



**E-BULLETIN ON
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AFRICA & MIDDLE EAST

Uganda: Opposition leader charged with terrorism

Kizza Bisegye, opposition leader and candidate in approaching Presidential elections, has been charged with terrorism before a Ugandan military court. Based on substantially the same facts, Kizza Bisegye has also been charged with treason before the civilian High Court. The ICJ is seeking to observe both trials after allegations of military interference with the civilian judiciary.

[ICJ Press release](#)

Jordan: First anti-terrorism bill after Amman bombings

In the aftermath of the Amman bombings in November 2005, the Government has begun drafting the country's first anti-terrorism bill. According to Interior Ministry officials, the law will enable the authorities to hold terrorist suspects indefinitely and impose penalties on anybody condoning, justifying or supporting terrorist acts.

[Press release Jordan authorities](#)

Israel: High Court of Justice hears cases on targeted killings

On 11 December, the High Court of Justice held hearings on a petition filed in 2002 against the Israeli Defence Forces' policy of targeted assassinations. The Court also heard another petition filed against high-level government officials, including the Prime Minister, demanding a criminal investigation of the assassination of senior Hamas chief Salah Shehadeh, during which 14 Palestinians were killed, in July 2002. The Court announced it will rule soon on both petitions.

[Israeli NGO press release](#)

Israel: Former Director of General Security Service sued

The relatives of 14 Palestinian killed in July 2002 when Israel killed a senior Hamas figure in Gaza, have filed a civil lawsuit in the US against former Director of General Security Service, Avi Dichter. The Israeli Foreign Ministry has condemned the lawsuit.

[More info](#)

AMERICAS

USA: Senator McCain and White House agree on torture ban amendment

President Bush has said he will now accept the amendment proposed by Senator McCain to ban the use of cruel, inhuman and degrading treatment of prisoners by US personnel anywhere in the world. In another development, Secretary of State Condoleeza Rice stated during a visit to Europe that, as a matter of US policy, the Convention against Torture applies to US personnel "whether in the United States or outside of the United States".

[White House press release](#)

[Human Rights First website](#)

[C. Rice's statement](#)

USA: CIA sued over "extraordinary rendition"

Former CIA director George Tenet and other CIA officials are being sued under the US Alien Tort Claims Act, by a German citizen, Khaled El-Masri, who claims to have been wrongfully abducted by the CIA in Macedonia and transported to a secret CIA prison in Afghanistan where he was ill-treated. This is the first legal challenge to the CIA's practice of "extraordinary rendition", in which terrorist suspects are taken across borders, without due process, to secret detention centres for interrogation. The day of her departure for Europe, Secretary of State Condoleeza Rice justified the practice of rendition as a legal, long-standing and vital tool to counter terrorism.

[ACLU website](#)

[C. Rice's remarks](#)

USA: ICRC refused access to secret detainees

The US State Department has acknowledged that the International Committee of the Red Cross (ICRC) does not have access to all prisoners held in US custody and insisted that the ICRC will not be provided such access because terrorist suspects are not entitled to protection by the Geneva Conventions.

[News article](#)

[ICRC website](#)

USA: District Court accepts evidence allegedly obtained by torture

On 22 November, a US District Court in Virginia convicted US citizen Ahmed Abu Ali of conspiracy to commit terrorist act, rejecting his claims that his video confession, on which the prosecution relied almost exclusively, had been obtained by torture. Abu Ali had been detained in Saudi Arabia in 2003 and returned to the US after a *habeas corpus* order was issued by the District Court in December 2004.

[Judge's Opinion](#)

[AI report](#)

USA: Padilla charged after three-year detention in military custody

On 22 November, José Padilla, a US citizen held without charge as an “enemy combatant” by the military since 2002, was indicted on terrorism charges. The indictment comes after Padilla’s appeal to the Supreme Court of an earlier decision by a Court of Appeals in September 2005, which upheld the President has power to detain US citizens without charge on US soil.

[Indictment](#)

[Government's brief](#)

[HRF website](#)

USA: Senate rejects extension of Patriot Act

While the House of Representatives voted on 14 December to renew provisions of the Patriot Act, the Senate, expressing concerns about broad surveillance of Americans, rejected the extension of this post 11-September anti-terrorism legislation. This comes following the admission by President Bush that since October 2001 he authorized secret surveillance of communications by US citizens on US soil, without obtaining warrants from courts.

[ACLU press release](#)

ASIA-PACIFIC

Australia: Anti-terrorism bill adopted

The Australian Parliament has adopted a new anti-terrorism bill, which provides for detention without charge for up to 14 days and preventive control orders for up to 12 months.

[Report Senate Committee](#)

[Bill](#)

[Senate amendments](#)

Philippines: Anti-terrorism bill passed by House of Representatives

After seven months of debates, an anti-terrorism bill was approved by the House of Representatives on 14 December. The law, which now must also be approved by the Senate, provides for a 72-hour detention period within which the authorities must file formal charges. It also criminalizes incitement to terrorism and acts that facilitate, contribute to or promote terrorism.

[HoR press release](#)

EUROPE & COMMONWEALTH OF INDEPENDENT STATES

UK: House of Lords reaffirms absolute ban on use of “torture evidence”

In a case concerning eight terrorist suspects, the House of Lords unanimously ruled on 8 December that evidence obtained through torture in third countries cannot be relied on in any judicial proceedings. The decision overturned a Court of Appeal ruling in August 2004 allowing the use of such evidence if British authorities are not involved in the alleged torture.

Judgment

ICJ Press release

UK: Parliamentary Committee says Terrorism Bill in breach of European Convention

In a report released on 4 December, the Parliament's Joint Committee on Human Rights has said the new Terrorism Bill, introduced in the wake of the July 7 terrorist attacks, violates rights guaranteed by the European Convention on Human Rights. The Bill has not yet been passed by the House of Lords.

Report

Terrorism Bill

France: Parliament adopts new anti-terrorism bill

On 15 December, the French Senate adopted a new anti-terrorism law, passed by the National Assembly a few weeks earlier. The law allows for broad surveillance, longer prison terms for terrorist offenses and increases the period of detention in police custody from four to six days. The legislation will enter into force after a final vote by both houses before the end of the year.

Bill and amendments

HRW letter to Senators

Netherlands: *Non-refoulement* principle challenged before European Court

In a joint intervention before the European Court of Human Rights (ECHR), the Governments of UK, Italy, Lithuania, Portugal and Slovakia have urged the Court to reconsider an earlier ruling (*Chahal* case), which affirmed the obligation of states not to transfer persons to countries where they risk torture. In this case of *Ramzy v. the Netherlands*, Mohammed Ramzy is suspected of involvement in an Islamic extremist group in the Netherlands and faces deportation to Algeria. Several human rights NGOs have intervened before the Court to uphold the principle of *non-refoulement*.

ECHR press release

Govts' intervention

NGO Amicus brief

Justice Amicus brief

Italy: Immunity of CIA agent for kidnapping terrorist suspect rejected

A judge in Italy has rejected an appeal by a former CIA agent against a warrant for his arrest for allegedly abducting an Egyptian terrorist suspect. The judge held that the agent was not protected by diplomatic immunity. This abduction is allegedly part of the CIA's “extraordinary rendition” program.

News article

Uzbekistan: More alleged organizers of Andijan protest jailed

Following closed trials, the Uzbek Supreme Court has sentenced 33 people to prison on charges of murder, terrorist acts and mass riots in connection with the Andijan protests last May, during which hundreds of civilians were reportedly killed by government forces. Survivors of the killings have started legal proceedings in Germany for the prosecution of Uzbek Minister of Internal Affairs for torture and crimes against humanity.

HRW press releases

Russia: Bill on non-profit organizations threat to freedom of assembly

The Government has introduced a draft law, purportedly aimed at the prevention of terrorist activities, which would create strict control over and compulsory registration of NGOs. The law has been criticized by human rights organizations as an attempt to weaken the NGO sector in Russia, and by the Council of Europe for its disproportionate, adverse impact on freedom of association. President Putin has announced that the law will be revised and it is due for second reading on 21 December.

[CoE press release](#)

[HRW press release](#)

UNITED NATIONS & REGIONAL ORGANIZATIONS

Europe: Increasing pressure over allegations of CIA secret detention centres

On 13 December, the Council of Europe Rapporteur investigating allegations of CIA secret detentions and “rendition flights” in Europe said the information gathered so far is credible. The Council of Europe Secretary General has opened a formal inquiry, requesting states to provide information about the allegations. On 15 December, the EU Parliament also decided to set up a temporary committee to investigate the allegations. The EU Justice commissioner Frattini indicated that member states could face sanctions including the suspension of voting rights in the EU Council if the allegations are found to be true.

[CoE press release 1](#)

[CoE press release 2](#)

EU: Passenger data exchange deal with USA under legal threat

The Advocate General of the European Court of Justice proposes the annulment of the EU-US deal under which airline passenger data has been handed over to US authorities since May 2004. The European Parliament has challenged the deal as violating EU rules on data protection.

[ECJ's press release](#)

EU adopts data retention directive and new anti-terrorism strategy

Despite opposition from human rights organizations and the telecommunications industry, the European Union has adopted a new directive that requires telephone and Internet data to be stored for six months to two years. In parallel, EU Justice Ministers have adopted a new anti-terrorism strategy aimed at combating radicalization and recruitment to terrorism, recommending measures such as strengthening border security and improving the monitoring of places of recruitment.

[Directive](#)

[Anti-terrorism strategy](#)

Council of Europe postpones decision on diplomatic assurances

On 9 December, a meeting of governments convened by the Council of Europe postponed a decision whether to draw up guidelines on use of diplomatic assurances in cases where a person is facing a risk of torture or ill-treatment if transferred to another country. Human rights organizations have opposed the drawing up of such guidelines.

[Report of meeting](#)

[ICJ Press release](#)

Organization of Islamic Conference vows to fight terrorism and extremism

On 7-8 December, OIC leaders have declared they will combat terrorism and defend the image of Islam, promising to criminalize terrorist offences, including financing and instigation of terrorism, and work towards the establishment of an International Counter-Terrorism Center.

[Final Communiqué](#)

UN: Growing criticism over treatment of terror suspects

Secretary-General Kofi Annan, High Commissioner for Human Rights Louise Arbour and 33 independent human rights experts expressed concerns on Human Rights Day about the growing trend of countries to challenge the prohibition of torture, use secret detentions and use diplomatic assurances in the name of national security.

[SG statement](#)

[HCHR statement](#)

[Experts statement](#)

IN BRIEF

AI and Reprieve holds largest gathering of former Guantánamo detainees

On 19-21 November, Amnesty International and Reprieve held the largest ever gathering of former "war on terror" prisoners and their families in London.

[More info](#)

Cleveland Principles on the Detention and Treatment of Persons in “war on terror”

A group of American experts, including public officials and academics, have adopted the *Cleveland Principles of International Law on the Detention and Treatment of Persons in connection with the “Global War on Terror”*.

[Cleveland Principles](#)

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