

E-BULLETIN ON COUNTER-TERRORISM & HUMAN RIGHTS

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AFRICA & MIDDLE EAST

Egypt: Six men executed after unfair conviction for “terrorism”

On 17 May, six men were executed after having been convicted by a military court of killing two soldiers on 19 March 2014, and of belonging to the group Ansar Beit al-Maqdis, considered a ‘terrorist organization’ by the Government. The ICJ affirmed that their right to a fair trial had been violated and highlighted that all of the accused claimed that they had been subjected to torture and that their right of defence had been undermined. Three of the accused were reportedly already in detention at the time of the attack they were accused of participating in. The ICJ considers that the Egyptian authorities have acted in violation of Egypt’s obligations under international human rights law, including those relating to the right to life, the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and fair trial rights.

[ICJ Statement](#)

[NGO Statement 1](#)

[NGO Statement 2](#)

[Press Article](#)

Tunisia: Human rights organizations call on Parliament to drop controversial draft anti-terrorism provisions

On 13 May, the ICJ joined twelve international organizations to call on Tunisian authorities to amend a controversial Security Bill. The human rights organizations affirmed that the draft anti-terrorism legislation is inconsistent with international human rights law, in particular with Tunisia’s obligations to protect the right to freedom of expression and to uphold the public’s right of access to information, and with the strict standards applicable to the use of lethal force. The Bill contains provisions that could criminalize the conduct of journalists, whistleblowers, human rights defenders or anyone criticizing the police, and would allow security forces to use deadly force even in cases when it is not strictly necessary to protect lives. The Security Bill was presented to Parliament on 10 April following the attack by gunmen on 18 March that killed 23 people at the Bardo Museum in Tunis and a series of lethal attacks on the security forces by armed groups. In their joint statement, the ICJ and twelve other international organizations requested Tunisian legislators to remove these problematic provisions from the draft legislation.

[NGO Statement 1](#)

[NGO Statement 2](#)

AMERICAS

USA: Court of Appeals rules NSA phone surveillance programme to be unlawful

On 7 May, the US Court of Appeals for the Second Circuit of New York ruled that the bulk telephone metadata collection programme run by the National Security Agency (NSA) under section 215 of the PATRIOT Act is unlawful, as it exceeds the scope of what Congress had authorized under this provision. The ruling overturns the previous decision of the District Court of 27 December 2013 and remands the case back to the District Court. The NSA programme is said to be aimed at providing the Government with tools to investigate and prevent acts of terrorism. The Court of Appeals found that, if the expansive interpretation of the Government was correct, “it could use § 215 to collect and store in bulk any other existing metadata available anywhere in the private sector, including metadata associated with financial records, medical records, and electronic communications (including e-mail and social media information) relating to all Americans. Such expansive development of government repositories of formerly private records would be an unprecedented contraction of the privacy expectations of all Americans.” Plaintiffs

challenged the programme on statutory grounds, alleging that it exceeds the authority granted by section 215 of the PATRIOT Act, as well as on constitutional grounds, alleging the programme violates the First and Fourth Amendments to the US Constitution. The Court of Appeals did not address the challenges based on the First and Fourth Amendments to the Constitution.

[Ruling](#)

[NGO Statement](#)

[Press Article](#)

USA: Senate stalls reform and extension of NSA surveillance programme

On 23 May, the US Senate voted down and returned to the House of Representatives the *USA Freedom Act*, that had been previously approved in the House by a majority of 338 against 88, following the ruling of the Court of Appeals for the Second Circuit declaring as unlawful the National Security Agency's (NSA) surveillance programme under section 215 of the PATRIOT Act. The *USA Freedom Act* would have barred the NSA from collecting and storing telephone records, but would have obliged phone companies to keep such data for later access in terrorism investigations. The White House had expressed "strong support" for this reform. On the same day, the Senate failed to reach the sixty votes necessary to advance a Bill that would have extended the existing NSA surveillance programme for a further two months, after Republican Senator Rand Paul stood for ten hours in a speech in the Senate to delay the Bill. With no approved Bill at present, the White House stopped the surveillance programme under section 215 as of 1 June. On 14 May, the Office of the Special Rapporteur for the freedom of expression of the Inter-American Commission on Human Rights called for reform of the NSA surveillance programme "to ensure it complies with the State's obligations under international human rights law."

[OAS Statement](#)

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

USA: Federal jury sentences Dzhokhar Tsarnaev to the death penalty

On 15 May, a US federal jury, after fourteen hours of deliberation, unanimously sentenced Dzhokhar Tsarnaev to the death penalty. Dzhokhar Tsarnaev, an Uzbek national, had been convicted last April for being one of the perpetrators of the terrorist attack at the Boston Marathon of 2013, in which three people died and 240 were wounded. According to press reports, the attack was carried out with "homemade bombs, assembled from pressure cookers loaded with gunpowder and nails." Dzhokhar Tsarnaev was nineteen at the time of the bombing.

[Press Article](#)

USA: Al Jazeera journalists tagged by NSA as "Al Qaeda", reveals The Intercept

On 8 May, The Intercept revealed that the US National Security Agency (NSA) tagged a journalist of Al-Jazeera, Ahmad Muaffaq Zaidan, as a member of Al-Qaeda and placed him on a watch list of "suspected terrorists." According to the news website, "[a] slide dated June 2012 from a National Security Agency PowerPoint presentation bears his photo, name, and a terror watch list identification number, and labels him a 'member of Al-Qa'ida' as well as the Muslim Brotherhood. It also notes that he 'works for Al Jazeera.' Ahmad Muaffaq Zaidan is Al-Jazeera Islamabad bureau chief and has 'absolutely' denied that he is a member of Al Qaeda or the Muslim Brotherhood. In a statement provided through Al Jazeera, Zaidan noted that his career has spanned many years of dangerous work in Afghanistan and Pakistan, and required interviewing key people in the region — a normal part of any journalist's job.

[Press Article 1](#)

[Press Article 2](#)

USA: Former NSA Inspector General says secrecy of Bush surveillance programme was a "strategic mistake"

On 15 May, former NSA Inspector General Joel Brenner declared, in a speech at the National Security Agency (NSA) headquarters, that the decision by the Bush Administration to keep secret the NSA domestic phone surveillance programme was "a strategic mistake" and that the programme "blatantly violated" the Foreign Intelligence

Surveillance Act. He revealed that the programme was part of the STELLAR WIND programme, that “was run directly by the Office of the Vice President and put under the direct personal control of the Vice President’s counsel, David Addington.” He added that he had tried to communicate the need for authorization by Congress but that this kind of advice was considered deleterious for someone’s career within the NSA. Joel Brenner was the NSA Inspector General from 2002 to 2006.

[Press Article](#)

Canada: Omar Khadr released on bail despite Government opposition

On 7 May, Omar Khadr was released on bail from a medium security prison near Edmonton, Alberta. Omar Khadr is a Canadian national who was apprehended by US forces in Afghanistan in 2002 when he was fifteen years old and had been held in Guantánamo since then. On 31 October 2010, following a plea agreement, Omar Khadr was sentenced by a US Military Commission to forty years of imprisonment, of which he would have to serve eight years. The appeal in the United States against his plea agreement is still pending. On 14 May, the Supreme Court of Canada dismissed a separate appeal of the Government trying to challenge Omar Khadr’s reclusion in a medium facility instead of a maximum security penitentiary. The Supreme Court held that “a proper interpretation of the relevant legislation [means] that placement should be in a provincial facility.” On 8 July 2014, the Court of Appeal of Alberta had ruled that Omar Khadr had to be moved to a provincial correctional facility for adults, instead of being placed in a federal penitentiary.

[Ruling](#)

[NGO Statement 1](#)

[NGO Statement 2](#)

[Press Article 1](#)

[Press Article 3](#)

[Press Article 2](#)

Guatemala: UN Committee concerned over terrorism trials against human rights defenders

On 15 May, the UN Committee on the Elimination of Racial Discrimination issued its Concluding Observations on the compliance by Guatemala with its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination. Among its observations, the Committee expressed deep concern that protests against exploitation of natural resources led to criminal trials for terrorism, kidnapping, incitement to crime and organized crime, which the Committee described as “disproportionate to the seriousness of the acts.”

[Concluding Observations \(S\)](#)

ASIA - PACIFIC

China: Newspaper reveals “anti-terrorism” drills to quash land protests

On 30 April, the South China Morning Post reported that more than 650 police officers conducted “anti-terrorism drills” in the province of Guangdong. The exercises focused on two scenarios. In one of them, “[p]olice were... trained to handle mock protest by disgruntled villagers blocking construction of a land project after they were forcefully evicted. Police responded quickly by dividing crowds in smaller groups to be dispersed before rounding up and arresting the protest leaders.” The other scenario regarded the dealing with a knife attacks against the population, as had recently occurred in the area where the training was held.

[Press Article](#)

China/Hong Kong SAR: Security Secretary affirms metadata surveillance does not require warrant

On 29 April, according to press reports, the Secretary for Security of Hong Kong, Lai Tung-Kwok, informed the Legislative Council that “law enforcement agencies may request necessary user information (such as account names, IP addresses and log records) from service providers for locating witnesses, evidence or suspects when investigating criminal cases,” without a warrant. Reportedly, a warrant would be required only for the seizure of the content of communications. According to press articles, Hong Kong authorities have issued “23,946 user information requests” in the past five years.

Press Article

Pakistan: ICJ and HRCP concerned over juvenile military trials under state of exception

On 21 May, the ICJ and the Human Rights Commission of Pakistan (HRCP) expressed deep concern, in a letter to the Prime Minister and the Minister of Interior, that, following the enactment of the 21st amendment to the Constitution and the corresponding amendments to the Army Act 1952, juveniles suspected of committing offences related to terrorism could be tried by newly constituted military courts. According to the ICJ and HRCP, these amendments “give military courts jurisdiction to try all persons, including civilians, alleged to have committed certain offences related to terrorism. The amendments provide that the government may transfer a case related to the enumerated offences under the Army Act from *any* court (which *prima facie* includes juvenile courts) to a military tribunal for trial. The amended law also stipulates that in case of inconsistency with other laws, provisions of the Army Act would prevail. The amendments do not expressly exclude juveniles from their ambit.” The two human rights organizations stressed that “individuals who were under the age of eighteen at the time of the alleged crime may not be tried in military courts, not least because a trial before such a court would violate Pakistan’s obligations under international law.”

ICJ Statement

Thailand: ICJ calls for restoration of democracy at first anniversary of military coup

On 22 May, the ICJ urged Thailand, on the first anniversary of the military coup, “to restore democracy and the rule of law, revoke the repressive laws passed since the coup, and ensure that any revised Constitution meets international human rights and rule of law standards.” Since 20 May 2014, the Thai military has progressively replaced civilian power with military rule by implementing martial law throughout the country, dissolving the caretaker government, suspending the 2007 Thai Constitution (other than the Chapter concerning the King), issuing over 300 orders and announcements that include placing restrictions on freedom of expression and assembly and extending the jurisdiction of military courts to civilians, and appointing a Cabinet with more than one-third military membership. On 22 July 2014, the military junta promulgated an interim Constitution that gives the National Council for Peace and Order (NCPO) sweeping, unchecked powers.

ICJ Statement

Myanmar/Burma: Dozens of people arrested for links with phantom “terrorist” group

On 25 May, The Intercept reported that the Government has arrested, between September and November 2014, “at least a dozen people on charges of belonging to a terrorist group that defense lawyers and security experts say does not exist.” Reportedly, the news website obtained documents about three cases, in respect of which The Intercept reported that “one of them involves 12 people accused of having links to the alleged group, the second involves five people accused of plotting to plant bombs in several unspecified places in the country, and the third is against a man accused of

funding the group”: the Myanmar Muslim Army. However, the Government has refused to disclose any evidence that such a group exists. The defendants are charged under the Emergency Provisions Act 1950. In an interview with The Intercept, the director of the President’s office, Zaw Htay, stated that “[t]he Home Affairs ministry has all the evidence on these activities, but we can’t make it public because this is a national security issue.”

[Press Article](#)

Australia: Prime Minister announces law to strip nationality of terrorist convicts

On 26 May, Prime Minister Tony Abbot confirmed publicly that the Government is planning to present within weeks draft legislation that, if approved, will allow the Ministry of Immigration to strip dual nationals of their Australian citizenship in the case of persons “who have committed an act of terrorism, prepared for such an act, raised funds or supported terrorism or even indoctrinated young people into extremism.” The Prime Minister added that this power would be subject to judicial review and that the Government would be “ensuring that as far as we can humanely make it” no individual becomes stateless.

[Press Article 1](#)

[Press Article 2](#)

Australia: UN Committee rules visa refusal for security reasons breached Iranian’s right to family life

On 28 April, the UN Human Rights Committee held that Australia had violated the right to family life of Mansour Leghaei, an Iranian national, who was refused a permanent visa to stay in the country, after having lived there for sixteen years, for “compelling reasons of national security”. Although his wife and daughter were authorized to live in Australia, they had to return to Iran in June 2010 to stay with him, while his twin sons who had obtained Australian nationality remained there. The Committee found that “Australia’s visa refusal, which compelled the family to choose whether to accompany him or stay in the State party, constituted arbitrary interference in the Leghaeis’ right to family life.” It further held that he was not given objective and adequate reasons for the decision nor sufficient information, “except for the general explanation that he was a threat to national security, assessments which he did not even receive a summary of.” The Committee held that Australia had violated his right to family life under articles 17 and 23 of the International Covenant on Civil and Political Rights.

[Decision](#)

[UN Statement](#)

EUROPE & COMMONWEALTH OF INDEPENDENT STATES

UK: Tribunal rules security services breached lawyer-client privilege of alleged rendition victims

On 29 April, the Investigators Powers Tribunal ruled that UK security service Government Communications Headquarters (GCHQ) has breached the right to legal professional privilege, that protects confidential communication between a lawyer and their client, of two Libyan nationals, Abdel-Hakim Belhaj and Sami Al Saadi. The main claim was brought after the two Libyan nationals had been allegedly abducted in a joint MI6-CIA operation in 2004 and sent back to Libya to be tortured during the time of Colonel Muammar Gaddafi’s regime. Following revelations by Edward Snowden, Belhaj’s lawyers feared that their communications with their clients could have been compromised by GCHQ’s mass surveillance of telephone and online communications. The Tribunal ordered the destruction of legally privileged communications that GCHQ had unlawfully collected.

[Judgment](#)

[Press Article](#)

UK: High Court sets out standards to establish tort liability of UK forces for Iraqi transfers to US custody

On 18 May, the High Court ruled that UK could be held liable under tort law for transferring detainees to US forces in Iraq. The Court was dealing with claims relating to individuals detained in Iraq by UK troops and subsequently handed over to US custody, where they allegedly suffered torture or ill-treatment. The High Court held that, to establish UK liability, the claimants will have to prove not only that the UK “owed a duty to take care not to expose them to” the risk of torture or ill-treatment, but also that UK soldiers responsible for the decision to transfer had either “an intention to facilitate [their] ill-treatment”; or had “actual foresight that [they] might suffer such ill-treatment, coupled with failure to act in accordance with a legal duty to protect [them];” or “contemplation and acceptance of the risk that transferring [them] would facilitate [their] ill-treatment.”

Judgment

Press Article

UK: European Court rules 12-day court-authorized security detention to be in line with European Convention on Human Rights

On 12 May, the European Court of Human Rights ruled that the UK had not violated the right to liberty and security under article 5.3 of the European Convention on Human Rights (ECHR) of three Irish nationals – Gabriel Magee, Colin Francis Duffy and Teresa Magee – for their twelve-day arrest, from 7 March 2009, under section 41 of the Terrorism Act 2000. The detention had been extended by the County Court and the applicants were released without charges on 25 March 2009. The first and third applicants were not subsequently charged with any related offence. The second applicant was immediately re-arrested and charged with murder, attempted murder and possession of a firearm and ammunition. He was acquitted on all counts on 20 January 2012. The European Court ruled that the applicants’ detention under Schedule 8 of the Terrorism Act 2000 did not breach article 5.3 of the ECHR, since it lasted only twelve days and “there were a number of safeguards in place to protect the applicants against arbitrary detention”.

Judgment

UK: Prime Minister announces new counter-terrorism bill with “extremism disruption orders”

On 13 May, the Prime Minister David Cameron announced plans for a counter-terrorism bill, after claiming that the UK had been a “passively tolerant society”. The Bill will include “plans for extremism disruption orders designed to limit harmful actions of those seeking to radicalize young people”. Measures under the Bill, which had first been blocked as a threat to freedom of expression by the former Government coalition partner, the Liberal Democrats, would include powers for the police to apply to the High Court for an order to limit the “harmful activities” of an extremist individual or groups, as well as a ban on broadcasting, and a requirement for those subject to extremism orders to submit to the police in advance any proposed publication on the internet, social media or in print. The purported aim of the Government is to “challenge those who seek to spread hatred and intolerance by forming a new partnership of every person and organization in this country that wants to defeat the extremists”.

Press Article 1

Press Article 2

Press Article 3

UK: New intelligence immunity clause used in anti-surveillance case

On 5 May, an amendment to the Computer Misuse Act, that effectively gives intelligence officers and police immunity from prosecution for hacking into computers, laptop and mobile phones, entered into force. The amendment was contained in the Serious Crime Act 2015, enacted by Parliament last 3 March. Privacy International and other parties, who are challenging the intelligence services' hacking activities before the Investigatory Powers Tribunal, were notified of the legal changes just hours prior to the hearing of their claim. Privacy International expressed concern that the legislative changes were never openly debated by Parliament and their impact was not fully disclosed in the explanatory notes accompanying the Bill.

[Code of Practice 1](#)

[Code of Practice 2](#)

[Serious Crime Act 2015](#)

[NGO Statement](#)

[Press Article](#)

France: National Assembly approves draft intelligence law

On 5 May, the National Assembly in France approved a Draft Law relating to Intelligence (No. 2669) that had been introduced by the Government on 19 March. The Draft Law, if approved by the Senate, will increase certain powers of France's intelligence agencies in the fight against terrorism. It will give intelligence agencies the power to undertake surveillance activities usually restricted to criminal prosecutions, even without judicial authorization if no other means are 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.

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

France: UN Committee concerned at risks of racial and ethnic profiling in countering terrorism

On 15 May, the Committee on the Elimination of Racial Discrimination issued its concluding observations on the compliance by France with its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination. The Committee expressed concern that these measures could lead to racial or ethnic profiling against members of some minority groups, and could therefore weaken the action aiming at combatting hate speech and racial segregation. The Committee recommended the introduction of guarantees sufficient to ensure that the practical application of anti-terrorism measures does not have a negative effect on the exercise of the rights protected by the Convention.

[Concluding Observations \(F\)](#)

Germany: Wikileaks published closed transcripts of Parliament's inquiry into NSA surveillance

On 12 May, WikiLeaks released ten months of the transcripts from unclassified sessions from the ongoing German Parliamentary inquiry into NSA activities in Germany. The Parliamentary inquiry started on 18 May 2014 and is aimed at investigating US intelligence activities on German soil. Despite many sessions being public, records have been forbidden and press access has reportedly been restricted, leading to a lack of transparency and to the absence of a full public record. The leaked documents present divergences between public and private sessions. They also document the reluctance of several witnesses to disclose information regarding the content and activities of the collaboration between the US National Security Agency and the German intelligence service Bundesnachrichtendienst (BND).

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

Spain: UN Committee concerned at existence of *incommunicado* detention in Spanish law

On 17 May, the UN Committee against Torture issued its Concluding Observations on the compliance by Spain with its obligations under then Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. While appreciating a drastic decrease in the use of *incommunicado* detention for terrorist suspects, the Committee remained deeply concerned over the continuing existence of the regime of *incommunicado* detention (for up to thirteen days) for the offences of terrorism and "banda armada", in particular because of the restrictions this involves to basic procedural safeguards of detained persons. The Committee called on Spain to reform this regime with a view to abolishing it.

Concluding Observations (S)

Spain: European Court rules investigation into torture claim ineffective

On 5 May, the European Court of Human Rights ruled that Spain had violated its procedural obligations under the right to be free from inhuman or degrading treatment, under article 3 of the European Convention on Human Rights (ECHR), towards Arratibel Garcíandia. Arratibel Garcíandia was arrested on 18 January 2011 under suspicion of affiliation with the EKIN organization, part of the terrorist group Euskadi Ta Askatasuna (ETA). He was placed in *incommunicado* detention for five days, where he claimed to have been subjected to acts of inhuman or degrading treatment. The applicant claimed that there had been no satisfactory internal inquiry regarding his allegations of ill-treatment. The Court ruled that the internal inquiry had not been carried out effectively and comprehensively enough to fulfill the requirements of article 3 of the ECHR.

Judgment (F)

Poland: Renditions victims paid in execution of European Court ruling

On 15 May, the Polish Government paid 130,000 Euros to Zayn Al-Abidin Muhammad Husayn, also known as Abu Zubaydah, and 100,000 Euros to Abd al-Rahim al-Nashiri, in compliance with a judgment of the European Court of Human Rights that found Poland complicit in its rendition of the two men at the hands of the USA. Also in execution of this judgment, Poland had announced on 31 March that it "has taken steps to seek diplomatic assurances that the al-Nashiri will not be subjected to the death penalty, first by engaging in diplomatic talks, and then by delivering an official note on the matter". On 24 July, the European Court had ruled that Poland had been complicit in the enforced disappearance, torture and other human rights violations suffered by the men. The individuals were found to have been held *incommunicado* between 2002 to 2006 by the CIA in various secret detention centres, including Stare Kiejkety military base in Poland, and are currently detained at Guantánamo Bay. The Court held that, as a result of its acquiescence and connivance in these actions, Poland had violated its obligations under the European Convention on Human Rights. In addition, the Court had found that Poland had failed to protect Al-Nashiri and Abu Zubaydah against these human rights violations and the foreseeable real risk of other egregious human rights violations following their transfer abroad. The Court had also found that Polish authorities had failed to investigate the cases effectively, and had failed in its obligation to disclose the truth about what had happened.

Judgment 1

Judgment 2

NGO Statement

Press Article

Romania: UN Committee concerned at alleged complicity in US renditions

On 7 May, the UN Committee against Torture issued its concluding observations on the compliance by Romania with its obligations under then Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Among its Concluding Observations, the Committee expressed concern "at persistent allegations of illegal detention of persons in secret CIA detention facilities and rendition flights into and out of Romania in the context of its international cooperation in countering terrorism," including in the case of Abd al-Rahim Hussayn Muhammad Al-Nashiri. The Committee expressed

further concern “at the discrepancy between the information provided by the State party and the statements made in December 2014 by the former head of the Romanian intelligence service indicating that the authorities had allowed the CIA to operate between 2003 and 2006 detention facilities where inmates allegedly suffered inhumane treatment.” The UN independent experts encouraged Romania to continue the investigations into these allegations.

Concluding Observations

Romania: Investigations into deaths in counter-terrorism operation ineffective, rules Strasbourg Court

On 5 May, the European Court of Human Rights ruled that Romania violated its procedural obligations under the right to life enshrined in article 2 of the European Convention on Human Rights towards Rostislav Ivanovich Melnichuk, Alla Rostislavovna Lyana, Sofiya Filipovna Demchuk and Valeriy Valentinovich Shpartak, four Ukrainian nationals. The Court found that the investigation into the direct firing by Romanian soldiers on a column of cars belonging to Soviet citizens, early on the morning of 24 December 1989, upon suspicion that the foreign cars belonged to terrorists, had been ineffective. The incident resulted in the death of a close relative of the Rostislav Ivanovich Melnichuk and Alla Rostislavovna Lyana, and the severe injury of Sofiya Filipovna Demchuk and Valeriy Valentinovich Shpartak.

Judgment

Former Yugoslav Republic of Macedonia: Armed group members detained for “terrorism” after deadly exchange of fire

On 10 May, President George Ivanov communicated that an exchange of fire between the police and “an armed group” in the northern city of Kumanovo left 22 people dead, including eight policemen and fourteen members of the “armed group.” The number of deaths of persons from the “armed group” was later reduced to ten. Prime Minister Nikola Gruevski was reported to have said that “the group of over 40 armed men had planned to attack state institutions, sport events and shopping malls and said they had combat experience both in the region and in the Middle East” and that some of them wore insignia of the disbanded “Albanian Kosovo Liberation Army” (UCK). On 11 May, the remaining thirty members of the group were arraigned in court to answer charges of “terrorist threat to the constitutional order and security and with association for the purpose of hostile activity” and were remanded in custody for thirty days. Government opposition members have declared that the timing of the attack, in the midst of a wide surveillance scandal allegedly implicating the Government, was “suspicious.” According to press reports, the Serbian daily Blic revealed that the “former Director of the Administration for Security and Counterintelligence (UBK) Saso Mijalkov was actively involved in the staging of the terrorist attack,” with the intention to divert attention from the public protests at the surveillance scandal. The UN Assistant Secretary-General for Human Rights “urged prompt, comprehensive and impartial investigations into both the recent clashes in Kumanovo and the wire-tapping case”.

[UN Statement](#)

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

[Press Article 4](#)

Former Yugoslav Republic of Macedonia: UN Committee concerned at allegations of mass surveillance

On 7 May, the UN Committee against Torture issued its Concluding Observations on the compliance by the former Yugoslav Republic of Macedonia with its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Committee expressed concern at “the recent allegations that senior officials of the State party were allegedly involved in a number of apparent human rights abuses, including election fraud, harassment of civil society and opposition members,

interference with the Public Prosecutor and some members of the judiciary. The allegations arising from this so-called “Wiretapping” affair have resulted in mass demonstrations, claims that police and law enforcement officials have used excessive force, as well as journalistic reports of a loss of confidence in the integrity of State institutions.”

Concluding Observations

Turkey: Rights to liberty and fair trial of PKK convict breached, rules European Court of Human Rights

On 28 April, the European Court of human rights ruled that Turkey had violated both the right to liberty and security and the right to a fair trial of Galip Dođru, because of the excessive length of his police custody and of his criminal proceedings and because of the absence of a lawyer during his police custody. Galip Dođru, a Turkish national, was arrested in February 2003 after he threw a Molotov cocktail at a bank and he was charged with use of explosives and membership of an illegal organization, the Kurdistan Workers’ Party (PKK). On 26 May 2006, he was convicted of the charges and sentenced to ten years and five months of imprisonment. The Court ruled that the length of his police custody was excessive and therefore in violation of article 5.3 of the European Convention on Human Rights (ECHR) and that he had not been granted access and presence of a lawyer in parts of his police custody in violation of Turkey’s obligations under article 6.3.c of the ECHR.

Judgment

Ukraine: Alleged Russian soldiers charged with “terrorism”

On 18 May, the State Security Chief, Valentyn Nalivaychenko, announced the arrest of two Russian soldiers near Luhansk, who would be charged for “terrorist activity and terrorism crimes” for allegedly having participated in the killing of a Ukrainian soldier. In a video posted online by the Ministry of Interior, one of the soldiers identified himself as Alexander Alexandrov and was reported to be on a spying mission in Ukraine as part of a 14-member special forces group from the Russian city of Togliatti. Russian Defense Ministry spokesman Major General Igor Konashenkov said that the two captured soldiers had previously served in the Russian Army but were no longer active at the time of their capture. He maintained that Russia does not have troops on Ukrainian territory. The OSCE Special Monitoring Mission to Ukraine (SMM) visited the two men and reported that “[b]oth individuals claimed that they were members of a unit of the Armed Forces of the Russian Federation. They claimed that they were on a reconnaissance mission. They were armed but had no orders to attack... One of them said he had received orders from his military unit to go to Ukraine; he was to ‘rotate’ after three months. Both of them said they had been to Ukraine ‘on missions’ before. One of them stressed repeatedly that there were no Russian troops involved in fighting in Ukraine. Both said they were provided with a Ukrainian lawyer...”

OSCE Report

Press Article 1

Press Article 2

Ukraine: Derogation from ICCPR and ECHR approved by Parliament

On May 21, the Ukrainian Parliament (Rada) adopted Draft Decree No. 2765 on approval of the application of the Verkhovna Rada “On Ukraine's derogation from certain obligations under the International Covenant on Civil and Political Rights and the Convention for the Protection of Human Rights and Fundamental Freedoms”. The law derogates from human rights obligations, including freedom from arbitrary detention, freedom of movement and residence, right to a fair trial, right to privacy and right to an effective remedy. The derogation concerns certain parts of Donetsk and Lugansk regions where an “anti-terrorism operation” is being conducted by the Ukrainian army. According to the Decree, the derogation will be in force “until the full cessation of the military aggression of the Russian Federation”.

Decree (Ukrainian)

Press Article (Ukrainian)

Russian Federation: Authorities responsible for enforced disappearance and breach of principle of non-refoulement, rules Strasbourg Court

On 21 May, the European Court of Human Rights ruled that the Russian Federation had violated its obligation not to expose Lutpiddin Bakhriddinovich Mukhitdinov to torture or inhuman or degrading treatment or punishment, upon his extradition to Uzbekistan, under article 3 of the European Convention on Human Rights (ECHR). The Court further ruled that Russian authorities were liable for his enforced disappearance prior to his showing up in Uzbekistan, in breach of articles 3 and 4 of the ECHR, and of article 34 of the ECHR because his extradition had been carried out contrary to the interim measures issued by the European Court. Lutpiddin Bakhriddinovich Mukhitdinov was arrested in June 2013 and placed in detention pending his extradition to Uzbekistan, where he was wanted after having been charged with participation in a religious terrorist organization. He was released on 11 March 2014. Once its extradition order was approved by the Supreme Court, in July 2014, Mukhitdinov was arrested by officers of the Federal Migration Service. According to the Russian Government, he was subsequently released again and disappeared. The Russian Government claims that his current whereabouts are not known.

Judgment

Russian Federation: Authorities responsible for enforced disappearance

On 30 April, the European Court of Human Rights ruled that the Russian Federation had violated the right to life, the right to freedom from torture and the right to liberty and security of Apti Islamov and Said-Emi Islamov with regard to their enforced disappearance. Additionally, the Court held that the investigations into their disappearance was ineffective, in violation of Russia's procedural obligations under these rights and of the right to an effective remedy. Apti Islamov and Said-Emi Islamov worked as policemen at the Zavodskoy district department of the interior in Grozny, when they were arrested at a checkpoint by police officers from the Special Task Unit of the Ryazan region of Russia. They were found to have been threatened and forced to leave with masked State servicemen, and have been missing ever since. The Court further held that Russia had violated their mother's right to be free from inhuman or degrading treatment on account of the mental suffering caused to her by the disappearance of her two sons and the unlawfulness of their detention.

Judgment

UNITED NATIONS & REGIONAL ORGANIZATIONS

UN: UN Commission adopts Revised Standard Minimum Rules on Treatment of Prisoners

On 22 May, the United Nations Commission on Crime Prevention and Criminal Justice adopted a revision of the 60-year-old Standard Minimum Rules for the Treatment of Prisoners, rename the "Mandela Rules". The draft Rules include extensive revisions and additions, including, among others, an expanded section of basic principles and rules assuring the independence of healthcare staff and placing extensive restriction on disciplinary measures. Issues such as cell and body searches, investigations into deaths and complaints of torture and other ill-treatment and the right to legal representation are set out in clear and detailed terms. The Mandela Rules are expected to be adopted by the UN General Assembly later this year.

Mandela Rules

UN Statement

NGO Statement

UN: Working Group adopts Basic Principles and Guidelines on remedies for people in detention

On 29 April, the UN Working Group adopted the “Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of His or Her Liberty by Arrest or Detention to Bring Proceedings Before Court” and submitted them to the UN Human Rights Council. The principles state that domestic laws “should not allow for any restrictions on the safeguards of persons deprived of their liberty concerning the right to bring proceedings before a court under counter-terrorism measures, emergency legislation or drug-related policies.” Furthermore, the right to *habeas corpus* and to an effective remedy are affirmed to apply “to all situations of deprivation of liberty, including... detention under counter-terrorism measures.” The Basic Principles and Guidelines also stated that where “persons who have or are suspected to have engaged in the preparation, commission or instigation of acts of terrorism are deprived of their liberty... they shall be immediately informed of the charges against them, be brought before a competent and independent judicial authority, as soon as possible, and no later than within a reasonable time period, ...” to judicial review and the guarantees of a fair trial.

[UN Statement](#)

[Draft Principles](#)

[NGO Statement](#)

UN/OAS/OSCE/AU: Special Rapporteurs issue Declaration on Freedom of Expression in conflict situations

On 4 May, the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media, the OAS Special Rapporteur on Freedom of Expression and the ACHPR Special Rapporteur on Freedom of Expression and Access to Information issued a “Joint Declaration on Freedom of Expression and responses to conflict situations”. The Declaration states that “[a]ll criminal restrictions on content – including those relating to hate speech, national security, public order and terrorism/extremism – should conform strictly to international standards, including by not providing special protection to officials and by not employing vague or unduly broad terms.... In particular, States should refrain from applying restrictions relating to ‘terrorism’ in an unduly broad manner. Criminal responsibility for expression relating to terrorism should be limited to those who incite others to terrorism; vague concepts such as ‘glorifying’, ‘justifying’ or ‘encouraging’ terrorism should not be used.”

[Joint Declaration](#)

[Press Article](#)

EU: European Parliament supports stronger rules to combat money laundering and terrorism financing

On 20 May, the European Parliament adopted new rules to help fight money laundering and terrorist financing in the EU, one of the main focus areas of the new European Security Agenda. The main contributions of the new framework include: facilitating the work of Financial Intelligence Units from different Member States to identify and follow suspicious transfers of money and facilitate the exchange of information; establishing a coherent policy towards non-EU countries that have deficient anti-money laundering and counter-terrorist financing regimes; and ensuring full traceability of funds transfers within, to and from the European Union.

[EU Directive](#)

[EU Press Release](#)

[Press Article](#)

Council of Europe: New anti-terrorism treaty approved by Committee of Ministers

On 19 May, the Committee of Ministers of the Council of Europe approved the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism, drafted in only two months. The new Protocol 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 three written submissions to

the Drafting Committee expressing concern over: the lack of definition of central concepts such as “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. The Committee of Ministers approved also a declaration and an action plan on the fight against violent extremism and radicalization leading to terrorism.

[Draft Protocol](#)

[Declaration](#)

[CoE Action Plan](#)

[Press Article](#)

Parliamentary Union of OIC Member States: Working Group adopts draft Charter on Terrorism and Extremism

On 4 May, according to press reports, the Working Group to Draft the Parliamentary Union of the Organization of Islamic Cooperation Member States (PUIC) Charter for Fighting Terrorism and Extremism unanimously endorsed a draft Charter on Terrorism and Extremism at a meeting in Abu Dhabi (UAE), following a proposal of the Parliamentary Division of the United Arab Emirates (UAE). The text is not public, but, according to press reports, the preamble “notes that the absence of justice, lack of fairness in solving regional and international conflicts and duplication of international legitimacy, selective application of the principles of law, pursuit of forceful methods and arrogance in international relations, are among the causes of terrorism as these have created hotbeds of tension and violence and contributed to fuelling extremism and terrorism.” Furthermore, the Charter would apparently call on all Member States of the PUIC to “take joint measures to prevent infiltration or transit of terrorists and refrain from granting them asylum or receiving, harbouring, training, or arming them or providing any facilities to terrorists to carry out terrorist acts in the territory of another party.” The PUIC announced that the decisions of this meeting will be examined by the PUIC Executive Committee for adoption by the PUIC Conference.

[Communication](#)

[Press Article](#)

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