



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

**No. 26, September 2008**

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## AFRICA & MIDDLE EAST

### **Sudan: Constitutional Court approves special anti-terrorism courts**

On July 23, the Sudan Constitutional Court rejected an application that challenged the constitutionality of the Anti-Terrorism Act and the establishment of special courts. The application was filed on 29 June in the context of the trials of hundreds of rebels who attempted a coup d'état in Khartoum in May. The trials were qualified as unfair both by the United Nations and NGO observers. The United Nations Mission in Sudan (UNMIS) has expressed concerns that the judicial process provided under the Anti-Terrorism Act does not meet international standards.

[UN Statement](#)

[2005 Constitution](#)

[HRW Statement](#)

[Press Article](#)

### **Tanzania: Government announces special committee to fight terrorism**

On 18 September, the Government announced the creation of a special committee, composed of high-level officials of different state institutions, agencies and ministries to tackle terrorism activities and to improve the coordination of their respective bodies.

[Press Article](#)

### **Gaza Strip: Report on Israeli attack in Gaza Strip submitted to UN Human Rights Council**

On 18 September, the UN High-Level Fact Finding Mission to Beit Hanoun, led by Archbishop Desmond Tutu, presented its report to the UN Human Rights Council. The report investigated the shelling of the town of Beit Hanoun (Gaza Strip) by Israeli Defence Forces on 8 November 2006 that was justified as a response to terrorist attacks. The report expressed concerns over violations of the rights to life and health, violations of international humanitarian law, and that, in the absence of a well-founded explanation from the Israeli military, there is a possibility that the shelling constituted a war crime.

[Mission Report](#)

[Presentation at HRC](#)

## AMERICAS

### **US: Senators introduce draft law on state secrets doctrine**

On 1 August, three senators introduced the State Secrets Protection Act before the US Senate. The bill, while affirming the executive's need to protect state secrets, would require judges to assess the evidence to confirm or reject the applicability of the privilege, and would require the Government to produce non-privileged evidence whenever possible. The legislation was prompted in part by the inability of alleged victims to pursue remedies because the introduction of evidence was blocked by invocation of the privilege.

[Draft Law](#)

[ACLU Statement](#)

### **US: NGO petitions Supreme Court against indefinite detention of terrorist suspect**

On 19 September, the American Civil Liberties Union (ACLU) filed a petition before the US Supreme Court on behalf of Ali al-Marri, held as "enemy combatant" in solitary confinement in a Navy facility in South Carolina since June 2003. The ACLU is requesting review of a federal appeals court decision allowing for indefinite confinement because it breaches the petitioner's constitutional rights.

[Petition](#)

[ACLU Statement](#)

[Press Article](#)

### **Argentina: Court convicts former generals for murder of Senator during the "dirty war"**

On 28 August, a Tucumán Court sentenced two former generals to life terms for the kidnapping, torture and murder of Senator Guillermo Vargas Aignasse, who disappeared

on the day of the military coup (24 March 1976). During the “dirty war”, between 13,000 and 30,000 persons were extrajudicially executed and/or disappeared. In 2005, the Supreme Court declared unconstitutional the amnesty laws that protected perpetrators from prosecution.

[Judgment \(Spanish\)](#)

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

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

## ASIA - PACIFIC

### **Australia: Victoria Supreme Court’s Jury convicts members of a terrorist organisation**

On 15 September, a jury in the Victoria Supreme Court convicted six people of membership in a terrorist organisation, providing resources to a terrorist organisation, and other offences. A seventh person was convicted on 16 September, and another will have to be retried as the jury did not reach a verdict. Four defendants in the case have been acquitted. The defendants were among the men arrested in November 2005 following a major and high profile counter-terrorism operation.

[15 September Verdict](#)

[Press Article](#)

## EUROPE & COMMONWEALTH OF INDEPENDENT STATES

### **UK: High Court requests the Government to disclose information on Guantánamo detainee**

On 21 August, the High Court held that the Foreign Secretary was under a duty to disclose to legal counsel for UK resident Binyam Mohamed information relating to his interrogations allegedly under torture in Pakistan. Mr Mohamed is facing trial before a Military Commission at Guantánamo. The UK Government subsequently submitted a Public Interest Immunity certificate, on the basis that disclosing information would harm US-UK relations.

[Judgment](#)

[Summary of Judgment](#)

[Reprieve Statement](#)

[Press Article](#)

### **Poland: Prosecutor General is requested to investigate CIA secret prisons**

On 25 August, the Prime Minister of Poland, Donald Tusk, acknowledged having requested the Prosecutor General to launch an investigation into allegations of CIA secret prisons in the country between 2003 and 2005. The investigations started more than one year after the report of the Council of Europe by Senator Dick Marty confirmed the existence of CIA secret prisons on Polish territory. The allegations have been repeatedly denied by previous governments of Poland.

[Dick Marty’s Report \(2007\)](#)

[Press Article 1](#)

[Press Article 2](#)

### **Spain: Supreme Court overturns four convictions relating to Madrid attacks**

On 17 September, the Supreme Court (*Tribunal Supremo*) published its 17 July judgment overturning the convictions of four people who had been found guilty in October 2007 in connection with the 2005 Madrid bombings, for lack of sufficient evidence. The men were among 21 people convicted in October 2007, of being inspired by, but not directed by, Al Qaeda.

[Judgment \(Spanish\)](#)

[2007 Judgment \(Spanish\)](#)

[Press Article 1](#)

[Press Article 2](#)

### **Denmark: Appeal Court convicts people selling T-shirts said to promote “terrorist organisations”**

On 18 September, the Danish Eastern High Court convicted five people for having produced and sold T-shirts promoting organisations such as the Revolutionary Armed Forces of Colombia (FARC) and the Popular Front for the Liberation of Palestine (PFLP),

which are on the EU list of terrorist organisations. The five people, together with another who advertised the T-shirts on his server, were sentenced to terms of between 60 days and six months of imprisonment for violation of Danish anti-terrorism law.

[Criminal Code \(see §§ 21 and 114, in Danish\)](#)

[Press Article 1](#)

[Press Article 2](#)

### **Turkmenistan: Ministers requested to introduce new counter-terrorism measures**

On 16 September, media reported that President Berdymuhamedov of Turkmenistan, has requested his Ministers of National Security and Interior to draw up new counter-terrorism measures, including the creation of special units and training centres for security forces.

[Press Article](#)

### **Kyrgyzstan: UN Human Rights Committee condemns extradition of terrorism suspects to Uzbekistan**

On 31 July, the UN Human Rights Committee found that Kyrgyzstan was responsible for the arbitrary detention and transfer of four Uzbek citizens to Uzbekistan, where they faced charges of terrorism offences carrying a possible death sentence, in breach of Kyrgyzstan's obligations under the ICCPR. The Committee held in an individual communication that the applicants faced a substantial risk of being subjected to torture or other ill treatment and a violation of the right to life and that they had been denied the right to a remedy.

[Decision](#)

## **UNITED NATIONS & REGIONAL ORGANISATIONS**

### **UN: General Assembly renews the UN Global Counter-Terrorism Strategy**

On 5 September, the UN General Assembly approved a resolution renewing the UN Global Counter-Terrorism Strategy adopted by UN Member States on 8 September 2006. The strategy is aimed at enhancing national, regional and international efforts to counter terrorism.

[Resolution](#)

[2006 Resolution](#)

[AI Report](#)

[GCTC Report](#)

### **UN: Working Group on Radicalisation and Extremism that Lead to Terrorism releases its first report**

The UN Working Group on Radicalisation and Extremism that Lead to Terrorism, a body of the Counter Terrorism Implementation Task Force of the UN Secretary-General, published its first report, summarising measures adopted by 34 UN member countries in order to tackle radicalisation and extremism. The Working Group works on identifying programmes and initiative aimed at, among other things, integration, countering incitement to terrorism, inter-cultural dialogue, human rights and rule of law.

[Report](#)

### **Inter-American Commission on Human Rights: Guantánamo detainee files complaint against the US**

On 6 August, Djamel Ameziane, an Algerian national held in US military custody at Guantanamo Bay, filed a petition before the Inter-American Commission on Human Rights, alleging violations of the American Declaration on Rights and Duties of the Man by the US Government, including arbitrary detention and torture. He has been detained for more than six years and allegedly subjected to various forms of torture, including "water-boarding".

[Petition](#)

[CCR Statement](#)

## **EU: Court of Justice of the European Communities annuls European Council regulation on freezing of alleged terrorist funds**

On 3 September, the Court of Justice of the European Communities overturned a decision of the Court of First Instance by annulling the Council regulation that froze the funds of Yassin Abdullah Kadi and the Al Barakaat International Foundation, because it infringed the claimants' rights to property, to defence and to an effective remedy. The Court also held that it had competence to review acts implementing UN Security Council resolutions under Chapter VII for full compliance with fundamental rights not limited to rights of *ius cogens*. The Court gave the Council three months to remedy to the infringement.

[Judgment](#)

[ECJ Press Release](#)

[Statewatch Statement](#)

## **EU: EU-Central Asia Forum on Security Issues agrees on cooperation in fighting terrorism**

On 18 September, the first European Union-Central Asia Forum on Security Issues opened in Paris, gathering ministries of foreign affairs of the concerned countries. The Forum decided to reinforce the exchange of information and analyses on security issues between EU and Central Asia countries. It also declared its intention to continue the fight against financing of terrorism and to enhance cooperation on counter-terrorism.

[Joint Declaration](#)

[Opening Speech](#)

[Press Article](#)

## **Council of Europe: Commissioner for Human Rights asks Macedonia for investigations in rendition case**

On 11 September, the Council of Europe's Commissioner for Human Rights, Thomas Hammarberg, released the report concerning his visit to the Former Yugoslav Republic of Macedonia from 25 to 29 February 2008. The Commissioner called for full and independent investigations into the abusive interrogation and detention of Khalid El-Masri (see E-bulletin no. 15, January 2007), and requested Macedonian authorities to cooperate with German authorities on the case.

[Report](#)

## **Shanghai Cooperation Organisation: Meeting of Head of States reaffirms commitment in combating terrorism and separatism**

On 28 August, the Heads of State of the State Parties to the Shanghai Cooperation Organisation (SCO) met in Dushanbe and reaffirmed their commitment to fight terrorism, separatism and extremism, to increase the cooperation with the Regional Antiterrorist Structure of the SCO and to strengthen the central coordinating role of the UN on counter-terrorism.

[Declaration of Dushanbe](#)

## **IN BRIEF**

### **New report assesses civil society's role in countering terrorism**

In September, the Center on Global Counterterrorism Cooperation published a report concerning the role played by civil society in implementing the UN Global Counter-Terrorism Strategy.

[Report](#)

### **Amnesty International issues memorandum on Ugandan Interception Bill**

On 28 August, Amnesty International issued a memorandum concerning Uganda's Regulation of Interception of Communications (RIC) Bill, published on 25 May 2007 and

due to be submitted for debate in Parliament. The Bill provides for the use of intercepted communications in connection with terrorist activities.

[Anti-Terrorism Act](#)

[Report](#)

### **Two NGOs publish detailed plans on how to close Guantánamo**

Human Rights First and the Center for Strategic and International Studies published separate reports concerning the potential closure of the US military detention facility at Guantanamo Bay. The documents advocate that the next US Administration release or prosecution detainees in the US criminal justice system.

[HRF Report](#)

[CSIS Report](#)

### **Corrigendum August e-bulletin:**

**Afghanistan:** On 31 July, the government of Afghanistan adopted the new law on counter-terrorism by Presidential Decree. It has not yet been approved by the Parliament.

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