



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

**No. 11, April 2006**

**Eminent Jurists Panel on Terrorism, Counter-terrorism and Human Rights held hearings in Africa, Asia-Pacific and Europe**

**East Africa**

In February, the Panel held a sub-regional hearing in Nairobi to inquire into anti-terrorism laws in Kenya, Tanzania and Uganda. The hearing was organized by ICJ Kenya.

**ICJ Press Release**

**Australia**

In March, the Panel held a hearing in Sydney, organized by ICJ Australia, examining the impact of anti-terrorism legislation adopted since 9/11 on human rights.

**ICJ Press Release**

**United Kingdom**

In April, the Panel held hearings in Belfast and London. The Belfast hearing, organized by the Committee for the Administration of Justice (CAJ), focused on the past experience of emergency laws in Northern Ireland. In London, the hearing was organized by JUSTICE, the British section of the ICJ, and hosted by the international law firm Freshfields Bruckhaus Deringer. The hearing focused on the United Kingdom's current counter-terrorism laws and policies.

**ICJ Press Release Belfast**

**ICJ Press Release London**

The next hearings of the Panel will be a North African sub-regional hearing in Morocco and a South-East Asia sub-regional hearing in Thailand.

**AFRICA & MIDDLE EAST**

[Egypt: Parliament renews emergency legislation](#)

[Algeria: Cabinet approves amnesty decree](#)

[Zimbabwe: Government publishes anti-terrorism bill](#)

**AMERICAS**

[USA: Government releases identity of Guantánamo Bay detainees](#)

[USA: Supreme Court starts proceedings in \*Hamdan\* case](#)

[USA: Supreme Court refuses to hear José Padilla appeal](#)

[USA: President Bush signs renewal of Patriot Act](#)

[USA: Department of Defense prohibits evidence obtained by torture](#)

[Canada: Declassified memoranda increase suspicions about renditions](#)

[Peru: Shining Path leaders convicted of terrorism offences by civilian court](#)

## **ASIA-PACIFIC**

Australia: Attorney-General seeks to renew intelligence agency's powers

Australia: New wiretap powers passed by Parliament

Philippines: House of Representatives passes anti-terrorism bill

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

UK: New legislation criminalizes "glorification" of terrorism

UK: Secretary of Defence calls for reforms of Geneva Conventions

UK: Court rules control orders breach human rights

Russia: President Putin signs new anti-terrorism bill

Turkey: Government introduces new anti-terrorism bill

## **UNITED NATIONS & REGIONAL ORGANIZATIONS**

UN: Human rights expert criticizes "shoot-to-kill" rhetoric

UN and OAS call on Latin American countries to reinforce anti-terror laws

EU: Parliament says European States involved in CIA rendition activities

Council of Europe releases reports on CIA flights and secret detention centres

Council of Europe rejects drafting of guidelines on diplomatic assurances

## **IN BRIEF**

UN High Commissioner criticizes governments' approach to rendition flights

Mary Robinson delivers lecture on the rule of law after 9/11

NGOs release reports on rendition flights and secret detentions

## AFRICA & MIDDLE EAST

### **Egypt: Parliament renews emergency legislation**

A week after the 24 April bombings in Dahab, Parliament extended the 25-year old state of emergency for a further two years, despite previous announcements that the emergency law would be replaced by new anti-terrorism laws. The emergency law, which was due to expire in June 2006, grants wide powers to law enforcement agencies to detain any person who may pose a national security threat without charge and allows military courts to try civilians.

[Press News 1](#)

[Press News 2](#)

### **Algeria: Cabinet approves amnesty decree**

On 27 February, Algeria's cabinet approved a presidential decree implementing the "Charter for Peace and National Reconciliation" adopted in September 2005. The decree provides a blanket amnesty for crimes committed during the 1990's conflict, including crimes under international law and grave human rights abuses. The practical effect of the decree will be to prevent victims of the conflict from seeking justice for crimes such as terrorist acts.

[Charter](#)

[Decree](#)

### **Zimbabwe: Government publishes anti-terrorism bill**

On 27 March, the Government published the Suppression of International Terrorism Bill which, if enacted, will grant the executive wide discretionary powers to designate an organization as a foreign or international terrorist organization. Such organizations are broadly defined as "any association of persons formed with a view to overthrowing or taking over the government of any State by unlawful means or usurping the functions of such government." Giving moral support to such organizations would be an offence punishable by five years imprisonment.

[Suppression of International Terrorism Bill](#)

## AMERICAS

### **USA: Government releases identity of Guantánamo Bay detainees**

In March and April, the Department of Defense released the first official list of 558 prisoners held at Guantánamo Bay detention centre, with summaries and transcripts of proceedings before the Administrative Review Board (ARB) and the Combatant Status Review Tribunals (CSRT). The disclosure came in response to a court order made pursuant to a Freedom of Information Act request filed by the Associated Press. On 25 April, the Government announced the release of 141 detainees, who it said can no longer be described as enemy combatants.

[List of Detainees](#)

[ARB and CSRT Documents](#)

[Press News](#)

### **USA: Supreme Court starts proceedings in *Hamdan* case**

On 28 March, the Supreme Court heard oral arguments in the case of Salim Ahmed Hamdan. Hamdan is challenging President Bush's authority to create Military Commissions without clear Congressional authorization. Arguments focused on the impact of the Detainee Treatment Act (DTA), adopted in December 2005, which restricted the jurisdiction of federal courts to hear *habeas corpus* petitions filed by Guantánamo detainees.

[Oral Arguments](#)

[HRF website on Hamdan](#)

[AI Statement](#)

[DTA](#)

### **USA: Supreme Court refuses to hear José Padilla appeal**

On 3 April, the Supreme Court refused to hear José Padilla's appeal challenging the executive's power to detain "enemy combatants" in military custody without charge or trial. José Padilla was held by the military without charge for more than three years. The refusal of the Supreme Court was based on Padilla's changed status since his indictment in November for allegedly supporting terrorists.

[Padilla Appeal](#)

[Concurring Opinion](#)

[Dissenting Opinion](#)

[HRF Statement](#)

### **USA: President Bush signs renewal of Patriot Act**

On 9 March, President Bush signed legislation to renew the Patriot Act. The renewal makes some of the Act's provisions permanent, including the interception of wire, oral, or electronic communications. Limited amendments were introduced to strengthen the protection of civil liberties. A number of Senators believed they were inadequate and introduced other proposals.

[Patriot Act Renewal 1](#)

[Patriot Act Renewal 2](#)

[Press Release](#)

[Senators' Proposal](#)

### **USA: Department of Defense prohibits evidence obtained by torture**

On 24 March, the Department of Defense issued a Military Commission Instruction, prohibiting the prosecution from presenting statements obtained through torture and prohibiting their admission by the Commission. The Instruction was criticized by human rights organisations for falling short of creating any legal rights for the accused and for failing to prohibit use of evidence obtained using cruel, inhuman or degrading treatment.

[Military Commission Instruction](#)

[HRF Website](#)

[HRW Q&A](#)

### **Canada: Declassified memoranda increase suspicions about renditions**

Internal Government memoranda, declassified in March under Canada's Access to Information Act, increased speculation that the CIA has used Canadian airspace and airports to fly terrorist suspects to secret detention centres.

[Memorandum 1](#)

[Memorandum 2](#)

### **Peru: Shining Path leaders convicted of terrorism offences by civilian court**

On 14 March, a civilian court convicted two former *Sendero Luminoso* guerrilla leaders to 30 years imprisonment. In 2003, the Constitutional Tribunal ordered the retrial of all individuals previously convicted by military courts under the Fujimori regime.

[Court Press Release](#)

## **ASIA-PACIFIC**

### **Australia: Attorney-General seeks to renew intelligence agency's powers**

On 29 March, Attorney-General (AG) Philip Ruddock introduced legislation to extend for ten years the powers of the Australian Security Intelligence Organisation (ASIO) to detain and question individuals who are not criminal suspects but who might have information in relation to terrorism offences.

[ASIO Bill 2006](#)

[Media Release AG](#)

[Parliamentary Review on ASIO](#)

### **Australia: New wiretap powers passed by Parliament**

On 30 March, Parliament passed the Telecommunications (Interception) Amendment Bill 2006, which gives law enforcement agencies the power to access phone calls, e-mails and text messages from individuals not suspected of being involved in any terrorist act, but who are in contact with suspected terrorists.

[Amendment Bill 2006](#)

[Telecommunications Act 1979](#)

[Media Release AG](#)

### **Philippines: House of Representatives passes anti-terrorism bill**

On 4 April, the House of Representatives (HoR) passed the Anti-Terrorism Bill 2005. The proposed law provides that a suspected terrorist can be held for three days before the state must file formal charges. The text also defines terrorism and criminalizes conspiracy to commit terrorism. Amendments to the original bill removed the death penalty as a punishment and included a presumption that demonstrations, rallies and marches are a valid exercise of freedom of assembly and expression.

[HoR Press Release](#)

[Anti-Terrorism Bill 2005](#)

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

### **UK: New legislation criminalizes “glorification” of terrorism**

On 30 March, the Terrorism Act 2006 was adopted after several months of debate. The Act criminalizes the encouragement of terrorism by “glorification” and provides for detention without charge for up to 28 days. In March, two other security laws – the Identity Cards Act 2006 and the Immigration, Asylum and Nationality Act 2006 – became law.

[Terrorism Act 2006](#)

[Identity Cards Act 2006](#)

[Immigration Act 2006](#)

### **UK: Secretary of Defence calls for reforms of Geneva Conventions**

On two occasions in April, Secretary of Defence John Reid questioned the adequacy of international law, and in particular the Geneva Conventions, to address the threat posed by terrorism.

[Speech on 3 April](#)

[Press Conference with D. Rumsfeld](#)

### **UK: Court rules control orders breach human rights**

On 12 April, a High Court judge ruled that the low level of judicial scrutiny of control orders violated the right to a fair hearing under the European Convention on Human Rights. The control order regime, introduced by the Prevention of Terrorism Act 2005, allows the executive to place far-reaching restrictions on movement, communication and work on individuals suspected of being involved in terrorism.

[AI Statement](#)

[Liberty Press Release](#)

[Prevention of Terrorism Act 2005](#)

### **Russia: President Putin signs new anti-terrorism bill**

On 6 March, President Vladimir Putin signed a new anti-terrorism bill into law. The legislation defines terrorist acts, gives the authorities extensive surveillance powers under special regimes for “state of emergency” and “anti-terrorism operations” and allows the shooting down of hijacked airplanes in order to prevent attacks on strategic facilities or public places.

[Anti-Terrorism Bill](#)

### **Turkey: Government introduces new anti-terrorism bill**

The Government introduced a new anti-terrorism bill which if enacted would widen the scope of crimes falling within the definition of terrorism and severely restrict terrorist suspects' defence rights. Following his visit to the country in February, Martin Scheinin, UN expert on human rights and counter-terrorism, raised concerns about the broad definition of terrorism contained in existing legislation.

[M. Scheinin's Report](#)

[Press News](#)

## **UNITED NATIONS & REGIONAL ORGANIZATIONS**

### **UN: Human rights expert criticizes "shoot-to-kill" rhetoric**

In a report issued on 8 March, Philip Alston, UN Special Rapporteur on extrajudicial, summary or arbitrary executions, criticized the "shoot-to-kill" rhetoric often used in response to perceived terrorist threats. He argued that even when confronted with the threat of suicide bombers, shooting to kill was permissible only when there was near certainty that to do otherwise would lead to loss of life.

[P. Alston's Report](#)

### **UN and OAS call on Latin American countries to reinforce anti-terror laws**

The United Nations and the Organization of American States called on Latin American countries to strengthen their anti-terrorist and organized crime legislation.

[Inter-American Committee Against Terrorism](#)

[UN Office on Drugs and Crimes](#)

### **EU: Parliament says European States involved in CIA rendition activities**

On 24 April, the European Parliament (EP) released its draft interim report on the alleged involvement of European states in CIA renditions and secret detentions. The report states that it is highly unlikely that European countries were unaware of extraordinary renditions on their territory.

[EP Draft Interim Report](#)

### **Council of Europe releases reports on CIA flights and secret detention centres**

On 1 March, the Council of Europe (CoE) Secretary General, Terry Davis issued his interim report on allegations of CIA-run secret prisons and flights in Europe. The report criticized the inadequacy of effective oversight of the activities of foreign agencies on the territories of CoE Member States. On 17 March, the Venice Commission (VC) of the CoE presented its legal opinion, stating that allowing secret detentions, transit of prisoners and overflights, where there is a risk of torture, would breach the European Convention on Human Rights. The Commission also held that collective self-defence and international civil aviation treaties must be interpreted and applied in a manner consistent with states' obligations under human rights law.

[Davis Report](#)

[State Responses](#)

[Legal Opinion VC](#)

[T. Hammarberg's Statement](#)

### **Council of Europe rejects drafting of guidelines on diplomatic assurances**

On 3 April, the Council of Europe Steering Committee on Human Rights issued its report on human rights implications of diplomatic assurances in the context of expulsion procedures. The Committee decided not to develop minimum standards for the use of diplomatic assurances.

[CoE Report](#)

[ICJ Press Release](#)

[HRW Statement](#)

## IN BRIEF

### **UN High Commissioner criticizes governments' approach to rendition flights**

United Nations High Commissioner for Human Rights, Louise Arbour, said that governments should not turn a blind eye to rendition flights and urged states not to use diplomatic assurances where there was a risk of torture.

[Press Release Irish Human Rights Commission](#)

### **Mary Robinson delivers lecture on the rule of law after 9/11**

On 20 March, Mary Robinson, ICJ Commissioner and member of the Eminent Jurists Panel on Terrorism, Counter-terrorism and Human Rights, delivered the annual JUSTICE international rule of law lecture in London, entitled "Five years on from 9/11- time to reassert the rule of law".

[Lecture](#)

### **NGOs release reports on rendition flights and secret detentions**

Amnesty International and Human Rights First released two separate reports on US involvement in secret detentions and renditions.

[AI Report](#)

[Human Rights First Report](#)

---

To subscribe free of charge to this E-Bulletin, please send an email to [icjcounter-terrorism@icj.org](mailto:icjcounter-terrorism@icj.org) with your details (name, organization) and "subscribe ICJ E-Bulletin" in the subject line. To unsubscribe from this list send an email to [icjcounter-terrorism@icj.org](mailto:icjcounter-terrorism@icj.org) with your details (name, organization) and "unsubscribe ICJ E-Bulletin" in the subject line.

Find this E-Bulletin and more information about the ICJ, the rule of law and human rights on our website: [www.icj.org](http://www.icj.org).

Please send feedback about the E-Bulletin to [icjcounter-terrorism@icj.org](mailto:icjcounter-terrorism@icj.org).