



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

**No. 58, November 2011**

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## AFRICA & MIDDLE EAST

### **Ethiopia: Swedish journalists terrorism trial continues; one terrorism charge dropped**

On 3 November, before a criminal court in Addis Ababa, the prosecution dropped the charges of participating in a terrorist organisation against two Swedish journalists, Johan Persson and Martin Schibbye. The journalists remain on trial on charges of supporting what the authorities consider to be a terrorist organisation, the Ogaden National Liberation Front, and for illegal entry into the country. The terrorism charges carry a maximum punishment of 15 years of imprisonment. The journalists pleaded guilty to illegal entry, but rejected the charges of supporting a terrorist organisation. They maintain that they entered the country illegally to investigate oil companies in the Ogaden region. The trial has been adjourned to 6 December. The charges are brought under the *Anti-Terrorism Proclamation 2009*, which has been widely criticised by human rights organisations.

NGO Statement

Press Article 1

Press Article 2

Press Article 3

### **Ethiopia: Bloggers and journalists arrested under Anti-Terrorism Law**

On 10 November, Ethiopian authorities charged 24 people with being members of a terrorist network and aiding and abetting and supporting an alleged terrorist group, Ginbot 7, under the *Anti-Terrorism Proclamation 2009*. The charged persons include dissident blogger Eskinder Nega, editors and journalists Mesfin Negash, Abiye Teklemariam, Abebe Gellaw, Abebe Belew, and Fasil Yenealem. Ginbot 7 is a banned opposition movement which was designated to be a “terrorist organisation” this year under the anti-terrorism law. International NGOs have called on the government to abrogate the anti-terrorism legislation which is allegedly being used to silence opposition and the press.

NGO Statement

Press Article 1

Press Article 2

### **Uganda: Anti-terrorism powers used to stifle dissent, says Amnesty International report**

On 1 November, Amnesty International published a report entitled *Stifling Dissent: Restrictions on the Rights to Freedom of Expression and Peaceful Assembly in Uganda*. In the report, Amnesty documents the use of anti-terrorism legislation to repress dissent and freedom of expression and assembly. The report finds that the *Anti-Terrorism Act*, in force since June 2002, defines “terrorism” in overly broad terms. The same Act provides security officers with expansive powers of interception for purposes including for safeguarding the public interest, preventing or detecting terrorism offences, or safeguarding the national economy from terrorism. Amnesty International called for the amendment or abolition of these provisions.

Report

### **Uganda: Constitutionality of terrorism trial challenged**

On 18 November, Justice Owiny Dollo of the High Court’s International Crimes Division ordered the temporary stay of the criminal trial against 12 persons charged with 76 counts of murder, 10 counts of attempted murder and three counts of terrorism, for their alleged involvement in the terrorist attacks in Kampala of July 2010. The stay was issued to allow a constitutional petition by eight of the defendants, six Kenyans and two Tanzanians, to challenge the regularity of the trial on the basis that they were illegally extradited to Uganda and that the same International Crimes Division had not been legally constituted, as it originated from an order of the Chief Justice.

Court Statement 1

Court Statement 2

Press Article 1

Press Article 2

## **Djibouti: UN Committee concerned at secret detention within CIA rendition programme**

On 25 November, the UN Committee against Torture issued its concluding observations on the compliance of Djibouti with the international obligations under the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. The Committee expressed concern at the *incommunicado* detention of Mohammed al-Asad and at his transfer to Afghanistan under the CIA rendition programme, in violation of the principle of *non-refoulement*. He has allegedly been subject to torture in detention in Afghanistan. The Committee noted that the case of Mohammed al-Asad is now before the African Commission on Human and Peoples' Rights.

Concluding Observations

ACHRP Case Documents

## **Iraq: Eleven terrorism convicts executed by hanging**

On 16 and 17 November, eleven people convicted of terrorism-related offences were executed by hanging. Amnesty International protested at the use of the death penalty as denial of the right to life. The organisation expressed particular concern at the fact that the proceedings before the Central Criminal Court of Iraq (CCCI), which hands down death penalty sentences in these cases, do not respect fair trial rights and make use of statements and "confessions" obtained under torture or other ill-treatment. Amnesty International also referred to the individual case of Yosri Trigui, a Tunisian national convicted for a terrorist attack, whose judicial proceedings fell short of international fair trial standards.

NGO Statement

## **Bahrain: Independent Commission finds widespread human rights violations in repression of protests**

On 23 November, the Bahrain Independent Commission of Inquiry published a report of its investigations on the allegations of abuses following Bahrain's attempts to quell the protests which took place in the country since last February. Among the many findings of the report, the Commission reported that security forces engaged in massive arrests without warrant and without informing arrested persons of the grounds for arrest, made use of torture and ill-treatment to extract "confessions", interrogate or inflict punishment, and resorted to the use of unnecessary and excessive force, and arbitrary detention. The Commission found that the systematic pattern of behaviour of the security forces indicated that they were trained and expected to behave in this way, and that lack of accountability of officials within the security system in Bahrain has led to a culture of impunity. Furthermore, the Commission also found that both the special courts and the ordinary courts used forced "confessions" in criminal proceedings.

Report (E)

Report (A)

NGO Statement 1 (E)

NGO Statement 2 (E)

## **Syria: UN Independent Commission finds crimes against humanity committed**

On 23 November, an independent international commission of inquiry mandated by the UN Human Rights Council and composed of Paulo Pinheiro, Yakin Ertürk, and Karen Koning AbuZayd, issued the report of its investigations on the human rights violations occurring in Syria in the crackdown on internal protests and the consequential civil war. The Commission was gravely concerned that "crimes against humanity of murder, torture, rape or other forms of sexual violence of comparable gravity, imprisonment or other severe deprivation of liberty, enforced disappearances of person and other inhuman acts of similar character have occurred". The Commission also found that impunity for human rights violations is systemic; that the use of force by Syrian authorities has been excessive; that violations of the right to life, the right to peaceful assembly and expression, the rights of the child, the right to a fair trial, and the right to liberty, including not to be subject to arbitrary detention took place. The Commission recorded patterns of "continuous and widespread use of torture", including sexual violence.

Report

### **Syria: NGO reports widespread human rights violations in Homs Governorate**

On 11 November, Human Rights Watch released a report focusing on violations by the Syrian security forces in the central governorate of Homs from mid-April to end of August 2011, as part of the sustained crackdown on the country-wide protests against the Government. Syrian authorities have repeatedly justified their repressive measures by saying that armed terrorist gangs perpetrated the violence in Homs and elsewhere. Human Rights Watch found that the “the nature and scale of abuses committed by the Syrian security forces across the country indicate that crimes against humanity may have been committed”. Since March 2011, Syrian security forces have killed more than 3,100 protesters and bystanders. On 25 November, the UN Committee against Torture expressed its deep concern at “gross and pervasive human rights violations in Syria, that are allegedly taking place in a context of impunity”.

Report

NGO Statement

CAT Statement

### **Morocco: UN Committee concerned at counter-terrorism powers and renditions complicity**

On 25 November, the UN Committee against Torture issued its concluding observations on the compliance of Morocco with its international obligations under the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. The Committee expressed concern at the overly broad definition of terrorism in the State’s legislation and at the existence of the offence of apology of terrorism in *Anti-Terrorism Law 03-03*. Concern was also expressed at the extension of police custody (*garde-à-vue*) up to 12 days without access to a lawyer in cases of terrorism. The Committee expressed concern at allegations that Morocco has been used as point of origin, transit and destination of transfers in the CIA rendition and interrogation programme. Finally, the Committee was concerned at information that authorities failed to follow judicial procedures in terrorism cases, and at allegations of torture and other ill-treatment, arbitrary detention, and the use of secret detention centres.

Concluding Observations (F)

## **AMERICAS**

### **USA: Intelligence reports on Guantánamo detainees presumed to be “regular”, says federal Appeals Court**

On 9 November, the Court of Appeals for the Circuit of the District of Columbia released a 14 October heavily redacted ruling in which it overturned the granting of *habeas corpus* for Guantánamo detainee Adnan Farhan Abdul Latif. The Court had decided that government evidence, including that coming from intelligence reports, must be given a “presumption of regularity”, regardless of the circumstances in which the data were obtained. The majority opinion, by Judge Janice Rogers Brown, held that Courts should defer to the Executive in the evaluation of this information’s regularity. The three judges divided on the outcome of the proceedings, with Judge Brown deciding to remand the case to the District Court, Judge Karen LeCraft Henderson to simply overturn the decision and with a dissent from Judge David S. Tatel who would have upheld the *habeas corpus* action. The Court appeared to criticize the controlling decision of the US Supreme Court, *Boumediene v. Bush*, which in 2008 had established the right of Guantánamo detainees to the writ of *habeas corpus*.

Ruling

## **USA: Victims of CIA renditions file claim with Inter-American Commission on Human Rights**

On 14 November, Binyam Mohamed, Abou Elkassim Britel, Mohamed Farag Ahmad Bashmilah and Bisher al-Rawi filed through the American Civil Liberties Union (ACLU) a petition before the Inter-American Commission on Human Rights, challenging the US “extraordinary rendition” programme of which they had been victims and the use of the doctrine of state secrets to block national court proceedings in which had they sought a remedy. The petition alleged that the United States has violated the petitioners’ rights to be free from torture, inhumane treatment, arbitrary detention and forced disappearance guaranteed under Articles I, XVIII, XXV, XXVI and XXVII of the *American Declaration on the Rights and Duties of Man* and their rights to truth and to a remedy protected under Article XVIII.

Petition

## **USA: New military commission trial regulations released**

On 7 November, two days before the commencement of Military Commission trial of Al-Nashiri, the US Department of Defense released the new *Regulation for Trial by Military Commission*. The Manual details procedures to be followed in the Military Commissions who are trying the detainees in Guantánamo. Reportedly, the new regulations includes changes, such as the judge’s power to approve the costs of a so-called “learned counsel,” typically a civilian defence attorney, for capital cases; and procedures for the media to challenge, through a chief clerk, the decision of a judge to declare as “protected” aspects or sections of the trial.

Regulation

Press Article

## **USA: Second Military Commission trial begins by finding breach of attorney-client privilege**

On 9 November the arraignment hearing took place in the Military Commission proceedings against Guantánamo detainee Abd al-Rahim Hussein Muhammed Abdu Al-Nashiri, who is accused of war crimes and terrorism for organising the USS Cole attack in 2000, which killed 17 and injured 39 US Navy personnel; an attempted attack on the USS Sullivan; and an attack on the French oil tanker Limburg, which left one sailor dead. Military Judge Col. James L. Pohl ruled that communication by mail between the detainee and his attorneys was covered by the attorney-client privilege and could not be “scanned” by detention officers. The challenge arose from a general mail inspection in October, where legal correspondence with the detainee had been opened and “scanned” by detention officers. The “scanning” procedure involves the use of a translator who read briefly through the letter to determine whether or not it was actually a legal document. The Judge held that each envelope and page of the letter will have to be marked by a stamp pre-agreed between the defence and the detention officers and that only the presence of these marks could be examined. He excluded any other material, such as newspapers or magazines, originating by defence lawyers from attorney-client privilege.

Case Documents (Al-Nashiri 2)

NGO Statement

Lawyers’ Letter

## **USA/EU: European MPs protest at conditions of detention of Bradley Manning**

On 29 November, 54 Members of the European Parliament wrote a letter to United States President Barack Obama and other high-level US officials, expressing concern at alleged human rights violations against Bradley Manning, a US soldier accused of releasing classified information to Wikileaks pertaining to possible US war crimes in Iraq and Afghanistan. The MEPs expressed particular concern at the fact that Bradley Manning was being charged with “aiding the enemy”, an offence potentially carrying out the death penalty. They also protested his 17 months’ detention and reports that he has been subject to solitary confinement and other ill-treatment, possibly tantamount to torture. Finally, the

MEPs expressed concern at the US denial of a visit to Bradley Manning by the UN Special Rapporteur on torture and cruel, inhuman and degrading treatment, Juan E. Mendez, and call on the US authorities to allow this visit.

[Letter](#)

[Press Article](#)

### **Canada: Supreme Court confirms denial of extradition of Abdullah Khadr to USA**

On 3 November, the Supreme Court of Canada refused leave to appeal to the Canadian Government, on behalf of the United States, against the Court of Appeal for Ontario, thereby affirming the Court's decision that Abdullah Khadr could not be extradited to the USA. Abdullah Khadr was indicted in the US on charges of supplying weapons to Al-Qaeda. At first instance, Judge Speyer ruled that the extradition request could not be satisfied due to the gross misconduct of the US, contravening "fundamental notions of justice." The Judge observed that the US was the driving force behind Abdullah Khadr's capture on ransom in Pakistan, pressure to deny him access to consular services, and delay of his repatriation to Canada by the Pakistani authorities. Abdullah Khadr was apprehended in Pakistan in 2004 and held for 14 months without warrant or access to a lawyer. Upon return to Canada, he was rearrested in December 2005 under the US extradition request. Abdullah Khadr is the brother of Omar Khadr, the Guantánamo detainee arrested in Afghanistan as a 15-year-old, who is due to be transferred to Canada to complete a sentence arrived at in a plea bargain.

[SC Order](#)

[CA Judgment](#)

[Press Article](#)

## **ASIA - PACIFIC**

### **India: Counter-terrorism law amended in Jammu and Kashmir**

On 29 October, the Government of Jammu and Kashmir issued *The Jammu and Kashmir Public Safety Act (Amendment) Ordinance 2011*, which modifies the national security law *Public Safety Act (PSA) 1978*. Under the Ordinance, the detention period of suspects has been reduced from one year to three months in cases of disturbing public order, while in cases where the detention is for security reasons, detention without charge has been reduced from the present two years to six months. Under the changes, a minor cannot be detained under the *Public Safety Act (PSA)*.

[Law \(PSA\)](#)

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

### **Pakistan: Two police officers indicted in Bhutto's assassination trial**

On 5 November, an Anti-Terrorism Court indicted seven individuals for the attack against former Prime Minister Mohtarma Benazir Bhutto, which resulted in her assassination. Five alleged members of the Taliban, Hasnain Gul, Rafaqat Hussain, Sher Zaman, Aitzaz Shah and Abdul Rasheed, were charged with criminal conspiracy. The other two, Saud Aziz and Khurram Shahzad, are police officers and were charged with failing to provide Bhutto with proper security and with destroying evidence. All seven pleaded not guilty to the charges. On 15 April 2010, a UN Commission of Inquiry found both the Government's protection of Ms Bhutto and the subsequent investigations into the attack against her to be inadequate and ineffective. In addition to Benazir Bhutto 24 persons were killed and 24 injured in the attack in the city of Rawalpindi on 27 December 2007.

[UN Report](#)

[Press Article 1](#)

[Press Article 2](#)

### **Pakistan/UK: Two UK citizens killed by CIA drone in South Waziristan**

On 18 November, British newspapers highlighted reports from Pakistan on the killing of two UK citizens, Ibrahim Adam and Mohammed Azmir Khan, in South Waziristan by unmanned drones apparently operated by the CIA. Ibrahim Adam was reported to have been killed six weeks before, and Azmir Khan two weeks later. The families members reportedly learned of these facts only when they were reported in the media. Ibrahim

Adam had been subject to a control order while in the UK and fled while the order was in force. The UK Foreign Office could not confirm the news of their death, but said it would investigate the matter, while the Home Office did not release any statement.

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

### **Sri Lanka: UN Committee concerned at secret detention, enforced disappearances and torture**

On 25 November, the UN Committee against Torture issued its concluding observations on the compliance of Sri Lanka with its international obligations under the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. The Committee considered that, despite the defeat of the Liberation Tigers of Tamil Eelam (LTTE), it remains seriously concerned about the continued and consistent allegations of widespread use of torture and other cruel, inhuman or degrading treatment of suspects in police custody, especially to extract “confessions” or other information to be used in criminal proceedings. The Committee also was seriously concerned at allegations of secret detention centres where enforced disappearances, torture and extrajudicial killings have allegedly been perpetrated. The Committee noted that sweeping powers granted under anti-terrorist legislation contributed to the large number of new enforced disappearances. It expressed concern at the fact that 24 hours after the lifting of the state of emergency, new regulations reinforcing these sweeping powers were enacted under the *Prevention of Terrorism Act No. 48 of 1979 (PTA)*.

[Concluding Observations](#)

### **Malaysia: Detention without trial still used despite announcement of its abandonment**

On 13 and 14 November, the Federal Police Special Task Force (Operations and Counter Terrorism) arrested thirteen persons in Tawau, a town in Sabah in eastern Malaysia, among them six foreigners, whose identity was not disclosed, and detained them under the anti-terrorism law *Internal Security Act*, which allows for indefinite detention without charge. The Malaysian authorities later disclosed that they consider the detainees to be suspected terrorists. These are the first arrests under this Act after the announcement by the Prime Minister last September that this legislation was to be scrapped. Amnesty International and Human Rights Watch considered these detentions to be in contradiction to the announcement of the Prime Minister and called for the immediate charge or release of the thirteen detainees.

[NGO Statement 1](#)

[NGO Statement 2](#)

[Press Article 1](#)

[Press Article 2](#)

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

### **UK: Tribunal confirms denial of entry for Palestinian for radical speech**

On 25 October, the First Tier Tribunal (Immigration and Asylum Chamber) upheld the ban of entry of Raed Mahajna, a Palestinian and a citizen of Israel, decided by the Secretary of State for the Home Department. The Tribunal found that the public interest invested in the counter-terrorism Prevent Strategy, giving the power to exclude foreigners for unacceptable behaviour, constituted a legitimate restriction of Raed Mahajna’s right to private life, to freedom of religion and to freedom of association. Raed Mahajna was said by the Secretary to be dangerous as his presence could be conducive to intercommunity violence, because of his past speeches considered by the Tribunal to be “inflammatory, divisive, insulting, and likely to ferment tension and radicalism”, and because of his involvement with Hamas.

[Ruling](#)

### **UK: Report reveals use of widespread surveillance under counter-terrorism powers**

On 4 November, the NGO JUSTICE published a report, *Freedom from Suspicion*, which is a



detailed study of the operation of the *Regulation of Investigatory Powers Act 2000 (RIPA)*. The report documents that since its coming into force in 2000, there have been 20,000 e-mails and phone calls interception warrants, more than 30,000 authorisations of direct surveillance and more than 2.7 million requests for communication data. Only 0.5 percent of these requests were approved by a judge and the Investigatory Powers Tribunal has dealt with only 1,100 complaints. JUSTICE found in its study that the “RIPA is poorly-drafted and lacks sufficient safeguards against abuse” and expressed concern at the new proposals of modification contained in the *Protection of Freedoms Bill*, which are “nowhere near enough to bring Britain’s surveillance laws in line with human rights standards”.

Report

### **UK: Victim of rendition and torture in Libya sues MI6 officer for complicity**

On 17 November, Reprieve and Leigh Day & Co wrote to the Metropolitan Police to inform them that Sami Al-Saadi and his family are lodging a complaint against UK security services, in particular former MI6 counter-terror director Mark Allen, as well as former leader Moammar Gaddafi’s former security chief, Moussa Koussa, for their rendition to Libya in 2004 by US-UK agents. According to the organisations, documents found in the wake of the civil conflict in Libya revealed that Sami Al-Saadi and his family members were subjected to enforced disappearance through rendition in 2004 and held in a secret detention centre in Libya. While the family was released after two months, Sami al-Saadi was kept in detention where he underwent torture, allegedly with the involvement of UK and US agents.

Letter

NGO Statement

Law Firm Statement

### **UK/ Pakistan: Two UK citizens killed by CIA drone in South Waziristan**

See, ASIA & PACIFIC

### **France: Legislative provisions allowing for classification of premises as a State secret declared unconstitutional**

On 10 November, the Constitutional Council declared unconstitutional, and consequently void, a group of provisions of the Criminal Procedure Code, the Criminal Code and of the Defence Code, which allowed the Prime Minister to classify a place a “secret” and shield it from any investigation or search by judicial authorities. The claim originated from the need of two investigative judges, Marc Trévidic and Renaud van Ruymbeke, to access the premises of the French Secret Service, in the context of investigations of a terrorist attack in Karachi (Pakistan) which took the life of a number of French citizens. The Constitutional Court did not find unconstitutional the provisions of the same legislation allowing a governmental commission to decide on whether to give access to classified information and not granting this power to a judicial organ.

Judgment (F)

Council Statement (F)

Press Article 1 (F)

Press Article 2 (F)

### **Germany: UN Committee concerned at failure to investigate rendition of Khaled El-Masri**

On 25 November, the UN Committee against Torture issued its concluding observations on the compliance of Germany with the international obligations under the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. The Committee expressed concern at the lack of implementation of the recommendations of the 2009 Parliamentary Inquiry on extraordinary renditions and secret detention complicity. The Committee also noted with concern that no Federal Government investigation has been undertaken in response to the June 2009 ruling by the Constitutional Court having pronounced that the failure by the Government to fully

cooperate with the Inquiry has violated the Federal Constitution. The Committee also expressed at the failure to investigate and provide a remedy for the rendition of Khaled El-Masri.

#### Concluding Observations

##### **Spain: Supreme Court acquits four policemen of torture of ETA members**

On 2 November, the Supreme Court (*Tribunal Supremo*) acquitted four police officials, Juan Jesús Casas García, José Manuel Escamilla Martín, Sergio García Andrade Macdonal and Sergio Martínez Tome, of the offence of torture, for which they had been convicted on 30 December 2010 by the criminal court of Gipuzkoa (*Audiencia Provincial*). The lower court had found them guilty of having tortured Igor Portu Juanena, and Mattin Sarasola Yarzabal, two members of *Euskadi Ta Askatasuna* (ETA), who were implicated in the terrorist attack on Madrid airport of 30 December 2006. The Supreme Court found that the lower court had not properly evaluated and that the evidence presented was insufficient to prove that the torture occurred.

#### Judgment (S)

##### **Spain: Constitutional Court did not abuse power in allowing Basque party to run for elections, rules Supreme Court**

On 10 November, the Criminal Chamber of the Supreme Court (*Tribunal Supremo*) published a decision of 19 September dismissing a criminal action brought by Manos Limpias, Libertad e Identidad and others associations against the judges of the Constitutional Court (*Tribunal Constitucional*) for abuse of power (*prevaricación*) for their decision in May 2011 to admit the Basque party Bildu-Asusko Alkartasuna to the elections. That decision overturned a previous decision of the Supreme Court which forbade its participation for links with the outlawed party *Batasuna*. The Supreme Court found the criminal complaint manifestly unfounded as the Constitutional Court had not acted outside of its competence and had applied established jurisprudence.

#### Judgment (S)

##### **Netherlands: Terrorism conviction overturned for failures in discovery**

On 15 November, the High Court vacated the criminal conviction of Soumaya Sahla, a woman suspected to being marginally involved in a terrorist organisation and implicated in the preparation of terrorist attacks. The High Court held that the conviction was not legitimate because the defence had not been given access to recordings made of tapped telephone conversations nor was it allowed to question an anonymous secret service contact. The appeal by Nouriddin el Fahtni, Sahla's ex-husband and member of the terrorist group, was dismissed by the court but his sentence was reduced from eight years to seven years four months.

#### Court Statement (Dutch)

#### Press Article 1 (E)

#### Press Article 2 (E)

##### **Denmark: Review on CIA flights over Greenland announced**

On 2 November, the new Foreign Minister of Denmark Villy Soevndal announced the institution of an independent review by the Danish Institute for International Studies on renditions flights allegedly conducted by the CIA since 2001. The review will be permitted to review only documents from a Danish inquiry in the subject of 2008 and will not have powers of subpoena for testimony or requests of information. Furthermore, it will be limited to Greenland and will not involve other parts of the Danish territory. Amnesty International protested at the strict limits of the review which it considers will render it "toothless".

#### NGO Statement

### **Finland: Amnesty International calls for exhaustive investigation in CIA flights**

On 1 November, Amnesty International called on Finnish authorities to investigate CIA rendition flights, after the Ministry for Foreign Affairs published information revealing around 150 landings by aircraft connected to the CIA's rendition and secret detention programmes. The Finnish Government announced that they were requesting information on only one of the flights from the US Government, saying that all other flights were "civilian" and did not merit investigation. Amnesty International contested this distinction, recalling that most of the planes used by the CIA rendition programme were carried by private contractors. It announced that it would provide further information to the Finnish authorities.

NGO Statement

### **Romania: European Torture Committee finds insufficient investigations in CIA secret detention centres**

On 24 November, the European Committee for the Prevention of Torture and Inhuman and Degrading Treatment of Punishment issued a report on its visit in Romania on 5-16 September 2010. In the report, the Committee takes note of the parliamentary inquiry which investigated the allegations that secret detention centres, part of the CIA rendition and interrogation programme, existed in Romania, but requested reasons for the absence of a judicial investigation. The Committee also noted that the Public Prosecutor would have had many occasions to open an investigation and recalled that, in cases of serious violations of human rights, the State has a duty to investigate and prosecute those responsible.

Report (F)

### **Turkey: Publisher and professor arrested under anti-terrorism law**

On 1 November, the Istanbul 14<sup>th</sup> High Criminal Court confirmed the arrest of Ragip Zarakolu and Büşra Ersanlı on charges of "membership of an illegal organisation", the Turkish Assembly of the Union of Kurdistan Communities (KCK/TM), a body allegedly connected with the Kurdistan Workers' Party (PKK). They had been arrested together with another 50 people on 27 October. Ragip Zarakolu is the owner and chief editor of the Belge publishing house, and Büşra Ersanlı has a chair in political science and international relations at Marmara University, Istanbul. International NGOs protested at what they perceive is a widespread use of anti-terrorism legislation to silence dissent in violation of the right to freedom of expression and demanded the release of the arrested persons.

NGO Statement 1

NGO Statement 2

NGO Statement 3

Press Article

### **Turkey: European Court finds inhuman and degrading treatment of person arrested at demonstration**

On 15 November, the European Court of Human Rights ruled that Turkey violated the right not to be subject to inhuman or degrading treatment of Abdullah İzgi, because its anti-terrorism authorities used disproportionate and excessive force to suppress a demonstration in support of imprisoned Kurdistan Workers' Party PKK leader Abdullah Öcalan. The victim suffered injury and his treatment amounted to a violation of Article 3 of the European Convention on Human Rights.

Judgment (F)

### **Uzbekistan: 2005 video interview reveals abuses of death squads**

In November, the news site fergananews.com released a 2005 interview of Aleksandr Rakhmanov, a former agent of Uzbekistan's secret police said to have participated in death squads, after having heard news of his death. In the interview, conducted after he fled from Uzbekistan, Aleksandr Rakhmanov tells of how the death squads were created and the reasons and the ways in which they carried out torture and extrajudicial executions. He stated that the authorities created the death squad to deal with ordinary criminals, and

put an end to street crime, and then turned to religious believers outside of state control, whom they collectively labelled as "Wahabbis."

Videos (R)

Press Article (E)

## UNITED NATIONS & REGIONAL ORGANISATIONS

### UN: UN Working Group on Arbitrary Detention opens database of decisions

On 14 November, the UN Working Group on Arbitrary Detention, on the occasion of its 20<sup>th</sup> anniversary, inaugurated a new database including all its decisions, together with 600 other documents related to the deprivation of liberty. The Working Group is a special procedure of the UN Human Rights Council dedicated to protection of the rights of those deprived of liberty. Among its decisions, a number concern persons who had been detained arbitrarily within the framework of counter-terrorism.

Database

UN Statement

### UN: UNODC publishes guide on criminal justice and victims of terrorism

On 22 November, the UN Office on Drugs and Crime (UNODC) published a UN policy guide which offers advice on the reform and improvement of the criminal justice systems of States so as to help ensure that their procedures are fair and more sensitive to the needs of victims of terrorism and their families. The measures advised in the Guide include judicial assistance, protection from intimidation and retaliation, material, medical, psychological and social assistance, and access to compensation.

Policy Guide

UN Statement

### EU: EU Data Ombudsperson concerned at proposed EU Terrorist Finance Tracking System

On 26 October, the European Data Protection Supervisor (EDPS) issued an opinion on the recently proposed EU Terrorist Finance Tracking System. The EDPS found that the new system invades the privacy of EU citizens, and expressed strong doubts about the approach of setting up the TFTS, "which does not appear to respect the principles of necessity and proportionality". The EDPS strongly recommended carrying out an impact analysis and an independent proportionality analysis on the proposal. Finally, the EDPS highlighted the "the lack of sufficient clarity on the procedural guarantees envisaged in the three options for TFTS".

Opinion

### EU: No compensation for unlawful terrorism listing, says General Court

On 23 November, the General Court ruled that José Maria Sison, a Filipino national residing in the Netherlands, was not entitled to compensation for having been unlawfully listed in the EU terrorism list. The ruling is a corollary of the main judgment of 2009 in which the General Court held that the freezing of funds of José Maria Sison following his listing was contrary to the requirements of EU legislation. However, in this latest ruling, the Court found that the question of law was not clear enough at the time to give rise to a right of the listed person to receive compensation for breach of EU law.

Judgment

Court Statement

### EU/USA: European MPs protest at conditions of detention of Bradley Manning

See, AMERICAS

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