. The law provides that additional temporary limitations of rights of individuals may be introduced, including limitations which require organizations to fully or partially cease functioning in the areas of counter-terrorism operations.

[Law \(Ukrainian\)](#)

[President Statement \(Ukrainian\)](#)

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

## **Russian Federation: European Court rules that extradition of "terrorism" suspects to Uzbekistan would breach European Convention**

On 7 May, the European Court of Human Rights ruled that the Russian Federation could not extradite Fayzullo Yuldashevich Egamberdiyev to Uzbekistan, as he would be at risk of being subject to torture if transferred and detained in that country. He had been charged in Uzbekistan with membership of an extremist religious organization, Nurchilar. The Court stated that "the general situation with regard to human rights in Uzbekistan is alarming, that reliable international material has demonstrated the persistence of a serious issue of ill-treatment of detainees, the practice of torture against those in police custody being described as 'systematic' and 'indiscriminate', and that there is no concrete evidence to demonstrate any fundamental improvement in that area." The Court further ruled that his detention pending removal breached article 5(1)f of the Convention.

[Judgment](#)

## **UNITED NATIONS & REGIONAL ORGANIZATIONS**

### **UN: UN Human Rights Commissioner, Navi Pillay, in final address, highlights human rights in countering terrorism**

On 10 June, the UN High Commissioner for Human Rights, Navanethem Pillay, gave her final speech before the UN Human Rights Council, as her term is set to end on 31 August 2014. In her speech, she recalled that "the threat of terrorism is a clear challenge. In coming years we must also struggle against abusive *counter-terrorism* and *counter-*

*insurgency* tactics that violate the rights to life, freedom from forced disappearance, arbitrary detention, and torture. The point of counter-terror measures is to protect the rule of law and human rights — not to undermine them.” The High Commissioner also stressed that “it will also be necessary to step up our work to maintain the right to privacy, in the face of governmental and corporate attempts to create a *surveillance society* via new technologies.”

Speech

### **EU: Council adopts Strategy for Combating Radicalisation and Recruitment to Terrorism**

On 5-6 June, the Council of the European Union on Justice and Home Affairs approved a Revised EU Strategy for Combating Radicalisation and Recruitment to Terrorism. The Revised Strategy states that “[f]ull respect for human rights and our fundamental freedoms is one of the foundations for our work to counter radicalisation and recruitment to terrorism. All actions must be taken with full respect for these fundamental rights and freedoms. Focus should be on developing dialogue so as to promote mutual awareness and understanding. Stigmatising of any particular group of people must be avoided. Other points of departure include openness and transparency, effectiveness, flexibility and continued national and international collaboration. Throughout we will ensure at all times that respect for fundamental rights, international law and the rule of law are not undermined.”

Revised Strategy

Council Statement

### **EU: Council adopts conclusions on terrorism and border security**

On 5-6 June, the Council of the European Union on Justice and Home Affairs adopted the Council conclusions on Terrorism and Border Security. In this document, the ministers of Interior and Justice of the 28 Member States stated that Member States should transmit information of interviews with victims of smuggling and/or trafficking organized crime “to the respective Focal Points at Europol while fully respecting human rights, fundamental freedoms and personal data protection provisions.” The Council stressed that States “should ensure that applications for international protection are considered in line with the exclusion criteria under the Qualification Directive in order to mitigate the risk that terrorists could legally stay in the EU.”

Council Conclusions

### **African Union: Commission adopts resolutions on countering terrorism in Africa**

On 12 May, the African Commission on Human and Peoples Rights adopted two resolutions related to terrorism and human rights. In the first, it addressed the abuses committed by Al Qaeda in the Islamic Maghreb and Boko Haram and strongly condemned “these violations of the right to life and these abductions which are cases of serious human rights violations.” The Commission urged “the African Union to strengthen its cooperation with the international community with a view to adopting a global strategy to stop the financing of these groups, and ensure that the alleged terrorists are prosecuted and punished in strict compliance with the right to a fair trial.” In a second resolution, the African Commission tasked the Special Rapporteur on human rights defenders in Africa with preparing “Guidelines on the Fight against Terrorism” to be presented to the Commission in October 2014.

Resolution 1

Resolution 2

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