



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

**No. 62, April 2012**

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## AFRICA & MIDDLE EAST

### **Ethiopia: Journalist and politician charged with terrorism disown court**

On 28 March, Eskinder Nega, a journalist, and Andualem Aragie, an opposition politician, refused to recognize the legitimacy of the criminal court which is trying them on terrorism charges, in protest at the alleged arbitrary application against them of the *Anti-terrorism Proclamation 2009*. According to news reports, the prosecution was based on untenable evidence including “scratchy, nearly inaudible recordings of telephone conversations and other comments”. Eskinder Nega and Andualem Aragie were among 130 journalists and opposition political activists convicted of treason and sentenced to life in prison following the 2005 elections. They were later pardoned, but, in September 2011, they were re-arrested along with six others.

Press Article

### **Kenya: Two found dead after release from detention for suspected terrorism links**

On 13 April, the dead bodies were recovered of Mohamed Kassim and Samir Hussein, who had been arrested and then released in March for suspicion to be connected with Al-Shabaab. The bodies were then taken to the morgue and investigations began on the deaths. Kassim’s lawyer, Chacha Mwita, told the national newspaper *The Standard* that he was informed that the two were arrested on Tuesday by the police before their bodies were found, a claim that the police deny. A Coastal Provincial Police Officer alleged that the crime might be linked to perceptions of their acquaintances that they were police informers.

Press Article

### **Rwanda: Opposition leader abandons terrorism trial against her in protest**

On 17 April, opposition leader Victoire Ingabire and her lawyers announced a boycott of the trial against her, alleging bias of the presiding judge. Victoire Ingabire is charged with financing the mainly ethnic Hutu FDLR (Democratic Forces for the Liberation of Rwanda) rebels, considered by the government to be a “terrorist” group, and with propagating ethnic hatred and “genocide revisionism”. Her British defence lawyer, Iain Edwards, said the boycott came after a rebel colonel was interrupted while accusing the Rwandan intelligence services of offering money to rebels to make false claims against Victoire Ingabire.

Press Article

### **Algeria: UN Committee finds Algeria responsible for enforced disappearances**

In January 2012, the UN Human Rights Committee issued two decisions on the cases of enforced disappearance of Djamel and Mourad Chihoub, and of Kamel Djebrouni. The Committee found that the Algeria had violated their right to life; their right not to be subject to torture or cruel, inhuman or degrading treatment in light of their *incommunicado* detention; their right to humane treatment in detention; their right to recognition as persons before the law, and for Mourad Chihoub, his right to special protection as a child, since he was fifteen when apprehended by Algerian forces. The Committee also recognised a violation of the prohibition of torture and cruel, inhuman and degrading treatment and of the right to an effective remedy of their family members for the suffering caused by the enforced disappearances. The three victims were apprehended by Algerian authorities between 1994 and 1996 and have not reappeared since. The Committee reiterated its call, from its concluding observations on Algeria, to amend *Ordinance No. 06-01*, which in the present form “appears to promote impunity”.

Decision (Chihoub)

Decision (Djebrouni)

## **Bahrain: Review of terrorism conviction of human rights defender on hunger strike delayed**

On 23 April, the Court of Cassation of Bahrain delayed the hearing to review the criminal conviction of human rights defender Abdulhadi al-Khawaja, who was then in his eleventh week of hunger strike and apparently close to death. Abdullahi al-Khawaja was among a group of 14 human rights defenders and opposition leaders who had been convicted of allegedly fabricated charges of terrorism and attempting to overthrow the regime. On 2 April, the Court of Cassation refused to release him on health grounds. On 13 April, the UN Special Rapporteurs on the rights of freedom of assembly and association, Maina Kiai; on the independence of judges and lawyers, Gabriela Knaul; on torture, Juan E. Mendez; and on human rights defenders, Margaret Sekaggya, called for his immediate release amid serious concerns about the lack of due process and fair trial guarantees. A number of international and national NGOs called for his immediate release and urged the Bahraini government to end attacks on human rights defenders and opposition politicians and to implement the recommendations of the 2011 Independent International Commission of Inquiry.

[UN SRs Statement](#)

[NGO Statement](#)

[NGO Report](#)

[Press Article](#)

## **Yemen: UN Committee finds multiple human rights violations in counter-terrorism and calls for abolition of special court**

At the end of its 104<sup>th</sup> session, on 30 March, the UN Human Rights Committee published its concluding observations on the compliance by Yemen with its obligations under the *International Covenant on Civil and Political Rights*. The Committee regretted the impact that the multiplication of counter-terrorism measures “has had on the enjoyment of rights enshrined in the Covenant”. The Committee also expressed concern “at reports of excessive and disproportionate use of lethal force and at reports of torture, arbitrary detention and threats against civilians” in public protests as well as in the context of countering terrorism and requested that transparent and independent investigations be carried out into these violations. The Committee found the trial of terrorism suspects in the Specialised Criminal Court to contravene a number of Covenant rights and recommended the Court’s abolition.

[Concluding Observations](#)

## **Israel/Palestine: Woman on hunger strike released and confined to Gaza**

On 1 April, the Israeli authorities released Hana Shalabi, a Palestinian woman held in administrative detention, after concern was expressed by several national and international NGOs and by the UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk. She had been on hunger strike since her arrest on 16 February. The release was part of a deal, reportedly accepted by Hana Shalabi, which includes her transfer to the Gaza Strip, without the possibility to return to the West Bank for at least three years. Amnesty International expressed concern that the transfer “may have amounted to a forcible transfer or deportation”. Hana Shalabi is suspected of membership of the Islamic Jihad, but her family maintains that she has left the group. Reportedly, more than 300 Palestinians are currently in administrative detention, without charge, in Israeli prisons and detention facilities, including 21 Members of the Palestinian Legislative Council.

[NGO Statement 1](#)

[NGO Statement 2](#)

[NGO Statement 3](#)

## **Israel: Appeal requested against denial of right to education to “security prisoner”**

On 26 March, the NGO Adalah requested permission to appeal to the Israeli Supreme Court against a judgment of the Nazareth District Court rejecting the request of Rawi Sulatany, a Palestinian citizen held as a “security prisoner”, to continue his studies with the Open University, which he began two years before by correspondence. Reportedly, the District Court rejected the request on the basis that the prohibition to study is part of

"discouraging terrorism," and therefore this policy is in the public interest, after testimony from the General Security Services that "terrorist organizations" reward prisoners by funding higher education in various indirect ways. The NGO asserts that this denial violates Rawy Sulatany's right to education, derived from the *Basic Law: Human Dignity and Liberty*.

[Request of Appeal \(Hebrew\)](#)

[District Court Judgment \(Hebrew\)](#)

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

## AMERICAS

### USA: Inter-American Commission allows Guantánamo case to go to merits stage

On 30 March, the Inter-American Commission on Human Rights approved the admissibility report of the case *Djamel Ameziane v USA*, allowing the complaint to be heard by the Commission on its merits. Djamel Ameziane is an Algerian man who has been detained at Guantánamo without any charge or trial for more than 10 years. It is the first time that a case from Guantánamo will be heard before the Inter-American Commission. According to the representatives of the complainant, the Center for Constitutional Rights and the Center for Justice and International Law, the Commission underscored that there has been no effective domestic remedy available to victims of unlawful detention and other abuses at the base. The report of the Commission is not public.

[IACHR Statement \(Case 900-08\)](#)

[Case History](#)

[NGO Statement](#)

[Press Article](#)

### USA: Civil suit for unlawful detention in Guantánamo dismissed by District Court

On 13 April, Judge Marsha J. Pechman of the US District Court of the Western District of Washington (Seattle) dismissed a civil action for violation of constitutional rights (*Bivens* action) brought by Adel Hassan Hamad against Secretary of Defense, Robert Gates. The Court ruled that the personal or supervisory responsibility of Robert Gates in relation to the unlawful detention of Adel Hamad in Guantánamo had not been sufficiently substantiated and that the action should therefore be dismissed. Adel Hassan Hamad claimed that he had been unlawfully detained in violation of his Fifth Amendment rights, for fifteen months following a 2005 ruling of the Administrative Review Board that he was not an "enemy combatant" and must be released to Sudan, his native country. He alleged that he had not been notified of this decision. Although dismissing the action, the Court rejected the argument that Robert Gates was entitled to qualified immunity. The Court noted that the Supreme Court's decision in *Boumediene v. Bush* had made clear that constitutional rights extended to Guantánamo and no doubt could exist in the mind of an officer that such a breach to have been constitutional.

[Ruling](#)

### USA/UK: District Court refuses access to information on UK complicity in renditions

On 2 April, Judge Ricardo M. Urbina of the US District Court for the District of Columbia dismissed a request under the *Freedom of Information Act* for the release of information concerning the involvement of the United Kingdom in the CIA rendition and interrogation programme. The request was made by the UK's All-Party Parliamentary Group on Extraordinary Rendition. The judge ruled that the Act's exemption of the right to access information to foreign governments applies to the All-Party Group, as the UK Parliament is considered a "subdivision" of a foreign "government entity". The UN Special Rapporteur on the protection and promotion of human rights while countering terrorism, Ben Emmerson, expressed its regret at the ruling and added that "[r]efusing disclosure of key information about the alleged participation of UK officials in extraordinary rendition runs the risk of promoting impunity for state officials of the UK who may have been party to grave human rights violations."

[Ruling](#)

[UN SR Statement](#)

[Press Article](#)

### **USA: Charges sworn in 9/11 trial before military commissions**

The Department of Defense announced on 4 April that Khalid Sheikh Mohammed, Walid Muhammad Salih Mubarak Bin 'Attash, Ramzi Binalshibh, Ali Abdul Aziz Ali, and Mustafa Ahmed Adam al Hawsawi had been indicted before a military commission on the capital charges of terrorism, hijacking aircraft, conspiracy, murder in violation of the law of war, attacking civilians, attacking civilian objects, intentionally causing serious bodily injury, and destruction of property in violation of the law of war, pursuant to the *Military Commission Act 2009*. The charges stem for their alleged role in the terrorist attacks of 9/11. Several of the defendants, including Khalid Sheikh Mohammed, were victims of the CIA secret detention and “enhanced interrogations” programme, and have been allegedly subjected to torture, enforced disappearance and arbitrary detention. The decision has been widely criticized by human rights organizations, including the American Civil Liberties Union which argued that the use of military commissions does not comply with the right to due process and fair trial. The first hearing is set for the 5 May.

[Charge Sheet](#)

[DoD Statement](#)

[NGO Statement](#)

[Press Article](#)

### **USA/Afghanistan: Secret agreement signalled on transfer of US prisoners to Afghanistan**

[See, ASIA & PACIFIC](#)

### **Canada: New legislation introduces universal jurisdiction for terrorism victims**

On 13 March, the *Justice for Victims of Terrorism Act* passed into law after having received royal assent. The legislation will allow Canadian citizens or permanent residents to bring civil damage lawsuits against a person, “listed” entity or foreign state, for damages arising from action or omission which would amount to a terrorism offence, occurring after 1985. Anyone, regardless of his or her legal status in Canada, will also be able to bring such an action if the “terrorist” action has a real and substantial connection to Canada. The legislation lifts state immunity for those foreign States which have been listed as “supporting” terrorism.

[Law](#)

### **Canada: Omar Khadr asks Government to return home**

On 18 April, the Public Safety Minister Vic Toews announced that detainee Omar Khadr had officially requested to be transferred to his home country, Canada, from Guantánamo Bay. Omar Khadr is a Canadian national who was apprehended by US forces in Afghanistan in 2002 when he was 15 years old and had been held in Guantánamo since then. On 31 October 2010, following a plea deal, Omar Khadr was sentenced by a US Military Commission to 40 years’ imprisonment, but he will have to serve eight years under the agreement. The Public Safety Minister of Canada said that he will consider the request in accordance with Canadian law.

[NGO Statement](#)

[Press Article 1](#)

[Press Article 2](#)

### **Chile: MPs demand abrogation of most of Pinochet-era anti-terrorism law**

On 22 March, the members of the House of Representatives, Gabriel Silber, Gabriel Ascencio, Roberto León, Pablo Lorenzini, Sergio Ojeda, Ricardo Rincón and Patricio Vallespín, presented draft legislation requesting the abrogation of a significant part of *Law no. 12.927*, an anti-terrorism and security law enacted in the 1930s and heavily modified in during the regime of Augusto Pinochet. According to the proponents, the abrogation of the parts of this law, which introduced crimes against the State public order, is necessary because of the misuse of its provisions in relation to public protests, including in recent times.

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

[House Statement \(S\)](#)

### **Argentina: Former President Menem going to trial for “cover-up” of terrorist attack**

On 30 March, Judge Ariel Lijo remanded to trial former President Carlos Menem, former magistrate Juan José Galeano, and the former head of the secret services, accused of “cover-up” for the main suspect for the terrorist attack against the Jewish Community Centre AMIA in 1994. It is alleged that the investigation of the key suspect was blocked under the “determining influence” of former President Menem and his brother from 1994 to 1999.

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

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

[Press Article 3 \(S\)](#)

## **ASIA - PACIFIC**

### **India: UN expert finds extrajudicial executions and impunity in countering terrorism**

On 30 March, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, concluded his visit to India, which took place from 19 to 30 March 2012. In a preliminary statement following the visit, the Special Rapporteur called on the Government to take measures to tackle impunity in cases of extrajudicial executions. He found that “in the North Eastern States, and Jammu and Kashmir the armed forces have wide powers to employ lethal force.” In these States, instances of extrajudicial killings have been recorded in the last years in the “anti-terrorism” operations against Maoist rebels or Kashmiri separatists. The Special Rapporteur highlighted that the high level of impunity of the police and armed forces is “due to the requirement that any prosecutions require sanction from the central government – something that is rarely granted.” He also recorded episodes of “fake encounters” in which extrajudicial killings are masked as shoot-outs to justify killing in self-defence.

[UN SR Statement](#)

### **India: Execution of terrorist convict suspended after international protests**

On 28 March, the Minister of Interior ordered a stay of the execution of Balwant Singh Rajoana, a Sikh Indian citizen convicted in 2007 for having been the “back-up” suicide bomber in the 1995 killing of Punjab state's Chief Minister Beant Singh along with 17 other people. Calls for a stay of the execution came from international NGOs, such as Amnesty International and Human Rights Watch, as this would have been the first execution in India since 2004, breaking a *de facto* moratorium on the death penalty.

[NGO Statement 1](#)

[NGO Statement 2](#)

[Press Article 1](#)

[Press Article 2](#)

### **Malaysia: New law substitutes indefinite detention with detention up to 28 days without charge**

On 17 April, the lower house of the Parliament (Dewan Rakyat) passed the *Security Offences (Special Measures) Bill*, which would supersede the controversial *Internal Security Act 1960*, which allowed for indefinite detention without charge of terrorism or security suspects. The legislation, which still has to be approved by the upper house, would allow for detention without charge or appearing before a judge for such suspects for up to 28 days. The legislation would also allow, if approved, for a 48 hours period in which it would not be possible for detainees to contact a lawyer. The arrests without warrant could be carried out when an officer has “reason to believe” that a person may be involved in security offences, which are broadly defined. The maximum length of 28 days of detention without charge would have to be reviewed by Parliament after five years.

[Draft Law](#)

[NGO Statement 1](#)

[NGO Statement 2](#)

[Press Article](#)

### **Afghanistan/USA: Secret agreement signalled on transfer of US prisoners to Afghanistan**

On 23 April, a draft partnership agreement was signalled between US and Afghani senior officers in preparation of a formal agreement to be undertaken in May at the NATO

Summit in Chicago. Although the agreement remains secret, news reports suggest that it involves the transfer of authority over the detainees they hold in Bagram to Afghani authorities within six months, along with “diplomatic assurances” regarding their treatment. The reported agreement has been heavily criticized by international NGOs in light risks of human rights abuses, including torture and ill-treatment, and deficiencies in respect of the administration of justice within the Afghani judicial system.

[DoD Statement](#)

[NGO Statement 1](#)

[NGO Statement 2](#)

[Press Article](#)

### **Australia: Inquiry into rendition finds shortcomings of State’s agencies, not complicity**

On 23 March, the Government released the unclassified version of the report from the Inspector-General of Intelligence and Security’s *Inquiry into the actions of Australian Government agencies in relation to the arrest and detention overseas of Mr Mamdouh Habib from 2001 to 2005*, commissioned by the Prime Minister in December 2010 and submitted to her last December 2011. Although the report does not find any involvement or complicity by Australian officers or secret service agents in the rendition, arbitrary detention and ill-treatment of Mamdouh Ahmed Habib, it highlights a series of serious shortcomings in the defence of his rights by Government’s agencies. Mamdouh Ahmed Habib is a dual Australian-Egyptian national who was detained in Pakistan in October 2001, transferred to Egypt in November 2001, to Bagram (Afghanistan) in April 2002 en route to Guantánamo, where he was held until January 2005. The Government accepted the report’s recommendations to reform internal procedures, but refused to provide formal apologies to Ahmed Habib’s wife, Maha Habib, for failing to keep her properly informed about her husband’s situation.

[Report](#)

[MFA Statement](#)

[Press Article](#)

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

### **UK: Terrorism suspect cannot be stripped of his UK citizenship to become stateless**

On 29 March, the Court of Appeals (Civil Division) overruled an order by the Home Secretary revoking the UK citizenship of Hilal Abdul-Razzaq Ali Al-Jedda, issued on the grounds that the measure was “conducive to the public good”. Ali Al-Jedda, who obtained UK nationality in 2000 after having been attained refugee status, was detained in 2004 by UK forces in Iraq on suspicion of involvement with terrorism. Once released in 2007, the Home Office revoked his citizenship. The Court ruled that the order was invalid, as it would have the effect of making him stateless. His Iraqi citizenship had been automatically revoked during the regime of Saddam Hussein, and transitional legislation of the occupying powers in Iraq could not confer automatic re-establishment of his Iraqi nationality.

[Ruling](#)

[Press Article](#)

### **UK: Abu Qatada arrested for deportation despite pending appeal before the European Court of Human Rights**

On 17 April, the UK Border Agency arrested Omar Othman, also known as Abu Qatada, with a view to carrying out his deportation to Jordan. The deportation was approved based on the assumption by Home Secretary Theresa May that assurances received by the Jordan Government that information obtained by torture would not be used in his retrial for terrorism would satisfy the requirements imposed by the European Court of Human Rights in its 17 January ruling on the case. The arrest, however, occurred on the same day on which Abu Qatada filed his request for a referral of the case to the Grand Chamber of the European Court, thereby extending the validity of interim measures preventing his removal. The Home Secretary asserts that the appeal was filed after the necessary deadline for referral, which she deems to be on the 16 of April, and that the arrest was legitimate.



However, the European Court's Registry communicated that the deadline had been respected. Justice Mitting had validated the arrest but stated that he would reconsider the decision if the deportation would not be able to be carried out in two or three weeks.

[Home Sec. Statement 1](#)

[Home Sec. Statement 2](#)

[Press Article 1](#)

[Press Article 2](#)

### **UK: Terrorism suspects can be sent to the USA for trial, says European Court of Human Rights**

On 10 April, the European Court of Human Rights ruled that the extradition to the United States of Babar Ahmad, Haroon Rashid Aswat, Syed Tahla Ahsan, Mustafa Kamal Mustafa, known more commonly as Abu Hamza, all British nationals, Adel Abdul Bary, an Egyptian national, and Khaled Al-Fawwaz, a Saudi Arabia national, to answer terrorism charges would not put them at substantial risk of being subject to torture or inhuman or degrading treatment or punishment. The Court held that the applicants did not provide enough evidence to establish that, if transferred to the United States, they would be subject to such treatment, in light of the likely placement of most of them in the high security ADX Florence prison. The Court found that only an indefinite or a significant period of time in that detention centre would constitute a breach of Article 3 of the European Convention, while in this case there were possibilities for transfer to other facilities. Finally, the Court found that the prospect of life imprisonment upon conviction would not violate Article 3 in their case given the seriousness of the offence and the fact that mitigating or aggravating circumstances may be taken into account by the court.

[Judgment](#)

### **UK: Parliament's human rights committee rejects closed material procedure in civil trials**

On 4 April, the Joint Committee on Human Rights published its comments on the *Green Paper* of the Government on justice reform, strongly rejecting the introduction of a closed material procedure in civil court proceedings. The Green Paper proposes, among other things, the standardisation of the closed material procedures (CMPs) to admit classified intelligence information in civil court proceedings; clarifications on when the obligation to provide a summary of classified evidence to the other party does not apply; and limitations on the role of courts in cases in which individuals are seeking disclosure of sensitive material, where the Government is not otherwise a party, particularly in foreign legal proceedings. The Joint Committee found that the Government put forward no evidence to demonstrate the necessity of CMPs and found them "inherently unfair". The Committee recommended that the Government focus on a "statutory clarification of the law on Public Interest Immunity as it applies in national security cases."

[JCHR Report](#)

[Green Paper](#)

### **UK: Libyan victims of rendition sue former Minister for Foreign Affairs**

On 17 April, legal representatives for Abdel Hakim Belhadj, also known as Abu Abd Allah Sadiq, commander of the anti-Gaddafi forces in the Libyan civil war, and of his wife Fatima Bouchar, filed a civil lawsuit against former Secretary of State for the Foreign and Commonwealth Office, Jack Straw, to discover his role in their rendition to Libya via Thailand. The action was undertaken after information was published by the British press that a senior official of MI6, Sir Mark Allen, had expressed satisfaction to Moussa Koussa, the head of the Libyan Secret Services under Colonel Gaddafi, for the success of the rendition and claiming that it was based on UK cooperation. The letter was found in the wake of the Libyan civil conflict in the office of Moussa Koussa. Former Prime Minister Tony Blair in a radio interview denied having had any knowledge of UK complicity in renditions. The complainants have alleged UK complicity in his 2004 rendition and that of

his wife to Libya, through Malaysia and Thailand, and for his alleged torture by US forces during his six years detention in Thailand and Libya, while under interrogation by “foreign” agents, including UK agents.

[Law Firm Statement](#)

[NGO Statement](#)

[Press Article 1](#)

[Press Article 2](#)

**UK/USA: District Court refuses access to information on UK complicity in renditions**

[See, AMERICAS](#)

**France: Government tables bill criminalising consultation of terrorism apologist websites**

On 11 April, the French Government presented before the National Assembly a *Bill to strengthen the prevention and repression of terrorism no. 4497*, approved in reaction to the killings by a gunman of three soldiers and four persons at a synagogue at the end of March in Toulouse. The draft legislation, if approved, will introduce, among other measures, a new offence of “regular consultation of terrorism websites”. The offence would sanction with two years of imprisonment and 30,000 Euros anyone consulting regularly a website containing messages which either incite to acts of terrorism or constitute apology for such acts, in this latter case only when the message contains images of life-threatening terrorism acts. The offence is not applicable when the consultation is carried out for professional reasons to inform the public, for scientific research or to obtain criminal evidence.

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

[Government Statement \(F\)](#)

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

**France: European Torture Committee concerned at lack of access to a lawyer in police custody**

On 19 April, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment published the report of its visit to France from 28 November to 8 December 2010. The Committee expressed concern that for terrorist suspects, access to a lawyer in police custody (*garde à vue*) may be delayed up to 72 hours and recommended that access be allowed from the beginning of detention, at least to a lawyer assigned by the Bar Association, and that the Criminal Procedure Code be amended accordingly.

[Report \(F\)](#)

**Italy: Expulsion to Tunisia of terrorism suspects contrary to European Convention, says Court**

On 27 March, the European Court of Human Rights ruled that Italy violated Article 3 of the European Convention on Human Rights for having expelled Mohamed Ben Mohamed Mannai to Tunisia, despite the fact that he would be at risk of being subject to torture or inhuman or degrading treatment or punishment there, in light of the criminal conviction and sentencing for terrorism he served in Italy prior to expulsion. The Court also held that Italy breached Article 34 of the European Convention because it did not respect the *interim* measure issued by the Court not to transfer the applicant pending the case before it.

[Judgment \(F\)](#)

**Netherlands: Supreme Court gives green light to terrorist suspect extradition to US**

On 17 April, the Supreme Court of the Netherlands (*Hooge Raad der Nederlanden*) rejected an appeal against extradition to the USA by Sabir K. a Dutch-Pakistani man suspected of preparing terrorist attacks on an American military base in Afghanistan in 2010. Sabir K. was seeking a reversal in cassation of a judgment of the Court of Rotterdam on 3 October 2011 allowing the extradition. The Supreme Court held that there was no substantial risk of being subject to torture or ill-treatment in breach of Article 3 of the European Convention of Human Rights in the United States. The Court rejected K.’s argument that the US authorities were at least complicit in his detention and torture in Pakistan following

his arrest last year, and found that the applicant had not put forward any credible evidence of US involvement in his arrest and ill-treatment.

[Judgment \(Dutch\)](#)

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

### **Kazakhstan: 47 people convicted in closed-door trial for terrorism**

On 19 and 9 April, courts in Western Kazakhstan convicted respectively 42 and five people of the offences of organising a terrorist group; preparing terrorist acts; financing terrorism; and possession of weapons, explosives and explosive devices, for their alleged involvement in episodes of unrest and a bombing last year in Western Kazakhstan. The sentences handed down are of between five and fifteen years of imprisonment. News reports and human rights defenders stated that the trial was held behind closed door and no access was given to the public. Family members were reportedly threatened and told not to contact human rights organisations.

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

### **Tajikistan: 34 people convicted for terrorism membership in closed trial**

On 19 April, a criminal court convicted 34 people of the charges of terrorism, murder and attempting violently to overthrow the government, for their alleged membership of the Islamic Movement of Uzbekistan (IMU), considered in the region to be an Al-Qaeda affiliated group. The defendants were sentenced to periods of imprisonment between eight and 28 years. They were all residents of the northern Tajik region of Isfara. The conviction occurred in a trial in closed session where no access to the public was allowed.

[Press Article 1](#)

[Press Article 2](#)

## **UNITED NATIONS & REGIONAL ORGANISATIONS**

### **Summit: International summit reaffirms commitment to nuclear safety from terrorism**

On 27 March, the Seoul Nuclear Security Summit, which gathered more than 50 States around the topic of nuclear security, issued a final communiqué in which it stressed the “fundamental responsibility of States, consistent with their respective national and international obligations, to maintain effective security of all nuclear material”. Among several security measures, the Summit encourages universal adherence by States to the *Convention on the Physical Protection of Nuclear Material* (CPPNM), as amended, and the *International Convention for the Suppression of Acts of Nuclear Terrorism* (ICSANT).

[Final Statement](#)

[Summit Documents](#)

[Press Article](#)

### **EU: Parliament’s Committee holds hearing on renditions and accountability**

On 27 March, the Civil Liberties, Justice and Home Affairs Committee (LIBE) of the European Parliament held a public hearing on the developments on accountability for EU Member States’ complicity in the CIA renditions, secret detention and interrogation programme. The hearing received updates on the developments, in particular in Lithuania, Finland, Denmark, Romania, Poland and the UK from several regional and international NGOs. The hearing is part of a plan of the LIBE Committee to produce a 2012 report in follow-up to the 2007 Report of the Temporary Committee of Inquiry on CIA Activities in Europe (the Fava report).

[LIBE Statement](#)

[Agenda](#)

[NGO Statement](#)

### **EU: EU-US Anti-terrorism data transfer agreement approved by Parliament**

On 19 April, the plenum of the European Parliament approved a new agreement with the US authorities for the transfer of Passenger Name Records (PNR). The purpose of the agreement is to prevent, detect, investigate and prosecute suspects for terrorism and serious transnational crimes. According to the terms, the PNR data will be retained by US authorities for up to five years and be depersonalized after six months. After this period,

the information would be put in a “dormant database” for up to ten years. Sensitive data could be used only in exceptional circumstances when a person’s life is at risk. EU citizens will have a right to administrative and judicial redress in the US and to access their own PNR data and ask the Department of Homeland Security for rectification, and possibly erasure, of their data. A proposal to request a prior advisory opinion of the Court of Justice of the European Union on the compliance of the agreement with the EU Treaty and fundamental rights was rejected.

[EP Statement](#)

[EU Home Commissioner Statement](#)

[Press Article](#)

### **EU: Council Presidency holds international conference on counter-terrorism and human rights**

On 12 March, the Danish Presidency of the Council of the European Union organised an international conference on counter-terrorism and human rights. The conference gathered officers of the EU, its Member States, the United Nations and representatives of civil society with the aim to identify common solutions and guidance to ensure the operation of counter-terrorism measures while respecting human rights and the rule of law. The results of the conference will be used by the EU as input into the upcoming review of the UN Global Counter-Terrorism Strategy.

[Conference Website](#)

[Discussion Paper](#)

[Background Note](#)

### **Shanghai Cooperation Organisation: Anti-terrorism body establishes border experts panel**

On 27 March, the 12<sup>th</sup> meeting of the Regional Anti-Terrorist Structure of the Shanghai Cooperation Organisation decided to establish a panel of border experts of the competent authorities in the Member States in countering terrorism, separatism and extremism. The meeting also discussed on measures to counteract financing of terrorism and the use of the internet for diffusing terrorist, extremist or separatist views. The Regional Anti-Terrorist Structure is composed of Kazakhstan, China, the Russian Federation, Tajikistan, Uzbekistan and Kyrgyzstan.

[RATS Statement \(R\)](#)

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

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