

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

**No. 72, April 2013**

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## AFRICA & MIDDLE EAST

### **Ethiopia: Human Rights Watch finds flagrant breach of fair trial rights in “terrorism” trial**

On 2 April, the trial of 29 Muslim protest leaders charged with “terrorist acts” and with “planning and conspiracy to commit terrorist acts” under the *Anti-Terrorism Proclamation 2009*, was resumed. Human Rights Watch denounced what it identified as serious due process violations in the trial and the pre-trial phase, including impediments to detainees’ access to lawyers and relatives, detention for up to two months without access to a lawyer; and uninvestigated allegations of ill-treatment while in detention in the Maekelawi prison, a facility where torture and ill-treatment have previously been practiced. Furthermore, it has been reported that, since 22 January, the trial hearings have been closed to the public, including the defendants’ family members. The defendants include Muslim leaders and activists who participated in a six-month public protest in Addis Abeba for alleged interference by the Government in religious affairs, and were arrested and detained in July 2012.

[NGO Statement](#)

[Press Article](#)

### **Nigeria: Parliament approves death penalty for kidnapping, overriding Governor’s veto**

On 17 April, the House of Representatives of the Delta State of Nigeria approved, with a 26 out of 29 majority, the *Delta State Kidnapping and Anti-Terrorism Bill 2012*, therewith overriding the veto of Governor Emmanuel Uduaghan, who had rejected the previously approved draft legislation. The Governor had rejected the introduction in the draft law of the death penalty for the offence of kidnapping, maintaining that the “death sentence punishment is not likely to serve as deterrent or antidote”. However, the House of Representatives overruled the Governor’s veto with a greater than two-third’s majority and the bill has passed into law.

[Press Article 1](#)

[Press Article 2](#)

### **Burkina Faso: UN Special Rapporteur alerts authorities on risk of “terrorism” infiltration**

On 12 April, the UN Special Rapporteur on the promotion and protection of human rights while countering terrorism, Ben Emmerson, delivered his preliminary findings after a five-day visit to Burkina Faso. While noting that there had been no identified act of terrorism in the country up to now, the Special Rapporteur stressed the security risk caused by the proximity of Burkina Faso to war-torn Mali. He warned that elements of the “terrorist” or armed groups present in that country might infiltrate Burkina Faso, and called on Malian and international authorities to pay attention to the security of the country and its borders. The Special Rapporteur also underlined the risk of radicalization and violence linked with the persistent poverty of a significant part of the population.

[UN SR Preliminary Findings](#)

[UN Statement](#)

### **Bahrain: Court convicts two children under anti-terrorism law**

On 4 April, the High Criminal Court sentenced two children, Jihad Sadeq Aziz Salman (16 years old) and Ebrahim Ahmed Radi al-Moqdad (15 years old), to ten years of imprisonment after having found them guilty of the charges of “burning an armoured vehicle” under Bahrain’s anti-terrorism legislation. The Bahrain Centre for Human Rights has reported that the conviction was based on “confessions” obtained without the presence of a lawyer and allegedly under torture. No investigations into the torture allegations have been reported, and the family members of the two children were not allowed in the courtroom for the reading of the verdict. The two children are imprisoned in an adult prison facility. They had been arrested on 23 July 2012 and their whereabouts had been unknown for two days. In the same days, Bahraini security forces conducted mass arrests to prevent any possible protest during the Formula 1 race to be held on 19-21 April.

[NGO Statement 1](#)

[NGO Statement 2](#)

### **Iraq: UN High Commissioners for Human Rights calls for end of mass executions for terrorism convicts**

On 19 April, the UN High Commissioner for Human Rights, Navanethem Pillay, condemned the widespread use of the death penalty in Iraq, as a sentence for offences of terrorism, after the execution by hanging of 21 individuals. There were 33 such executions in the month of April alone. The High Commissioner declared that the Iraqi justice system was “too seriously flawed to warrant even a limited application of the death penalty, let alone dozens of executions at a time.” She reported that numerous convictions were based on “confessions” obtained by torture and ill-treatment and that trials fell short of international standards, and described the use of the death penalty in Iraq “like processing animals in a slaughterhouse”. The High Commissioner expressed

concern at the broad scope and wide application of article 4 of the Anti-Terrorism Law, which envisages the death penalty for a wide range of terrorism-related acts, not all of which can be considered to meet the threshold of “most serious crimes”, and called on the Government of Iraq to halt executions. The Ministry of Justice had reportedly announced a further 150 executions in the coming days and a total of 1,400 persons are believed to be on death row at present.

[HCHR Statement](#)

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

## AMERICAS

### **USA: NGOs write to President Obama seeking answers on targeted killing programme**

On 11 April, several international and US human rights NGOs wrote to President Barack Obama, in relation to his targeted killing programme, expressing their concerns and urging the US administration to “publicly disclose key targeted killing standards and criteria; ensure that U.S. lethal force operations abroad comply with international law; enable meaningful congressional oversight and judicial review; and ensure effective investigations, tracking and response to civilian harm.” The letter follows the publication by the McClatchy news service of the findings of a classified US intelligence report on the drone strikes in Pakistan in 2006-2008 and 2010-2011. The McClatchy disclosure revealed that, despite the US official position that targeted killings are directed against “high level” targets, at least 265 of up to 482 people killed by the CIA during 12 months in 2010-2011 “were not senior al Qaida leaders but instead were ‘assessed’ as Afghani, Pakistani and unknown extremists”.

[NGOs Letter](#)

[McClatchy Article](#)

[Press Article 1](#)

[Press Article 2](#)

### **USA: Boston bombing suspect not informed of his rights under alleged “emergency” exception**

On 19 April, US authorities arrested Dzhokhar A. Tsarnaev, a US citizen, for being the alleged co-author of the two bomb explosions during the 15 April Boston Marathon, which killed three people and left more than 200 injured, and was described by President Obama as a “terrorist attack”. His brother, Tamerlan Tsarnaev, had been killed on 18 April during a shootout with the police. Dzhokhar A. Tsarnaev was reportedly not read his “Miranda” rights, which would inform him, among other things, of his right to a lawyer and to remain silent when questioned. The authority relied on a purported public safety exception to this constitutional requirement. The American Civil Liberties Union (ACLU) reacted by recalling that this exception was improperly invoked, as it may be used “only when there is a continued threat to public safety”. Amid calls from several US legislators to designate Dzhokhar A. Tsarnaev as an “enemy combatant”, Attorney General Eric Holder announced on 22 April that he had been charged with “one count of using and conspiring to use a weapon of mass destruction against persons and property within the United States resulting in death, and one count of malicious destruction of property by means of an explosive device resulting in death”, before the federal US District Court for the District of Massachusetts.

[DoJ Statement](#)

[NGO Statement](#)

[Press Article 1](#)

[Press Article 2](#)

### **USA: UN High Commissioner for Human Rights calls for Guantánamo closure, amid mass hunger strike**

On 5 April, the UN High Commissioner for Human Rights, Navanethem Pillay, called on the US Government to close the Guantánamo detention centre. She stated that “the continuing indefinite incarceration of many of the detainees amounts to arbitrary detention and is in clear breach of international law.” The call comes while a mass hunger strike, officially involving at least 93 of the 166 detainees in Guantánamo, is taking place. It is reported that 16 of the persons on hunger strike are being force-fed through methods that amount to torture or cruel, inhuman or degrading treatment. On 27 March, the International Committee of the Red Cross announced it was conducting a mission to Guantánamo. The day before, lawyers of a Yemeni prisoner filed an emergency motion with the US District Court for the District of Columbia claiming that Guantánamo detention officers have denied him drinking water and sufficient clothing.

[HCHR Statement](#)

[DoD Statement](#)

[Lawyers’ Petition](#)

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

### **USA: Bipartisan task force finds US responsible for torture in “war on terror”**

On 16 April, a bipartisan independent task force, the Constitution Project, released a report on the US “war on terror” abuses. The report found that the US forces had used “interrogation techniques on detainees that constitute torture” and “conducted an even larger number of interrogations that involved “cruel, inhuman, or degrading” treatment”. It stated that the “nation’s most senior officials [...] bear ultimate responsibility for allowing and contributing to the spread of illegal and improper interrogation techniques used by some U.S. personnel on detainees in several theaters.” The report makes the finding that lawyers of the Justice Department’s Office of Legal Counsel “repeatedly gave erroneous legal sanction to certain activities that amounted to torture and cruel, inhuman or degrading treatment in violation of U.S. and international law”. The task force expressed the view that “the United States has violated its international legal obligations in its practice of the enforced disappearances and arbitrary detention of terror suspects in secret prisons abroad”. It also called for an end to the use of secrecy surrounding torture and rendition, and for measures to address the “continued indefinite detention of many prisoners at Guantánamo”.

[Report](#)

[NGO Statement](#)

[Press Article](#)

### **USA: Journalist’s book reveals background to secret anti-terrorism war**

On 23 April, investigative journalist Jeremy Scahill published his book *Dirty Wars: The World is a Battlefield*, at the same time in which the US Senate was about to hold its first-ever hearing on the US administrations targeted killing programme. The book describes the US secret troops operations in Afghanistan, Yemen, Somalia and other countries, and tackles the issue of targeted killings with particular revelations about the US administration decision making process and the case of the killing of Anwar Al-Awlaqi and of his son Abdulrahman.

[Book Webpage](#)

[Video Interview](#)

### **USA: Bradley Manning prosecutors must prove aiding the enemy’s intent beyond reasonable doubt, rules military judge**

On 10 April, military judge Col. Denise Lind, presiding over the military trial of private Bradley Manning, the Wikileaks whistleblower, ruled that, to meet the standard of proof for the charge of aiding the enemy, the prosecution must prove, beyond a reasonable doubt, that Manning knowingly dealt with and helped an enemy of the US, including al Qaeda, by releasing classified information. According to news reports, the prosecution will try to satisfy this burden of proof by testimony from a secret witness, who will be deposed in a closed hearing in an unidentified location, and who could provide testimony that part of Manning’s leaked information effectively reached Osama Bin Laden. It is believed that the secret witness might be a member of the Navy Seals commando which killed Osama Bin Laden. Judge Lind has allowed the witness to testify.

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

### **Canada: Anti-terrorism financing law in breach of Bar’s independence, rules court**

On 4 April, the Court of Appeal of British Columbia ruled that the federal *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* and its related regulations were in breach of section 7 of the *Canadian Charter of Rights and Freedoms*, because it unduly interfered with the independence of the Bar. The Court held that “the Regime will turn at least some lawyers into agents of the state” and it “deprives lawyers’ and clients’ of their liberty interests in a manner which does not accord with the independence of the Bar”. The Court stressed that “the independence of the Bar is fundamental to the way in which the legal system ought fairly to operate. The importance of the independence of the Bar has long been recognized as a fundamental feature of a free and democratic society.” The case was brought by the Federation of Law Societies of Canada.

[Judgment](#)

[FLSC Statement](#)

[Press Article](#)

### **Canada: Government pushes for renewal of exceptional anti-terrorism powers**

Following the arrest of an alleged bomber in a US-Canadian train on 22 April, the Canadian Government urged Parliament to conclude the approval of the *Combating Terrorism Act*, currently under consideration in the House of Commons. The draft law, if approved, would renew emergency powers enacted after 11 September 2001, which have expired because of a sunset clause. The powers to be reintroduced include the power for police of “preventative detention” for up to three days without charge and based only on suspicion of terrorism, and the possibility of “investigative hearings” in which a person suspected to have some knowledge of a terrorist act would have to provide information under potential penalty of up to 12 months of imprisonment.

[Draft Law](#)

[Draft Law Info](#)

[Press Article 1](#)

[Press Article 2](#)

### **Peru: Draft legislation increasing penalties for apology of terrorism tabled in Parliament**

On 9 April, the parliamentary group Alliance for the Great Change (*Alianza por el Gran Cambio*) presented draft legislation in Congress modifying the criminal code offence of “apology of terrorism”. The legislative proposal, if approved, would increase the penalty for “apology of terrorism” for up to fourteen years, and would introduce a penalty of fifteen years of imprisonment for teachers found guilty of this offence and their expulsion for life from employment in the education system. The draft law also increases the penalties for “apology of terrorism” via electronic means to up to eighteen years of imprisonment.

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

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

## **ASIA - PACIFIC**

### **People’s Republic of China: Criminal court convicts twenty Uyghurs for “terrorism” offences**

On 27 March, two criminal courts in the Xinjiang Uyghur Autonomous Region convicted twenty people of the charges of taking part in terrorist activities and plotting to divide the country. Nineteen of them were convicted of using cell phones and electronic storage mediums to organize, lead and take part in terrorist activities, and sentenced from 5 years to life imprisonment. Another defendant, Kerem Mohammad, was reportedly convicted of inciting separatism. The spokesperson of the exiled World Uyghur Congress, Dilxat Raxit, declared that most of the convictions were related to the downloading of YouTube videos and audio from Radio Free Asia’s Uyghur Service. He denounced these convictions as a misuse by China of the “war on terror” concept.

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

### **India: Supreme Court rejects power to scrutinize Presidential denial of pardon for death penalty of terrorism convict**

On 19 April, the Supreme Court of India rejected the application of Shri Devender Pal Singh Bhullar to review the denial of pardon of the President of India for his death sentence due to the excessive length of these proceedings. Shri Devender Pal Singh Bhullar had been convicted in 2002 by the Supreme Court in connection with the 1993 Delhi bomb blast case. The Court held that “not to entertain the prayer for mercy in such cases cannot be characterized as arbitrary or unreasonable and the Court cannot exercise power of judicial review only on the ground of undue delay”. In particular, the Court noted that the defendant had been convicted under the *Terrorism and Disruptive Activities (Prevention) Act (TADA)* and found it “paradoxical that the people who do not show any mercy or compassion for others plead for mercy and project delay in disposal of the petition filed under Article 72 or 161 of the Constitution as a ground for commutation of the sentence of death”.

[Judgment](#)

[Press Article 1](#)

[Press Article 2](#)

### **Viet Nam: Opposition group denounces ill-treatment of defendants in “terrorism” trial**

On 17 April, Radio Free Asia reported that the opposition group Viet Tan, considered by the Vietnamese Government a “terrorist organization”, had protested that eight defendants previously convicted at first instance under Article 79 of the Penal Code for their involvement with Viet Tan, had been subject to ill-treatment in detention and “faced various deprivations and abuses, including assault and having their medicine withheld”, according to their lawyers. The appeal case of the eight defendants, Ho Duc Hoa, Thai Van Dung, Paulus Le Son, Nguyen Xuan Anh, Tran Minh Nhat, Nguyen Dinh Cuong, Ho Van Oanh and Nguyen Van Duyet is reported to begin at the end of April.

[Press Article](#)

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

### **UK: Terrorism suspect cannot be extradited to USA for health reasons, rules European Court of Human Rights**

On 16 April, the European Court of Human Rights ruled that the United Kingdom could not extradite Haroon Answat to the United States without breaching the principle of *non-refoulement* and its obligations under the European Convention on Human Rights. Haroon Answat is sought for trial on the charges of conspiracy to establish a *jihad* training camp in Bly, Oregon. The European Court



held that the mental illness of Haroon Answat was so severe that “there is a real risk that the applicant’s extradition to a different country and to a different, and potentially more hostile, prison environment would result in a significant deterioration in his mental and physical health and that such a deterioration would be capable of reaching the Article 3 threshold”. The Court differentiated his situation from that of other co-applicants of Haroon Answat, based on the seriousness of his health conditions.

[Judgment](#)

[Press Article](#)

### **UK: Court of Appeal denies leave to Supreme Court in Abu Qatada case**

On 23 April, the Court of Appeal denied to the Secretary of State for Home Affairs, Theresa May, permission to appeal to the Supreme Court against its judgment finding that extraditing Omar Othman, also known as Abu Qatada, to Jordan, where he is wanted to stand trial on terrorism charges, would put him at risk of flagrant denial of his fair trial rights, hence violating the principle of *non-refoulement* under the European Convention on Human Rights. While retaining the possibility to appeal directly to the Supreme Court, Theresa May presented in Parliament a new UK-Jordan extradition treaty, which, according to her, contains strong fair trial protections which would allow for Abu Qatada’s extradition. She also declined to exclude the option of a temporary withdrawal of the UK from the European Convention on Human Rights.

[Press Article 1](#)

[Press Article 2](#)

### **UK: High Court asks modification of terrorism control measures for social university life**

On 12 April, the High Court of Justice, while upholding most of the measures to which “C.F.” had been exposed under a Terrorism Prevention and Investigation Measure, ruled that the imposition of strict limitation on association with people in the context of his studies at the university did not satisfy the requirements of proportionality. C.F. was prohibited from associating with anyone at the university unless the person was “someone you are meeting for the purpose of work or studies which you have notified to the Home Office under the work or studies measure”. The High Court held that the measures were unrealistic and imposed “a chilling effect on CF’s participation in the life of a student on this course without any, apparent, beneficial effect on national security”. The High Court proposed therefore a modification of the measure on this point allowing for meeting with students of his course in situations “ancillary” to the attendance in the campus.

[Judgment](#)

### **UK: Court of Appeal rejects expulsion of “terrorism” suspect to Ethiopia**

On 27 March, the Court of Appeal overturned a decision of the Special Immigration Appeals Commission (SIAC) and ruled that “J1”, an Ethiopian national with indefinite leave to reside in the UK, could not be expelled to Ethiopia as he would be at risk of being subject to ill-treatment there in breach of Article 3 of the European Convention on Human Rights. J1 has been living in the UK since 1990, but had reportedly started associating with “a group of Islamist extremists, who are committed to terrorism”, a situation which prompted the Home Secretary to order his expulsion as conducive to the public good for reasons of national security in 2010. The transfer was based on a UK-Ethiopia Memorandum of Understanding which included monitoring of its execution by the Ethiopian Human Rights Commission. The Court of Appeal ruled that SIAC erred in relying on the fact that this Commission could effectively monitor the agreement, and, because of this, the diplomatic assurances of Ethiopia could not be relied upon.

[Judgment](#)

### **France: UN Committee expresses concerns at counter-terrorism police custody powers**

On 19 April, the UN Committee on Enforced Disappearances published its concluding observations on the compliance by France with its obligations under the *Convention for the Protection of All Persons from Enforced Disappearance*. Among its findings, the Committee expressed concern at the frequent use of police custody (*garde à vue*), at the fact that its oversight is under the authority of the prosecutors and not of judges, and at the possibility of several extensions of police custody in cases related to terrorism. The Committee also expressed concern at the possibility of extending the prohibition of contacts with the outside world for up to twenty days.

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

### **Germany: Constitutional Court asks for modification of counter-terrorism database rules**

On 24 April, the Federal Constitutional Court ruled that the system created by the *Counter-Terrorism Database Act* was, in its basic structures, compatible with the right to information self-determination, under Article 2(1) of the Basic Law, but that amendments were required to bring specific provisions into line with the fundamental law by 31 December 2014. The Court found that provisions regulating the participation in the database of "further police authorities" and determining the scope of people covered by the database did not abide by the requirement of legal certainty. It held that some provisions on the use of the data were not in every respect compatible with the prohibition of disproportionate measures; that no sufficient legal provision had been made concerning the requirement of mandatory checks in definite intervals; and that statutory provisions on duties to report were required to ensure transparency and supervision.

[Judgment \(German\)](#)

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

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

### **Italy: President of Republic pardons accomplice in Abu Omar rendition**

On 5 April, the President of the Italian Republic, Giorgio Napolitano, granted a pardon for US Colonel Joseph L. Romano III, who had been convicted by Italian courts of the offence of complicity with the US in kidnapping for his role in the rendition of the Milan cleric Abu Omar in 2003. The statement of the Italian President mentions the "exceptionality" of the historical moment as one of the grounds for granting the pardon for acts which "are not compatible with the fundamental principles of the rule of law". The International Commission of Jurists and Amnesty International protested this decision, which they considered to be a serious blow to the fight against impunity for the CIA rendition and secret detention programme.

[President Statement \(Italian\)](#)

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

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

### **The Netherlands: Extradition of "terrorism" suspect to USA blocked due to need of psychological treatment**

On 5 April, the Hague District Court halted the extradition to the United States of Sabir K., wanted there for trial for conspiracy to attack US military personnel in Afghanistan. The judge held that Sabir K. could not be extradited until the US could send assurances that they would provide him the same post-traumatic stress disorder care procedure used in the Netherlands. Sabir K. was previously held to be extraditable to the US by the Supreme Court. He had reportedly been arrested in Pakistan in 2012 and expelled to the Netherlands where he had been arrested on arrival.

[Judgment \(Dutch\)](#)

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

### **Turkey: Fair trial rights victims must use new domestic remedy, rules Strasbourg Court in "terrorism" case**

On 26 March, the European Court of Human Rights ruled that four applicants, Müdür Turgut, Nihat Kasun, Mahmut Han and Cemal Kılıklı, who had complained about the excessive length of the criminal proceedings against them for membership of a terrorist organization, had to make use of a new compensation remedy introduced in Turkey on 19 January 2013, before their case could be considered by the European Court. The Court therefore dismissed the case for failure of the applicants to exhaust domestic remedies. The new remedy, introduced by law 6384, applies to all criminal, civil and administrative proceedings deemed to have been excessively long in breach of Article 6(3) of the European Convention on Human Rights. Compensation would be awarded by a commission composed of a majority of judges and whose decisions can be challenged in the administrative judicial system of Turkey.

[Judgment \(F\)](#)

### **Turkey: European Court of Human Rights finds Turkey responsible for numerous enforced disappearances**

On 16 April, the European Court of Human Rights ruled that Çasım Çelik, Cemal Seveli, Yusuf Çelik, Mirhaç Çelik, Naci Şengül, Seddik Şengül, Reşit Seveli, Kemal İzci, Hayrullah Öztürk, Salih Şengül, Hürşit Taşkın and Abdullah İnan, detained and arrested by security forces on 26 July 1994 in Ormancık in a military counter-terrorism operation, had been subject to an enforced disappearance and had to be considered dead, in violation by Turkey of their right to life under Article 2 of the European Convention on Human Rights (ECHR) and their right to liberty under Article 5 ECHR. The Court also found a violation of the right to life of Aşur Seçkin, who had been killed by a gunshot



while in detention. The Court further ruled that the procedural obligation to investigate the alleged enforced disappearances under Article 2 ECHR had been violated for all victims, including Kerem İnan, whose alleged killing by security forces could not be established because of the inadequacy of the investigation. Finally, the Court held that Turkey had breached the victims' family members' right not to be subject to inhuman or degrading treatment because of the suffering caused by the enforced disappearances.

**Judgment**

### **Turkey: Parliament approves reform of counter-terrorism legislation**

On 11 April, the Turkish Parliament approved the fourth judicial legislative package which amended anti-terrorism legislation in an attempt to bring it into line with the jurisprudence of the European Court of Human Rights. The reform excludes the possibility to prosecute individuals for "membership of a terrorist organisation" for publishing and distributing leaflets or statements of organizations designated as "terrorist" and eliminates the statute of limitations for torture offences. A last-minute amendment has narrowed the scope Article 6 of the Anti-Terrorism Law, which criminalizes propagation or publication of declarations of "illegal organizations", applying it only when its "content legitimizes or encourages acts of violence, threats or force."

**Draft Law (Turkish)**

**Press Article 1 (E)**

**Press Article 2 (E)**

### **Russian Federation: European Court finds Russia responsible for enforced disappearance in Chechnya**

On 18 April, the European Court of Human Rights held that Russian authorities had subjected Abdul-Yazit Askhabov to enforced disappearance following his arrest on 5 August 2009 in Shali, Chechnya, and that, since his whereabouts continue to be unknown, he had now to be presumed dead. The Court found that, through these actions, the Russian Federation was responsible for violation of his right to life under Article 2 of the European Convention on Human Rights (ECHR) and to liberty under Article 5 ECHR. The Court ruled that the investigations into the enforced disappearance had been ineffective, in breach of Article 2 ECHR. The Court also held that the Russian Federation had subjected his mother to inhuman or degrading treatment, in breach of its obligations under the Convention, because of the suffering caused by the enforced disappearance.

**Judgment**

### **Russian Federation: Tajik "terrorism" suspect cannot be extradited to his home country without risk of ill-treatment, rules European Court**

On 18 April, the European Court of Human Rights ruled that the Russian Federation would violate the principle of *non-refoulement* were it to extradite Ismon Sharofovich Azimov to Tajikistan, where he is wanted for trial and is suspected of being a member of an organization designated as "terrorist" in that country. The Court, in its judgment, had to analyse the reasoning of Russian courts which allowed the extradition and found it to be "somewhat haphazard". It established that he would have been at risk of ill-treatment if sent to Tajikistan, in breach of Article 3 of the European Convention on Human Rights, and that the diplomatic assurances given by the Tajik authorities were unreliable. The Court also found that the Russian Federation had violated his right to liberty and to judicial review of detention under Article 5 ECHR.

**Judgment**

## **UNITED NATIONS & REGIONAL ORGANIZATIONS**

### **UN: Al-Qaeda Sanctions Committee revises working guidelines**

On 15 April, the Al-Qaeda Sanctions Committee under the UN Security Council revised its listing guidelines to bring them into line with UN Security Council resolution 2083(2012). The Guidelines have been modified to reflect the reversal of "the assumption that States proposing an individual or entity for listing wish to have their identities as designating States kept confidential and authorizes the Focal Point mechanism established in resolution 1730 (2006) to receive exemption requests to the assets freeze and travel ban, submitted by or on behalf of individuals and entities on the Al-Qaida Sanctions List." Moreover, the Guidelines strongly urge Member States to provide all relevant information to the Ombudsperson, in charge of de-listing procedures, including confidential information.

**Guidelines**

**UN Statement**

### **EU: European Parliament committee rejects flight data sharing legislation**

On 24 April, the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament (LIBE) rejected by 30 votes to 25 the proposal of the European Commission to institute a EU Passengers Name Recording system. The system would oblige air carriers to provide EU countries with the data of passengers entering or leaving the EU, for use in preventing, detecting, investigating and prosecuting serious crime and terrorist offences. Concerns were expressed at the wide application of these rules to "serious crimes" and not only to terrorism, and at the measure's impact on the right to privacy and data protection. Divisions emerged on whether the proposal should now be presented to the plenum of the European Parliament or whether the Commission should be asked to put forward a new proposal.

[Draft Directive](#)

[LIBE Statement](#)

### **African Commission on Human and Peoples' Rights: Commission launches model law on access to information**

On 12 April, the African Commission on Human and Peoples' Rights adopted a *Model Law on Access to Information* for Member States of the African Union. The Model Law, whose aim is to enhance public access to information, provides for an exception which allows for government to refuse access to information when to do so would cause "substantial prejudice" to "military tactics or strategy or military exercises or operations undertaken in preparation for hostilities or in connection with the detection, prevention, suppression, or curtailment of subversive or hostile activities". The Model Law specified that "subversive or hostile activities" include "acts of sabotage or terrorism aimed at the people of the state or a strategic asset of the state, whether inside or outside the state".

[Model Law](#)

[ACHPR Statement](#)

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