

E-BULLETIN ON COUNTER-TERRORISM & HUMAN RIGHTS

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AFRICA & MIDDLE EAST

Kenya: High Court takes human rights organizations off anti-terrorism list

On 12 November, Judge Anyara Emukhule of the Mombasa High Court annulled the inclusion of two human rights organizations – Haki Africa and Muslims for Human Rights (MUHURI) – in a list of “entities suspected to be associated with Al-Shabaab,” an armed group in Somalia considered a terrorist organization in Kenya. The High Court consequently ordered that their bank accounts be immediately unfrozen. Haki Africa and MUHURI, NGOs working on the impact of counter-terrorism measures on human rights, were enlisted on 7 April 2015 by the Government’s Inspector General together with 85 other entities, companies and individuals. On the same day, the Inspector General published a “list of terrorist organisations,” including Al-Shabaab, the Mombasa Republican Council, Al-Qaeda, ISIS, and Boko Haram. The Government has announced that it will appeal the decision.

NGO Statement

Tunisia: President declares state of emergency after terrorist attack

On 24 November, after a terrorist attack against a Presidential convoy that killed twelve officers of the Presidential guard and injured twenty persons, the President of the Republic, Beji Caid Essebsi, declared a state of emergency lasting thirty days under the authority of Presidential Decree No. 2015-251. The emergency law gives the Ministry of Interior the power to banish demonstrations, public gatherings and to order house arrests against persons suspected to endanger ‘security and public order’. The law also allows for house searches without judicial warrant. Reportedly, the Ministry of Interior has declared that at least 1,880 raids have been carried out and 155 people arrested since the declaration of the state of emergency. Amnesty International reported that, in raids carried out on 27 November in the La Goulette district of Tunis, “security forces... stormed houses... threatening residents, including women children and the elderly, at gunpoint and arresting dozens of people.”

Emergency Decree (A)

Emergency Law (F)

Government Statement (F)

NGO Statement (E)

Bahrain: Cassation Court upholds death sentence of terrorism convicts claiming to have been tortured

On 16 November, the Court of Cassation rejected the appeal of Mohammed Ramadan and Husain Ali Moosa against their 2014 convictions for involvement in a bomb explosion in al-Dair in February 2014, and upheld their sentence to the death penalty. During their trial, the two defendants had repeatedly claimed that their ‘confessions’ – which reportedly formed the basis for their convictions - had been obtained as a result of torture. The Bahrain Center for Human Rights stated that Husain Ali Moosa was hung from the ceiling for three days and repeatedly beaten with batons. He is said to have been subject to threats to have his relatives harmed and sisters raped. Mohammed Ramadan was reportedly beaten “on his hands, feet, body, neck, and head.” Absent a royal pardon, Mohammed Ramadan and Husain Ali Moosa could be executed at any moment. On 22 November, Human Rights Watch published a report documenting torture practices by Bahraini security forces during interrogation.

Report

NGO Statement 1

NGO Statement 2

Bahrain: Convicted for terrorism for taking pictures of “terrorist demonstrators”

On 23 November, Sayed Ahmed Al Mousawi was convicted under the country’s anti-terrorism law, sentenced to ten years of imprisonment and stripped of his nationality, for reportedly “giving SIM cards to “terrorist” demonstrators and taking photos of anti-government protests.” He had been arrested on 10 February 2014 and, according to the Bahrain Center for Human Rights and Reporters Without Borders, repeatedly tortured while in custody. The Bahrain Center reported that the police “tortured al-Mousawi for five days, subjecting him to severe beatings on his genitals, electrocution and hanging from a door. For the duration of his disappearance, he was stripped naked and forced to stand for long periods of time.”

[NGO Statement 1](#)

[NGO Statement 2](#)

[Press Article](#)

Israel: High Court blocks ‘punitive’ demolition of suspected terrorist’s family

On 1 December, the High Court of Justice, in a rare decision, by two votes to one, upheld the petition of a family against the punitive demolition of their house in the Askar Refugee Camp which had been ordered under Regulation 119 of the Defence (Emergency) Regulations 1945. The demolition was ordered because the family home had hosted a young person suspected of participation in a stabbing attack in Tel Aviv in November 2014. The High Court ruled that the excessive delay in ordering the demolition in relation to the contested events breached the principle of fairness and defeated the deterrent purpose of the measure. On the same day, by two votes to one, the same Court allowed the punitive demolition of another house.

[NGO Statement](#)

AMERICAS

USA: President signs Bill blocking Guantánamo transfers

On 25 November, President Barack Obama signed into law the National Defense Authorization Act for Fiscal Year 2016 (NDAA 2016). The law renews the prohibition to use any federal funds to construct or modify any facility to hold Guantánamo detainees, or to transfer them to US mainland territory. It further prohibits their deportation to Libya, Somalia, Syria and Yemen, and attaches a heavy set of conditionality to allow any other transfers abroad. Section 1045 of the NDAA 2016 provides that persons in US custody must not be subject to interrogation techniques or treatment prohibited by the Army Field Manual. It also requires any US officer to notify the International Committee of the Red Cross (ICRC) of any detention and allow ICRC personnel unfettered access. Despite having signed the draft law, President Obama stressed, without further detail, that under “certain circumstances, the provisions in this bill concerning detainee transfers would violate constitutional separation of powers principles.”

[NDAA 2016](#)

[Press Article 1](#)

[Press Article 2](#)

USA: Federal judge grants injunction against Internet subscriber for NSA data gathering complicity

On 9 November, Judge Richard J. Leon of the US District Court for the District of Columbia granted injunctive relief to J.J. Little, a VSNB subscriber, against the possible interception of his data by the National Security Agency given “the strong presumption that the NSA collected, and warehoused” his data in the last five years. Judge Leon found that this practice constitutes “a search within the meaning of the Fourth Amendment” and that neither “recent changes in the operation of the Program, nor the passage of the USA FREEDOM Act, has done anything” to prevent such infringement that “almost certainly violates a person’s reasonable expectation of privacy.” The Court however ruled that Larry Klayman, Charles Strange and Marz Ann Strange, subscribers of the Internet company

Verizon Wireless, were not entitled to the same injunctive relief, because they could not sufficiently substantiate that their data might have been intercepted through that subscriber. On 23 October, the US District Court for the District of Maryland, applying the Supreme Court precedent in the *Clapper* case, dismissed a lawsuit of the same kind against the NSA's Upstream programme because the programme was based on suppositions and speculations.

[Ruling 1](#)

[Ruling 2](#)

[Press Article](#)

USA: OSCE issues report on situations of Guantánamo detainees and calls for closure

On 10 November, the Office for the Democratic Institutions and Human Rights (ODIHR) of the Organisation for Security and Co-operation in Europe (OSCE) published a report detailing the situation of human rights in the US detention centre at Guantánamo Bay. The report is based on interviews with former detainees, government officers, military and civilian lawyers and NGOs. ODIHR had not been granted access by the US to current detainees. The report found violations of OSCE commitments and made recommendations for redress. ODIHR called for closure of the detention centre and the trial or release of its detainees. It further called for investigations into allegations of gross human rights violations.

[Report](#)

USA: Guantánamo detainee held for thirteen years was case of mistaken identity

On 2 December, it was reported that US officers declared that Mustafa al-Aziz al-Shamiri, a Guantánamo detainee, has been held there for thirteen years as a result of his mistaken identity. On 15 November, the Department of Defense transferred to the United Arab Emirates Guantánamo detainees Ali Ahmad Muhammad al-Razihi, Khalid Abd-al-Jabbar Muhammad Uthman al-Qadasi, Adil Said al-Hajj Ubayd al-Busays, Sulayman Awad Bin Uqayl al-Nahdi, and Fahmi Salem Said al-Asani. On 29 October, Ahmed Ould Abdel Aziz had been transferred to Mauritania. 107 detainees remain in the Guantánamo Bay detention facility.

[Government Documents](#)

[DoD Statement 1](#)

[DoD Statement 2](#)

[Press Article](#)

USA: Court of Appeals confirms partial declassification of targeted killings legal memo

On 22 October, the US Court of Appeals for the Second Circuit reaffirmed a lower court decision that allowed access to certain memoranda related to the legal justification of the US targeted killing policy but foreclosed access to other documents that had not been directly disclosed or referred by US authorities' declarations. The Court of Appeals allowed for the disclosure of three paragraphs of the lower court's partially redacted ruling, stated by the lower court to have been classified only for prudential reasons. The case was brought by the American Civil Liberties Union and New York Times concerning documents prepared by the Office of Legal Counsel of the US Department of Justice regarding drone strikes.

[Ruling](#)

[NGO Statement](#)

[Press Article](#)

USA: Human Rights Watch calls for independent investigation into CIA renditions

On 1 December, Human Rights Watch publicly called on the US Government to launch a fully independent and impartial investigation into allegations of criminal offences committed by US officers in connection with the CIA rendition, interrogation and secret detention programme. The human rights organization conducted its own investigation, including also through media and public reports and the declassified parts of the summary of the Senate CIA renditions investigation report. Human Rights Watch considered that US

officers, some of whom are named in its statement, allegedly committed “torture, assault, sexual abuse, war crimes, and conspiracy to commit such crimes.” The call for investigation is based on the assessment that the 2012 Department of Justice inquiry, led by Assistant US Attorney General John Durham and that did not result in any charges, has been ineffective.

[Report](#)

Brazil: UN Special Rapporteurs concerned at anti-terrorism draft law

On 4 November, the UN Special Rapporteur on the protection and promotion of human rights while countering terrorism, Ben Emmerson, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, and the Special Rapporteur on the situation of human rights defenders, Michel Forst, issued a statement criticizing the vagueness of the definition of terrorism contained in Draft Law 101/2015 and called for its modification. The independent experts stressed their concern that “the definition of the crime established by the draft law may result in ambiguities and confusion as to what the State considers a terrorist offence, potentially undermining the exercise of human rights and fundamental freedoms.” Passed by the Senate on 28 October, with 34 votes in favour and 18 votes against, the draft law now passes to the House of Representatives.

[Law \(Portuguese\)](#)

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

ASIA - PACIFIC

People’s Republic of China: Human Rights Watch calls for investigation into excessive use of force in anti-terrorism operation

On 23 November, Human Rights Watch called on Chinese authorities to allow independent actors to investigate allegations of the use of excessive force in recent ‘anti-terrorism’ raids in the region of Xinjiang that led to the death of 28 persons, including children. The Xinjiang Daily reportedly termed the targets of these raids as “thugs” that had been “annihilated.” The human rights organization reported that the operation in Aksu lasted for 56 days and was ordered in reaction to an attack directed by a “foreign extremist group” at the Aksu coalmine on 18 September that left 16 persons killed, of which five were police officers.

[NGO Statement](#)

[Press Article](#)

India: ICJ calls for repeal of anti-terrorism law giving the army sweeping powers

On 5 November, on occasion of the 15th anniversary of the hunger strike of Iron Shamila, the International Commission of Jurists (ICJ) called on the Government to repeal the Armed Forces Special Powers Act (AFSPA), often used to counter terrorism and militancy in “disturbed areas”. Irom Sharmila began a hunger strike in November 2000, calling for the repeal of this legislation, under which special powers are given to armed forces in areas declared as ‘disturbed’. These include the power to arrest without warrant, to enter and search any premises, and in certain circumstances to “fire upon or otherwise use force, even to the causing of death”. The ICJ stated that these and other vaguely framed provisions give armed forces broad powers that are inconsistent with the Government’s obligations to respect the right to life. In addition to leading to many unlawful killings in areas in which the law has been applied, the provisions of the AFSPA have also facilitated torture, rape and enforced disappearances and “created a culture of impunity, shielding security forces from accountability in India for crimes under international law, and making it impossible for victims of human rights violations to access justice”.

[ICJ Statement](#)

Maldives: ICJ calls for revocation of state of emergency

On 4 November, the International Commission of Jurists (ICJ) called on the Government to immediately revoke the suspension of human rights protections under the state of emergency declared on the same day. The state of emergency was motivated by citing a threat to national security based on the allegation that "some groups are planning to use... dangerous weapons and explosives." The rights suspended include the right to privacy and family life, the right to strike, the right to freedom of peaceful assembly, the right to freedom of movement, the right to liberty, and the right not to be subject to unreasonable search and seizure. The ICJ reported that this "declaration of the state of emergency also seems to target the country's vice president, whom the president appears to regard as a political threat."

[ICJ Statement](#)

[Press Article](#)

Nepal: Human Rights Committee finds multiple violations in disappearances during Maoist conflict

On 21 October, the UN Human Rights Committee ruled that Nepal was responsible for the enforced disappearance of Dhaniram Tharu, Soniram Tharu, Radhulal Tharu, Prem Prakash Tharu, Kamala Tharu, Mohan Tharu, Lauti Tharu and Chillu Tharu, all aged between fourteen and twenty-three years at the time of their disappearance. They had been apprehended by soldiers in the village of Nauranga on 11 April 2002. The 'disappearances' occurred during the conflict against the Maoist armed group, considered a terrorist organization by the Nepali Government. The Committee determined that Nepal had violated their right to life, the prohibition of torture and cruel, inhuman and degrading treatment or punishment, their right to be recognized as persons before the law, their right to liberty and their right to an effective remedy under the International Covenant on Civil and Political Rights. With respect to members of their family, the Committee found that Nepal had violated their right not to be subject to cruel, inhuman or degrading treatment or punishment for the degree of suffering resulting from their relatives' disappearance, and their right to an effective remedy.

[Decision](#)

[NGO Statement](#)

Australia: Parliament passes law stripping 'terrorists' of Australian citizenship

On 3 December, Parliament enacted the Australian Citizenship Amendment (Allegiance to Australia) Act 2015. The new law will allow the Government to strip an Australian dual citizen of his or her Australian citizenship, if he or she engages in terrorist acts, provides or receives training in preparation for a terrorist act, directs activities of a terrorist organisation, recruits or finances terrorists or terrorism; fights in the service of a declared terrorist group; is convicted, or has been convicted, in the previous ten years, of a terrorism offence and has been sentenced to at least six years of imprisonment. The law will be reviewed by Parliament in 2018 and does not apply to children below the age of ten.

[Law](#)

[Government Statement](#)

[Press Article](#)

EUROPE & COMMONWEALTH OF INDEPENDENT STATES

UK: UK Government tables data surveillance and storage Bill before Parliament

On 4 November, the UK Government presented to Parliament the Investigatory Powers Bill, aiming at consolidating and reforming investigative and surveillance powers in the UK. The Bill maintains the current duty to retain data for communications providers, clarifies the obligation to store Internet data for up to twelve months, and makes explicit in law the authority for secret services to conduct mass surveillance programmes, like the Tempora programme, unveiled by the National Security Agency's documents leaked by Edward Snowden. A new system of judicial oversight, unifying three separate surveillance

and investigatory powers oversight mechanisms, will be introduced, alongside a ground to appeal to the Court of Appeals any ruling of the Investigatory Powers Tribunal (IPT). The UN Special Rapporteur on the protection and promotion of human rights while countering terrorism, Ben Emmerson, stressed the importance of “prior authorisation by an independent and impartial judiciary ... an essential safeguard.” Human Rights Watch considered the Bill a “threat to privacy”.

[Draft Law](#)

[Codes of Practice](#)

[UNSR Statement](#)

[NGO Statement](#)

UK: Discretion on nationality granting cannot be used as general anti-terrorism deterrence, rules High Court

On 3 December, the High Court of Justice ruled that the decision of the Secretary of State for the Home Department not to grant UK citizenship to the wife and children of Hany El Sayed El Sabaei Youssef, due to his past connection with an organisation in the UN Al-Qaeda list, was unfair and therefore unlawful. While acknowledging that the Secretary of State has discretion to refuse the granting of nationality, the Court held that such discretion could not be exercised for the purpose of general deterrence against the public not to associate in any way with a persons suspected of affiliation with a terrorist organisation. The Home Department had admitted that the decision was not motivated by any individual characteristic related to the connection of the claimants with Hany Youssef, whom the UK Government had also unsuccessfully attempted to have removed from the UN list.

[Judgment](#)

France: New state of emergency law adopted in two days after Paris attacks

On 20 November, after terrorist attacks in Paris on 13 November claimed the lives of more than 130 persons, the *Law extending the application of Law no. 55-385 of 3 April 1955 on state of emergency and strengthening the effectiveness of its provisions* was promulgated. It was adopted in two days. The law extends for a further three months, starting from 26 November, the twelve-day state of emergency declared on 14 November. It modifies the authorities’ powers under the state of emergency. Home assignment orders will apply to all persons against whom “there are serious reasons to believe that his or her behaviour constitutes a threat for the security and public order.” Persons subject to these orders may be obliged to present themselves to police offices up to three times a day and may be prohibited from entering into contact with determined persons. The new law allows for the dissolution of associations participating, facilitating or inciting the commission of acts seriously endangering public order. It also eliminates pre-existing powers to control the press and radio. Finally, it gives to the Minister of Interior the power to block any Internet website inciting to commit, or making the apology of, terrorist acts. On 25 November, France presented a general derogation to the European Convention on Human Rights based on the provisions adopted under the state of emergency.

[Law \(F\)](#)

[Derogation \(E\)](#)

[NGO Statement 1 \(E\)](#)

[NGO Statement 2 \(E\)](#)

Germany: German secret services spied on EU Member States and others, press reveals

On 7 November, Der Spiegel and Radio Berlin-Brandenburg revealed that documents submitted by the Office of the Chancellor, Angela Merkel, to the Bundestag’s Committee in charge of intelligence oversight demonstrated that the Bundesnachrichtendienst (BND), the German secret service, has conducted constant surveillance on several EU and foreign targets. These include the US Federal Bureau of Investigation (FBI), the US State Department and US Department of Interior, the French Foreign Minister, the World Health Organization, UNICEF, Care International, Oxfam, the International Committee of the Red Cross, the interior ministries of Poland, Austria, Denmark and Croatia, and diplomatic missions of the US, France, Great Britain, Sweden, Portugal, Greece, Spain, Italy, Austria,

Switzerland and the Vatican. The Office of the Chancellor is in charge of overseeing the BND. The BND surveillance activity was conducted of its own initiative, without the participation of the US National Security Agency. On 13 November, the ruling Government coalition, CDU, CSU and SPD announced a reform of the intelligence services to ban any form of espionage against the EU and EU Member States.

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

Belgium: Prime Minister announces new anti-terrorism measures after Brussels lockout

On 19 November, in the midst of a lockout of the city of Brussels for a terrorist alert and the declaration of a state of emergency, Prime Minister Charles Michel announced before Parliament the incoming introduction of a set of anti-terrorism measures. In addition to an increase of resources to anti-terrorism and intelligence agencies and anti-extremism and anti-radicalization programmes, the Prime Minister declared that all “jihadists” coming back to Belgium “must be [put] in jail.” He stated that all other persons classified as ‘extremist’ will be subject to an adversary procedure to decide on the imposition of an electronic bracelet. He announced a reform of investigatory powers: the prohibition to carry out searches at night will be excluded for anti-terrorism investigations, and, in this same context, the maximum duration for pre-trial arrest will be extended from 24 hours to 72 hours.

[PM Speech \(French and Dutch\)](#)

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

Norway: Supreme Court rules against authorities’ seizure of foreign fighters documentary

On 20 November, the Supreme Court of Norway declared unlawful the seizure by the Norwegian Police Security Service (PST) of footage of the documentary by filmmaker Ulrik Imtiaz Rolfsen as an infringement of freedom of the press under Article 10 of the European Convention on Human Rights (ECHR). The purpose of the police seizure of the documentary was reportedly to hinder people from joining the terrorist organization Islamic State in Iraq and the Levant (ISIL), while the director had produced it to explain the reasons that push Norwegian citizens to join this organization. The Supreme Court held that the documentary addressed a “pressing social issue where the public as well as the government has a particular need for knowledge and insight” and that the documentary was made possible only thanks to the trust of confidentiality the sourced contacted held in the director. The protection of sources was therefore covered by Article 10 of the ECHR.

[Judgment](#)

[Press Statement](#)

Turkey: European Court finds breach of fair trial rights of ‘terrorist’ suspect

On 17 November, the European Court of Human Rights ruled that Turkey had violated the right to a fair trial of Seyfettin Güneş for having impeded his access to a lawyer during an interrogation while in custody. Seyfettin Güneş had been detained between 4 and 7 April 2000 by the police, on suspicion of being a member of *Hizbullah*, considered a terrorist organization in Turkey. During this period, Mr Güneş alleges to have been tortured. On 10 April 2000, he was re-arrested and interrogated by the police without the presence of a lawyer. In these meetings, he is said to have ‘confessed’ to have been a member of *Hizbullah*. He was later convicted for membership of an illegal organization and sentenced to ten years imprisonment. The European Court ruled that the violation of his right to a fair trial by lack of presence of a lawyer during the interrogation was demonstrated by the fact that “the restriction... was systemic and applied to anyone held in police custody in connection with an offence falling under the jurisdiction of the State Security Courts.” The Court dismissed, however, the allegations of torture because it found that Seyfettin Güneş had failed to diligently pursue his case domestically.

[Judgment](#)

Turkey: European Court finds 'terrorist' suspect ill-treated by excessive use of force during arrest

On 10 November, the European Court of Human Rights ruled that the Turkish authorities had breached Şakir Kaçmaz's right not to be subject to inhuman and degrading treatment or punishment, in violation of Article 3 of the European Convention on Human Rights (ECHR), for having used excessive force during his arrest on 30 September 2001. He was arrested on suspicion of being a member of *Hizbullah*, considered a terrorist organization in Turkey. The Court did not find that he had been ill-treated during the following police custody, but ruled that his allegations of ill-treatment had not been effectively investigated in breach of the procedural obligation under Article 3 of the ECHR. He was convicted and sentenced to life imprisonment on 11 May 2006 for "membership of the Hizbullah and for his involvement in activities attempting to undermine the constitutional order by force".

Judgment

Turkey: Human rights lawyer arrested for 'terrorist propaganda' killed after release

On 28 November, in the streets of Diyarbakir, Tahir Elçi, a local human rights lawyer, was killed by gunshots during an exchange of fire between police forces and members of an armed group, identified by the authorities as the Kurdistan Workers' Party (PKK). The origin of the gunshot that killed Mr Elçi is still unclear. Tahir Elçi had been recently indicted of, and briefly detained under, the charge of "spreading terrorist propaganda" by having declared at the TV station CNN Turk that, even if the PKK committed actions of a terrorist nature, it could not be classified as a terrorist organization.

Press Article 1

Press Article 2

Turkey: Journalists arrested for 'terrorism' for news on secret services weapons delivery

On 26 November, Can Dunder and Erdem Gul, two journalists, were arrested and charged with membership of a terrorist organization and release of classified footage for having released a news report alleging that the secret services were carrying weapons to ISIS in Syria. On 1 December, a court rejected their appeal for release.

Press Article 1

Press Article 2

Russian Federation: European Court rules investigation into disappearance ineffective

On 12 November, the European Court of Human Rights ruled that investigations conducted by the Russian Federation into the disappearance of Magomed Bimuradov, abducted on 27 May 2002 in Bas-Gordali (Chechnya) during a counter-terrorism operation, had been ineffective. The Court therefore held that the Russian Federation had breached its procedural obligation to conduct an effective investigation as an aspect of the right to life, guaranteed under Article 2 of the European Convention on Human Rights. Due to insufficient evidence, however, the Court could not establish whether the Russian Government was directly responsible for his abduction and detention, nor whether his presumed death was attributable to the Russian Federation.

Judgment

UNITED NATIONS & REGIONAL ORGANIZATIONS

UN: Security Council condemns Da'esh attacks and calls for stemming of foreign fighters flow

On 20 November, the UN Security Council unanimously adopted resolution 2249 (2015) condemning the terrorist attacks of the Islamic State in Iraq and the Levant (ISIL, also known as Da'esh) in Tunisia, Turkey, Russian Federation, Lebanon and France. The Security Council condemned this group's "continued gross, systematic and widespread

abuses of human rights and violations of humanitarian law,” and called for “those responsible for committing or otherwise responsible for terrorist acts, violations of international humanitarian law or violations or abuses of human rights to be held accountable.” In this context, while reminding that “Member States must ensure that any measures taken to combat terrorism comply with all their obligations under international law, in particular international human rights, refugee and humanitarian law,” it urged them to “intensify their efforts to stem the flow of foreign terrorist fighters to Iraq and Syria and to prevent and suppress the financing of terrorism.”

Resolution

G-20: Heads of State issue statement on fight against terrorism

On 16 November, the Great 20 (G-20) Summit issued a Statement on the Fight against Terrorism, condemning the terrorist attacks in Paris on 13 November and in Ankara on 10 October. The Statement reaffirms the necessity to respect the “UN Charter and obligations under international law, including international human rights law, international refugee law and international humanitarian law” in countering terrorism. It renews the commitment to tackle terrorism financing and makes a priority the curbing of violent extremism. It affirms the resolve of the participating States to counter the threat of foreign ‘terrorist’ fighters via information sharing, border management, preventive measures and criminal justice responses.

Statement

EU: Council approves agreement with Parliament on passenger name record directive

On 4 December, the Council of the European Union approved a compromise text with the European Parliament paving the way for the approval of the EU Directive on the use of Passenger Name Record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime. This EU legislation will govern the transfer of data of international flight passengers between EU Member States. The data collected “may only be processed for the prevention, detection, investigation and prosecution of terrorist offences and serious crime.” The Directive obliges air carriers to collect and provide data for flights entering and exiting the EU, but allows also Member States to collect data of passenger of intra-EU flights.

Statement

EU: Commission issues proposal to reform EU anti-terrorism legislation

On 2 December, the European Commission issued its proposal for a Directive on combating terrorism to replace the Council Framework Decision 2002/475/JHA on combating terrorism. The Directive, which aims at implementing obligations under Security Council resolution 2178 (2014) and the Additional Protocol to the Council of Europe Convention for Prevention of Terrorism, introduces the criminalization of attempts of recruitment and training for ‘terrorism’, travel abroad with the purpose of participating in the activities of a terrorist group, and the financing of several terrorism offences set out in the draft Directive.

Draft Directive

EU: Council approves two sets of conclusions on counter-terrorism and tackling of radicalization

On 20 November, the Council of the European Union adopted Conclusions ‘on enhancing the criminal justice response to radicalisation leading to terrorism and violent extremism.’ The Conclusions call for the adoption of a cross-sectoral and multi-disciplinary approach, “taking into account all different aspects: prevention, investigation, prosecution, conviction, rehabilitation and reintegration.” The Council further adopted Conclusions on Counter-Terrorism in reaction to the Paris attacks, calling for the quick adoption of a long

debated Directive on Passenger Name Records, for measures on the control of firearms, for an increased role for Frontex in the control of borders for counter-terrorism purposes and for an increase of work in information sharing, tackling of terrorism financing and the reform of the EU Framework Decision on Combating Terrorism.

[Conclusions 1](#)

[Conclusions 2](#)

EU: Parliament approves resolution on prevention of radicalization

On 25 November, the European Parliament approved a resolution on the prevention of radicalization and recruitment of European citizens by a terrorist organization. The resolution calls on the "Commission to establish as a priority an action plan to implement and evaluate the EU strategy for combating radicalisation and recruitment to terrorism." Recalling increasing radicalization in prisons, it calls on the Commission to "propose guidelines based on best practices on measures to be implemented in European prisons aimed at the prevention of radicalisation and of violent extremism, with full respect for human rights." It further stresses that "EU and national measures aimed at preventing the spread of violent extremism among European citizens and their recruitment by terrorist organisations should respect EU fundamental rights and the relevant case law of the European Court of Justice and European Court of Human Rights." Finally, among many other measures, it calls on "Member States to ensure that any foreign fighters are put under judicial control and, where necessary, in administrative detention upon their return to Europe, until such time as due judicial prosecution takes place."

[Resolution](#)

[EP Statement 1](#)

[EP Statement 2](#)

EU: Parliament's resolution calls for dropping of criminal charges against Edward Snowden

On 29 October, the European Parliament approved a resolution on the follow-up to its inquiry on electronic mass surveillance of EU citizens held in 2014. The resolution calls on EU Member States to "drop any criminal charges against Edward Snowden, grant him protection and consequently prevent extradition or rendition by third parties, in recognition of his status as whistle-blower and international human rights defender." It welcomes the Court of Justice ruling of 6 October that annulled the Safe Harbour Decision on the presumption of equivalence in privacy rights protection between the USA and the EU and called on the European Commission to "immediately take the necessary measures to ensure that all personal data transferred to the US are subject to an effective level of protection that is essentially equivalent to that guaranteed in the EU". The Parliament repeated its call to suspend the Terrorist Finance Tracking Programme (TFTP) agreement with the US.

[Resolution](#)

[Snowden Interview](#)

[Press Article](#)

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