

E-BULLETIN ON COUNTER-TERRORISM & HUMAN RIGHTS

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AFRICA & MIDDLE EAST

Ethiopia: Constitutionality of anti-terrorism law challenged before High Court

On 22 November, lawyers representing 29 Ethiopian citizens of Muslim faith charged with "plotting acts of terrorism, intending to advance a political, religious or ideological cause" by force, and the "planning, preparation, conspiracy, incitement and attempt of terrorist acts", challenged the constitutionality of the *Anti-Terrorism Proclamation 2009* before the High Court, which is the supreme court in Ethiopia. The 29 defendants had been arrested on 20 July 2012 and include Muslim activists, opposition members and journalists who protested or reported on the protests against alleged Governments electoral fraud.

[Press Article 1](#)

[Press Article 2](#)

Nigeria: Report highlights serious human rights violations in "counter-terrorism" operations

On 1 November, Amnesty International published a report entitled *Nigeria: Trapped in the cycle of violence*, documenting abuses carried out by Boko Haram, a group considered a terrorist organisation in Nigeria, and the serious human rights violations committed by security forces in response to this group's terrorists attacks. These violations include enforced disappearance, torture, extrajudicial execution, destruction of homes and arbitrary detention without trial.

[Report](#)

Nigeria: State Parliament introduces death penalty for kidnapping and terrorism

On 8 November, the House of Representatives of the Delta State of Nigeria passed unanimously a draft law entitled "Law to Prohibit Terrorism, Kidnapping, Hostage-taking, Cultism, Use of Bombs and Explosives and Other Matters thereto". The legislation, which is awaiting the assent of the Governor, Dr. Emmanuel Uduaghan, would introduce the death penalty for people convicted of kidnapping and terrorism. Furthermore, the law would remove the authority or status of kingship from a traditional ruler in whose domain hostages are held with his knowledge. It would also provide for heavy fines for a telecommunications company which refuses to make available to security agencies, within 24 hours of request, information on communications made by a suspected kidnapper or terrorist.

[Press Article 1](#)

[Press Article 2](#)

Rwanda: Opposition leader convicted of "terrorism" after alleged unfair trial

On 30 October, Victoire Ingabire, leader of the United Democratic Forces opposition party, was convicted by the High Court of the charges of "conspiracy in harming authorities through terrorism and war" and denial of Rwanda's 1994 genocide, and was sentenced to eight years of imprisonment. She had originally been indicted with six offences: creating an armed group, complicity in terrorist acts, and complicity in endangering the state through terrorism and armed violence, "genocide ideology," divisionism, and spreading rumors intended to incite the public to rise up against the state. Amnesty International and Human Rights Watch denounced the trial as unfair. The trial was allegedly tainted by "non-disclosure of potentially exculpatory evidence that could have assisted Ingabire's defence, witness intimidation and interference with the right to remain silent after her notes were seized".

[NGO Statement 1](#)

[NGO Statement 2](#)

[Press Article 1](#)

[Press Article 2](#)

Burundi: Appeal against journalist's terrorism conviction begins

On 8 November, a court of appeal began the review of the conviction of Hassan Ruvakuki, a journalist working with *Bonesha FM* and *Radio France Internationale's* Swahili service who had been convicted in July for "terrorism" and sentenced to life imprisonment. The conviction was allegedly linked to his attempt to interview a rebel group in Tanzania in November 2011. During this appeal, Hassan Ruvakuki was allowed to speak for the first time since his arrest in November 2011. He admitted having travelled to Tanzania, but stressed that he had done so only for professional reasons and not with any terrorist intent. Several international NGOs, including Reporters without Borders, have called for his conviction to be reversed, characterizing it as a threat to the freedom of the press.

[NGO Statement](#)

[Press Article](#)

Egypt: Report denounces continued recourse to special courts

On 13 November, the International Commission of Jurists published a report entitled *Egypt's new Constitution: a flawed process; uncertain outcomes*, documenting how, in overseeing the process leading to the adoption of a new Constitution, the Supreme Council of Armed Forces (SCAF) failed to ensure the rights of Egyptians to take part in public affairs and to meaningfully participate in the drafting and adoption of a new Constitution. The report criticizes the maintenance in force of the Emergency Law, despite the abrogation in May 2012 of the state of emergency, which existed since 1981, and the competences of special security courts to try ordinary offences and of military courts to consider human rights violations committed by military personnel. The ICJ stressed that these courts' proceedings fall short of Egypt's obligations to respect the right to a fair trial.

Report

NGO Statement

Lebanon: Special Lebanon Tribunal affirms its legitimacy and legality of *in absentia* trial

The Appeals Chamber of the Special Tribunal for Lebanon issued rulings on 24 October and 1 November. In the first ruling, the Chamber dismissed the challenge by the defence lawyers against the validity of Resolution 1757 of the UN Security Council which established the Tribunal. The Court said that it had no jurisdiction to review acts of the Security Council. In the second ruling, the Appeals Chamber confirmed the Trial Chamber's decision to allow the trial *in absentia* of the defendants, pointing out that the proceedings had been duly publicized and knowledge of them was deemed to have reached the defendants. The Special Tribunal has jurisdiction to prosecute people responsible for the assassination of former Prime Minister Rafiq Hariri and for other attacks occurring between 1 October 2004 and 12 December 2005.

Judgment 1

Judgment 2

Qatar: UN Committee concerned at detention without trial in counter-terrorism

On 23 November, the UN Committee against Torture published its concluding observations on the compliance of Qatar with its obligations under the *UN Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment*. The Committee expressed concern that "persons detained under the provisions of Protection of Society Law (Law no. 17 of 2002), Law on Combating Terrorism (Law no. 3 of 2004), and Law on the State Security Agency (Law no. 5 of 2003) may be held for a lengthy period of time without charge and fundamental safeguards, including access to a lawyer, an independent doctor, the right to notify a family member and to challenge the legality of their detention before a judge."

Concluding Observations

AMERICAS

USA: NGOs call on re-elected President Obama to keep promise on Guantánamo closure

Following the re-election of President Barack Obama on 6 November, several leading NGOs and human rights defenders have called on the President to maintain his pledge, made after his first election in 2008, to close the detention facility at Guantánamo Bay. On 22 January 2009, President Obama had issued an Executive Order to close the facility within one year, to take steps to suspend the Military Commissions to try detainees, and to establish an immediate review of all individual Guantánamo detentions. Since then, these pledges remain unfulfilled and the US Congress has repeatedly refused any allocation of funds to implement any potential transfers of detainees onto US territory. At present, 166 persons remain detained at the facility.

NGO Statement 1

NGO Statement 2

NGO Statement 3

NGO Statement 4

USA: Targeted killings procedures under discussion, newspaper reveals

On 24 November, the *New York Times* revealed that the Obama administration was preparing a book of procedural rules on the operation of targeted killings by unmanned drones. The preparation of the manual was said to be undertaken for the objective of providing legal parameters for the program in the event that Mitt Romney had won the November presidential election. The news article also revealed a division in the administration between senior officers aiming for an extended use of these operations and others arguing for its tighter restriction. So far, there have been at least 300 drone strikes with at least 2,500 people killed. A blog, "Dronestagram" has been created to try to identify the places targeted by CIA unmanned drones. The targeted killings programme is believed to be active in at least Pakistan, Yemen, and Somalia.

Press Article 1

Press Article 2

Press Article 3

USA: Department of Justice appeals ruling restoring court's authority over detainees' access to a lawyer

On 4 November, the Department of Justice filed an appeal with the federal Court of Appeals against the 6 September ruling of Chief Judge Royce C. Lamberth of the US District Court for the District of Columbia that found unconstitutional the practice of forcing lawyers of Guantánamo detainees to sign a Memorandum of Understanding (MOU) reducing their client's access to a lawyer and their capacity to access information, outside of *habeas corpus* actions. The Court had ruled that the practice ran against the principle of separation of powers. The MOU also excluded any court's supervision and effectively gives Guantánamo officials veto power over the capacity of detainees to meet with lawyers. The Court reinstated a 2008 court order, which regulated lawyers' access to detainees and recalled that "the Court is simply not obliged to give the Executive the opportunity to create its own counsel-access provisions before stepping in and fashioning such procedures. To do so would be to allow the Government to transgress on the Court's duty to safeguard individual liberty by 'calling the jailer to account.'"

[Notice of Appeal](#)

[DC Ruling](#)

[Memorandum](#)

Canada: Supreme Court will hear security certificates' constitutionality challenge

On 22 November, the Supreme Court of Canada granted leave to appeal to both Mohammed Harkat and the Federal Government in a case challenging the constitutionality of security certificates. Security certificates are issued for the purpose of allowing for the deportation of non-Canadian nationals suspected of terrorism connections. On 25 April, the Federal Court of Appeal had reversed a lower court decision to uphold the security certificate of Mohammed Harkat. However, it had upheld the constitutionality of the system of security certificates and the connected proceedings through the use of special advocates, affirming the lower court's reasoning. The Court of Appeal had nonetheless found that the principle of fundamental justice had been breached by the admission of summaries of conversation, the original tapes and transcripts of which had been destroyed by the Canadian secret service (CSIS). Mohammed Harkat had been detained as a person inadmissible for residence in Canada on national security grounds from 2002 to 2006, when he was released under a control order allowing the police to search his home in order to ascertain his compliance with the order.

[FCA Ruling](#)

[Press Article](#)

Peru: New law on financing of terrorism introduces heavy penalties

On 21 November, the Government promulgated a new counter-terrorism law (Law no. 29,936) recently approved by the Congress. The new legislation, tabled by the Government before the legislature on 31 October, will introduce the offence of financing terrorism with penalties of up to 35 years of imprisonment, in the case of the involvement of a public officer. It has also excluded any benefit of reduction of punishment provided by criminal procedure law to be applied to people convicted or under trial for terrorism offences, including financing of terrorism.

[Law \(S\)](#)

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

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

ASIA - PACIFIC

China/Syria: Uighur exiled group denounces association with Al-Qaeda by China

On 2 November, the Istanbul-based Eastern Turkestan Education and Solidarity Association (ETESA), consisting of exiled Uighurs, publicly denied that any of its members had joined the rebellion against Syrian President Bashar Al-Assad and participated in the conflict in Syria. The exiled group denounced the Chinese authorities for fabricating a link between it and the East Turkestan Islamic Movement (ETIM), a group which has been included in the UN Security Council Al-Qaeda sanction List.

[Press Article](#)

India: Lone Mumbai attackers survivor secretly executed after terrorism conviction

At 7:30 am on 21 November, Ajmal Amir Kasab, the lone survivor of the Mumbai attacks which, in 2008, claimed the lives of 148 people and wounded another 238, was secretly hanged in the Yerawada central prison following the sentence of death confirmed by the Supreme Court of India. This execution ends the *de facto* eight years' moratorium on the death penalty in the country. The

Supreme Court upheld the death penalty in this case, affirmed the constitutionality of the death penalty in India and its applicability in this case. The ICJ and other international organizations denounced the execution and called on India to immediately re-establish the moratorium on the death penalty.

[NGO Statement 1](#)

[NGO Statement 2](#)

[NGO Statement 3](#)

[SC Judgment](#)

Afghanistan: President Karzai calls for complete handover of Bagram detention facility

On 18 November, President Hamid Karzai called the US authorities to transfer full power over the detention centre of Bagram, where many Afghan and foreign prisoners are held. At the end of a two-month transition period, the President gathered reports from the Attorney General and the Military Police Commander documenting that persons cleared by Afghan courts were still being detained by US authorities at Bagram and that new prisoners had been detained since the signing of a Memorandum of Understanding which allegedly prohibited such detention. President Karzai entrusted the Minister of Defense, the Attorney General and the Chief Commander of Bagram Prison to ensure the full handover of the detention facility to Afghani authorities.

[President Statement](#)

[Press Article](#)

Pakistan: Government introduces terrorism financing law in Parliament

On 13 November, the Government introduced in the National Assembly the *Anti-Terrorism (Amendment) Act 2012* to reform certain parts of legislation against financing of terrorism, following the recommendations of the Financial Action Task Force, an inter-governmental organization. The legislation would introduce a punishment of up to five years of imprisonment for refusal to effectuate the freeze or seizure of money or property without just cause; would establish immunity from prosecution or civil suits for any action by the Government or any officers carried out in good faith to effectuate the freeze; and would extend the freezing regime to requests by foreign countries sent to the Federal Government.

[Press Article 1](#)

[Press Article 2](#)

Philippines: UN Committee concerned at definition of "terrorist acts"

On 2 November, the UN Human Rights Committee issued its concluding observations on the compliance by the Philippines with its obligations under the *International Covenant on Civil and Political Rights*. Among its findings, the Committee expressed concern at the "scope of certain offences under the provisions of the Human Security Act of 2007" and at the lack of data on its implementation in the country. The Committee recommended that the State Party "review the Human Security Act of 2007 to ensure that it not only defines terrorist crimes in terms of their purpose but also defines the nature of those acts with sufficient precision to enable individuals to regulate their conduct accordingly."

[Concluding Observations](#)

EUROPE & COMMONWEALTH OF INDEPENDENT STATES

UK: House of Lords modifies secret courts draft legislation

On 21 November, the House of Lords adopted amendments to significant portions of the *Justice and Security Bill* aimed at extending the "closed material proceedings" to civil cases. The approved amendments remove the government's exclusive right to request a secret hearing, extending it to the other parties, and gives judges more discretion in the decision on whether to install such proceedings. The vote came after a report on 13 November by the Joint Committee on Human Rights finding that the planned extension constitutes "a radical departure from the UK's constitutional tradition of open justice and fairness" and that "the Government has not yet supplied evidence justifying the need for such a serious departure from the fundamental principles of open justice and fairness"

[JCHR Report](#)

[Press Article](#)

UK: Supreme Court defines "terrorism" for exclusion of refugee status

On 21 November, the Supreme Court rejected the appeal against the refusal of refugee status of Al-Sirri, an Egyptian citizen, and DD, an Afghani national, relying on the exclusion clause of article 1F(c) of the *Geneva Convention on the status of refugees* 1951, which excludes the attribution of refugee status to persons suspected of the commission of acts against the purpose and principles of the United Nations. Al-Sirri was suspected of having collaborated in the killing of the Commander of

the Afghan Northern Alliance, Ahmad Shah Masoud, on 9 September 2001, although no criminal prosecution had been brought against him. DD had been fighting against a UN-authorized force (ISAF) and in alliance with the Taliban in Afghanistan. The Court in its ruling underlined that the threshold of evidence to support the application of article 1F(c), 'serious reasons', was stronger than the ordinary test of 'reasonable grounds', and therefore strong or clear and credible evidence had to be present. On the case of DD the Court held that, although ISAF was not a peacekeeping operation, it was authorized and orientated by the UN purposes and principles, and that, by fighting against it, DD had been seeking to frustrate that purpose.

Judgment

Court Statement

UK: Supreme Court confirms ruling extending *habeas corpus* to Bagram detainees

On 31 October, the Supreme Court of the UK confirmed the Court of Appeals' ruling on the *habeas corpus* application of Yunus Rahmatullah, a Pakistani citizen detained by the British forces in Iraq in 2004 and later transferred to the US custody in Afghanistan under a 2003 Memorandum of Understanding. The Court stressed that the UK did not need to have actual custody of Yunus Rahmatullah to exercise control over his release, but that it would be sufficient for the issuing of the writ that there was a reasonable prospect of the UK obtaining his release. However, the Supreme Court agreed that no further action could be taken by the UK Government after the refusal by the US authorities to hand over the detainee. In a partly dissenting opinion, Lady Hale and Lord Carnwath found that the Court should require resubmission of the request in firmer terms by the UK.

Judgment

Court Statement

UK: Judge annuls deportation order of Abu Qatada

On 12 November, the Special Immigration Appeal Commission (SIAC) published the public judgment on the case *Mohammed Othman (Abu Qatada) v the Secretary of State for the Home Department*, in which it ordered the release of Abu Qatada, who had appealed against an order of deportation issued by the Home Office in February 2009. In its decision, the SIAC reiterated the European Court of Human Rights findings on the right to fair trial under Article 6 of the European Convention on Human Rights and reaffirmed the "real risk" that evidence of two witnesses, obtained under torture, would be used in the criminal retrial of Abu Qatada in Jordan. In 1999, Abu Qatada was convicted in absentia to life imprisonment for crimes of terrorism in that country. The Government announced that it would appeal the ruling.

Ruling

Government Statement

Press Article

UK: Parliamentary committee criticizes emergency powers draft law

On 27 November, a Joint Committee established by the House of Commons and the House of Lords on 3 July to examine the *Draft Enhanced Terrorism Prevention and Investigation Measures Bill* published its final report. This draft legislation would introduce measures similar to control orders in response to "exceptional circumstances" which "cannot be managed by any other means". The Committee expressed strong reservations regarding the bill and stressed its "concerns about both the lack of certainty over the circumstances in which these measures will be introduced and the ability of Parliament to scrutinise adequately whether these powers are necessary to meet the particular threat identified."

Report

Draft Law

France: National Assembly adopts anti-terrorism law

On 27 November, the National Assembly approved the *Draft law on security and fight against terrorism*, modifying the text previously approved by the Senate in an accelerated procedure. The new legislation would extend the application of the French criminal offences related to terrorism to all equivalent acts committed by French citizens abroad. It would also extend the validity of temporary anti-terrorism powers, due to elapse in 2012, until 2015. These powers include identity controls in trains crossing borders, access to administrative databases and collection of data obtained from telecommunications and the internet.

Draft Law (F)

Press Article (F)

Portugal: UN Committee concerned at undue restrictions of "terrorism" detainees' rights

On 2 November, the UN Human Rights Committee issued its concluding observations on the compliance by Portugal with its obligations under the *International Covenant on Civil and Political Rights*. Among its observations, the Committee expressed concern that "under article 143,

paragraph 4, of the Code of Criminal Procedure detainees are prevented from communicating with other persons in cases of terrorism or violent or highly organized crimes, until such time as the detainee is brought before a court” and that this created problems under the prohibition of cruel, inhuman and degrading treatment or punishment, the right to liberty and the right to be treated humanely in detention under Articles 7, 9, and 10 of the Covenant.

Concluding Observations

Turkey: UN Committee criticises anti-terrorism legislation

On 2 November, the UN Human Rights Committee published its concluding observations on the compliance by Turkey with its obligations under the *International Covenant on Civil and Political Rights*. The Committee expressed concern at the vagueness of the definition of a terrorist act in the 1991 Anti-Terrorism Law (Law 3713), “the far-reaching restrictions imposed on the right to due process [and] the high number of cases in which human rights defenders, lawyers, journalists and even children are charged under the Anti-Terrorism Law for the free expression of their opinions and ideas, in particular in the context of non-violent discussions of the Kurdish issue.” The Committee also stressed the non-compliance with the right to liberty of the “widespread use of lengthy pre-trial detention of up to ten years for terrorism-related offenses” and the lack of “access to an effective mechanism to challenge the lawfulness of their pre-trial detention” and to a lawyer.

Concluding Observations

Press Article

Turkey: Prime Minister suggests reintroduction of death penalty for “terrorism”

On 11 November, Prime Minister Erdogan suggested in a speech that Turkey might reintroduce the death penalty to counteract the “terrorist” threat of the Kurdistan Workers Party (PKK). The proposition was rejected by his own Justice Minister who, on 14 November, said that Turkey has no plans to reintroduce the death penalty, which was abolished in two steps in 2002 and 2004. A spokesperson for the EU Commissioner on Enlargement reminded Turkey that abolition of the death penalty is an absolute precondition to enter the EU, as it is enshrined in Article 2 of the EU Charter of Fundamental Rights, and that Turkey is party to Protocols 6 and 13 of the European Convention on Human Rights abolishing the death penalty.

Press Article 1

Press Article 2

Press Article 3

Turkey: Anti-terrorism law breached freedom of expression, rules European Court

On 20 November, the European Court of Human Rights ruled that Turkey had violated the right to freedom of expression, under Article 10 of the European Convention on Human Rights, of Ahmet Sami Belek, the owner of the newspaper *Günlük Evrensel*. The Court found that his three convictions by Turkish criminal courts under Anti-Terrorism Law no. 3713 on the charges of “publication of terrorist organisations’ declarations”, for having published references to a declaration of a member of the banned organisation “Kongra-Gel” and of Abdullah Öcalan, leader of the Kurdistan Workers’ Party (PKK) breached his freedom of expression. The Court determined that the such a restrictions on freedom of expression were impermissible because they were not “necessary in a democratic society”. The Court stressed that none of these statements had called for the use of violence, armed resistance, or consisted in expressions of hatred.

Judgment (F)

Russian Federation: UN Committee concerned at consistent human rights abuses in Northern Caucasus

On 23 November, the UN Committee against Torture, in its concluding observations on the Russian Federation, expressed concern at “numerous, on-going and consistent reports of serious human rights abuses inflicted by or at the instigation or with the consent or acquiescence of public officials or other persons acting in official capacities in the northern Caucasus, including the Chechen Republic, including torture and ill-treatment, abductions, enforced disappearances and extrajudicial killings.” The Committee also stressed the lack of investigations and accountability for these serious violations of human rights and urged the Russian Federation “to ensure that any counter-terrorism measures taken in the north Caucasus region conform to the Convention’s prohibitions against torture and ill-treatment.” In addition, the Committee expressed concern at the extradition and expulsion of foreign nationals to Central Asian countries in breach of the principle of *non-refoulement* and in reliance on diplomatic assurances.

Concluding Observations

NGO Submission

Russian Federation/Tajikistan: "Terrorism" suspect allegedly abducted to Tajikistan in breach of European Court's interim measures

On 5 November, Amnesty International called on the government of Tajikistan to disclose the whereabouts of Abdulvosi Latipov, also known as Kori Vosit, after it received allegations of his abduction from the Russian Federation and alleged detention incommunicado in Tajikistan. Abdulvosi Latipov had been detained by the Federal Security Service in Russia in November 2010 pending an extradition request from Tajikistan concerning charges of kidnapping, damaging state property and terrorism related offences. After his asylum request had been rejected by Russian authorities, he had applied to the European Court of Human Rights which prescribed an interim measure requiring Russia not to transfer him to Tajikistan. After his release from detention on 15 October 2012, he had been kidnapped by unidentified armed men wearing masks. He is believed to be held incommunicado by the Tajikistani law enforcement officers in an apartment in the capital city of Dushanbe, Tajikistan.

NGO Statement

Tajikistan: UN Committee concerned at torture and arbitrary detention of alleged "islamists"

On 23 November, the UN Committee against Torture published its concluding observations on the compliance by Tajikistan with its obligations under the *Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment*. The Committee expressed concern at "reports of extradition requests made by the State party of persons alleged to be members of banned Islamic groups, who, upon return to Tajikistan, are reportedly held in incommunicado detention and in solitary confinement, and subjected to torture and/or ill-treatment by law enforcement officials". It also expressed concern at "allegations that persons facing risk of torture upon their return and have applied for interim measures at the European Court of Human Rights have been abducted by Tajikistani security forces in a neighbouring country and forcibly returned to Tajikistan, and subsequently subjected to torture and/or ill-treatment."

Concluding Observations

UNITED NATIONS & REGIONAL ORGANISATIONS

UN: Special Rapporteur alleges torture evidence may be used for UN listing

On 2 November, the UN Special Rapporteur on the promotion and protection of human rights while countering terrorism, Ben Emmerson Q.C., presented his Annual Report to the UN General Assembly. The report denounces the lack of due process guarantees in the UN terrorism listing procedures under Resolution 1267/1999 of the UN Security Council. The UN Special Rapporteur also expressed the belief that "intelligence derived from torture has been used to justify the designation of individuals" and that the UN Ombudsperson in charge of de-listing could use such information in her considerations.

SR Statement

Press Article

UN: States propose increase of due process guarantees in UN de-listing procedures

On 14 November, a group of States (Switzerland, Germany, Austria, Belgium, Costa Rica, Denmark, Finland, Liechtenstein, Norway, the Netherlands and Sweden) presented a proposal to the UN Security Council, during the briefing session of the UN Terrorism Committees, which provide for increased due process guarantees in the UN Al-Qaeda listing proceedings, and in all other similar sanction regimes. The proposal aims at obliging all States to transmit all information which led to the listing of a person to the Ombudsperson, without which a de-listing should be ordered. Furthermore, the Ombudsperson should be able to identify the State which requested the listing to the concerned person and keep him or her updated on the proceedings. The proposal also recommends a permanent establishment of the Ombudsperson's mandate and an obligation on the Sanctions Committee to provide reasons for the listing of a person or its opposition to his or her de-listing.

Proposal (F)

UN Committees Statement (E)

Meeting Summary (E)

EU: Court of Justice reinstates "terrorism" listing of Netherlands organization

On 15 November, the Court of Justice of the European Union overturned the judgment of the General Court and reinstated the listing of Stichting Al-Aqsa, an organization from the Netherlands, in the EU Terrorism List. The Court found that the Council's decision to include and maintain Al-Aqsa in a list of entities and persons, whose funds have been frozen for their link with terrorist activities,

was based on the evidence required under the EU law, despite the Netherlands' repeal of the ministerial regulation on sanctions relating to Al-Aqsa. It was determined that the repeal was motivated simply by procedural reasons and did not affect the Dutch authorities' suspicions of links to terrorism. The Court further argued that the decision to freeze assets did not imply *per se* the suspension or cancelation of the funding, and that the right to property of the applicant was not absolute but had to be balanced with the public interest.

Judgment

Court Statement

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