

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

**No. 91, March 2015**

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## AFRICA & MIDDLE EAST

### **Tunisia: New anti-terrorism law announced after Museum attack leaves 22 dead**

On 14 and 22 March, after an attack at the Bardo Museum in Tunis, the responsibility for which was claimed by ISIS and in which 22 people died, among whom 21 were tourists, both President Beji Caid Essebsi and the Minister of Justice Mohamed Salah Ben Aissa referred to the imminent presentation of a new anti-terrorism law to the Cabinet for further parliamentary approval. Few details have emerged in the media about the proposed legislation. According to the press, it "will take into consideration international conventions, particularly UN Security Council resolutions" and will include "a more precise definition of the terrorist crime under all its aspects and clarifies investigation means and different counter-terrorism techniques."

[AU Statement](#)

[Press Article 1](#)

[Press Article 2](#)

### **Egypt: Fourteen persons sentenced to death for "terrorism" and 41 judges forced out**

On 16 March, a court convicted one of the leaders of the Muslim Brotherhood, Mohammed Badie, and thirteen other persons of "planning attacks against the state" for reportedly "setting up a control room to direct the movements of Brotherhood supporters across the country." The fourteen defendants were sentenced to the death penalty. A lawyer for the defence, Ahmad Helmi, stated to the press that the convictions and sentencing were handed down before the defence team could finish their closing arguments and characterized the verdict as "farfical." The death sentences have still to be ratified by the Grand Mufti. Meanwhile, on 15 March, a disciplinary court sent 41 judges to compulsory retirement for allegedly "supporting the Muslim Brotherhood", considered a terrorist organization in Egypt. It appears from media reports that 31 of these judges were accused of having signed a statement condemning the removal of former President Mohamed Morsi.

[Press Article 1](#)

[Press Article 2](#)

### **Syria/Iraq: UN report finds ISIS may have committed genocide, war crimes and crimes against humanity**

On 19 March, the Office of the High Commissioner for Human Rights presented a report to the UN Human Rights Council on the human rights abuses committed by the so-called Islamic State in Iraq and the Levant (ISIL). The report, compiled by an investigation team that interviewed more than 100 people in the region in the last months, concludes that ISIL "may have committed all three of the most serious international crimes – namely war crimes, crimes against humanity and genocide." With references to the attacks carried out against the Yezidi people, the report notes a "manifest pattern of the attacks" that hints at an intent to "destroy the Yezidi as a group." The report calls on Iraq to investigate and prosecute these gross violations of human rights and crimes under international law and to ratify the Rome Statute of the International Criminal Court (ICC). It further called on the Human Rights Council to urge the UN Security Council to consider referring this situation to the ICC.

[UN Statement](#)

### **Bahrain: Human rights defender in arbitrary detention begins fourth hunger strike**

On 2 March, human rights defender Abdulhadi Al-Khawaja, co-founder of the Bahraini Center for Human Rights and of the Gulf Center for Human Rights, commenced a further hunger strike protesting against his detention, which was characterised as "arbitrary" by the UN Working Group on Arbitrary Detention on 4 September 2012. Abdulhadi Al-Khawaja was convicted by a final ruling of the Court of Cassation on 7 January 2013,

together with other opposition members and human rights defenders, of offences of “conspiracy to overthrow the government”, “espionage” and “violation of the Constitution.” The Court upheld the judgments of the lower courts which had imposed sentences of life imprisonment for seven of the accused and of between five and fifteen years imprisonment for the other six. The decision was widely criticized, including by the UN Secretary General Ban Ki Moon and by the Office of the UN High Commissioner for Human Rights. On 26 February, a criminal court convicted three persons to the death penalty for having killed three police officers by bombing last March 2014.

NGO Statement

## AMERICAS

### **USA: Legal challenge brought on constitutionality of NSA “Upstream” programme**

On 10 March, Wikimedia Foundation, the National Association of Criminal Defense Lawyers, Human Rights Watch, Amnesty International USA, the Pen American Center, the Global Fund for Women, the Nation Magazine, the Rutherford Institute and the Washington Office on Latin America filed a lawsuit before the US District Court for the District of Maryland challenging the constitutionality of the National Security Agency (NSA) surveillance programme “Upstream”. “Upstream” is the surveillance programme through which the NSA seizes and searches “communications travel across the internet ‘backbone’ in the United States” through providers like Verizon Communications and AT&T. According to the complaint, this allows for interception of “a wide variety of internet communications, including emails, instant messages, webpages, voice calls, and video chats.” The plaintiffs claim that this programme “exceeds the scope of the authority that Congress provided in the FISA Amendment Act of 2008 ... and violates the First and Fourth Amendments” to the US Constitution on the right of freedom of expression and prohibiting unwarranted searches and seizures.

Petition

### **USA: UN Working Group rules Guantánamo detention arbitrary**

On 23 January, the UN Working Group on Arbitrary Detention ruled that the detention of Mustafa al-Hawsawi in Guantánamo Bay was arbitrary and that the United States breached his right to liberty and fair trial under articles 9 and 10 of the Universal Declaration of Human Rights and 9 and 14 of the International Covenant on Civil and Political Rights. The Working Group found that the “domestic law used by the United States Government to detain [him] does not comply with international law and the requirements of human rights law and international humanitarian law” and therefore that his detention was arbitrary. The Working Group further concluded that his rights to a fair trial and due process “have been repeatedly violated ... during his more than ten-year detention.” The Working Group noted that Mustafa al-Hawsawi “was not provided with the reasons for his detention; was not promptly brought before a judicial authority for review of his detention; and was not provided with legal counsel, within a reasonable time.” The Working Group also concluded that the arbitrary detention and violations of fair trial and due process rights “are acts in violation of international law for reasons of discrimination based on national and other origin and which both aim towards and results in ignoring the equality of human rights.”

Opinion

### **USA: Military commission judge strikes down administration order for unlawful pressure on judicial independence**

On 25 February, military judge James L. Pohl, who is presiding over the military commission proceedings against Khalid Sheik Mohammed and other six Guantánamo detainees for complicity in the attacks of 9/11, ruled that an order of the administration requiring military judges presiding over military commissions to relocate to Guantánamo

Bay had to be rescinded. The military judge held that such an order, issued by the convening authority of the military commissions, constitutes “at least the appearance of, an unlawful attempt to pressure the Military Judge to accelerate the pace of litigation and an improper attempt to usurp judicial discretion; thereby, compromising the independence of the Military Judge.” On 27 February, the Department of Defense announced to have rescinded the order “consistent with the interests of justice.”

[Ruling](#)

[Press Article](#)

### **Canada: Anti-terrorism draft law criticized by Privacy Commissioner while secret service surveillance arsenal revealed**

On 5 March, the Privacy Commissioner of Canada, Daniel Therrien, stated in a submission to the House of Commons Standing Committee on Public Safety and National Security that the draft Anti-terrorism Bill 2015 C-51 excessively infringed Canadians’ privacy. The Commissioner stated that “the scale of information sharing being proposed is unprecedented, the scope of the new powers conferred by the Act is excessive, particularly as these powers affect ordinary Canadians, and the safeguards protecting against unreasonable loss of privacy are seriously deficient.” Reportedly, if approved, the legislation would authorize the Canadian Security Intelligence Service (CSIS) to conduct active operations, including being able “to cancel travel arrangements, shut down bank accounts, provide fake versions of dangerous materials to plotters and compel access to buildings in order to plant surveillance devices.” On 23 March, the CBC News and The Intercept revealed, on the basis of documents provided by Edward Snowden, that the intelligence agency Communications Security Establishment (CSE) “has secretly developed an arsenal of cyberweapons capable of stealing data and destroying adversaries’ infrastructure [and] covertly hacked into computers across the world to gather intelligence, breaking into networks in Europe, Mexico, the Middle East and North Africa.”

[Commissioner Statement](#)

[NGO Statement](#)

[Press Article 1](#)

[Press Article 2](#)

### **Colombia: Seven-year “terrorism” investigation against journalist dropped**

On 11 March, the Prosecutor General’s Office dropped a seven-year long investigation of journalist William Parra and withdrew the charges against him of criminal association, financing terrorism and “rebellion” for his alleged links to the FARC. In 2010, an international warrant for his arrest had been issued. Reporters Without Borders welcomed the decision, though it regretted that it was very belated and stressed that William Parra should be given reparations for the suffering that these false accusations had caused him. William Parra started working in 2006 with the Venezuelan pan-Latin American TV station *Telesur*. He was said to have appeared in emails found in the computer of Raúl Reyes, the former commander of the FARC (Revolutionary Armed Forces of Colombia) killed in 2008 by the Colombian army. Reportedly, the defence team of William Parra has never been allowed to see any alleged evidence against him in the seven year long investigation.

[NGO Statement](#)

## **ASIA - PACIFIC**

### **China: Three men executed after “terrorism” conviction**

On 24 March, three persons, Iskandar Ehet, Turgun Tohtunyaz and Hasayn Muhammad, were executed after having been found guilty of the charge of “homicide and leading a terrorist organization” and sentenced to the death penalty for having participated in a group knife attack, termed as “terrorist” by the authorities, in the train station of the city of Kunming that left 33 persons dead, including four of the attackers, on the night of 1 March 2014. The executions were announced by the Kunming Intermediate People’s Court and the sentence was reportedly upheld by a higher court.

[Press Article 1](#)

[Press Article 2](#)

### **Pakistan: Twelve persons executed as Pakistan resumes death penalty**

On 17 March, twelve persons were executed by hanging after having been convicted and sentenced to the death penalty for crimes of terrorism, murder or other “heinous” crimes, according to a spokesperson of the Interior Ministry. It was reported as the largest number of executions in a single day since Pakistan partially lifted its moratorium on the death penalty on 16 December 2014, in response to an attack on a school in Peshawar, killing 150 people, almost all of them children. The ICJ, on 12 March, condemned this decision that puts at imminent risk of execution more than 500 people on death row who have exhausted all avenues of appeal, with another 8,000 persons facing death penalties. The ICJ characterized this as “a disaster for human rights in Pakistan.” On 19 March, the newspaper The Nation reported that, according to a senior officer of the Prisons Department, “mercy petitions of around 400 condemned prisoners are expected to be rejected by the President of Pakistan and they would then be executed in the next 30 days.”

[ICJ Statement](#)

[Press Article 1](#)

[Press Article 2](#)

### **Afghanistan: UN report documents torture and ill-treatment in Afghanistan**

On 25 February, the UN Assistance Mission in Afghanistan published a report produced jointly with the Office of the High Commissioner for Human Rights on the situation of torture and ill-treatment in Afghanistan. While recognizing that “efforts to prevent torture and ill-treatment have shown some progress,” the report finds that the mechanisms of oversight and accountability of the National Directorate of Security and of the Ministry of Interior are “inadequate, lacking independence, authority, transparency and capacity.” It found that many alleged members of the Taliban and other groups were subjected to “severe pain and suffering, aimed mainly at obtaining confession and information” and that torture had occurred in facilities that the International Security Assistance Force certified as torture-free.

[Report](#)

[UN Statement](#)

### **Thailand: Human Rights Watch calls for investigation into torture allegations**

On 18 March, Human Rights Watch called on the authorities to investigate promptly and impartially the allegation of torture of Sansern Sriounruen, Chanwit Chariyanukul, Norapat Luephon, and Wichai Yusuk that had been detained for suspicion of having been involved in a grenade attack against the Bangkok criminal court on 7 March, characterized by authorities as an act of terrorism. The four suspects were detained in military custody between 9 and 15 March 2015. According to the human rights organization, they claim that “interrogators slapped, punched, and kicked them in the head, chest, and back. They allege that they were also tortured with electrical shocks that left marks on their skin” to obtain a “confession” of their involvement in the attack.”

[NGO Statement](#)

### **Maldives: Former President sentenced to thirteen years under anti-terrorism law**

On 13 March, former President, Mohamed Nasheed, was sentenced to thirteen years of imprisonment, after having been convicted of the charge of “act.. of kidnapping or abduction of person(s) or of taking hostage(s)” under Section 2(b) of the Prevention of Terrorism Act 1990 for the dismissal and alleged unlawful detention of the Chief Judge of the Criminal Court, Abdullah Mohamed, in 2012, when he was in office. The ICJ called this trial “grossly unfair” and marking “a significant deterioration of the independence and impartiality of the country’s judiciary.” On 18 March, the UN High Commissioner for Human Rights, Zeid Ra’ad Al Hussein, said that the sentence followed “a rushed process that appears to contravene the Maldives’ own laws and practices and international fair trial



standards in a number of respects." On 19 March, the UN Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul, expressed concern "about the lack of respect for the most basic principles of fair trial and due process during Mr. Nasheed's criminal proceedings" and deep concern "about allegations of lack of impartiality by both the Prosecutor-General and two judges of the three-member bench."

[HCHR Statement](#)

[SR Statement](#)

[ICJ Statement](#)

[Press Article](#)

### **New Zealand: Secret service spied on allies for "Five Eyes" countries**

On 5 March, the New Zealand Herald and The Intercept revealed, on the basis of documents provided by Edward Snowden, that the intelligence service Government Communications Security Bureau (GCSB) of New Zealand "collects phone calls and internet communications in bulk in the region at its Waihopai Station intercept facility in the South Island" and "is spying indiscriminately on its allies in the Pacific region and sharing the information with the US and the other "Five Eyes" alliance states," i.e. Australia, Canada and the United Kingdom. According to media reports, GSCB has been assigned "a geographic "area of responsibility" to monitor communications in the Southwest Pacific" and the information intercepted are rechanneled in the XKeyScore programme of the US National Security Agency. The Intercept further revealed that New Zealand "launched a covert surveillance operation targeting candidates vying to be director general of the World Trade Organization."

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

[Press Article 4](#)

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

### **UK: Supreme Court upholds deprivation of nationality for "terrorism" threat**

On 25 March, the Supreme Court ruled that the decision of the Secretary of State for Home Affairs to strip Mr Pham of his UK nationality did not breach the prohibition of rendering him stateless under the 1954 Convention relating to the Status of Stateless Persons. Mr Pham was a UK national of Vietnamese origin who claimed that the decision of the Home Secretary made him stateless, because, since Vietnamese law did not allow for double citizenship, he had lost his Vietnamese citizenship when he acquired his UK citizenship. The Court concluded that Vietnamese law did not appear to expressly and directly deprived someone of his nationality for double nationality, nor there was any formal decision of the Vietnamese authorities that considered him not to be Vietnamese "by operation of its laws." In any case, the Court concluded that, at the moment of the issuance of the nationality deprivation order, the only signal in this direction, i.e. the fact that Vietnamese authorities refused to recognize him as their national, was known by the Home Office and therefore the order could not be invalidated. Other challenges based on EU citizenship were remanded to the lower courts for further consideration. Mr Pham was deprived of his citizenship because the Home Office considered him a threat to the safety and security of the country because he has previously allegedly "received terrorist training from Al Qaida" in Yemen.

[Judgment](#)

[SC Statement](#)

### **UK: Parliament's committee finds surveillance legal but asks for legal reform**

On 12 March, the Intelligence and Security Committee (ISC) of the UK Parliament issued its report of an eighteen-month inquiry into the surveillance laws, policies and activities of the United Kingdom, following the revelations of Edward Snowden. The report concluded that existing laws were not broken by UK secret services, but that the legal framework on surveillance "could be misconstrued as providing the agencies with a 'blank check' to carry out whatever activities they deem necessary." The report also found that intelligence agencies do not need ministerial authorization to access surveillance information. The Committee recommended the approval of a single new intelligence law gathering all the different legal sources authorizing surveillance by UK intelligence agencies to make the

legislation more transparent. While recognizing that most of the detail regarding the capability of intelligence agencies must remain secret, the Committee stated that “there is, however, a great deal that can be discussed publicly, and we believe that the time has come for much greater openness and transparency regarding the agencies’ work.”

[Report](#)

[Press Article 1](#)

[Press Article 2](#)

### **UK: High Court clarifies jurisdictional rules in Iraq human rights cases**

On 17 March, the High Court of Justice issued a ruling explaining the applicable law in more than 1,200 cases claiming human rights violations against UK forces during the occupation and presence in Iraq. Based on the judgment of the Grand Chamber of the European Court of Human Rights in *Al Skeini and others v UK*, the High Court affirmed that this judgment effectively overruled the Strasbourg Court’s doctrine on jurisdiction enshrined in its earlier ruling in *Bankovic*. It held that UK courts had jurisdiction to consider cases involving shooting or other use of lethal force by UK personnel, including shooting “in the course of security operations in which British Forces were exercising public powers that would normally be exercised by the government of Iraq,” and cases in which individuals were under custody of UK personnel. Only one case was excluded from consideration, concerning the death of a person as a result of a road traffic accident. In its judgment on the applicability of article 2 ECHR on the right to life, the High Court also gave the direction that a special international humanitarian law interpretation of the right to life must be used, following the same restriction applied in the case of *Hassan v UK* by the European Court of Human Rights, regardless of derogations to the Convention, concerning the right to liberty in armed conflicts.

[Judgment](#)

[NGO Statement](#)

### **UK: Parliament Committee finds concerns in extradition system**

On 25 February, the Select Committee on Extradition Law of the UK Parliament published a report on UK law and practice on extraditions, in particular on the functioning of the Extradition Act 2003. The Committee concluded that, “although there are aspects of the law and practice which are of concern, there is no systemic problem with the UK’s extradition regime.” However, the Committee expressed concern at the “system of accepting assurances to offset the risk of extradition leading to human rights abuse” and said that it does not “believe that the system of seeking, accepting and monitoring assurances provides sufficient confidence that the UK is meeting its human rights obligations.” Furthermore, it recognized that the European Arrest Warrant has been “overused and, in some cases, misused in the past.” Finally, with regard to extraditions to the United States of America, members of the Committee recognized “many of the concerns about the US justice system, particularly lengthy periods of pre-trial detention and difficulties in obtaining bail. The courts have found the US justice system to be ECHR compliant; however, legitimate concerns remain.”

[Report](#)

### **France: Comedian convicted for apology of terrorist acts, while professor not to be prosecuted**

On 18 March, a criminal court in Paris convicted the comedian Dieudonné M’bala M’bala of the offence of apology of a terrorist act and gave him a two months suspended sentence for having published on Facebook on 11 January, during the solidarity demonstration with Charlie Hebdo, the sentence “*Je me sens Charlie Coulibaly*” (I feel like Charlie Coulibaly) mixing the names of Charlie Hebdo and Amedy Coulibaly, one of the attackers of Paris in the shootings of 7 to 9 January. On 7 January, Saïd and Chérif Kouachi killed twelve persons in the offices of the magazine Charlie Hebdo, and one policemen. On 8 January, Amedy Coulibaly killed a policewoman and four hostages in a Kasher supermarket. The



three attackers were killed in hostage-rescue operations on 9 January 2015. Dieudonné announced that he will appeal his conviction. On 27 February, public prosecutor Nicolas Jacquet announced that he will not prosecute for apology of terrorist act Jean-François Chazerans, a college philosophy professor, who was denounced by a parent of one of his students for having stirred a debate in class in which he made links between terrorism and “Western imperialism.”

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

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

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

### **France: Government presents controversial draft intelligence services law**

On 19 March, Prime Minister Manuel Valls presented at the Council of Ministers a draft law on intelligence services that will increase certain powers of France’s intelligence agencies in the fight against terrorism. According to media reports, the new draft legislation will give intelligence agencies the power to undertake surveillance activities usually restricted to the criminal prosecution, and without judicial authorization, if no other means is available. It will also create an obligation for Internet and communications providers to guarantee direct access to metadata. Several human rights organizations have criticized the proposed law as extremely intrusive of privacy rights. The Council of Europe Commissioner for Human Rights, Nils Muiznieks, said that “if they are adopted, this legislation could have the effect of killing freedom and creating a dangerous social climate in which all individuals are considered potential suspects.”

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

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

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

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

### **The Netherlands: Court declares data retention law in breach of privacy and data protection rights**

On 11 March, the Court of The Hague ruled that the Dutch data retention law was invalid because it breached the rights to privacy and data protection of persons residing in the Netherlands, contrary to articles 7 and 8 of the EU Charter of Fundamental Rights. The case was brought by the Dutch Section of the International Commission of Jurists, Privacy First, the Dutch Association of Criminal Defense Lawyers, the Dutch Association of Journalists, ISP BIT, telecom companies VOYS and SpeakUp and other organizations. The data retention law, largely modelled after the EU Data Retention Directive declared invalid by the Court of Justice of the EU in April 2014, allows for retention of data for a year and an obligation for Internet providers to store clients’ use information for six months. The court found that the rights to privacy and data protection were violated because the law did not subject data access to review by a court of administrative agency.

[Judgment \(Dutch\)](#)

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

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

### **Bulgaria: Minister of justice presents new draft terrorism offences**

On 10 March, the Ministry of Justice of Bulgaria presented a draft law amending the Criminal Code and introducing new criminal terrorism offences as measures to implement UN Security Council 2178 (2014) on foreign terrorist fighters. According to media reports, the new draft law would establish in criminal law the offences of “traveling with the goal of preparing, planning or participating in terrorism,” participating in the financing, planning or preparation of a terrorist act or in support of acts of terrorism, providing or receiving terrorist training and preaching or instigating discrimination, violence or hatred. The draft law also includes cyber-terrorism offences and provides for punishments between eight and ten years of imprisonment.

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

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

### **FYR Macedonia: Mass surveillance programme unveiled by opposition leader**

On 25 February, opposition leader Zoran Zaev denounced the illegal surveillance by members of the government, including Prime Minister Nikola Gruevsky and his cousin, Saso Mijalkov, head of the security service, of over 20,000 people in the country of two million inhabitants. Zoran Zaev, who played six audio recordings of the surveillance, said that persons under surveillance included pro-government and opposition media editors

and journalists. Prime Minister Nikola Gruevski answered to the accusation by indicting Zoran Zaev of plotting to bring down the government. International news agencies reported that, in a press conference, the Prime Minister read police reports and parts of the indictment and, when asked why he seemed to be leading the prosecution, he replied "because I decided that way."

[NGO Statement](#)

[Press Article](#)

## UNITED NATIONS & REGIONAL ORGANIZATIONS

### **UN: Human Rights Council establishes Special Rapporteur on the right to privacy**

On 26 March, the UN Human Rights Council adopted a resolution establishing for three years a special rapporteur on the right to privacy. Among her or his tasks, the new special rapporteur is mandated to gather "relevant information, including on international and national frameworks, national practices and experience, to study trends, developments and challenges in relation to the right to privacy and to make recommendations to ensure its promotion and protection, including in connection with the challenges arising from new technologies." Furthermore, he or she will be responsible to "identify possible obstacles to the promotion and protection of the right to privacy, to identify, exchange and promote principles and best practices at the national, regional and international levels, and to submit proposals and recommendations to the Human Rights Council in that regard, including with a view to particular challenges arising in the digital age" and to "raise awareness concerning the importance of promoting and protecting the right to privacy, including with a view to particular challenges arising in the digital age, as well as concerning the importance of providing individuals whose right to privacy has been violated with access to effective remedy, consistent with international human rights obligations."

[Resolution](#)

[NGOs Statement](#)

### **UN: Human Rights Council adopts resolution on terrorism and human rights**

On 26 March, the UN Human Rights Council adopted a resolution on the effect of terrorism on the enjoyment of human rights, with a vote of 25 in favour, 16 against and six abstentions. With this resolution, the Council decided to convene a panel discussion at its 29<sup>th</sup> session in June 2015 on the effects of terrorism on the enjoyment by all persons of human rights and fundamental freedoms. The resolution, reaffirming that States "must ensure that any measure taken to counter terrorism should be in line with national legislations and in conformity with international law, in particular international human rights law and international humanitarian law," condemns "all terrorist acts, and expresses grave concern at their detrimental effects on human rights, including the right to life, liberty and security of person." It further recommends that States consider the needs of the victims of terrorism and provide them with satisfaction, reparation and rehabilitation.

[Draft Resolution](#)

### **UN: High Commissioner for Human Rights stresses need to uphold human rights in countering terrorism**

On 2 March, the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, delivered his opening address at the High Level Segment of the UN Human Rights Council. In his speech, the High Commissioner, in referring to the cruelty and horrors of extremism and terrorism, stressed that "if we are not careful, if we are not completely principled and cunning in our collective attempt to defang them, we will, unwittingly and inexcusably, be advancing their interests." He stated that "international humanitarian law and international human rights law cannot be trifled with or circumvented, but must be fully observed." He

noted that some “policy-makers persuade themselves that their circumstances are exceptional, creating a wholly new reality unforeseen by the law” and reminded the international community that “policy-makers persuade themselves that their circumstances are exceptional, creating a wholly new reality unforeseen by the law.”

[HCHR Speech](#)

[Press Article](#)

### **EU: Parliament’s rapporteur presents position on new EU PNR proposal**

On 26 February, the European Parliament Rapporteur on the proposal for a Directive to establish a EU Passenger Name Record (PNR) presented a report on proposed changes to the European Commission’s already modified proposal. These amendments would, reportedly, narrow its scope “to cover terror offences and serious “transnational” crime,” would require deletion of data after thirty days, would include intra-EU flights in the scope of the directive, and allow access to PNR data for five years for terrorism but to four years for other crimes. On 12 March, the Council for Justice and Home Affairs of the EU agreed to “engage actively with the European Parliament” in order to approve “a strong and effective EU PNR Directive with solid data protection safeguards.”

[Report](#)

[Council Statement](#)

[EP Statement](#)

### **EU: Parliament approves resolution on EU-Arab League anti-terrorism cooperation**

On 12 March, the European Parliament approved a resolution on a recent memorandum of understanding between the European Union and the League of Arab States on counter-terrorism cooperation. The European Parliament asked “for the MoU to be published so that its content can be subject to democratic and judicial oversight,” and called “on the authorities of EU and LAS member states to respect the prohibition of torture as it is most notably enshrined in the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which most of them have signed and ratified; reiterate d that forced confessions under torture are not valid.” The Parliament’s resolution reaffirms “the need to maintain a balance between freedom and security in response to the terrorist threats and to consider all measures to be taken from the point of view of the compatibility of these measures with the rule of law and the requirements of fundamental rights” and recalls that “counter-terrorism measures may never be abused to repress legitimate dissent, or to violate people’s universal human rights”. It also “calls on the EU to build clear safeguards into its cooperation with third countries, to ensure it does not directly or indirectly support or legitimise the repression of legitimate organisations and individuals in the name of countering terrorism.”

[Resolution](#)

[EP Statement](#)

### **Council of Europe: Drafting group approves draft anti-terrorism convention**

On 26 March, the Committee on Foreign Terrorist Fighters and Related Issues (COD-CTE) of the Council of Europe published its proposal for a draft Committee on Foreign Terrorist Fighters and Related Issues (COD-CTE) of the Council of Europe, after three closed sessions in one month. The new draft includes criminal offences of participation in an association or group for the purpose of terrorism, receiving training for terrorism, travelling abroad for the purpose of terrorism, funding travelling abroad for the purpose of terrorism, and organizing or otherwise facilitating travelling abroad for the purpose of terrorism. The ICJ and Amnesty International had presented two written submissions to the Committee expressing concern at the lack of definition of central concepts like “terrorism”, “terrorist acts”, and “foreign fighters”, the risk of introducing criminal offences lacking the clarity, accessibility and foreseeability required by the principle of legality, the risk of conflation of different legal regimes, notably of international humanitarian law and ordinary criminal law and the need to ensure that any criminalization of acts or omissions must have a close connection to the commission of the principal criminal offence, with a real risk that such a principal criminal act would in fact take place.

[Draft Protocol](#)

[NGOs Submission 1](#)

[NGOs Submission 2](#)

[Blog Comment](#)

## **Council of Europe: Legal Affairs Committee calls for whistleblowers protection convention**

On 18 March, the Legal Affairs and Human Rights Committee of the Council of Europe adopted a draft resolution calling for the drafting of a new convention on the protection of whistleblowers. The draft resolution, which recalls the Tshwane Principles on Access to information and national security, called on the members of the Council of Europe and observers States, to “enact whistleblower protection laws also covering employees of national security or intelligence services and of private firms working in this field” and to “grant asylum as far as possible under national law, to whistleblowers threatened by retaliation in their home countries provided their disclosures qualify for protection.” The Committee called on the “United States of America to allow Mr. Snowden to return without fear of criminal prosecution under conditions that would not allow him to raise the public interest defence.” The draft resolution will be discussed in plenary next June.

[Draft Report](#)

[PACE Statement](#)

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