

E-BULLETIN ON COUNTER-TERRORISM & HUMAN RIGHTS

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AFRICA & MIDDLE EAST

Ethiopia: Bloggers detained and tried under anti-terrorism law acquitted and freed

Kenya: Rendition victim presents evidence before High Court

United Arab Emirates: Human Rights Watch calls for investigations into torture allegations

Saudi Arabia: Human rights activists convicted by anti-terrorism courts

Israel: High Court of Justice upholds demolition of terrorism convict's homes

AMERICAS

USA: UK Guantánamo detainee back home; Afghan cleared for release but not yet transferred

USA: Psychologists sued for complicity in torture in Guantánamo

USA: Court of Appeals clears way for lawsuit against NYPD Muslim surveillance programme

USA: US citizen allegedly tortured by US officers abroad has no remedy in US, rules Court of Appeal

USA: Vagueness of White House targeted killings policy revealed by leaked documents

USA: Former Guantánamo detainees sues US before Inter-American Commission on Human Rights

ASIA - PACIFIC

Malaysia: Human Rights Watch denounces abuse of anti-terrorism and security laws to repress dissent

Afghanistan: High Commissioner for Human Rights calls for investigation into US deadly attack on international hospital

Australia: States introduce new anti-terrorism laws in local Parliaments

EUROPE & COMMONWEALTH OF INDEPENDENT STATES

UK: European Court accepts limitations to *habeas corpus* in pre-charge anti-terrorism detention

UK: Court of Appeal excludes Algerian from refugee status for past documents forgery and membership in a 'terrorist' organization

UK: Snowden documents reveal massive data mining activity of GCHQ

Germany: Criminal investigation on CIA agent for command role in El Masri rendition called for

Belgium: UN Mercenaries Working Group calls for human rights compliant legislation

Turkey: European human rights court finds several breaches of freedom of expression

Turkey: 'Terrorism' suspects detained in inhuman and degrading conditions, rules Strasbourg Court

Russian Federation: Authorities responsible for family killed in "counter-terrorism" airstrike

Russian Federation: Alleged terrorists to be buried in unknown graves

Belarus: Parliament adopts amendments to counter-terrorism laws in the first reading

Tajikistan: Lawyer defending 'extremist' organization arrested

UNITED NATIONS & REGIONAL ORGANIZATIONS

UN: General Assembly launches Revised Standard Minimum Rules on Treatment of Prisoners

UN: Human Rights Council urges States to investigate mercenaries' involvement in terrorism

UN: Special Rapporteur presents report on civil society and anti-terrorism laws

UN: Special Rapporteur presents report on whistleblowers protection

EU: Court of Justice annuls Safe Harbour Decision on equivalency of EU-US privacy protection regimes

EU: Council adopts anti-terrorism conclusions on tackling firearms trafficking

Council of Europe: Foreign Fighters Protocol opened for signature

AFRICA & MIDDLE EAST

Ethiopia: Bloggers detained and tried under anti-terrorism law acquitted and freed

On 16 October, Atnaf Berhane, Befekadu Hailu, Abel Wabella and Natnail Feleke, who were amongst a group of nine bloggers that contributed to the collective blog Zone9, were acquitted by a criminal court in Addis Ababa of the charges of “working with foreign organizations claiming to defend human rights” and “receiving funding in order to incite the public to violence via social media” under the *Anti-Terrorism Proclamation 2009*. They were detained since April 2014. In their acquittal, the court was reported to have said that the facts contested did not constitute terrorism. The collective blog Zone9 reportedly “covered social and political issues in Ethiopia and promoted human rights and government accountability.”

[NGO Statement 1](#)

[NGO Statement 2](#)

[Press Article](#)

Kenya: Rendition victim presents evidence before High Court

On 14 September, after six years since the filing of the case, Kamilya Mohammedi Tuweni, a United Arab Emirates national, was allowed to give evidence before the High Court of Kenya on her alleged torture, rendition and secret detention by Kenyan security forces. In her complaint, Ms Tuweni alleges to have been arrested, together with another colleague, on 7 January 2007, while on a business trip to Malindi (Kenya) under suspicion of being a member of Al Qaeda. While her colleague was released after one week, she alleges to have been detained until 27 March 2007 and transferred by plane to Somalia and Ethiopia. According to the human rights organisation Redress, she further claims to have “endured beatings, was threatened with rape and narrowly escaped being sold for drugs.” The case is ongoing.

[Case File](#)

[Press Article](#)

United Arab Emirates: Human Rights Watch calls for investigations into torture allegations

On 13 October, Human Rights Watch called on the United Arab Emirates to investigate allegations of torture of detainees by State security personnel, and to prosecute the responsible persons. The former detainees include unnamed persons of Canadian, Libyan and United States nationality, who were questioned about suspected links to the Muslim Brotherhood, designated as a terrorist organization. The men were detained in the United Arab Emirates in August and September 2014, and claimed to have been victims of a wide range of abuses such as beating, forced standing and threats to rape and kill. They were never officially charged.

[NGO Statement](#)

Saudi Arabia: Human rights activists convicted by anti-terrorism courts

On 19 October, a human rights activist, Abdulkareem al-Khoder, one of eleven founding members of the Saudi Civil and Political Rights Association (ACPRA), was convicted by a special anti-terrorism court for the offences of “disobeying the ruler, inciting disorder by calling for demonstrations, and taking part in founding an unlicensed organisation” and sentenced to ten years’ imprisonment. Previously, Abdulrahman al-Hamid, another member of ACPRA, was sentenced by the same special court to nine years’ imprisonment. In another case, the anti-terrorism court convicted human rights defender Abdulaziz al-Senaidi for “inciting public opinion” via social media and sentenced him to eight years’ imprisonment. Amnesty International objected to the use of counter-terrorism laws to stifle freedom of expression and public dissent.

[NGO Statement](#)

[Press Article](#)

Israel: High Court of Justice upholds demolition of terrorism convict's homes

On 15 October, the High Court of Justice dismissed two petitions asking to stay the demolition of the house of a person convicted for the terrorist attack at Alon Shut Junction in November 2014. This practice of demolition, ordered under the *Defence (Emergency) Regulations, 1945, Regulation 119*, was opposed by the perpetrator's wife and children and by his neighbours. The High Court of Justice held that it could not overrule a recent precedent it had established allowing for this practice. The Court nonetheless required that the demolition be carried out "at the nearest possible date to the criminal case in question". Furthermore, Justice Vogelman expressed doubt with regard to the effective deterrent effect of the practice of demolitions.

Judgment

AMERICAS

USA: UK Guantánamo detainee back home; Afghan cleared for release but not yet transferred

On 30 October, after several years of diplomatic representations by the UK Government, Shaker Aamer, a national of Saudi Arabia and long term UK resident, was transferred to his country of residence, the United Kingdom, from the detention centre at Guantánamo Bay. Shaker Aamer had been cleared for release in 2009. Shaker Aamer announced that he will file a lawsuit for civil damages against the UK Government for complicity in his detention at Guantánamo. On 8 October, Mohammed Kamin, a Guantánamo detainee of Afghan nationality, was also cleared for release, after having been detained since 2004, because "had been candid in describing his past activities, had been "one of the more compliant detainees at Guantanamo" and that there was no evidence he had expressed extremist views while detained or harbored anti-American feelings." He is still waiting for transfer.

Press Article 1

Press Article 2

Press Article 3

USA: Psychologists sued for complicity in torture in Guantánamo

On 13 October, the American Civil Liberties Union, a move welcomed by Physicians for Human Rights, brought a lawsuit against psychologists James Mitchell and Bruce Jessen, in the Federal District Court of Spokane, Washington, for "torture, human experimentation, and war crimes for their roles in the secret program." According to ACLU, "[t]hese two psychologists developed an experimental torture program based on brutality and junk science, and sold it to the CIA for \$81 million. This lawsuit will hopefully provide greater transparency and some measure of relief to the victims, but the United States still has an obligation to investigate and prosecute these crimes." The two experts had reportedly "developed an experimental torture program based on brutality and junk science, and sold it to the CIA for \$81 million. This lawsuit will hopefully provide greater transparency and some measure of relief to the victims, but the United States still has an obligation to investigate and prosecute these crimes."

Complaint

NGO Statement 1

NGO Statement 2

USA: Court of Appeals clears way for lawsuit against NYPD Muslim surveillance programme

On 13 October, the US Court of Appeals for the Third Circuit ruled that a group of plaintiffs of Muslim origin, both individuals and associations, had standing and cause to sue the City of New York for the violation of their constitutional rights, namely their rights not to be discriminated against and not to be subject to unreasonable searches and seizures. The plaintiffs' claims are based on an allegedly discriminatory wide surveillance programme set up by the New York Police Department after the attacks of 11 September 2001 that was allegedly based "on the false and stigmatizing premise that Muslim religious identity 'is a permissible proxy for criminality, and that Muslim individuals, business, and institutions

can therefore be subject to pervasive surveillance’.” Reversing a lower court judgment dismissing the case, the Court of Appeals, in the case *Syed Farhaj Hassan and others v. the City of New York*, held that the case identified a potential injury because “discrimination itself is a legally cognizable injury” that can be redressed through actions before courts of law. The Court further ruled that “classifications on the basis of religious affiliation are subject to heightened scrutiny under the Equal Protection Clause.” The appellate judges stated: “No matter how tempting it might be to do otherwise, we must apply the same rigorous standards even where national security is at stake.”

[Ruling](#)

[Press Article](#)

USA: US citizen allegedly tortured by US officers abroad has no remedy in US, rules Court of Appeal

On 23 October, the US Court of Appeals for the District of Columbia ruled that a US citizen had no remedy in US law to challenge the breach of the Constitution by US officers abroad. The case was brought by Amir Meshal, a US citizen, who alleges to have been arbitrarily apprehended in Kenya in January 2007 in a joint US-Kenyan operation, secretly detained in Nairobi for four months, without charge, and subjected to interrogations, threats of torture and death, no access to a lawyer, and made subject to renditions in several African countries until his release. He claims that these facts constituted violations of his rights under the Fourth and Fifth Amendments to the US Constitution. The US Court of Appeals ruled that there is no cause of action to challenge the violations of the US Constitution committed against US citizens (*Bivens* action) abroad. The Court refused to extend the purpose of the existing cause of action applicable to domestic facts because the US Supreme Court cautioned against undue extension and because two elements militated against this approach: the involvement of “military, national security, or intelligence,” and the extraterritoriality of the conduct.

[Ruling](#)

USA: Vagueness of White House targeted killings policy revealed by leaked documents

On 15 October, The Intercept published a series of classified papers obtained by an unnamed whistleblower that reportedly “show the Obama administration has misrepresented the number of civilians killed by drone attacks against terrorist targets in the Middle East and South Asia.” According to press reports on the leaked documents, the “imminence” of the threat to allow for a targeted killing was not defined in the legal documents underlying the drone targets policy. In the newly leaked documents it is reported that “the president’s authorization to target an individual with lethal force, based on a “continuing, imminent threat” to the United States, has in the past lasted for 60 days.” Furthermore, the documents are said to reveal that “the government’s ability to track potential targets in places like Yemen and Somalia is ‘poor’ and ‘limited,’ often based on hazy and incomplete signals intelligence, or SIGINT.” The Intercept defined its source as “a source within the intelligence community who worked on the types of operations and programs described in the slides.”

[Leaked Papers](#)

[NGO Statement](#)

[Press Article](#)

USA: Former Guantánamo detainees sues US before Inter-American Commission on Human Rights

On 1 October, Djamel Ameziane, an Algerian national formerly detained at Guantánamo Bay, filed a complaint against the United States before the Inter-American Commission on Human Rights alleging the violation of his rights under the American Declaration of the Rights and Duties of Man for his prolonged detention at Guantánamo Bay. Djamel Ameziane was transferred, against his will, to his home country Algeria in December 2013. He was held at Guantánamo Bay for twelve years. Mr Ameziane is seeking reparation, including compensation, for the violation of his rights not to be arbitrarily detained, to challenge the lawfulness of his detention, not to be subject to torture or other cruel,

inhuman or degrading treatment or punishment, the principle of *non-refoulement*, his freedom of religion, his right to private and family life, honour and reputation, to equality before the law and to property and to truth.

[Complaint](#)

ASIA - PACIFIC

Malaysia: Human Rights Watch denounces abuse of anti-terrorism and security laws to repress dissent

On 27 October, in occasion of the incoming ASEAN summit, Human Rights Watch issued a report, *Creating a Culture of Fear: The Criminalization of Peaceful Expression in Malaysia*, in which it strongly criticized the abuse of security and anti-terrorism legislation by the Government to crack down against opposition dissent and critical writers and cartoonists. The legislation includes anti-terrorism criminal offences in the Penal Code the Sedition Act, the Printing Presses and Publications Act, the Communications and Multimedia Act and the Peaceful Assembly Act. According to the human rights organization, this legislation has been used to repress dissent throughout the country by “arresting and often prosecuting those with critical views, including opposition politicians, activists, journalists, and ordinary citizens; suspending two critical newspapers for three months; blocking websites; and declaring peaceful protests “unlawful.”

[Report](#)

[NGO Statement](#)

Afghanistan: High Commissioner for Human Rights calls for investigation into US deadly attack on international hospital

On 3 October, the UN High Commissioner for Human Rights, Zeid Ra’ad Al Hussein, called for a “swift, full and transparent investigation” into the US military attack of a hospital in Kunduz, Afghanistan, that killed twelve staff members and ten patients at an international hospital, also leaving 37 persons wounded. The hospital was run by the international humanitarian NGO, *Médecins sans Frontières* (MSF). Reportedly, the attack was carried out on 3 October by a AC-130 US gunship that fired on the hospital for more than 30 minutes. There have been contradicting reports as to the grounds for the strike. While first reports said that US forces were involved in an attack near the hospital that called for the airstrike, this was denied by the commander of US forces in Afghanistan, who said that the attack had been requested by Afghan forces based on allegations that the “hospital campus was 100 percent used by the Taliban.” Amid allegations of war crimes, MSF called on the United Nations to undertake an independent and impartial investigation into the attack, stating that internal US, NATO or Afghan inquiries cannot be relied upon as independent and impartial.

[HCHR Statement](#)

[Press Article](#)

Australia: States introduce new anti-terrorism laws in local Parliaments

On 20 October, the Attorney Generals of the States of Victoria, Martin Pakula, and of New South Wales, Gabrielle Upton, announced the introduction in Parliament of new State anti-terrorism laws. In Victoria, according to the Attorney General, the new legislation will allow, if enacted, the police to issue preventative orders, i.e. orders of detention without charge, against unnamed persons when the identity of the detainee-to-be is unconfirmed. The law will allow the use of aliases. Furthermore, the law will authorise the police to obtain warrants to remotely access computers for searches without having to physically seize the machines. The newly introduced draft anti-terrorism laws of New South Wales would make it more difficult for “defendants with known links to terror organisations or past terror convictions to be released on bail.”

[Press Article 1](#)

[Press Article 2](#)

EUROPE & COMMONWEALTH OF INDEPENDENT STATES

UK: European Court accepts limitations to *habeas corpus* in pre-charge anti-terrorism detention

On 20 October, the European Court of Human Rights ruled that the thirteen day detention without charge of Pakistani nationals Sultan Sher, Mohammed Rizwan Sharif and Mohammed Umer Farooq for suspicion of involvement in an imminent terrorist attack did not violate their right to challenge the lawfulness of their detention (*habeas corpus*) nor their right to respect for their private and family life. Arrested in April 2009 under the Terrorism Act 2000 in Operation Pathway, they had been brought twice before a court during the thirteen days of detention for revision and renewal of their detention, under a closed hearing procedure. The Court highlighted that "terrorist crimes fall under a special category. Because of the attendant risk of loss of life and human suffering, the police are obliged to act with utmost urgency in following up all information from secret sources. Further, the police may frequently have to arrest a suspected terrorist on the basis of information which is reliable but which cannot, without putting in jeopardy the source of the information, be revealed to the suspect or produced in court." The Court held that sufficient clear and procedural rules had been set up to preclude unfairness in the procedure to challenge the lawfulness of one's detention.

Judgment

UK: Court of Appeal excludes Algerian from refugee status for past documents forgery and membership in a 'terrorist' organization

On 14 October, the Court of Appeal upheld the exclusion from refugee status of an Algerian national, identified as AH, on the ground of having committed a serious non-political criminal offence in France, namely accessory offences for preparing acts of terrorism. AH had been convicted for "falsifying administrative documents and being a member of an association or grouping formed with a view to preparing acts of terrorism." The Court of Appeal held that the fact that he expiated his punishment did not exclude the application of the exclusion clause under the Refugee Convention. It also rejected the idea that the definition of "serious crime" should follow the distinction between *crimes* and *délits* as enshrined in the French text of the Convention.

Judgment

UK: Snowden documents reveal massive data mining activity of GCHQ

On 25 September, The Intercept reported on an operation of the UK Government Communications Headquarters (GCHQ), code-named *Karma Police*, which "builds profiles showing people's web browsing histories. Another analyzes instant messenger communications, emails, Skype calls, text messages, cell phone locations, and social media interactions. Separate programs were built to keep tabs on "suspicious" Google searches and usage of Google Maps." The information, that reached the amount of 50 billion metadata records a day, was stored for months in a server called Black Hole. The Intercept's report was based on documents leaked by former US National Security Agency agent and whistleblower Edward Snowden, in which it was disclosed that GCHQ had been collecting "billions of digital records about ordinary people's online activities Among them were details cataloging visits to porn, social media and news websites, search engines, chat forums, and blogs."

Press Article 1

Press Article 2

Germany: Criminal investigation on CIA agent for command role in El Masri rendition called for

On 19 October, Al Jazeera reported that the European Center for Constitutional and Human Rights (ECCHR) filed a criminal complaint in July before the German federal prosecutor's office against United States Central Intelligence Agency (CIA) officer Frances Bikowsky for having allegedly authorized the rendition, secret detention and torture of

German resident Khaled El Masri in 2003. As recognized by the European Court of Human Rights, Khaled El Masri was, at the behest of the CIA, kidnapped in the former Yugoslav Republic of Macedonia and transferred to Afghanistan, where he was made subject to secret detention and interrogation on the basis of the mistaken information that he was terrorist suspect Khaled “al” Masri. According to ECCHR, “even after a CIA official warned her that El Masri was a victim of mistaken identity, Bikowsky, then deputy head of the CIA’s Alec Station — the unit in charge of tracking Osama bin Laden — insisted on having El Masri flown to Afghanistan for further questioning.”

Press Article

Belgium: UN Mercenaries Working Group calls for human rights compliant legislation

On 16 October, the UN Working Group on the use of mercenaries, at the end of its four day visit to Belgium, issued its preliminary findings. The Working Group experts recommended that the Belgian Government strengthen “the national strategic plan, to be fully integrated through the broadest possible participation and informed by multi-disciplinary in-depth research and analysis. Such a plan should yield a clear understanding of respective roles, and attract the necessary resources for full implementation in the immediate, medium, and long-term. It must adopt a human rights based approach, and particular attention should be paid to the inclusion of especially affected communities, with clear indicators, monitoring and evaluation of related programs.” Counting the several legislative measures undertaken by Belgium to counter the ‘foreign fighters’ phenomenon, the Working Group urged “application of, and respect for human rights in the implementation of these measures, notably for the rights to privacy, to freedom of expression and movement, and to a nationality.”

UN WG Statement

Turkey: European human rights court finds several breaches of freedom of expression

On 6 October, the European Court of Human Rights ruled that Turkey had violated the right to freedom of expression of Müdür Duman, the director of the Eminönü district branch of HADEP (Halkın Demokrasi Partisi – The People’s Democracy Party), by convicting him of the possession of illegal publications and flags and symbols of the PKK, together with pictures, articles and books pertaining to Mr Öcalan. Müdür Duman had denied knowing about the existence of this material but had been convicted for possession of material supporting an illegal organization. The European Court held that his “conduct could not be construed as support for unlawful acts and there was no indication that the material in question advocated violence, armed resistance or an uprising.” There had therefore been a violation of his right to freedom of expression under article 10 of the European Convention on Human Rights. On the same day, the European Court ruled that Turkey had breached the freedom of expression of Ahmet Sami Belek and Savaş Velioğlu, following their conviction by a State Security Court for “publishing an article in a daily newspaper containing a statement by an illegal armed organisation, ...a statement by members of KADEK (Kurdistan Freedom and Democracy Congress) who were in prison at the time.” The Court held that there was no incitement to violence in the published statements and, therefore, that the interference with their freedom of expression had been disproportionate. On 19 October, the head of the Bar Association of Diyarbakır was arrested under the charge of “propaganda of terrorism” for having stated that “the PKK is not a terror organization.”

Judgment 1 (E)

Judgment 2 (F)

Press Article (E)

Turkey: 'Terrorism' suspects detained in inhuman and degrading conditions, rules Strasbourg Court

On 20 October, the European Court of Human Rights ruled that Turkey had violated the right not to be subject to torture or inhuman or degrading treatment or punishment in respect of Nurullah Şakar, Mehmet Güneş, Bedri Arslan, Mehmet Emin Enmek, Çetin Karataş, Mehmet Ekinci, Metin Karataş and Mehmet Nuri Aktaş for the sub-standard conditions of detention to which they had been subject. The individuals had been arrested on 30 January 2008 and made subject to pre-trial detention, until their release on 9 June 2008, on charges of "aiding and abetting the PKK, an illegal armed organisation, and of disseminating propaganda on its behalf". Despite discrepancies in the allegations of the applicants and the Government concerning the conditions of detention, the European Court held that, by treating as true the Government's descriptions of the conditions, it could conclude that these conditions amounted to inhuman or degrading treatment in breach of the European Convention on Human Rights. The Government had stated that the detainees had an individual detention space of 1.6 square meters for four days and 2.4 square meters for 24 days. The Court considered, including on the basis of the statement of the prison director, that the conditions of the prison involved overcrowding.

Judgment (F)

Russian Federation: Authorities responsible for family killed in "counter-terrorism" airstrike

On 15 October, the European Court of Human Rights ruled that the Russian Federation had violated the right to life of Taisa Abakarova and of her mother, father, two brothers and one sister, having killed them in a bombshell attack on the zone of Katyr-Yurt in a "counter-terrorism" operation carried out between 4 and 7 February 2000 "in blatant violation of the principles of interpretation of Article 2," i.e. the right to life under the European Convention on Human Rights (ECHR). The European Court further ruled that the Russian authorities had breached their obligation to effectively investigate allegations of the breach of the right to life of the applicant's family, as required by under article 2 ECHR and article 13 ECHR.

Judgment

Russian Federation: Alleged terrorists to be buried in unknown graves

On 8 October, a counter-terrorism operation was undertaken in Staropromyslovky district of Grozny, Chechnya. Three members of an armed group are reported to have been killed in the operation. According to the Ministry of Interior of Chechnya, the bodies of the persons killed are not to be handed over to the relatives but are to be buried in unknown graves, as provided for by the Federal Law of the Russian Federation "On the Fight against Terrorism". Article 16.1 of the law provides "[i]nterment of terrorists who died as a result of suppression of terrorist acts is carried out according to the procedure prescribed by the Government of the Russian Federation. Herewith their bodies for burial are not given and the place of their burial is not disclosed."

Law (R)

Press Article (R)

Belarus: Parliament adopts amendments to counter-terrorism laws in the first reading

On 15 October, the House of Representatives (Lower Chamber of the Parliament) of the Republic of Belarus adopted, in the first reading, "Draft Law of the Republic of Belarus On Introducing Additions and Amendments to certain laws of the Republic of Belarus on the issues of fight against terrorism" (Decree No. 632-П5/VIII). The law is reported to introduce, as a ground for counter-terrorist operations, prevention of an activity of a

terrorist organization and minimization of its consequences. It is planned to add a norm concerning "State reaction", referring to measures on prevention and other measures against acts of terrorism, activities of terrorist organizations and unlawful armed formations. The draft law includes the Ministry of Defense as participants of the "State reaction".

[Parliament's Calendar \(Belarusian\)](#)

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

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

Tajikistan: Lawyer defending 'extremist' organization arrested

On 1 October, the ICJ called for the immediate release of lawyer Buzurgmehr Yorov arrested on 28 September on charges of fraud. It was suspected that his detention in fact related to his representation of thirteen leaders of the Islamic Renaissance Party of Tajikistan (IRPT). On 7 October, Amnesty International, the Paris Bar, Association for Human Rights in Central Asia, Human Rights Watch, the International Partnership for Human Rights (IPHR), and the Norwegian Helsinki Committee called on the Tajik authorities to "immediately release or present credible and internationally recognizable charges against the human rights lawyer." He has been charged with fraud and documents forgery. The ICJ noted that Mr Yorov's arrest is part of a worrying pattern of arrests of Tajik lawyers who represent clients in "high profile" cases.

[ICJ Statement](#)

[NGOs Statement](#)

UNITED NATIONS & REGIONAL ORGANIZATIONS

UN: General Assembly launches Revised Standard Minimum Rules on Treatment of Prisoners

On 7 October, the United Nations General Assembly launched the revised Standard Minimum Rules for the Treatment of Prisoners, renamed the "Mandela Rules". The Rules include extensive revisions and additions, including, among others, an expanded section of basic principles and rules to ensure the independence of healthcare staff and placing extensive restrictions 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.

[UN Statement](#)

UN: Human Rights Council urges States to investigate mercenaries' involvement in terrorism

On 1 October, the UN Human Rights Council adopted resolution 30/6 (2015) by 32 votes in favour, 14 against and one abstention on 'the use of mercenaries as means of violating human rights and impeding the exercise of the right to peoples to self-determination.' In the resolution, the Council urges States "to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur and to bring to trial those found responsible or to consider their extradition." The resolution tasks the Working Group on mercenaries "to continue the work already done by previous mandate holders on the strengthening of the international legal framework for the prevention and sanction of the recruitment, use, financing and training of mercenaries." The European Union stated its Member States could not support the resolution due to its "lack of conceptual clarity in this resolution" and affirmed that the "activities of mercenaries could not be addressed the same way as those of private security and military companies."

[Resolution](#)

[UN Statement](#)

UN: Special Rapporteur presents report on civil society and anti-terrorism laws

On 26 October, the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Ben Emmerson, presented his annual report to the UN General Assembly, focused on the obstacles to civil society

imposed by anti-terrorism laws. Mr Emerson warned the General Assembly that “[t]he abuse of counter-terrorism measures to stifle legitimate opposition and to choke public interest and human rights organisations around world is gathering pace, and has become a first rank priority for the UN human rights mechanisms.” He reported that “[m]ore than 60 States have proposed or passed laws during that time restricting freedom of assembly, or prohibiting the foreign funding and activities of civil society organisations.” Highlighting the essential role of NGOs as “indispensable partners in effective and intelligent counter-terrorism initiatives,” Mr Emerson concluded that “States need to recognise, in all the regulation that is adopted, that lawful civil society organisations are not enemies of democracy and the rule of law, but key allies.”

[Report](#)

[UN Statement](#)

UN: Special Rapporteur presents report on whistleblowers protection

On 22 October, the UN Special Rapporteur on freedom of expression, David Kaye, presented his annual report to the UN General Assembly focussing on whistleblowers’ protection. The UN independent expert stressed the need to provide whistleblowers with adequate protection. The report “reviews national and international norms and practices and presents recommendations to establish or improve available protections.” The Special Rapporteur stressed that “[t]he problem of source protection extends beyond traditional journalists to bloggers, citizen reporters, NGO researchers, authors, academics, and many others.” He affirmed that “States may restrict access to information in specific areas and narrow circumstances, yet the disclosure of information relating to human rights or humanitarian law violations should never be the basis of penalties of any kind.”

[UN Report and Statement](#)

EU: Court of Justice annuls Safe Harbour Decision on equivalency of EU-US privacy protection regimes

On 6 October, the Court of Justice of the European Union invalidated the European Commission Decision that created a binding presumption that the right to privacy and to an effective remedy of EU citizens was as equally protected in the United States as in the EU. The Decision, known also as the Safe Harbour Decision, allowed the indiscriminate exchange of all forms of data from the EU space and the USA, without control over the effective respect of EU citizens’ rights under EU law. The Court of Justice ruled that national privacy authorities retained the power to assess whether rights are infringed in any individual case. In invalidating the Decision, the Court stated that “legislation not providing for any possibility for an individual to pursue legal remedies in order to have access to personal data relating to him, or to obtain the rectification or erasure of such data, compromises the essence of the fundamental right to judicial protection, the existence of such a possibility being inherent in the existence of the rule of law.” The case originated from a challenge by an Austrian PhD candidate, Maximillian Schrems, brought against Facebook for accessing his data. On 20 October, the US House of Representatives speedily approved new legislation, the Judicial Redress Act, said to “extend certain Privacy Act rights to European citizens.”

[Judgment](#)

[CJEU Statement](#)

[EP Statement](#)

[Press Article](#)

EU: Council adopts anti-terrorism conclusions on tackling firearms trafficking

On 8 October, the Council of the European Union on Justice and Home Affairs approved its Conclusions on strengthening the use of means of fighting the trafficking of firearms as a counter-terrorism measure. The Council stressed that the “terrorist attacks in Paris, Brussels, Copenhagen earlier this year and, more recently, the thwarted Thalys train attack on 21 August 2015, have shown the need to further strengthen the use of means of fighting trafficking of firearms.”

[Conclusions](#)

[Council Statement](#)

Council of Europe: Foreign Fighters Protocol opened for signature

On 22 October, in Riga, the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism, aimed at tackling the phenomenon of 'foreign terrorist fighters', was opened for signature. The Additional Protocol, the content of which had been criticized by the International Commission of Jurists and Amnesty International for exposing countries to the risk of violations of the principle of legality and other human rights and fundamental freedoms, was signed by Belgium, Bosnia and Herzegovina, Estonia, France, Germany, Iceland, Italy, Latvia, Luxembourg, Norway, Poland, Slovenia, Spain, Sweden, Switzerland, Turkey and the United Kingdom. The European Union also signed the Additional Protocol and the Convention on the Prevention of Terrorism.

[CoE Statement](#)

[ICJ & AI Submissions](#)

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