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AFRICA & MIDDLE EAST

Ethiopia: Somali journalist convicted of “participating in terrorism activities” in unfair trial

In late February, Mohamed Aweys Mudey, a Somali journalist, was sentenced by an Ethiopian court to 27 years of imprisonment after having been convicted of “participating in terrorism activities” for allegedly receiving information on the armed group Al-Shaabab. He was convicted under the *Anti-Terrorism Proclamation 2009*, which contains an allegedly overbroad definition of terrorism offences. Reportedly, he had not been allowed access to his family or to a lawyer during his trial. At least three people detained with him after his arrest in November 2013 have reportedly stated that he had been subjected to torture in custody. Mohamed Aweys Mudey had fled Somalia for Ethiopia for security reasons after having been wounded in an alleged Al-Shabaab suicide bombing at Shamo Hotel in Mogadishu on 3 December 2009, where 25 people, including three journalists, died. The National Union of Somali Journalists (NUSOJ), the African Freedom of Expression Exchange (AFEX), and International Federation of Journalists called his conviction and sentencing a “travesty of justice” and called for his immediate release.

[NGO Statement 1](#)

[NGO Statement 2](#)

[NGO Statement 3](#)

Ethiopia: Report documents use of widespread “anti-terrorism” surveillance to curb opposition

On 25 March, Human Rights Watch published a report, *“They Know Everything We Do”*, documenting the extensive reach of the Ethiopian government surveillance system and the way it is being used to curb opposition and human rights defenders. The report alleges that companies based in China, United Kingdom, Italy and Germany have contributed to the enhancement of the surveillance capability of Ethiopian authorities and that communications intercepted under this surveillance programme, without judicial warrant, are used in interrogations of opposition members, including to support prosecutions and convictions under the *Anti-Terrorism Proclamation 2009*. The report indicates that these intercepted communications are not only used to extort further information but that “some recorded emails and phone calls have been submitted as evidence in trials under the repressive Anti-Terrorism Proclamation”.

[Report](#)

[Press Article](#)

Nigeria: African Commission finds gross human rights violations and abuses in Nigerian conflict

On 14 March, the African Commission on Human and Peoples’ Rights adopted a resolution on the human rights situation of Nigeria denouncing the gross human rights violations and abuses committed by the Nigerian government forces and by the armed group Boko Haram, considered by the Nigerian government to be a “terrorist organization”. The Commission urged the Nigerian government “to increase efforts in securing the lives and integrity of the persons of the civilian population in accordance with its regional and international human rights obligations”; “to ensure that military operations undertaken by its personnel and other agents in response to Boko Haram attacks comply with regional and international human rights standards”; and “to thoroughly investigate, and bring perpetrators of these gross human rights violations and killings to justice”. According to the Commission, the internal conflict in Nigeria has resulted in situations of extreme indiscriminate violence and killings of civilians and has led to more than 10,000 civilians killed and over 90,000 persons displaced since 2002.

[Resolution](#)

Egypt: Court convicts 529 to death penalty after manifestly unfair trial

On 24 March, a criminal court of North Minya sentenced 529 persons to the death penalty after having convicted them of the charges of killing a police officer and attempting to kill two others, damaging public property, seizing weapons, illegal public assembly, and membership in a banned organization. The verdict followed a two-day trial that was said to have contravened fair trial standards. The first hearing lasted 30 minutes, while the second lasted one hour. The defendants were part of a group of 545 people tried for their alleged involvement in an attack on a police station in Minya last August 2013 that led to the death of a police officer. The verdict comes against a backdrop of a continuing crackdown on individuals suspected of supporting the ousted President, Mohamed Morsi, or being members of the Muslim Brotherhood, currently officially designated by the

authorities as a “terrorist organization”. The UN Office of the High Commissioner for Human Rights declared that the trial breached international human rights law. The trial was also criticized by several human rights organizations, including the ICJ, which declared that the trial “made an absolute mockery of justice, violating basic human rights, including the rights to life, to liberty, to be presumed innocent and to defence”.

[UN Statement](#)

[NGO Statement 1](#)

[NGO Statement 2](#)

[NGO Statement 3](#)

[Press Article](#)

Syria: Security Council demands release of “civilians” arbitrarily detained; Human Rights Council Inquiry reports on abuses

On 22 February, the UN Security Council unanimously approved a resolution condemning “the widespread violations of human rights and international humanitarian law by the Syrian authorities, as well as human rights abuses and violations of international humanitarian law by armed groups”. The Security Council denounced the “arbitrary detention and torture of civilians in Syria, notably in prisons and detention facilities, as well as the kidnappings, abductions and forced disappearances” and demanded “the immediate end of these practices and the release of all arbitrarily detained persons”. On 18 March, the UN Human Rights Council Commission of Inquiry presented in Geneva its updated report in which it documented that “[d]octors and rescue workers were detained on the grounds that they assisted “terrorists” in Hama and Damascus. Human rights defenders and political activists were targeted for arrest and detained in Damascus, limiting their freedom of expression and opinion”. It added that “[a]nti-terrorism laws issued on 2 July 2012 effectively criminalised medical aid to the opposition”. Following the adoption of the Security Council resolution, human rights organizations repeated their calls to the Syrian government and armed groups to release any person arbitrarily detained, including opposition members and human rights defenders currently detained and under trial for “supporting terrorism” under a 2012 counter-terrorism law.

[UNSC Resolution](#)

[HRC Report](#)

[NGO Statement](#)

Saudi Arabia: New anti-terrorism measures effectively criminalize free speech, says Human Rights Watch

On 20 March, Human Rights Watch denounced the effective criminalization of any form of expression or association critical to the Government through a series of anti-terrorism laws and regulations enacted since February 2014. The new measures include an Interior Ministry regulation of 7 March which effectively considers as “terrorist” acts such as “calling for atheist thought in any form, or calling into question the fundamentals of the Islamic religion on which this country is based”; disloyalty to the country’s rulers; aiding, showing sympathy with or promoting terrorist organizations, groups, currents of thoughts, associations or parties; and “contact or correspondence with any groups, currents [of thought], or individuals hostile to the kingdom”. Human Rights Watch reported that these overly broad criminal provisions are already in use by prosecutors and the judiciary to abrogate dissent and persecute human rights defenders.

[NGO Statement](#)

AMERICAS

USA: NSA infiltrates computers and can record a country’s entire phone calls, reveal Snowden documents

On 12 March, journalists Ryan Gallagher and Glenn Greenwald, relying on documents provided by whistleblower and former NSA consultant Edward Snowden, revealed that the National Security Agency (NSA) has developed a “groundbreaking surveillance technology ... to infect potentially millions of computers worldwide with malware ‘implants’. The clandestine initiative enables the NSA to break into targeted computers and to siphon out data from foreign Internet and phone networks”. The eavesdropping bases are reportedly situated in the United Kingdom and Japan and “GCHQ, the British intelligence agency, appears to have played an integral role in helping to develop the implants tactic”. While this programme, known as TURBINE, was initially used to infiltrate targeted computers, reports “based on the Snowden files indicate that the NSA has already deployed between 85,000 and 100,000 of its implants against computers and networks across the world, with plans to keep on scaling up those numbers”. On 18 March, the *Washington Post* revealed, based on documents provided by Edward Snowden, that the NSA “has built a surveillance

system capable of recording '100 percent' of a foreign country's telephone calls, enabling the agency to rewind and review conversations as long as a month after they take place". On 27 March, the UN Human Rights Council adopted a resolution in which it expressed deep concern at "at the negative impact that surveillance and/or interception of communications, including extraterritorial surveillance and/or interception of communications, as well as the collection of personal data, in particular when carried out on a mass scale, may have on the exercise and enjoyment of human rights".

[UN HRC Resolution](#)

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

[Press Article 4](#)

[Press Article 5](#)

USA: Snowden documents reveal NSA surveillance programmes generally unknown to leaders of allied countries

On 13 March, *The Intercept* published a new document, leaked from the National Security Agency by former NSA contractor and whistleblower Edward Snowden, containing "an internal NSA interview with an official from the SIGINT Operations Group in NSA's Foreign Affairs Directorate". The unnamed official declared "in many of our foreign partners' capitals, few senior officials outside of their defense-intelligence apparatuses are witting to any SIGINT connection to the U.S./NSA". The statement was in answer to a question on whether political shifts within countries that cooperate on intelligence affect collaboration with intelligence services in mass surveillance.

[Press Article](#)

USA: Guantánamo detainee's defence says secret hearing bars any death penalty sentencing

On 24 February, the defence team of Abd al Rahim Al Nashiri, a Guantánamo detainee on trial by US Military Commission, asked the Military Commission judge James L. Pohl to strip the trial jury of the power to sentence him to the death penalty after the same judge ordered that the admissibility of evidence in the trial will be considered in a closed hearing where the public and the defendant will not be allowed to be present. The closed hearing has been ordered because this evidence's disclosure is deemed to "reasonably be expected to damage national security, including intelligence or law enforcement sources, methods, or activities". Al Nashiri's death penalty defence lawyer, Rick Kammen, argued that the use of closed hearings denies his defendant's right to an effective assistance of counsel since he cannot be informed of the evidence under discussion and cannot therefore give proper instructions to his counsel.

[Ruling](#)

[Press Article](#)

USA: CIA alleged to have spied on and stolen documents from Senate Intelligence Committee's rendition inquiry

On 11 March, the Senate's Intelligence Committee's Chairperson, Dianne Feinstein, revealed that the CIA had searched computers of the Committee's staff working on a Senate inquiry into the CIA interrogation and detention programme. The Committee's staff members had found documents that reportedly analysed and acknowledged "significant CIA wrongdoing". Senator Feinstein revealed that the official June 2013 CIA negative response to the still classified Intelligence Committee's report was in stark contrast with the summary of a CIA internal review, which corroborates significant information contained in the Intelligence Committee report. The Committee obtained these documents through a search tool provided by the CIA from a closed computer they were given access to within the CIA facility. After an alleged CIA search last January, the documents disappeared from the Committee's dedicated computer system. Senator Feinstein stated that "besides the constitutional implications, the CIA search may also have violated the Fourth Amendment, the Computer Fraud and Abuse Act, as well as Executive Order 12333, which prohibits the CIA from conducting domestic searches or surveillance." On 4 March, the news agency McClatchy reported that the CIA Inspector General had referred the case of the search of congressional computers to the Department of Justice for criminal investigation.

[Senator Statement \(Video\)](#)

[Senator Statement \(Text\)](#)

[NGO Statement 1](#)

[NGO Statement 2](#)

[Press Article 1](#)

[Press Article 2](#)

USA: UN Human Rights Committee concerned at US human rights violations in countering

"terrorism"

On 26 March, the UN Human Rights Committee adopted its concluding observations on the compliance by the United States of America with its obligations under the *International Covenant on Civil and Political Rights*. In its observations, the UN Committee expressed concern at the impunity surrounding the gross violations of human rights committed in the framework of the CIA secret rendition, interrogation and detention programmes. The UN experts also expressed concern at the use of unmanned aerial vehicles for targeted killings in extraterritorial counter-terrorism operations and asked the US to "revisit its position regarding legal justifications for the use of deadly force through drone attacks". They also expressed regret at the lack of closure of the Guantánamo detention centre, and urged that the transfer of its detainees be expedited and that any criminal case against Guantánamo detainees be "dealt with within the criminal justice system rather than military commissions". The Committee also expressed concern "about the surveillance of communications in the interest of protecting national security, conducted by the National Security Agency (NSA)" and recommended that the US "take all necessary measures to ensure that its surveillance activities, both within and outside the United States, conform to its obligations under the Covenant".

[Concluding Observations](#)

[Meeting Summary](#)

Peru: Inter-American Commission refers case on anti-terrorism human rights violations to Court

On 25 February, the Inter-American Commission on Human Rights announced that it had communicated to the Inter-American Court of Human Rights the case of *Luis Antonio Galindo Cardenas and Family v. Peru*, indicating that the State had failed to implement the Commission's recommendations in reparation of the violations identified in the case. The Commission had found that the detention of then Provisional Judge of the Superior Court of Justice of Huanuco, Luis Antonio Galindo Cardenas, on 16 October 1994, was illegal and arbitrary. He was detained for 31 days in the Yanac Military Base after being accused of involvement with the terrorist group *Sendero Luminoso*, through the Association of Democratic Lawyers. He had also been accused of having provided legal assistance to persons accused of terrorism offences. The Inter-American Commission found in its report "a violation of the aforementioned procedural and substantive due process rights and ... that the overall conditions of detention constituted cruel, inhuman and degrading treatment of the victim." The Commission also "concluded that the Peruvian State was responsible for violation of the principle of legality and the right to freedom from ex post facto laws, because it criminalized legal advocacy, specifically, providing a technical defense, arbitrarily applying Article 4 of Decree Law 25475 on acts of collaboration with terrorists".

[IACHR Statement](#)

[IACHR Admissibility Decision](#)

Uruguay: President Mujica announces that Uruguay will host five Guantánamo detainees as refugees

On 20 March, President José Mujica confirmed that Uruguay had agreed to receive five persons detained by the United States at Guantánamo Bay. President Mujica specified that the five detainees would be considered as "refugees" in Uruguay and will be free to move, establish and work in the country. They would also be allowed to bring their families with them if they so wished. President Mujica declared that "we cannot look away before the great tragedy of people who were left 12, 13 years without communication with the world and detained without charge or evidence, without having met with a prosecutor or a judge. With no guarantees whatsoever. This is a human shame."

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

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

Chile: UN Special Rapporteur concerned at use of anti-terrorism law against indigenous people

On 10 March, the report was published of the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Ben Emmerson, on his visit to Chile, conducted between 17 and 30 July 2013. The report focuses on the "use of anti-terrorism legislation in connection with protests by Mapuche activists aimed at reclaiming their ancestral lands". The UN Special Rapporteur stressed the "importance of a strict definition of the concept of terrorism so that it is not overly expansive in scope and note d with concern a number of inconsistencies between the Counter-Terrorism Act and the guarantee of respect for the

principle of legality and the right to due process.” The UN expert expressed “concern at the excessive use of force by the police (Carabineros) and the investigative police in the context of searches or raids in Mapuche communities and at the lack of accountability for such violations.”

[Report](#)

ASIA - PACIFIC

China: Anti-terrorism law introduction called for after “knives terrorism” attack

Calls were issued for the introduction of a specific anti-terrorism law in China after a group knife attack, termed as “terrorist” by the authorities, in the train station of the city of Kunming left 33 persons dead, including four of the attackers, on the night of 1 March. The authorities accused Uighur separatists for the attack and reportedly began mass interrogations of the Uighur community in the region as well as many deportations to the Xinjiang Uighur Autonomous Region. On 28 February, the Regional People’s Congress of Xinjiang began discussions on the possible introduction in the region of an anti-terrorism law, on the reasoning that the use of ordinary criminal law offences and procedures is “sometimes inadequate”.

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

[Press Article 4](#)

Thailand: Deportation of Uighurs to China would breach refugee law, says Human Rights Watch

On 21 March, Human Rights Watch called on the Thai Government not to deport a group of 112 persons believed to be of Uighur ethnicity to China, as they would be at risk of being subject to persecution and human rights violations there. According to the human rights organization, “Uighurs forcibly returned to China typically face severe persecution, including the threat of arrest and torture”. The authorities had apprehended the members of the group in Sa Kaew province near the Thai-Cambodia border and brought them to the central Immigration Detention Center in Bangkok. Human Rights Watch stressed that persons of Uighur ethnicity are subject to “pervasive ethnic discrimination, severe religious repression, and increasing cultural suppression” by the Chinese authorities who purport to conduct a fight against “separatism, extremism and terrorism” in the Xinjiang Uighur Autonomous Region.

[NGO Statement](#)

[Press Article 1](#)

[Press Article 2](#)

Thailand: Government lifts Emergency Decree, but applies security law to protests

On 18 March, the caretaker government voted to lift the Emergency Decree that had been in place in Bangkok and surrounding provinces since 21 January 2014 in response to protests led by the People’s Democratic Reform Committee (PDRC). At least twenty people have died in protest-related violence and hundreds have been injured. The Emergency Decree was replaced by the Internal Security Act (ISA), which also is alleged not to comport with international standards, but provides better remedies for victims of human rights violations than the Decree. The ICJ called on the caretaker government to remove emergency measures throughout the country following the lifting of the Emergency Decree in the capital Bangkok and its surroundings.

[ICJ Statement](#)

Sri Lanka: Human rights defenders released from anti-terrorism law detention

On 19 March, Sri Lankan authorities released human rights defenders Ruki Fernando of the Colombo-based INFORM and Father Praveen Mahesan, a Catholic priest, who had been arrested and detained on 16 March under the *Prevention of Terrorism Act*. The police Terrorism Investigation Division (TID) detained and questioned Ruki Fernando and Father Praveen after they sought to ensure the welfare of 13-year-old Balendran Vithushaini, who had been ordered into probationary care following the arrest of her mother, Balendran Jeyakumari, on 13 March. Both mother and daughter are active opponents of enforced disappearances in Sri Lanka. On 27 March, the UN Human Rights Council passed a resolution tasking the Office of the UN High Commissioner for Human Rights to “undertake a comprehensive investigation into alleged serious violations and abuses of human rights and related crimes” committed by Sri Lankan authorities and by the Liberation Tigers of Tamil Eelam (LTTE).

[UN HRC Resolution](#)

[NGO Statement 1](#)

[NGO Statement 2](#)

[Press Article 1](#)

[Press Article 2](#)

Australia: Government tries to abolish independent anti-terrorism law monitor

On 19 March, the Government tabled before Parliament the *Independent National Security Legislation Monitor Repeal Bill 2014*, which aims to repeal the *Independent National Security Legislation Monitor Act 2010* (the Act) and to abolish the Office of the Independent National Security Legislation Monitor. The rationale given by the authorities is that the draft law is part of the "Government's commitment to reduce bureaucracy and streamline government". The Government held that the Monitor had already produced three reports on the status of anti-terrorism legislation in Australia and was about to produce a fourth, and stressed that it considered that "placing the laws in a constant or continuous state of wholesale review has not proven to be the optimal form of oversight." Instead, the Executive considered that "the best way forward is to work through the large number of recommendations made by the Monitor, and to continue engaging with the extensive range of existing independent oversight bodies, including the Inspector-General of Intelligence and Security, Parliamentary Committees, and the Parliament itself".

[Draft Law File](#)

EUROPE & COMMONWEALTH OF INDEPENDENT STATES

UK: Secret service GCHQ allegedly tarnishes reputations on the web with false information, Snowden documents reveal

On 24 February, *The Intercept* published documents provided by whistleblower and former NSA contractor, Edward Snowden, which appear to demonstrate that the UK secret service Government Communications Headquarter (GCHQ) is spreading misinformation "on the internet about whichever individuals it targets, including the use of what GCHQ itself calls 'false flag operations' and emails to people's families and friends". The documents reveal that targets of these operations include "people who have *nothing to do with terrorism or national security threats*". The techniques used to discredit or ruin someone's reputation include "false flag operations" (posting material to the internet and falsely attributing it to someone else), fake victim blog posts (pretending to be a victim of the individual whose reputation they want to destroy), and posting "negative information" on various forums". On 28 February, *The Guardian* revealed, also based on Snowden's documents, that the GCHQ, helped by the US National Security Agency, had a programme between 2008 and 2010, called "Optic Nerve", which collected "webcam imagery – including substantial quantities of sexually explicit communications – from more than 1.8 million Yahoo user accounts globally".

[Documents](#)

[Press Article 1](#)

[Press Article 2](#)

France: Human rights organizations provide information in criminal investigations on Guantánamo violations

On 26 February, the Center for Constitutional Rights and the European Center for Constitutional and Human Rights presented to an investigative judge of the High Court of Paris (*Cour d'Appel de Paris - Tribunal de Grande Instance de Paris*) a report containing details of retired Major General Geoffrey D. Miller's criminal responsibility related to detainee treatment for alleged torture and war crimes. The report was filed to assist the investigative judge in investigations of alleged torture and other crimes under international law committed against Guantánamo detainees Nizar Sassi, Mourad Benchellali and Khaled Ben Mustapha at Guantánamo Bay. In January 2012, following a motion filed by the former detainees' lawyer William Bourdon, the investigating judge issued a formal request, or "letter rogatory", to the United States. According to news reports, the French investigative judge requested access to the detention camp at Guantánamo Bay, to relevant documents as well as to all persons who had contact with the three victims during their detention there. The United States still has not replied.

[Report](#)

[NGO Statement](#)

Italy: Court of Cassation concludes Abu Omar trial upholding conviction of US agents and acquitting top Italian agents

On 24 February, the Court of Cassation overturned the convictions of five former Italian military secret service agents, including the former head Nicolò Pollari and his deputy Marco Mancini, after a Constitutional Court decision last 13 February ruled that the evidence linking them to the 2003 kidnapping and rendition of Osama Moustafa Hassan Nasr, also known as Abu Omar, by the CIA was protected from disclosure by the secret of state doctrine. On 11 March, the same Court of Cassation affirmed the conviction *in absentia* of three CIA agents, who had been previously acquitted on the

basis of diplomatic immunity, which the Court of Cassation had, in 2012, already considered inapplicable in cases of crimes under international law.

[Press Article 1](#)

[Press Article 2](#)

Spain: Central court blocks extradition of Kazakh opposition member

On 25 February, the administrative chamber of the Central Criminal Court (*Audiencia Nacional*) suspended the extradition of Alexander Pavlov, former head of security for the Kazakh opposition leader Mukhtar Ablyazov, to Kazakhstan, pending examination of his appeal against the government's denial of his asylum request. Aleksandr Pavlov is wanted in Kazakhstan to answer charges of expropriation or embezzlement and "plotting a terrorist attack", charges which his lawyer claims are fabricated. Amnesty International had called for a suspension of the extradition, alleging that Aleksandr Pavlov would be at risk of torture or cruel, inhuman or degrading treatment if sent to Kazakhstan. On 1 March, the newspaper *El Pais* revealed that judge Alfonso Guevara, assigned to a different Chamber of the same Court, had sought to expedite Pavlov's extradition after having talked to the Ambassador of Kazakhstan. The High Council of Judicature has opened a disciplinary investigation against Judge Guevara.

[Ruling \(S\)](#)

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

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

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

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

Germany: Bundestag begins all-party inquiry into mass surveillance programmes

On 20 March, the Bundestag established a commission of inquiry entrusted with investigating the extent of the violation of the rights of German nationals by the US National Security Agency's surveillance programmes, as well as those of its partners, such as the UK Government Communications' Headquarter (GCHQ). The inquiry, composed of eight members of the Bundestag from all the four parties present and chaired by Christian Democrat Clemens Binninger, will also reportedly look into "how far the federal government, intelligence agencies and the Federal Agency for Security in Information Technology "were aware of, participated in, countered and possibly even benefitted from" the nationwide spying activities"." According to the media accounts, the Committee "should also try to discover which German politicians were targeted by the NSA or other intelligence agencies. Data protection provisions, and means to better protect private communications, should also be discussed."

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

Turkey: Authorities breached right to life of father and son killed in "anti-terrorism" operation, rules European Court

On 25 February, the European Court of Human Rights ruled that Turkish authorities had violated the right to life of A. Kaymaz and of his son, U. Kaymaz, who had been killed by the police in an alleged counter-terrorism raid on 21 November 2004. U. Kaymaz was thirteen when he was killed. The Court held that the ineffectiveness of the investigations did not allow a ruling that their deaths were the result of an extrajudicial execution. However, the Court ruled that the lack of information obtained by the investigation coupled with the fact that the raid was apparently planned in advance, demonstrate that the Turkish police forces have not prepared and controlled the operation in such a way as to reduce the use of lethal force to the extent absolutely necessary and Turkey had therefore violated the right to life of the two victims. The Court also ruled that the investigations and trial of the policemen were ineffective and created an appearance of collusion among police forces, in breach of the State's procedural obligations to investigate and prosecute alleged violations of the right to life.

[Judgment \(F\)](#)

Turkey: European Court finds PKK leader Öcalan's detention conditions to be inhuman

On 18 March, the European Court of Human Rights ruled that the conditions of detention to which Abdullah Öcalan, the founder of the PKK (Kurdistan Workers' Party), an organization considered as "terrorist" by Turkey, had been subject until 17 November 2009 amounted to inhuman treatment in breach of Turkey's obligations under article 3 ECHR. The Court considered the detention inhuman in light of the applicant's social isolation and the restrictions on his communication with members of his family and his lawyers. Furthermore, the Court held that, in the absence of any review mechanism, the life prison sentence imposed on Abdullah Öcalan constituted an "irreducible" sentence that also amounted to inhuman treatment. The Court, however, also ruled that the restrictions on his right to respect for private and family life were proportionate to what was

necessary for the prevention of disorder or crime. The Court also considered that the commutation of his original death sentence to life imprisonment did not amount to a harsher penalty in breach of the principle of legality under article 7 ECHR.

Judgment (F)

CPT Report (E)

Russian Federation: European Court finds Human Rights Convention breached in counter-terrorism operations

On 27 February, the European Court of Human Rights ruled that the State had violated the right to life of Yakub Dzhabrailov, Salambek Suleymanov, Khasanbek Suleymanov, Anderbek Suleymanov, Ramzan Chankayev, Aslan Chankayev, Mr Dzhamali Sultanov, Aldan Eldarov, Moul Usumov, Akhdan Tamayev, Islam Ibragimov, Apti Sadulayev and Ziyavdi Elmurzayev, all of whom were apprehended in the framework of security operations in Chechnya between 2000 and 2004. All of the persons concerned were to be presumed dead in light of the prolonged enforced disappearance to which they had allegedly been subjected. The Court also held that the enforced disappearances amounted to a grave violation of the right to liberty and security under Article 5 of the European Convention on Human Rights (ECHR), and caused inhuman and degrading treatment to their family members in breach of Article 3 ECHR. The Court also ruled that the investigations into the enforced disappearance had been ineffective, in breach of the procedural requirements of Article 2 ECHR and of the right to an effective remedy under Article 13 ECHR.

Judgment

Kyrgyzstan: UN Human Rights Committee concerned at excessive use of force under anti-terrorism laws

On 25 March, the UN Human Rights Committee adopted its concluding observations on the compliance by Kyrgyzstan with its obligations under the *International Covenant on Civil and Political Rights*. Among its observations, the Committee express concern "at reports of the excessive use of lethal force during special operations, and a failure of the State party to provide information on the applicable legal rules restricting the use of lethal force to the extent strictly necessary." The Committee recommended that Kyrgyzstan "ensure, as a matter of urgency that its anti-terrorism legislation and its application thereof, especially use of force, is in conformity with the provisions of the Covenant, particularly with respect to the right to life, [and that it] promptly investigate allegations of excessive use of force by the special services, prosecute perpetrators and provide compensation to victims' families."

Concluding Observations

UNITED NATIONS & REGIONAL ORGANIZATIONS

UN: Special Rapporteur presents report on use of drones and international law

On 12 March, the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Ben Emmerson, presented his annual report to the UN Human Rights Council on the use of remotely piloted aircraft in counter-terrorism operations. The report finds that the single greatest obstacle to an evaluation of the impact of drone strikes is lack of transparency. However, the Rapporteur invited States to reach a consensus on international legal standards on the use of drones and recommends that the Council take effective steps, by means of an appropriate resolution aimed at urging "all States to ensure that any measures taken to counter terrorism, including the use of remotely piloted aircraft, comply with their obligations under international law, including international humanitarian law and international human rights law, in particular the principles of precaution, distinction and proportionality." On 28 March, the UN Human Rights Council approved a resolution calling for compliance with international law in "any measure employed to counter terrorism, including the use of remotely piloted aircraft or armed drones".

Report

UN HRC Resolution

ICJ Statement

UN: UN Special Rapporteur finds anti-terrorism measures undermined fight against use of torture as evidence

On 4 March, the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Mendéz, published his annual report to the UN Human Rights Council dedicated to the scope and objective of the prohibition to use of information obtained through torture as evidence in judicial proceedings and in relation to acts by executive actors. The UN

Special Rapporteur considered of particular concern “attempts to undermine the prohibition of torture or other ill-treatment that the tainted statement is not used in ‘proceedings’ but for other purposes such as intelligence gathering or covert operations [that] has expanded significantly in the fight against terrorism”. The UN expert stressed that, “[w]hile being aware of the threats posed by terrorism and the duty of States to protect their people against such threats, the Special Rapporteur reiterates that the absolute nature of the prohibition of torture and other ill-treatment means that no exceptional circumstances whatsoever may be invoked as a justification for torture or other ill-treatment.”

Report

UN: High Commissioner for Human Rights concerned at use of overly broad terrorism offences

On 6 March, the UN High Commissioner for Human Rights, Navanethem Pillay, presented the annual report of her office’s activities. The High Commissioner recalled that in her address to the Security Council’s Counter-Terrorism Committee in October 2013 she “raised concerns about broadly formulated national counter-terrorism legislation and the abusive use of counter-terrorism legislation by authorities to curb legitimate activity”. In her presentation and report, she also “reiterated concerns over allegations received by my Office of serious violations of human rights in the context of counter-terrorism, with attention to the failure to close the Guantanamo Bay detention centre as one example. The failure of many States to undertake public and independent investigations of past involvement in renditions also remains an issue of concern.” In her report, she addressed mass surveillance programmes, noting that “[w]hile modern communications technology provides a powerful tool for democracy, it has also contributed to a blurring of lines between the public and the private spheres, and has generated unprecedented levels of interference with the right to privacy”. The High Commissioner also highlighted her “deep concern over the lack of transparency surrounding drone strikes and their impact on, in particular, accountability and the ability of victims to seek redress.”

Report

UN: UN Special Rapporteur documents use of anti-terrorism law against human rights defenders

On 10 March, the UN Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, presented her annual report to the UN Human Rights Council. In her report, she expressed regret that “legislation is used in a number of countries to restrain the activities of human rights defenders and criminalize them, which is in breach of international human rights law, principles and standards. Anti-terrorism and public security legislation has risen to prominence in the last decade and, in many countries, such legislation is used to harass and prosecute defenders in the name of public security.” The Special Rapporteur called upon States “to combat terrorism and preserve national security by adopting measures that are in compliance with international law and do not hinder the work and safety of defenders”. She also reported that “[i]n an attempt to delegitimize their work and activities, defenders are often branded enemies of the State or terrorists. This stigmatization makes defenders even more vulnerable to attacks, especially by non-State actors”.

Report

EU: General Court rules anti-terrorism listing invalid for lack of procedural fairness

On 21 March, the General Court of the European Union held as unlawful the European Commission’s failure to assess with procedural fairness the appropriateness of the inclusion of Hani El Sayyed Asebai Yusef in the EU Terrorism Sanctions List. Hani El Sayyed Asebai Yusef had been in the list since 2005, but had requested the European Commission in 2010 to review his inclusion on the list in light of the judgment of the Court of Justice of the European Union in *Kadi I* providing that listed persons were entitled to receive a summary of the grounds for listing them and to contest such grounds in an adversary procedure, as part of their right to an effective remedy. The General Court specified that not recognizing such a duty to act by the European Commission would have been tantamount to recognizing the indeterminate nature of the freezing measures under the Terrorism List, which by definition are temporary.

Judgment

EU: European Parliament denounces US and EU Member States' mass surveillance programmes

On 12 March, the European Parliament passed a resolution endorsing the final report of the Committee's inquiry into the US National Security Agency mass surveillance systems. The report strongly criticizes the NSA mass surveillance programmes and the complicity of several EU Member States in accessing the online conversation of EU citizens and the mass gathering of internet data. The report's conclusions call for the creation of a EU data storage "cloud" and judicial redress for EU citizens to protect their data in the US. The Parliament also urge the EU to "suspend the "Safe Harbour" principles (data protection standards that US companies should meet when transferring EU citizens' data to the US) and to re-negotiate new, appropriate data protection standards" and to suspend the Terrorist Finance Tracking Programme (TFTP). The report also calls for better legal protection for whistleblowers.

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