

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

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## **AFRICA & MIDDLE EAST**

**Cameroon:** Opposition members arrested and detained under new anti-terrorism law

**Nigeria:** UN Human Rights Council urges States to tackle Boko Haram's human rights abuses

**Kenya:** Government puts two human rights organizations on terrorists list

**Kenya:** Government raises "anti-terrorism" barrier at Somali border

**Djibouti:** New report documents Djibouti complicity in US rendition programme

**Ethiopia:** UN Special Rapporteurs urge release of bloggers and journalists

**Tunisia:** Draft anti-terrorism law not in line with international law, says Human Rights Watch

**Egypt:** Human Rights Watch calls for retrial of persons convicted by military court

**Israel:** UN calls for end to the use of administrative detention

## **AMERICAS**

**USA:** Senators presents Bill extending validity of NSA surveillance programme

**USA/Cuba:** President Obama takes Cuba off terrorism sponsors list

**USA:** New York Times reveals report on NSA surveillance and surveillance courts

**USA:** Reports challenge official "near precision" doctrine of drone strikes

## **ASIA - PACIFIC**

**Pakistan:** UN welcomes Supreme Court decision to suspend military courts' death sentences

**Pakistan/USA:** High Court admits complaint on CIA drone strikes

**Thailand:** UN High Commissioner alarmed by Prime Minister's special powers

**Malaysia:** UN High Commissioner concerned at new anti-terrorism law

**Malaysia:** UN High Commissioner alarmed at new anti-secession powers

**New Zealand:** Inspector-General launches inquiry into intelligence services

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

**UK:** Human rights organizations challenge UK surveillance programme before European Court of Human Rights

**France:** National Human Rights Commission criticizes draft intelligence law

**Germany:** German secret services feeding surveillance intelligence to NSA

**Italy:** Emergency law decree on foreign fighters becomes law

**Romania:** Former President confirms existence of CIA secret detention site

**Turkey:** Criminalizing critical speeches on Kurdistan against freedom of expression, rules European Court of Human Rights

**Russian Federation:** European Court finds human rights violations in counter-terrorism operation

## **UNITED NATIONS & REGIONAL ORGANIZATIONS**

**UN:** UN Congress calls for criminal justice approach to tackle terrorism

**UN:** Special Rapporteurs stress centrality of human rights in fighting terrorism

**EU:** Data protection watchdog critical of EU passengers name record plan

**EU:** European Commission publishes security measures plan

**Council of Europe:** Parliamentary Assembly asks for modifications in draft foreign fighters protocol

**Council of Europe:** Parliamentary Assembly calls for respect of international law in targeted killings

**Council of Europe:** Parliamentary Assembly calls on States to secure data protection rights

**Council of Europe:** Venice Commission updates opinion on oversight of security services and surveillance

**EU and Western Balkans:** Ten States agree on common anti-terrorism approach

## AFRICA & MIDDLE EAST

### **Cameroon: Opposition members arrested and detained under new anti-terrorism law**

On 3 April, Nfor Ngala Nfor, Vice National Chairman of the separatist movement Southern Cameroons National Council (SCNC), and six other members of the movement, were arrested in Buea, Southwest Region, reportedly under the recently enacted Law on the Fight Against Terrorism. They had been detained for four days and claimed to have been beaten while in detention. According to Martin Fon Yembe, a member of the movement, the anti-terrorism law is being used to repress the opposition. The SCNC is demanding independence of the English-speaking Northwest and Southwest Regions of the country. Enacted on 4 December 2014, the Law on the Fight Against Terrorism introduced the death penalty for any person that is convicted of doing or threatening any act capable of causing the death or putting in danger the physical integrity of a person, or causing physical, material or environmental damage with the intention of instilling fear and constraining the activities of public bodies or causing insurrection. The death penalty is also introduced for ancillary terrorism offences, including financing of terrorist activities or organizations, money laundering of the proceeds of terrorist acts, or recruitment for terrorism purposes. The maximum length of police custody (*garde-à-vue*) is increased to fifteen days and is renewable.

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

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

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

### **Nigeria: UN Human Rights Council urges States to tackle Boko Haram's human rights abuses**

On 1 April, the UN Human Rights Council held a special session on the human rights abuses perpetrated by Boko Haram, an armed group active in Nigeria and neighbouring countries and considered by several States as a terrorist organization. Under the resolution adopted at the conclusion of the special session, the Human Rights Council strongly condemned "the gross abuses of international human rights law and violations of international humanitarian law perpetrated by Boko Haram." The Council called for "increased collaboration of the international community with the States affected by the terrorist activities of Boko Haram to monitor and dry up all possible sources of financing" and requested "the Office of the High Commissioner for Human Rights to prepare a report on violations and abuses of human rights and atrocities committed by the terrorist group Boko Haram with a view towards accountability."

[UN Statement 1](#)

[UN Statement 2](#)

[UN Statement 3](#)

### **Kenya: Government puts two human rights organizations on terrorists list**

On 7 April, the Kenyan Government published in the Official Gazette a list of 86 individuals and entities proscribed under the Prevention of Terrorism Act 2012 (POTA). This listing was in response to an attack on 4 April by Al-Shabaab, a Somali armed group considered by the international community to be a terrorist organization, against the Garissa University College in which 147 people died, of which 142 were students. On 13 April, Human Rights Watch urged the Government to take off this list two human rights organizations that have been arbitrarily inserted: Muslims for Human Rights (MUHURI) and Haki Africa. Human Rights Watch reported that, in likely violation of both national and international law: the organizations had not been notified of their insertion on the list; the time of one day to contest listing was insufficient; and there were no mechanisms to appeal against the decision. MUHURI had published, with Open Society Justice Initiative, a report on the human rights violations committed by the Anti-Terrorism Police Unit in November 2013.

[NGO Statement](#)

[Press Article](#)

[Report](#)

### **Kenya: Government raises “anti-terrorism” barrier at Somali border**

On 17 April, the Deputy President, William Ruto, and the Ministry of Interior Spokesman, Mwenda Njoka, announced the beginning of the construction of a barrier across the border with Somalia in order to prevent the entry into Kenya of members of Al-Shabaab, a Somali armed group considered by the international community to be a terrorist organization. The decision was in reaction to Al-Shabaab's attack on 4 April against the Garissa University College in which 147 people died, of which 142 were students. The Ministry of Interior Spokesman stated that “people with legal documents will be allowed to cross as security agents capture their data.” The barrier will reportedly “involve a combination of putting up obstacles and digging trenches, especially in areas which are not navigable, to prevent people from crossing into and from the country. There will be CCTV cameras powered by solar and a control centre manned by border patrol units, where information on possible threats will be received, tabulated and action taken in real time. Some areas will have electric fences.”

Press Article

### **Djibouti: New report documents Djibouti complicity in US rendition programme**

On 22 April, the Justice Forum, Haki Africa and ICJ-Kenya published, through the news agency VICE News, a report documenting that secret detention used “for the temporary detention, interrogation, and torture of terrorism suspects by US intelligence and military personnel,” in the frame of the US-led rendition programme, was allowed by Djibouti authorities. The report, submitted as part of on-going litigation before the African Commission on Human and Peoples' Rights, states that “at least six terrorism suspects captured by US authorities after 9/11 were held incommunicado in Djibouti, ...where they were interrogated about their alleged ties to terrorism and subjected to interrogation techniques that rose to the level of torture.”

Report

Press Article

### **Ethiopia: UN Special Rapporteurs urge release of bloggers and journalists**

On 24 April, the UN Special Rapporteur on freedom of opinion and expression, David Kaye, and the UN Special Rapporteur on freedom of peaceful assembly and of association, Maina Kiai, urged Ethiopian authorities to release six bloggers, members of the collective “Zone Nine”, and three other journalists, after their detention for one year was characterised by them as “absolutely unacceptable.” The bloggers had been arrested on 25 and 26 April 2014 and are accused, under the Anti-Terrorism Proclamation 2009, of “working with foreign human rights organizations and inciting violence through social media to create instability in the country.” The Special Rapporteurs stressed that “prosecuting journalists who are legitimately exercising their right to freedom of expression creates a system of self-censorship in which journalists must choose between limiting their speech, living in exile, or facing years in prison.” Human Rights Watch also called for their immediate release because “unreasonable delays, lack of access to lawyers, and various procedural irregularities raise serious concerns about the defendants’ rights to due process and a fair trial.”

UN Statement

NGO Statement

### **Tunisia: Draft anti-terrorism law not in line with international law, says Human Rights Watch**

On 8 April, Human Rights Watch sent to the National Assembly of Tunisia a report outlining the human rights shortcomings of a draft anti-terrorism law tabled by the Government on 26 March 2015. According to the human rights organization, the law, if approved, “would permit extended incommunicado detention, weaken due process guarantees for people charged with terrorism offenses, and allow the death penalty.” It “would allow police to hold suspects in incommunicado pre-charge detention for up to 15 days with a prosecutor’s consent and without bringing the person before a judge. During that time the suspect would have no access to a lawyer or contact with their family,

increasing the risk of torture.” Furthermore, it “would allow a death sentence for anyone convicted of a terrorist act.”

**NGO Statement**

**Egypt: Human Rights Watch calls for retrial of persons convicted by military court**

On 4 April, Human Rights Watch called for the stay of executions, and retrial before a civilian court, of six men that have been convicted and sentenced to the death penalty by a military court for “belonging to the Egyptian insurgent group Ansar Beit al-Maqdis, or Partisans of Jerusalem, and ... participating in attacks on security forces, including a gunfight on March 19, 2014, in Arab Sharkas, a village north of Cairo, which killed an armed forces brigadier general and colonel.” Two other convicted persons were sentenced to life imprisonment. One further person was tried in absentia and convicted to death. The human rights organization stated that military courts have “routinely abandoned due process.”

**NGO Statement**

**Israel: UN calls for end to the use of administrative detention**

On 10 April, the Office of the UN High Commissioner for Human Rights called on Israel to put an end to the “continued and increasing use of administrative detention by Israeli authorities against Palestinians, who are being held without charge or trial, often on the basis of secret evidence, for periods of up to six months,” as this is in violation of the Fourth Geneva Convention. The OHCHR referred to the recent arrest on 2 April of Palestinian Legislative Council (PLC) member Khalida Jarrar, now subject to administrative detention. It also reported that, “as of February this year, there are reportedly 424 Palestinians held under administrative detention orders – more than double the 181 held at the same time last year.” The OHCHR called on Israel “to either release without delay or to promptly charge all administrative detainees and prosecute them with all the judicial guarantees required by international human rights law.”

**UN Statement**

**AMERICAS**

**USA: Senators presents Bill extending validity of NSA surveillance programme**

On 21 April, the Senate Majority Leader from the Republican party, Mitch McConnell, and the Senate Select Intelligence Committee Chairman, Richard Burr, presented Bill No. S.1035 which seeks to renew the validity of section 215 of the USA PATRIOT Act for a further five years. This part of the Act has been used by the National Security Agency (NSA) as a legal ground for the mass surveillance of phone communications in the USA, unveiled by former NSA agent and whistle-blower Edward Snowden. The two Senators have requested to bypass the traditional committee vetting process to instead examine the Bill in plenary session. Human Rights Watch called for the withdrawal of this Bill.

**NGO Statement**

**Press Article**

**USA/Cuba: President Obama takes Cuba off terrorism sponsors list**

On 14 April, President Barack Obama took the decision to take Cuba off the US list of States sponsoring “terrorism.” The decision was taken after an historic meeting between Obama and Raul Castro, Cuba’s President, and the recommendation of the State Department. President Obama said that Cuba had “not provided any support for international terrorism during the preceding six-month period” and that it had “provided assurances that it will not support acts of international terrorism in the future.” It added that US “concerns over a wide range of Cuba’s policies and actions fall outside the criteria that is relevant to whether to rescind Cuba’s designation as a state sponsor of terrorism.” Previously, on 24 March, the US Office of Foreign Assets Control (OFAC) had already

removed 28 Cuban enterprises, eleven boats and six persons from the OFAC list of entities and individuals “linked to terrorism or drug trafficking.”

[Press Article 1](#)

[Press Article 2](#)

### **USA: New York Times reveals report on NSA surveillance and surveillance courts**

On 24 April, the New York Times published a document of the National Security Agency, partially declassified by the US Government during a Freedom of Information Act lawsuit, which reveals that the NSA “warrantless surveillance and bulk data collection program hampered its effectiveness.” The report considers the NSA programme “Stellarwind”, which “was a joint project in 2009 by inspectors general for five intelligence and law enforcement agencies.” According to the report, the Bush Administration in 2002 told the then chief judge of the Foreign Intelligence Surveillance Court, Royce C. Lamberth, of the existence of the surveillance programme. The report reveals that the then Justice Department legal adviser, James A. Baker, developed “procedures to make sure that warrant applications using information from Stellarwind went only to the judges who knew about the program: first Judge Lamberth and then his successor, Judge Colleen Kollar-Kotelly.” It finally reports opinions of Justice Department officials that the secret memorandum of John Yoo, then Deputy Assistant U.S. Attorney General in the Office of Legal Counsel, justifying the programme “was flawed.”

[Report](#)

[Press Article](#)

### **USA: Reports challenge official “near precision” doctrine of drone strikes**

On 13 April, the Open Society published a report, *Death by Drone*, documenting nine cases that “provide credible evidence that U.S. airstrikes have killed and injured Yemeni civilians. These incidents include a drone strike that killed 12 people, including a pregnant woman and three children, and another in which the U.S. struck a house containing 19 people, including women and children.” The report challenges the assumption of the US Government that drone strikes hit targets with a “near-certainty” precision. It also documents that the effects of this programme are counter-productive. The report “exposes the suffering of civilians directly affected by U.S. airstrikes: innocent people burned alive, parents who saw their children killed, families that lost breadwinners, and traumatized communities that continue to live under the threat of drones.” On 17 April, The Intercept revealed that, according to documents provided in a court trial in Germany concerning complicity in US drone strikes due to the use by the US of the Rahmstein base, in the context of an operation on 31 August 2012, US operatives know that two “bystanders”, Waleed bin Ali Jaber and Salim bin Ali Jaber, had been killed. On 23 April, President Obama publicly apologized for the death of an Italian hostage and humanitarian worker, Giovanni Lo Porto, in a CIA drone attack in the border region between Pakistan and Afghanistan.

[Report](#)

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

## **ASIA - PACIFIC**

### **Pakistan: UN welcomes Supreme Court decision to suspend military courts' death sentences**

On 21 April, the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Ben Emmerson, the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan Méndez, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, the Chair-Rapporteur of the UN Working Group on arbitrary detention, Mads Andenas, the UN Special Rapporteur on the independence of judges and lawyers, Gabriela Knaut, and the Chair of the UN Working Group on enforced or involuntary disappearance, Ariel Dulitzky, welcomed the decision of the Supreme Court to suspend death sentences imposed by military courts. The UN experts had already



previously expressed concern over the use of military courts in Pakistan, the lack of respect of fair trial rights in military courts, and the end of the moratorium on the death penalty. On 15 April, the ICJ released a briefing paper providing answers to “questions regarding the legal framework and political context of Pakistan’s move to allow military courts to try civilians for offenses allegedly related to terrorism.” The paper was released ahead of the start of the Supreme Court hearings on the constitutional challenges to the newly enacted legal framework granting jurisdiction to military courts to try civilians for terrorism related offences.

[UN Statement](#)

[ICJ Statement](#)

[Press Article](#)

### **Pakistan/USA: High Court admits complaint on CIA drone strikes**

On 7 April, the High Court of Islamabad reportedly registered a case against former CIA station chief Jonathan Banks, alleging his involvement in the killing by a drone strike of the brother and son of Haji Abdul Karim Khan. The Court admitted the complaint and dismissed previous decisions by a lower court and the Inspector General of Islamabad that the case affected foreign policy and that courts had no jurisdiction on the Federally Administered Tribal Areas (FATA) where the strike took place. On 13 April, in another case, the Supreme Court rejected a request to suspend US drone attacks in the FATA region.

[Press Article 1](#)

[Press Article 2](#)

### **Thailand: UN High Commissioner alarmed by Prime Minister’s special powers**

On 2 April, the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, expressed alarm at the news that the military Government, led by Prime Minister General Prayuth Chan-ocha, was given special powers under article 44 of the Interim Constitution while at the same time revoking martial law and the state of emergency. The High Commissioner was said to be “alarmed at the decision to replace martial law with something even more draconian, which bestows unlimited powers on the current Prime Minister without any judicial oversight at all. This clearly leaves the door wide open to serious violations of fundamental human rights.” According to article 44 and its implementing orders, “military personnel down to the rank of Second Lieutenant may be appointed as “peace and order maintenance officers” with sweeping law enforcement powers, including to search, arrest and detain without judicial oversight.” It allows the Prime Minister to “issue any legislative, executive or judicial order.” The High Commissioner stated that “this means the sweeping away of all checks and balances on the power of the Government, rendering the lifting of martial law meaningless.” On 31 March, the ICJ had called on the Government to revoke these special powers.

[UN Statement](#)

[ICJ Statement](#)

### **Malaysia: UN High Commissioner concerned at new anti-terrorism law**

On 9 April, the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, expressed concern over the enactment on 7 April of the Prevention of Terrorism Act (POTA) which contains “provisions that allow the indefinite detention of individuals without trial and grant sweeping powers to law enforcement authorities without sufficient safeguards to prevent abuses and to ensure accountability for violations of human rights.” The ICJ and other human rights organizations criticized the passage of POTA as a serious step back in the process of respecting human rights in security policies and called it another “unlawful Internal Security Act with another name”, referring to colonial era legislation which had allowed for indefinite administrative detention of suspects. According to the ICJ, under this law, “persons may be sent to prolonged administrative detention on security grounds, on a permanent basis, while the draft law also precludes any effective inquiry by the judiciary into the lawfulness of any other aspect of the arrest or detention of persons arrested under this law.”

[UN Statement](#)

[NGO Statement 1](#)

[NGO Statement 2](#)

[NGO Statement 3](#)

### **Malaysia: UN High Commissioner alarmed at new anti-sedition powers**

On 9 April, the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, expressed concern over the enactment, after a final parliamentary vote of 108 Members in favour and 79 Members against, of amendments to the 1948 Sedition Act that "risk seriously undermine freedom of expression and opinion throughout the country" and recalled the past use of this law "to curb the legitimate exercise of freedom of expression in Malaysia – including through the arrests of individuals for merely tweeting their criticism of Government policies and judicial decisions." The Malaysian Bar, the Advocates' Association of Sarawak and the Sabah Law Association was said to be "appalled" at these amendments. The ICJ condemned the passage of this law, whose amendments "broaden and deepen even further the scope for this law to be abused by authorities in order to violate human rights."

**UN Statement**

**NGO Statement 1**

**NGO Statement 2**

### **New Zealand: Inspector-General launches inquiry into intelligence services**

On 26 March, the Inspector-General of Intelligence and Security, Cheryl Gwyn, announced to have launched an inquiry into the activities of the New Zealand Intelligence Service and the Government Communications Security Bureau (GCSB), after allegations by The Intercept and the New Zealand Herald that these agencies spy on Pacific countries on behalf of, and feed information to, the 'Five Eyes' countries (New Zealand, Australia, Canada, USA and UK). On 14 April, the two news outlets revealed that "New Zealand spies teamed with National Security Agency hackers to break into a data link in the country's largest city, Auckland, as part of a secret plan to eavesdrop on Chinese diplomats." On 15 April, they reported that GCSB "shared intelligence with state security agents in Bangladesh, despite authorities in the South Asian nation being implicated in torture, extrajudicial killings and other human rights abuses."

**Press Article 1**

**Press Article 2**

**Press Article 3**

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

### **UK: Human rights organizations challenge UK surveillance programme before European Court of Human Rights**

On 10 April, the American Civil Liberties Union, Amnesty International, Bytes for All, the Canadian Civil Liberties Association, the Egyptian Initiative for Personal Rights, the Hungarian Civil Liberties Union, the Irish Council for Civil Liberties, the Legal Resources Centre, Liberty, Privacy International filed a submission to the European Court of Human Rights challenging the "mass bulk interception, collection, inspection, distribution and retention of communications on a vast, unprecedented scale" in the UK. They contend that the "UK Government's interception, inspection, retention and storage and disclosure of the Applicants' communications (content and 'communications data') and its receipt, inspection, retention and storage of such communications from the US Government was not in accordance with the law and was disproportionate" and therefore in violation of articles 8 and 10 of the European Convention on Human Rights (ECHR). They further complain of a violation of the right to non-discrimination and of their right to a fair trial.

**Application**

### **France: National Human Rights Commission criticizes draft intelligence law**

On 16 April, the National Consultative Commission on Human Rights (CNCDH) published its views on the current draft Law on Intelligence Services under discussion at the National Assembly. The Commission expressed concern at the use by the Government of a fast-track legislative procedure that will not allow for sufficient time to discuss a law with such profound repercussions on human rights and the rule of law. The Commission affirmed that the draft law allows for a "generalized and indiscriminate surveillance" and that the supervision of the National Commission of Supervision of Intelligence Techniques (CNCTR)



will be ineffective both because of the Commission's composition and the lack of binding force of its rulings. The complaint procedure was found not to comply with due process and the right to a fair trial. The Commission expressed concerns that this reform of the intelligence services might affect the principle of separation of powers. Human rights non-governmental organizations also expressed concern that, if approved, the law "include expansive powers for the prime minister to authorize surveillance for purposes far beyond those recognized in international human rights law; lack of meaningful judicial oversight; requirements for private service providers to monitor and analyze user data and report suspicious patterns; prolonged retention periods for some captured data; and little public transparency."

**Opinion (F)**

**NGO Statement 1 (E)**

**NGO Statement 2 (E)**

### **Germany: German secret services feeding surveillance intelligence to NSA**

On 24 April, Der Spiegel revealed that the German secret service Bundesnachrichtendienst (BND) collaborated with the US National Security Agency (NSA) for the last ten years and helped it obtain surveillance information. The report revealed that "NSA selectors were not only limited to terrorist and weapons smugglers. Their searches also included the European defense company EADS, the helicopter manufacturer Eurocopter and French agencies." Reportedly, the heads of the two intelligence agencies "established joint working groups, one for the acquisition of data, called Joint Sigint Activity, and one for the analysis of that data, known as the Joint Analysis Center." According to press reports, "BND officials provided intelligence data in up to 40,000 instances after U.S. requests, the report said, adding that one of the NSA targets was the Franco-German aerospace company EADS, which renamed itself Airbus Group last year." Subsequent news reports documented that the BND assisted the NSA in the espionage of other countries' sensitive facilities, including the French Presidential Palace, the Elysée, the French foreign ministry and the European Commission. The Federal Prosecutor has announced that he is assessing whether any criminal law has been breached through these practices, before starting any criminal investigation.

**Press Article 1 (German)**

**Press Article 2 (German)**

**Press Article 3 (German)**

**Press Article 4 (E)**

**Press Article 5 (E)**

### **Italy: Emergency law decree on foreign fighters becomes law**

On 17 April, the emergency Law Decree "Urgent measures to fight terrorism, also international, and to extend international missions of the army and of the police, and initiatives of development cooperation" was published in the Official Gazette, as modified and approved by Parliament. The Decree introduces the criminal offence of organizing, financing and advertising travel for the purpose of committing terrorist acts, the extension of the crime of terrorism for persons recruited to terrorism but not into a terrorist organization, and the punishment of persons who 'self-train' in terrorist techniques. The law extends the use of control orders to 'potential' foreign fighters, including through passport seizures of terrorist suspects, and it increases maximum sentences for the offences of apology and incitement to terrorism.

**Law (Italian)**

**Press Article (Italian)**

### **Romania: Former President confirms existence of CIA secret detention site**

On 22 April, former President Ion Iliescu, in office between 2000 and 2004, admitted in an interview with Spiegel Online that he knew that "our american allies had asked for a place" in Romania, referring to the CIA, but that he did not know for what use. President Iliescu stated that "we have not meddled into what the USA was doing in this place. ...We were allies, we are together at war in Afghanistan and in Middle East". He stated that he therefore had not entered into details or asked questions concerning the US request. The alleged detention centre is supposed to have been used in the frame of the CIA rendition, detention and interrogation programme and is said to have hosted Guantánamo detainees

including Khalid Sheikh Mohammed and Abd Al-Rahim al Nashiri. Al Nashiri has filed a case before the European Court of Human Rights alleging that acts of torture were perpetrated against him in at that detention centre. A Parliamentary inquiry in 2008 did not find any proof of the existence of such centre. The President of the Parliamentary Assembly of the Council of Europe called on the Romanian public prosecutor to seriously investigate these events.

**PACE President Statement (F)**

**Press Article (German)**

### **Turkey: Criminalizing critical speeches on Kurdistan against freedom of expression, rules European Court of Human Rights**

On 31 March, the European Court of Human Rights ruled that Turkey had violated the right to freedom of expression of Senanik Öner and Ferhan Türk, who had been convicted under the country's terrorism law for "disseminating terrorist propaganda" with respect to a speech they delivered during a public event. The Court held that "the speech in question consisted of a critical assessment of Turkey's policies concerning the Kurdish problem. The applicants expressed discontent with respect to certain policies of the government, the practices of the security forces, and the detention conditions of Abdullah Öcalan, whereas the domestic courts considered that the impugned speech contained terrorist propaganda. The Court considers that, taken as a whole, the applicant's speech does not encourage violence, armed resistance or an uprising... and therefore did not constitute hate speech." It ruled that the conviction of the applicants was a disproportionate interference with their right to freedom of expression and was not "necessary in a democratic society." On 13 April, a Dutch journalist was acquitted of the charge of "propaganda in support of a terrorist organization" under article 7.2 of Turkey's terrorism law for having written books and articles on Kurdistan issues.

**Judgment**

**Press Article**

### **Russian Federation: European Court finds human rights violations in counter-terrorism operation**

On 23 April, the European Court of Human Rights ruled that the Russian Federation had violated the right to life of Rizvan Aziyev, arrested by State officers on 31 October 2009 in the framework of security operations in Chechnya. The Court ruled that Mr Aziyev is presumed to be dead in light of the prolonged enforced disappearance to which he had allegedly been subjected. The Court also held that the enforced disappearance 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 family members, in violation of article 3 ECHR. The Court also ruled that the investigations into the enforced disappearance had been ineffective, in violation of the procedural requirement under article 2 of the ECHR and of the right to an effective remedy under article 13 of the ECHR. Rizvan Aziyev had been previously arrested in 2005 in Irkutsk and convicted for participation in illegal armed groups. He had been released in 2008 upon completion of the sentence.

**Judgment**

## **UNITED NATIONS & REGIONAL ORGANIZATIONS**

### **UN: UN Congress calls for criminal justice approach to tackle terrorism**

On 31 March, a Doha Declaration was adopted at the conclusion of the 13<sup>th</sup> UN Congress on Crime Prevention and Criminal Justice. In the Declaration, UN Member States recognize "the importance of effective, fair, humane and accountable crime prevention and criminal justice systems and the institutions comprising them as a central component of the rule of law. We commit ourselves to holistic and comprehensive approaches to countering... terrorism..., along with broader programmes or measures for social and economic development, poverty eradication, respect for cultural diversity, social peace and social

inclusion.” The Declaration calls for the adoption of measures of support for victims of terrorism, capacity-building programmes, tackling of hostage-taking and strengthening of cooperation at “the international, regional, subregional and bilateral levels, to counter the threat posed by foreign terrorist fighters, including through enhanced operational and timely information-sharing, logistical support, as appropriate, and capacity-building activities.”

[Declaration](#)

[Congress Webpage](#)

### **UN: Special Rapporteurs stress centrality of human rights in fighting terrorism**

On 16 April, following terrorist attacks in Kenya that left 147 persons dead, of which 142 were students, the UN Special Rapporteur on the promotion and protection of human rights while countering terrorism, Ben Emmerson, and the UN Special Rapporteur on freedom of religion, Heiner Bielefeldt, affirmed in a press release that “only through strict adherence to international human rights standards can the world's counter-terrorism strategies ultimately succeed.” The two UN experts stated that there is a “urgent need to re-think counter-terrorism responses based on law enforcement and military force” and that “the suffering of victims should never be misused as a pretext to deny the human rights of those suspected of terrorism.” Finally, they called on Member States to move “towards the adoption of a specific international instrument setting out the rights of victims of terrorism and the corresponding obligations on States.”

[Statement](#)

### **EU: Data protection watchdog critical of EU passengers name record plan**

On 19 March, the Article 29 Data Protection Working Party, gathering experts from all EU Member States’ national data protection authorities, submitted to the European Parliament's Civil Liberties, Justice and Home Affairs Committee (LIBE) its views on the proposal for the establishment of a EU Passenger Name Record (PNR) system. In the Working Party’s opinion, “the necessity of an EU PNR scheme still has to be justified” and any such scheme must “take the CJEU data retention judgment into account.” Furthermore, the experts stated that “the scope of the offences should be further reduced and the retention period shortened and clearly justified.” Finally, the Working Party insisted “on the necessity to present as soon as possible a detailed evaluation of the efficiency of the PNR scheme” and on the introduction of a sunset clause.

[Opinion](#)

### **EU: European Commission publishes security measures plan**

On 28 April, the European Commission published its European Agenda on Security outlining its priorities in the field over the next five years. The Agenda expresses the “need to ensure full compliance with fundamental rights” and stresses that “(s)ecurity and respect for fundamental rights are not conflicting aims, but consistent and complementary policy objectives.” In the detail of the measures foreseen to counter terrorism, the Agenda expresses the need to set up common risk indicators, to have common high standards for border management, and urges the European Parliament and the Council of the EU to finalise their work “on the establishment of an EU Passenger Name Record... fully compatible with the Charter of Fundamental Rights.” It points out the need for common rules on data protection, and reports that the EU is negotiating with the US “an international framework agreement... in order to ensure a high level of protection of personal data.”

[Agenda](#)

### **Council of Europe: Parliamentary Assembly asks for modifications in draft foreign fighters protocol**

On 23 April, the Parliamentary Assembly of the Council of Europe (PACE) adopted its opinion on the draft Additional Protocol to the Convention for the Prevention of Terrorism addressing the phenomenon of foreign fighters. Having noted the concerns of several

human rights organizations, including the ICJ, the PACE stressed that human rights guarantees were not sufficiently reflected in the Protocol and requested the insertion of more human rights protection clauses as well as, amongst other things, specific references to the right to a fair trial. It further noted that the introduction of the offence of “travelling abroad for the purpose of terrorism” may give rise to problems with regard to the rights to freedom of movement and nationality. It finally recalled that there is no internationally agreed definition of terrorism and that the fight against terrorism cannot be conflated in acts of armed conflict.

Opinion

Protocol and more

ICJ&AI Submissions

### **Council of Europe: Parliamentary Assembly calls for respect of international law in targeted killings**

On 23 April, the Parliamentary Assembly of the Council of Europe approved a resolution affirming that States must “scrupulously respect the limits placed on targeted killings under international law and international humanitarian and human rights law, in particular with respect to the use of combat drones”, “lay down clear procedures for authorising strikes, which must be subject to constant supervision by a high-level court and *ex post* evaluation by an independent body”, refrain from extending the notion of non-international armed conflict, “fully and effectively investigate all deaths caused by armed drones in order to hold to account those responsible for any wrongdoing and to compensate any victims of wrongful attacks or their relatives”, and publish the criteria and procedures used to identify the targets and the results of the investigations. The PACE tasked the Secretary General of the Council of Europe to “request information on the manner in which State Parties implement the provisions of the Convention concerning the right to life, with particular reference to their own drone weaponising programmes, and their co-operation with American programmes through information-sharing, and facilitation of targeted killings by drones.”

Resolution

Recommendation

### **Council of Europe: Parliamentary Assembly calls on States to secure data protection rights**

On 21 April, the Parliamentary Assembly of the Council of Europe (PACE) approved a resolution, fostered by the revelations of Edward Snowden, where it urged Member States to “ensure that national law allows the collection and analysis of personal data (including so-called metadata) only with the consent of the person concerned or following a court order granted on the basis of reasonable suspicion of the target being involved in criminal activity; unlawful data collection and treatment should be penalised in the same way as the violation of the traditional confidentiality of correspondence; the creation of ‘back doors’ or any other techniques to weaken or circumvent security measures or exploit their existing weaknesses should be strictly prohibited; all institutions and businesses holding personal data should be required to apply the most effective security measures available.” The resolution calls for better judicial and parliamentary oversight of intelligence services and effective protection for whistleblowers. It calls on the Secretary General of the Council of Europe to use powers in the European Convention on Human Rights to “ask states parties how their surveillance activities comply with the Convention’s human rights standards.”

Resolution

Recommendation

### **Council of Europe: Venice Commission updates opinion on oversight of security services and surveillance**

On 7 April, the Venice Commission published an updated version of its 2007 Report on the Democratic Oversight of the Security Services and Report of the Democratic Oversight of Signals Intelligence Agencies. In this update, the Venice Commission concludes that “(s)ignals intelligence has a very large potential for infringing the right to private life and other human rights” and that it “is necessary to regulate the main elements in statute

form and to provide for strong mechanisms of oversight. The national legislature must be given a proper opportunity to understand the area and draw the necessary balances.”

Opinion

### **EU and Western Balkans: Ten States agree on common anti-terrorism approach**

On 20 March, the Ministers of Foreign Affairs and of the Interior of Croatia, Italy, Slovenia, Austria and of the Western Balkans countries adopted the Vienna Declaration on Tackling Violent Extremism and Terrorism, which establishes a strategy on ‘shaping, preventing and reacting’ to violent extremism and terrorism. Under ‘shaping’, the countries will “support efforts to strengthen social cohesion, as well as living together in freedom and security on the basis of fundamental rights and values.” Under ‘preventing’, they will establish counseling services and join efforts in “monitoring and removing Internet content that promotes terrorism and violence.” Under ‘reacting’, the signatory governments state that “(s)ecuring borders is paramount” and express that the “possible connections between illegal migration and terrorism are a source of concern.”

Declaration

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