



E-BULLETIN ON COUNTER-TERRORISM & HUMAN RIGHTS

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AFRICA & MIDDLE EAST

Nigeria: President pushes anti-terrorism bill under international pressure

On 21 June, the President *ad interim*, Jonathan Goodluck, wrote to the Senate urging it to expedite the approval of the *Anti-Money Laundering (Amendment) Bill* and of the *Bill for an Act to provide for measures to combat terrorism and for related matters*, in order to avoid black-listing of the country by the intergovernmental *Financial Action Task Force* (FATF). The antiterrorism bill includes a provision to criminalise omissions to prevent a terrorist act; authorises 48-hours detention without access to a lawyer; confers search powers without warrant and far-reaching powers to the federal President to proscribe “international terrorist organisations”.

Draft Law

NGO Statement

FATF Website

Press Article

Uganda: Failure to implement court order to investigate responsibility of counter-terrorism force for death in custody

On 10 June, the NGO *Human Rights Watch* requested the Ugandan Government to enforce a High Court order appointing a coroner to investigate the death of Saidi Lutaaya, who was held by the Joint Anti-terrorism Task Force (JATT) in Kololo, a suburb of Kampala. The High Court ordered the investigation on 10 February 2010, but the order has yet to be executed.

NGO Statement

Press Article 1

Press Article 2

Saudi Arabia: Torture in Guantánamo helps return to extremism, says director of re-education

On 20 June, Abdulrahman al-Hadlaq, the director of the interior ministry's ideological security administration, reported that around 25 former Guantánamo detainees who passed through the Saudi re-education programme are believed to have rejoined Islamic extremist movements. This phenomenon, he alleges, is due to the torture inflicted there and the strong personal ties formed among the detainees during US detention.

Press Article

Tunisia: Overbroad terrorism offences undermine children rights, says UN Committee

On 11 June, the UN Committee on the Rights of the Child adopted its concluding observations on Tunisia's implementation of the Convention on the Rights of the Child. The Committee expressed concern that the very broad definition of terrorist acts adopted by Tunisia may have adverse consequences for the protection of children's rights and may lead to violations. Specifically, the Committee recommended that Tunisia formulate and adopt a more precise definition of terrorist acts and ensure that persons under 18 years are not held accountable, detained or prosecuted under anti-terrorism laws

Concluding Observations

Sudan: Terrorism suspects subject to grave human rights violations, UN expert finds

In his report of 26 May to the UN Human Rights Council, the Independent Expert on the situation of human rights in the Sudan, Mohammed Chande Othman, concluded that national courts in Sudan had failed to order any investigations into allegations of torture and other ill-treatment, arbitrary detention, and fair trial violations in the cases of some of the 106 men who had been convicted by an anti-terrorism court for their involvement in the Justice and Equality Movement (JEM) attack of 10 May 2008 in Omdurman. The Government released 57 of these people on 24 February 2010.

Report

Israel: UN Security and Human Rights Councils condemn Israeli raid on aid boat

On 31 May, Israeli armed forces raided a Turkish boat containing a group of civilian

activists who were seeking to break the Israeli blockade and embargo imposed by Israel on Gaza. The raid resulted in the death of nine civilians and injuries to many others. The Israeli Government justified the attack in part by claiming that terrorists were present on the boat, allegations disputed by the crew. The UN Security Council and Human Rights Council condemned the raid, and the latter decided to mandate an international fact-finding mission. Israel, while rejecting an international investigation, began an internal probe into the events. On 7 June, Interior Minister Eli Yishai asked the Attorney-General to deprive MP Haneen Zoabi, who was one of the activists on board, of her parliamentary immunity, as a step towards revoking her citizenship for “treason”.

[UN HRC Resolution](#)

[UN SC Statement](#)

[Israeli PM Statement](#)

[IDF Statement](#)

[NGO Statement](#)

[Press Article 1](#)

[Press Article 2](#)

Israel: Four Palestinian MPs protest their expulsion from Israel for security reasons

On 4 June, it was reported that Mohammed Abu Tair; Ahmed 'Atwan; Mohammed Toutah; and Eng. Khaled Abu 'Arafa, four members of the Palestinian Legislative Assembly elected in 2006, had been ordered to leave Jerusalem by the Israeli authorities for membership of an organisation deemed as terrorist by Israel, Hamas. The four, with the support by Israeli human rights NGOs Adalah and Association for Civil Rights in Israel (ACRI), were reportedly seeking an injunction before the Supreme Court to block the deportation from East Jerusalem.

[Motion for Injunction \(Hebrew\)](#)

[NGO Statement 1](#)

[NGO Statement 2](#)

[Press Article](#)

AMERICAS

USA: Training on international law may constitute “material support to terrorism”, says Supreme Court

On 21 June, the Supreme Court ruled in a 6-3 opinion that the offence of “material support” to a designated foreign terrorist organisation complied with the principle of legality and constituted a lawful restriction of freedom of speech under the First Amendment to the US Constitution. The Court found that the offence does not prohibit independent advocacy of the goals of the “terrorist organisation”, but all advocacy done in coordination with or under the direction of such an organisation. The statute also prohibits financial support of peaceful activities of such organisations. The effect of the Supreme Court’s decision is said to be that training members of these organisations on how to use international and humanitarian law to peacefully resolve dispute could constitute “material support” and be subject to prosecution.

[Ruling](#)

[Case History](#)

[NGO Statement](#)

[Press Article](#)

USA: Supreme Court declines to hear appeal in Arar rendition case against Government

On 14 June, the Supreme Court denied *certiorari* in the case of Maher Arar against several high-level officers of the Bush administration. This decision left unchanged the dismissal of the case by the US Court of Appeal for the Second Circuit of 2 November 2009, which found that no cause of action existed that could provide a remedy for the breach of Mr. Arar’s constitutional rights. A Canadian citizen, Maher Arar was arrested in 2002 in New York and sent to Syria where he was tortured for several months. A major official inquiry in Canada subsequently awarded reparation to Maher Arar for Canada’s responsibility in his ordeal. Maher Arar was seeking civil damages for breach of his constitutional rights and for torture and inhuman treatment both in the US and in Syria.

[SC Order](#)

[CA Ruling](#)

[Arar Statement](#)

[NGO Statement](#)

USA: Guantánamo Review leaves 48 detainees in administrative detention

On 28 May, the *Washington Post* provided the previously classified final report of the Guantánamo Review Task Force, issued on 22 January 2010. The report details the situation of the 240 detainees who remained at Guantánamo at that date. The review resulted in the approval of 126 detainees for transfer out of Guantánamo to their home country or a third state; 44 referred to prosecution either in federal civilian courts or military commissions; and 30 detainees of Yemeni origin to be held in “conditional” detention, as transfers to Yemen have been suspended by the US authorities. Finally, 48 detainees would remain in administrative detention as it was determined they could not be released or prosecuted. The report also recognizes that many detainees cannot be prosecuted because information gathered on them was aimed only at intelligence purposes and would not stand as evidence in trial.

[Report](#)

[Press Article 1](#)

[Press Article 2](#)

USA: Court of Appeals repeats that Uighurs cannot be resettled in US

On 28 May, the Circuit Court of Appeals of the District of Columbia confirmed its previous ruling that the right to *habeas corpus* of five Guantánamo detainees of Uighur origin, who have been cleared for release for a number of years, does not give jurisdiction to the courts to order resettlement in US territory. The ruling affirms the sole authority of the political branches of government to exercise the power of release of non-citizens held by the federal government. The Supreme Court had previously vacated the judgment, asking the Court of Appeals to reconsider the situation in light of the fact that all of the Uighurs had since received offers of resettlement to third countries. Meanwhile, the six Uighurs who had been resettled to Palau are asking to leave the island and be allowed to permanent residency in Australia.

[Ruling](#)

[Press Article](#)

USA: Bill increasing control over Guantánamo lawyers approved in the House of Representatives

On 28 May, the House of Representatives approved the *National Defense Authorization Act for Fiscal Year 2011 Bill*, section 1,037 of which will apply new restrictions and controls on the lawyers of Guantánamo detainees. The provision would authorise the Inspector General of the Department of Defence to investigate whether these lawyers have interfered with operations of the Department related to the detainees, violated the Department’s policies or laws, or generated any material risk to a member of the Armed Forces. The legislation is now awaiting action by the Senate.

[Draft Law](#)

[House Statement](#)

[ABA Statement](#)

USA: Report finds physicians experimented in torture under CIA direction

On 7 June, the NGO *Physicians for Human Rights* released a report documenting that medical personnel acting under CIA direction had conducted experiments and research on detainees in order to justify and shape more refined “enhanced interrogation techniques” which amount to torture, and could constitute war crimes and crimes against humanity. The NGO, together with other US and international organisations, requested the Office of Human Research Protection to open a formal investigation into the allegations.

[Report](#)

[NGOs Complaint](#)

[NGO Statement](#)

Canada: Constitutionality of UN terrorism list challenged

On 7 June, Abousfian Abdelrazik, together with the British Columbia Civil Liberties Association and the International Civil Liberties Monitoring Group, filed a lawsuit challenging the constitutionality of the *United Nations Al-Qaida and Taliban Regulations*, implementing the UN terrorism list under Security Council resolution 1267(1999). The petitioners claim that such regulation is outside the lawful scope of the *United Nations Act*

and violates Abdelrazik's freedom of association, right to liberty and security, and right to property, as the limitations are not established in accordance with due process of law. They seek a declaration that the listing of Abdelrazik based on declarations extracted from a Guantánamo detainee under torture violates customary international law. Abousfian Abdelrazik is subject to considerable restrictions due to his presence in the list, which the Security Council has maintained despite delisting requests by the Canadian Government.

Complaint

NGO Statement

Press Article

Canada: Supreme Court upholds ban on publication of information in bail hearings

On 10 June, the Supreme Court, in a case brought against the government by media organizations, held that a mandatory ban at the request of criminal suspects on publishing information and evidence adduced in bail proceedings is justified in a free and democratic society, as it serves to guarantee as much as possible the fairness of trial proceedings and fair access to bail. One of the underlying cases challenged by media outlets under freedom of expression provisions concerned twelve adults and five juveniles accused of terrorism-related offences in 2006, in which one of the accused had applied for the publication ban, and the judge extended it to all defendants.

Ruling

Canada: Inquiry into 1985 terrorist attack reports serious flaws in intelligence work

On 17 June, the *Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182* presented its final report. The report documents the consistent security flaws by Government and intelligence agencies before the bombing of the Air India Flight 182 on 23 June 1985 by Sikh extremists, which killed 329 people. The report also stresses the inefficacy of the investigations on the attack due to lack of collaboration, and sometimes rivalry, between intelligence and law enforcement agencies. The report also finds that the Government failed to keep the families of the victims adequately informed. On 23 June, the Prime Minister formally apologised to the victims for the institutional failures and the treatment of victims' families.

Report

PM Statement

Press Article

Colombia: UN expert reports human rights violations in Colombian "counter-terrorism" operations

On 3 June, the UN Special Rapporteur on extrajudicial, summary and arbitrary executions, Philip Alston, presented to the UN Human Rights Council the report on his visit to Colombia from 8 to 18 June 2009. The Special Rapporteur highlights that many persons who are extra-judicially killed, including civilians abducted by the army, are typically found dead in regions other than where they have been apprehended and are disguised as *guerrilleros (falsos positivos)*. The report also discusses the adverse consequences of the amnesties given to paramilitaries under the *Liberty and Justice Law*. The Rapporteur stressed that, despite Government affirmation that it is fighting terrorists and not armed groups, there is in fact an ongoing armed conflict in Colombia.

Report

Colombia: Court rules on case of enforced disappearances

On 9 June, the Third Criminal Court of Bogota sentenced former Coronel Luis Alfonso Plazas Vegas to thirty years of imprisonment for command responsibility in the enforced disappearances of Carlos Augusto Rodríguez Vera, Cristina del Pilar Guarín Cortés, Bernardo Beltrán Hernández, David Suspez Celis, Gloria Stella Lisarazo Figueroa, Gloria Anzola de Lanao, Norma Constanza Esguerra, Luz Mary Portela León, Irma Franco Pineda, Héctor Jaime Beltrán Fuentes and Lucy Amparo Oviedo on 6 and 8 November 1985. Coronel Vegas commanded the operations to free hostages in the Supreme Court's Justice Palace (*Palacio de Justicia*) who were held by the *guerrilla* group M19. At least eleven

of the freed hostages had been brought by the army to other locations and subject to enforced disappearance since then. The Judge who delivered the judgment, Maria Stella Jara Gutierrez, had to leave the country after protesting at the insufficient protection measures deployed by the Government to protect her from threats to her life.

[Judgment \(S\)](#)

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

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

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

ASIA - PACIFIC

Thailand: Criminal Court rejects bail for most “red-shirt” leaders charged with terrorism

On 15 June, the Criminal Court of Bangkok rejected bail for eleven red-shirt leaders because of the seriousness of the crimes with which they are charged, including terrorism. On 9 June, the same Court had granted unconditional bail to Puea Thai Party MPs and red shirt leaders Jatuporn Prompan and Karun Hosakul after they appeared to face terrorism and other charges, citing their voluntary appearance as grounds for bail. Previously, on 2 June, the Criminal Court had rejected the request by the Department of Special Investigations to issue arrest warrants on terrorism charges against twenty other red-shirts members. The terrorism charges followed the crackdown by the Thai security forces against Thaksin’s United Front for Democracy against Dictatorship (UDD) supporters.

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

Thailand: State of emergency renewed by Thai Prime Minister

On 7 June, Prime Minister Abhisit Vejjajiva announced that the state of emergency declared previously on 7 April would remain in force for an additional month. He justified the decision by indicating the possibility of renewed demonstrations by Thaksin’s United Front for Democracy against Dictatorship (UDD). During the protests and the Government’s crackdown in May, the Government made allegations that several “terrorists” were hiding among the protesters.

[Emergency Decl.](#)

[ICJ Report 1](#)

[ICJ Report 2](#)

[Press Article 1](#)

[Press Article 2](#)

Pakistan: Supreme Court finds insufficient evidence to hold suspected “terrorist leader”

On 25 May, the Supreme Court of Pakistan upheld the decision of the Lahore High Court to lift preventive detention of Hafiz Mohammad Saeed, considered to be a leader of Jamaatud Dawa, an organisation allegedly behind the Mumbai terrorist attacks of November 2008. The Court had found that the prosecution had not presented sufficient evidence to justify the detention.

[Press Article](#)

Afghanistan: Security Council will gradually remove Taliban members from UN Sanctions list

On 22 June, the office of the Afghan President, Hamid Karzai, announced that the UN Security Council (SC), upon the President’s request, would gradually delist members of the Taliban who have no connection with Al-Qaeda or other terrorist organisations from the UN sanctions regime. The announcement came at the beginning of a three-day visit of the Security Council to the country. The UN sanctioning regime is based on Security Council resolution 1267(1999) and is monitored by the Al-Qaeda and Taliban Sanction Committee.

[President Statement](#)

[Press Article](#)

Indonesia: Anti-terrorism squad accused of extrajudicial executions

On 26 May, complaints were lodged by the NGO Muslim Lawyers Team (TPM) to the national human rights commission concerning several extrajudicial executions allegedly carried out by the Detachment 88, a police anti-terrorism force, during counter-terrorism operations in recent weeks. The police force concerned have reportedly denied the allegations, claiming that those killed were dangerous terrorist suspects.

[NHRC Website](#)

[Press Article 1](#)

[Press Article 2](#)

India: High Court sentences three to death for terrorist attack

On 1 June, the Gujarat High Court confirmed the death sentence awarded to three convicts by a special anti-terrorism court, under the *Prevention Of Terrorism Act (POTA)*, for the Akshardham temple terror attack of 24 September 2002, which had left 32 people dead. Those sentenced to death were Chand Khan, Adam Ajmeri and Mufti Abdul Qayyum Mansuri. The Court also upheld the conviction of three other participants respectively to life imprisonment, 10 years and five years of detention.

[Law \(POTA\)](#)

[Press Article 1](#)

[Press Article 2](#)

Bangladesh: Newspaper editor charged with terrorism for publishing illegal group's material

On 8 June, the editor of the newspaper *Amar Desh*, Mahmudur Rahman, was charged with terrorism and sedition offences under the *Anti-Terrorism Act of 2009* for allegedly having published posters and other material supplied by the banned Islamist group Hizb-ut-Tahrir. Mahmudur Rahman was arrested on 2 June and since then has been in detention on remand. Several NGOs have reported that the arrest and charges are connected with Rahman's denunciation of human rights violations. Mr Rahman reportedly claims to have been subjected to ill-treatment while in detention.

[NGO Statement 1](#)

[NGO Statement 2](#)

[Press Article](#)

Malaysia: UN experts urge abrogation of Internal Security Act

On 18 June, the UN Working Group on Arbitrary Detention expressed serious concern at administrative detention laws in Malaysia, including the anti-terrorism law *Internal Security Act (ISA) 1960*, and recommended their repeal. The Group found that the ISA allows arrest without a judicial arrest warrant and detention for up to 60 days in special police remand centres, without the right to see relatives or legal counsel or to be produced before a court. The Group also expressed concern that courts had no authority to review the merits of the executive's decision to detain.

[WGAD Statement](#)

[Bar Association Statement](#)

[Law \(ISA\)](#)

Australia: Australian citizen detained without charge in Yemen on the basis of ASIO information

Yemen's National Organisation for Defending Rights and Freedoms has alleged that the arrest and detention of Australian citizen Shyloh Giddins in Yemen, and the confinement at home of her 7 and 4 years old children, occurred as a result of intelligence information provided by Australian intelligence services (ASIO) to Yemeni authorities through the FBI. Shyloh Giddins was arrested on 16 May and has been held for almost one month in detention without charge. Australian authorities had earlier withdrawn her Australian passport in April because of her extremist views of Islam. On 11 June, Yemeni authorities deported her and her children back to Australia, after the Australian authorities issued a new passport for her.

[Interview with Giddins' Lawyer](#)

[Press Article 1](#)

[Press Article 2](#)

EUROPE & COMMONWEALTH OF INDEPENDENT STATES

UK: Bloody Sunday killings were unlawful, finds official inquiry

On 15 June, the Bloody Sunday Inquiry Committee released its final report into the events that resulted in the deaths of 13 people, and many wounded, by arms fire by UK armed forces against a civil rights march in Derry/Londonderry (Northern Ireland) on 30 January 1972. Almost 40 years later, the Inquiry, led by Lord Saville, concluded that the killings were unlawful and that the immediate responsibility lies with those members of the army who fired into the demonstration without justification. The Public Prosecution Service of Northern Ireland announced that it is considering whether to begin any prosecution on the basis of the report's findings.

[Report](#)

[PPS Statement](#)

[Press Article 1](#)

[Press Article 2](#)

UK: Terrorism stop and search powers have been massively abused, says Minister

On 10 June, the Minister for Security communicated a statement to the House of Commons that the police powers of stop and search under section 44 of the *Terrorism Act 2000* had been abused by the police in more than a thousand occasions, either for exceeding the time-limit or for lack of valid authorisation. The Home Secretary announced an inquiry into the allegations.

[Home Secretary Statement](#)

[Minister Statement](#)

[Press Article 1](#)

[Press Article 2](#)

UK: Control orders must respect family life rules Supreme Court

On 16 June, the Supreme Court found that a control order obliging the controlled person (AP) to live at a specified distance from his family so as to impair frequent visits and alienate him from his family was in breach of his right to liberty under Article 5 of the European Convention on Human Rights (ECHR). The Court analysed the situation of the family of AP and the excessive financial and logistical difficulties in establishing permanent contact with him. The control order was revoked on 20 July 2009 and AP has instead been moved to immigration detention pending deportation for security reasons.

[Judgment](#)

[Press Article](#)

UK: UN expert criticises deportations and profiling in counter-terrorism

On 31 May, the UN Special Rapporteur on the human rights of migrants, Jorge Bustamante, presented the report of his visit to the United Kingdom on 22 to 26 June 2009. The Special Rapporteur expressed concern at the invocation of the grounds of "national security" and the "terrorism threat" to deprive non-nationals legally married to British nationals of the right to stay in the territory of the United Kingdom. He also expressed concern over the use of profiling and recommended that the Government take all necessary measures to prohibit in law and practice the use of profiles that reflect unexamined generalizations, such as profiling based on ethnic or national origin or religion.

[Report](#)

Italy: Committee of Ministers deplores non-compliance with European Court's orders

On 3 June, the Committee of Ministers of the Council of Europe adopted an interim resolution against Italy in which it deplored the repeated disregard of the order of interim measures by the European Court of Human Rights in cases involving the expulsion of foreigners suspected in connection with terrorism. The Committee found that Italy carried out another expulsion, on 1 May, of Mr Mannai to Tunisia, in disregard of the Court's interim measure order, and urged the Italian authorities to take all necessary steps to adopt sufficient and effective measures to prevent similar violations.

[Interim Resolution](#)

[European Comm. HR Statement](#)

Spain: Reform of Criminal Code introduces new terrorism offences

On 9 June, the Senate approved the reform of the Spanish Criminal Code. The new Code will introduce the possibility for a judge to order a person who has served his sentence for a terrorism offence to be subject to “parole”, through restrictions similar to control orders, for up to ten years. The Code also introduces new terrorism offences, including the public distribution or diffusion of messages or directives that, while not amounting to provocation, incitement or conspiracy, are apt to “increase the risk” of the commission of a terrorism offence.

Law (S)

Press Article 1 (S)

Press Article 2 (S)

Turkey: European Commissioner finds abuse of anti-terrorism measures against protesters

On 26 May, the European Commissioner on Human Rights, Thomas Hammarberg, concluded his visit to Diyarbakir and Ankara in Turkey. In a press release, he expressed deep concern at the continuing practice of arresting, detaining and prosecuting children who participate in demonstrations for Kurdish rights and interests in southeast Turkey, considered by the authorities as “support to terrorism”. He stressed that criminal and anti-terrorism law and practice should be fully and effectively aligned with the established case law of the European Court of Human Rights.

European Comm. HR Statement

Turkey: Suspension of newspapers on “terrorism” grounds violated freedom of expression, says Strasbourg Court

On 15 June, the European Court of Human Rights held that Turkey had violated the right to freedom of expression of several owners, executive directors, editors-in-chief, news directors and journalists of the newspapers *Yedinci Giin* and *Toplumsal Demokrasi*. The Court found that the decision of the Turkish courts to suspend the newspapers’ publication for a period of one month on the assumption that they constitute propaganda in favour of the Kurdish Workers’ Party (PKK) was not necessary in a democratic society, as less “draconian” measures could be undertaken. The Court ordered the Turkish Government to modify accordingly section 6(5) of the *Prevention of Terrorism Act no. 3713*.

Judgment

Turkey: European Court protects freedom of expression of four protesters demonstrating in support of illegal organisation

On 8 June, the European Court of Human Rights held that the arrest, conviction and sentence of Ercan Gül, Erkan Aslanbenzer, Deniz Kahraman, Zehra Delikurt, under section 7 § 2 of the *Prevention of Terrorism Act*, constituted a disproportionate interference with the right to freedom of expression. The case concerned criminal proceedings for disseminating the propaganda of an illegal armed organisation, by having shouted slogans in support of an illegal organisation, the TKP/ML-TIKKO. The Court found that their conduct “cannot be considered to have had an impact on “national security” or “public order” by way of encouraging the use of violence or inciting others to armed resistance or rebellion”.

Judgment

Russian Federation: Civil society meets Medvedev on human rights in North Caucasus anti-terrorism

On 19 June 2009, the *Civil Society Institutions and Human Rights Council under the President of the Russian Federation* held a meeting with the participation of President Medvedev on human rights in the North Caucasus region. Over 10 well-known journalists and human rights activists have been killed in the region over the last two years. Ms. Pamfilova, chair of the Human Rights Council, raised specific concerns over the prohibition on returning

the bodies of alleged terrorists to their relatives.

President Directives (R)

Excerpts from Meeting Transcript (E)

Russian Federation: Duma confers broad powers to secret services in first reading

On 11 June, the Parliament (Duma) adopted, in its first reading, amendments to the *Administrative Code* and the *Law on the Federal Security Service* (FSB) conferring on the FSB powers of issuing warnings against any activity considered “unlawful”, regardless of it being an offence under criminal law. After issuance of the warning, if the activity is nonetheless carried out, the result may be arbitrary restrictions on several rights of the persons addressed by the warning. The warrants cannot be challenged in court. The Russian Ombudsman, Vladimir Lukin, considered the law “most dangerous” and leading to situations where any person can be apprehended, taken somewhere where he will be ordered to do something.

Press Article 1 (R)

Press Article 2 (R)

Press Article 3 (E)

Russian Federation: European Parliamentary Assembly concerned at situation in Caucasus

On 22 June, the Council of Europe Parliamentary Assembly (PACE) adopted a unanimous resolution urging Russia to fight terrorism with respect for fundamental rights and the rule of law in North Caucasus. The resolution was based on the report of PACE Rapporteur Dick Marty following his visit to the North Caucasus in 2010. The resolution noted that the situation in the North Caucasus region, and particularly in the Chechen Republic, Ingushetia and Dagestan, is “the most serious and most delicate” in the Council of Europe. The Assembly requested its Monitoring Committee to pay particular attention to the human rights situation in the Northern Caucasus.

PACE Resolution

PACE Recommendation

Russian Federation: European Court rules on seven enforced disappearances in countering terrorism

On 17 June, the European Court of Human Rights ruled that the Russian Federation had violated the right to life and the right to liberty of Khasan Batayev, Zaur Ibragimov, Magomed Temurkayev, Rizvan Ismailov, Sayd-Ali Musayev, Kharon Musayev and Usman Mavluyev, who were subjected to enforced disappearance in 2000 after having being apprehended by security forces. The Court found that the seven must be presumed dead and that the State is responsible for their enforced disappearance. The Court also ruled that the investigations in the enforced disappearances had been insufficient, in breach of Article 2 of the European Convention, and that the right not to be subject to inhuman and degrading treatment of their families was violated as a consequence of the enforced disappearance.

Judgment

UNITED NATIONS & REGIONAL ORGANISATIONS

UN: Ombudsperson appointed to review individual delisting requests

On 7 June, the UN Secretary General appointed Judge Kimberly Prost (Canada) as Ombudsperson under the Security Council’s sanctioning scheme. The appointment was made in implementation of Security Council resolution 1904(2009), which created the Ombudsperson position to assist the Sanction Committee in delisting requests received from individuals and entities subject to the Security Council’s relevant sanctions measures against Al-Qaida and the Taliban. Judge Kimberly Prost recently served as judge *ad litem* with the International Criminal Tribunal for the Former Yugoslavia.

Sanction Committee Statement

UN Statement

UN: Secret Detention Report discussed at Human Rights Council

On 2 June, the UN Human Rights Council discussed the joint global study on secret detention prepared by the UN Special Rapporteur on Torture, the UN Special Rapporteur on promotion and protection of human rights while countering terrorism, the UN Working Group on Arbitrary Detention and the UN Working Group on Enforced or Involuntary Disappearances. The global study documents secret detention, torture and enforced disappearances in the name of counter-terrorism in some 80 countries around the world. The Human Rights Council has failed to adopt any resolution or take any other action on the report during its 14th Session.

[Joint Study](#)

[Joint NGOs Statement](#)

[Press Article](#)

UN: UN expert issues study on targeted killings

In a report of 28 May, the UN Special Rapporteur on extraordinary, summary and arbitrary executions, Philip Alston, raised serious concerns at the increasing practice of targeted killings, including through unmanned drone attacks, which States justify in the name of counter-terrorism. The report sets out the legal framework under international human rights and humanitarian law that limits such killings and that provides guidance to prevent their disproportional use.

[SR Study](#)

[SR Annual Report](#)

UN: Joint declaration on freedom of expression outlines challenges in counter-terrorism

On 3 June, the UN Special Rapporteur on the promotion and protection of the rights to freedom of opinion and expression, Frank La Rue, presented to the Human Rights Council the *Tenth Anniversary Joint Declaration: Ten Key Challenges to Freedom of Expression in the Next Decade*, signed by him and by his counterparts in the Organisation for Security and Cooperation in Europe (Miklos Haraszti), the Organisation of American States (Catalina Botero), and African Commission on Human and Peoples' Rights (Faith Pansy Tlakula). The Declaration expresses concern at the unduly broad limitations on freedom of expression resulting from vague definitions of terrorism and ancillary offences, by formal and informal pressures on media to desist from reporting on terrorism-related issues, and by expanded use of surveillance techniques and reduced oversight of surveillance operations.

[Joint Declaration](#)

EU: EU, Member States and USA sign declaration on cooperation in counter-terrorism

On 3 June, the Justice and Home Affairs Council of the European Union approved the *EU-US and Member States 2010 Declaration on Counterterrorism*. The declaration reaffirms the commitment to respect the rule of law, international human rights law, international humanitarian law and refugee law while countering terrorism. The participants stressed, the need not to resort to discriminatory profiling; the importance of due process rights and fair proceedings in trials against terrorist suspects; and the need to improve the process of listing at the UN level to ensure its fairness and transparency. The declaration also affirms that where their personnel are alleged to have committed abuses in countering terrorism, States have the primary responsibility to investigate and prosecute those responsible.

[Declaration](#)

[EU Statement](#)

Council of Europe: Human Rights Commissioner calls for investigations into complicity for torture

On 9 June, the European Commissioner for Human Rights, Thomas Hammarberg issued a comment emphasizing that “[t]he time has certainly come to break the conspiracy of silence around the complicity of European governments in the human rights violations which have taken place during the counter-terrorism actions since September 2001.” The

Comment refers to certain investigations and setbacks in European states, and stresses that the duty to investigate these allegations is an obligation of States under the European Convention on Human Rights.

[European Comm. HR Statement](#)

Shanghai Cooperation Organisation: Summit final declaration aims at tightening counter-terrorism cooperation

On 11 June, the Member States of the Shanghai Cooperation Organisation (SCO) issued a declaration following their 10th annual summit in Tashkent (Uzbekistan). The declaration states that SCO members should further enhance their cooperation in fighting all forms of terrorism and strengthen dialogue between different civilizations and cultures so as to prevent the growth of terrorism and extremism. No reference to human rights was included in the final declaration.

[SCO Statement](#)

[Press Article](#)

IN BRIEF

European Parliament Human Rights Committee discusses report on progress in human rights and counter-terrorism

On 18 May, the Committee on Human Rights of the European Parliament discussed the report *Current Challenges Regarding the Respect of Human Rights in the Fight against Terrorism*. The report, commissioned by the Committee to International Commission of Jurists, assesses progress on the recommendations made in the 2007 resolution of the European Parliament on the transfer and illegal detention of prisoners in counter-terrorism.

[Report](#)

Human Rights Watch issues report on intelligence collaboration and torture complicity

On 28 June, Human Rights Watch published *"No Questions Asked": Intelligence Cooperation with Countries that Torture*. The report analyses the intelligence collaboration of three main European countries, Germany, United Kingdom and France, with the intelligence services of other States and examines this relationship in the context of the absolute prohibition of torture and the positive duty of all States to prevent and punish torture.

[Report](#)

Amnesty International publishes report on anti-terrorism prosecution of children in Turkey

On 17 June, Amnesty International published a report on the practice in Turkey to prosecute children below 18 years of age under anti-terrorism legislation. These prosecutions mostly occur in occasion of the children participation to demonstration acts on issues of interest of the Kurdish community.

[Report](#)

Amnesty International reports of Libyan use of anti-terrorism to break up dissent

On 23 June, Amnesty International published a report on the human rights situation of Libya. Among other findings, the report exposes a number of cases in which the Libyan authorities used the rhetoric of terrorism to suppress domestic dissent, including peaceful opposition, and to justify human rights violations.

[Report](#)

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