

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

**No. 83, May 2014**

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## AFRICA & MIDDLE EAST

### **Ethiopia: UN High Commissioner concerned at arrests of bloggers and journalists under anti-terrorism law**

On 2 May, the UN High Commissioner for Human Rights, Navanethem Pillay, expressed deep concern at the arrest without charge on 25-26 April and the subsequent incommunicado detention of bloggers, Atnaf Berhane, Mahlet Fantahun, Befekadu Hailu, Abel Wabella, Natnail Feleke and Zelalem Kibret, and journalists, Tesfalem Waldyes, Edom Kasaye and Asmamaw Hailegiorgis. The nine detainees were later charged on 19 May under the *Anti-Terrorism Proclamation 2009* with "working with foreign human rights organizations to destabilize the nation." The authorities were said to be considering changing the charges to "attempting to use social media to incite chaos with the support of terrorist organizations." The High Commissioner called for a reform of the country's anti-terrorism legislation to come into line with international human rights law and stated that "the fight against terrorism cannot serve as an excuse to intimidate and silence journalists, bloggers, human rights activists and members of civil society organizations. And working with foreign human rights organizations cannot be considered a crime." Reporters without Borders also documented that the detainees have been rarely able to see their lawyers and that at least one detainee, Atnaf Berhane, complained of having been subjected to torture during his interrogation.

[HCHR Statement](#)

[NGO Statement](#)

### **Rwanda: Military courts retain jurisdiction over civilians in "terrorism" trial**

On 16 May, the Military High Court ruled that it had competence to try civilians in a trial for terrorism offences against Lt. Joel Mutabazi and other fourteen persons. The Court determined that, according to Rwandan law, if the case against any military personnel is jointly accused with that of any civilian, military courts retain competence in respect all of the defendants. The fifteen defendants have reportedly been charged with "terrorism, formation of an armed group, spreading rumours with intent to incite the public to rise up against the state, murder, crimes against the state, illegal possession of a firearm, attempt to harm the person of the President and deserting the military." Lt. Joel Mutabazi had been forcibly returned on 31 October by Ugandan authorities to Rwanda, on the basis of an international arrest warrant issued by the Rwandan authorities through Interpol even though he had been granted refugee status in Uganda in October 2011 for fears of persecution in Rwanda.

[Press Article](#)

### **Nigeria: UN High Commissioner's Office denounces abduction of schoolgirls as international crime**

On 6 and 8 May, the Office of the UN High Commissioner for Human Rights (OHCHR) and seven UN and African Union Special Rapporteurs condemned the abduction of 267 girls on 14 April by the armed group Boko Haram, from the Government Girls Secondary School of Chibok, Borno State, and their plan to sell them "in the market" and "marry them off". Boko Haram has been added to the UN Terrorism List. The OHCHR recalled that there is "an absolute prohibition against slavery and sexual slavery in international law [and that] these can, under certain circumstances, constitute crimes against humanity." The UN and AU experts reportedly "urged the Nigerian Government to take all necessary measures to ensure the safe return of the girls and to hold the perpetrators accountable." On 5 May, however, Human Rights Watch reported that, Saratu Angus Ndirpaya and Naomi Mutah Nyadar, who were leading protests criticizing the inaction of the Government on this kidnapping, had been arrested without charge after a meeting with the President's wife.

According to the report, the President's wife "accused the women of being members of Boko Haram and of fabricating the story of the girls' abduction to embarrass the Jonathan government." In addition, on 21 May, the Senate extended by six months the duration of the state of emergency, first declared on 14 May 2013, in the States of Adamawa, Borno and Yobe, where Boko Haram have been active.

[UN Statement 1](#)

[UN Statement 2](#)

[NGO Statement 1](#)

[NGO Statement 2](#)

[Press Article](#)

### **Kenya: Human Rights Watch denounces human rights violations in mass "anti-terrorism" round-ups**

On 14 May, Human Rights Watch urged the Kenyan authorities to put an end to an anti-terrorism operation code-named Rudisha Usalama ("restore peace"), during which more than 4,000 people, mainly from the Somali community, have been arrested throughout the country. According to Human Rights Watch, "Government security forces have raided homes, buildings, and shops; looted cell phones, money, and other goods; harassed and extorted residents; and detained thousands – including journalists, Kenyan citizens, and international aid workers – without charge and in appalling conditions for periods well beyond the 24-hour limit set by Kenyan law." On 23 May, Human Rights Watch reported that since the beginning of the operation, Kenyan authorities had deported "359 Somalis, including at least three registered refugees" back to Somalia, without allowing them to challenge their removal. In addition, on 20 May they "deported 98 people, including 12 children, to Mogadishu on May 20 without warning the UN refugee agency (UNHCR) about the deportation."

[NGO Statement 1](#)

[NGO Statement 2](#)

### **Jordan: Anti-Terrorism Law Amendments said to broaden definition of terrorism excessively**

On 18 May, Human Rights Watch published an appeal to King Abdullah II to reject amendments to Jordan's Anti-Terrorism Law, asserting that, if approved, they would undermine the State's obligations under the right to freedom of expression. The amendments aim to broaden the definition of terrorism to include offences such as "disturbing [Jordan's] relations with a foreign state." Human Rights Watch expressed concern that the proposed amendments would remove the required nexus to an act of violence, opting for a definition relating to acts that "sow discord" or "disturb public order" which are not defined further and therefore pose a threat to peaceful expression or assembly. Additionally, it was reported the amendments would improperly preserve the competence of the State Security Court prosecutors, which are special courts, to authorize surveillance, searches, and travel bans. The law was passed by the lower and upper houses of the Jordanian parliament in April, and will need the King's approval before being published in the official gazette to become law.

[NGO Statement](#)

### **Egypt: Al Jazeera journalist detained for "terrorism" at serious health risk**

On 13 and 15 May, Reporters Without Borders and Human Rights Watch called on Egyptian authorities to immediately release Al Jazeera journalist Abdullah al-Shami, who had been detained since 14 August 2013 and is said to suffer from serious health difficulties due to his hunger strike begun on 21 January 2014. Abdullah al-Shami was secretly transferred on 12 May to the al-Aqrab (Scorpion) high security section of Tora prison. Abdullah al-Shami is accused of "spreading false news" and joining the Muslim Brotherhood, once the ruling party, but now labeled by the Egyptian authorities as a "terrorist organization." On 3 May, a court denied bail to other three Al Jazeera journalists, Mohamed Fahmy, Peter Greste, and Baher Mohamed, who have been detained since 29 December 2013, under the charges of "spreading false news" and "aiding a terrorist organization."

[NGO Statement 1](#)

[NGO Statement 2](#)

### **Egypt: UN and African human rights expert urge reform of Egypt's legal system**

On 15 May, nine UN Special Rapporteurs and Sylvie Kayitesi Zainabo, the Chairperson of the Working Group on Death Penalty and Extrajudicial, Summary or Arbitrary Killings in Africa, called on Egypt to reform its legal system after 529 were sentenced to death on 24 March 683 persons were sentenced to death on 28 April in separate trials. The international experts expressed "[shock] at the extent to which the international and domestic outcries and calls following the first case were ignored by the authorities in Egypt" and said that these sentences are a "a continuing and unacceptable mockery of justice that casts a big shadow over the Egyptian legal system." The UN Special Rapporteurs that joined the statement are Chaloka Beyani, UN Special Rapporteur on the Human Rights of Internally Displaced Persons; Christof Heyns, UN Special Rapporteur on extrajudicial, summary or arbitrary executions; Gabriela Knaul, UN Special Rapporteur on the independence of judges and lawyers; Juan Méndez, UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Pablo de Greiff, UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence; Mads Andenas, Chair-Rapporteur of the UN Working Group on Arbitrary Detention; Maina Kiai, UN Special Rapporteur on the rights to freedom of peaceful assembly and of association; Frank La Rue, UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Ben Emmerson, UN Special Rapporteur on the promotion and protection of human rights while countering terrorism.

UN Statement

### **Bahrain: Activists convicted in reportedly grossly unfair trial**

On 12 May, the Bahrain Center for Human Rights expressed grave concern at three rulings issued by Bahraini courts between 20 and 29 April against human rights defenders and political activists. In a judgment delivered on 29 April, the High Criminal Court sentenced five persons to five years of imprisonment each after convicting them under the country's terrorism laws for allegedly planning to carry out a bombing at the Bahrain International Circuit for Formula One. Two of the defendants had attempted to make a claim in court that they had been subjected to torture and forced to sign "confessions" to these acts. The judge "refused to hear their statements and recorded their statements as "subject to financial and moral coercion." According to the Bahrain Center, one of the defendants, "Rihanna Al-Mousawi stated in court that she was subjected to torture, including being stripped of all her clothing, with the purpose of coercing her to sign a statement confessing" her "role" in the planned attack.

NGO Statement

### **Zimbabwe: Government enacts terrorism listing legislation**

On 13 May, the Government published on the Official Gazette the *Suppression of Foreign and International Terrorism Act* that introduces in the country a regime of listing and freezing of assets for persons or organizations "associated" with international terrorism. The law was reportedly adopted in order to put the country in compliance with the UN Security Council resolutions "requiring all UN members to apply financial sanctions on individuals and entities associated with al-Qaeda, Osama bin Laden and the Taliban." The law was said to apply "to any person or entity listed ..., notwithstanding any rights granted to or obligations imposed under any existing international agreement or contract made prior to date of coming into force of these regulations." The law also provides with a procedure according to which listing of individuals or organizations is decided by the President on recommendation of the minister and, once decided the Minister for Foreign Affairs "shall forward the list of proposed designated persons or entities to the relevant UN Sanctions Committee stating the reasons for the designation."

Press Article

## AMERICAS

### **USA: House of Representatives approves bill limiting NSA surveillance programmes**

On 22 May, the House of Representatives approved by a vote of 303-121 the *USA Freedom Act*, aimed at reforming the program of mass collection of phone records as presently carried out by the National Security Agency (NSA). The legislation would require the NSA to at least designate "specific selection terms" as the basis for a request of surveillance. However, a provision that would have established a special advocate to represent the public interest in the proceedings secret Foreign Intelligence Surveillance Act (FISA) court was stripped from the bill. In addition, the approved bill "fails to incorporate another provision from the original draft, which removed a requirement that a judge considering a challenge to a gag order must treat government claims that disclosure would harm national security as conclusive." The legislation is now before the US Senate.

[Draft Law](#)

[Press Article 1](#)

[Press Article 2](#)

### **USA: UN Ambassador Rice reported to have used NSA surveillance intelligence**

A newly published book by journalist Glenn Greenwald, *No Place to Hide: Edward Snowden, the N.S.A., and the U.S. Surveillance State*, reported that, in May 2010, US Ambassador to the United Nations, Susan E. Rice, asked the National Security Agency (NSA) assist her in understanding whether other members of the UN Security Council "were telling the truth ... revealed their real position on sanctions ... gave us an upper hand in negotiations ... and provided information on various countries 'red lines.'" Following this request, the NSA reportedly placed a number of official representatives of other countries under surveillance and the information obtained helped the US Ambassador to develop her negotiation strategy.

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

### **USA: Journalist reveals new details on Guantánamo detainees "suicides"**

On 21 May, human rights lawyer and Harper's Magazine Contributing Editor Scott Horton previewed on the news program Democracy Now an investigative account to be published in the Magazine's June Edition containing new revelations on the deaths on 19 2006 of three Guantánamo detainees: Yasser Talal al-Zahrani, Salah Ahmed al-Salami and Mani Shaman al-Utaybi. The US authorities had declared these deaths to be suicides and the then Commander of Guantánamo, Rear Admiral Harry Harris, characterize them as an "act of asymmetrical warfare waged against us." According to Scott Horton, new evidence coming from reports of the Naval Criminal Investigative Service (NCIS), including an eyewitness account, add to existing suggesting that they could not have been suicides. More likely, the three may have died as a consequence of torture or ill-treated inflicted on them. The accounts of the Yasser al-Zahrani "indicates he may have died from torture and suffocation during questioning at a secret black site facility at Guantánamo known as Camp No, or Penny Lane."

[Interview](#)

[Harper's Article](#)

### **USA: Justice Department legal memo excludes right of asylum for Guantánamo detainees**

On 14 May, the Justice Department sent to the Senate and the House of Representative a legal memorandum assessing whether "a Guantánamo detainee relocated to the United States could be eligible for certain forms of relief from removal or release from immigration detention or could have related constitutional rights." The report concludes that the Justice Department is not "aware of any case law, statute, or constitutional provision that would require the United States to grant any Guantánamo detainee the right to remain permanently in the United States, and Congress could, moreover, enact legislation explicitly providing that no such statutory right exists." The Justice Department



excludes the possibility of granting asylum, but affirms that, even if a withholding of removal would not apply to Guantanamo detainees, they could be “granted deferral of removal.”

Memorandum

**USA/Djibouti: US Djibouti base used for CIA secret detention, *Al Jazeera* reveals**

On 2 May, *Al Jazeera America* revealed that a US base in Djibouti had been used to detain “suspected Al-Qaeda operatives” within the context of the CIA-led rendition, interrogation and secret detention programme. According to the news agency, these revelations were confirmed by two anonymous US officials who read the report of the Senate Intelligence Committee that investigated the CIA programme, which is still classified. Reportedly, the lawyer of Mohammed al-Asad, who brought a case against Djibouti before the African Commission on Human and Peoples’ Rights, believe he is one of those former detainees. Djibouti's Ambassador to the US, Roble Olhaye, has denied that his country has been a “knowing participant” in the CIA programme, but said that Djibouti’s authorities would not be aware of activities going on in the US base in their country.

Press Article

**USA: NSA surveillance programme said to have collected all Bahamas telephone communications**

On 19 May, *The Intercept*, based on documents provided by NSA whistleblower Edward Snowden, reported that the National Security Agency (NSA) has been secretly “intercepting, recording, and archiving the audio of virtually every cell phone conversation on the island nation of the Bahamas.” This surveillance would be part of a top-secret system called SOMALGET implemented without the knowledge or consent of the Bahamian authorities. It appears that initial access was obtained through the U.S. Drug Enforcement Administration to “open a backdoor to the country’s cellular telephone network, enabling it to covertly record and store the ‘full-take audio’ of every mobile call made to, from and within the Bahamas – and to replay those calls for up to a month.” According to *The Intercept*, SOMALGET is part of a broader NSA program known as MYSTIC, which is being used to secretly monitor telecommunication systems in a number of countries including Mexico, the Philippines, and Kenya.

Press Article

**Canada: Supreme Court upholds constitutionality of security certificate system**

On 14 May, the Supreme Court upheld the lawfulness of the federal government’s security certificates regime, which was adopted by Parliament in 2009. Security certificates are issued for the purpose of allowing for the deportation of non-Canadian nationals suspected of terrorism connections. The Court held that the system of security certificates offered persons under deportation order for reasons of national security, but who could not be expelled, a fundamentally fair process, balancing the rights of suspects with the need to protect national security information. Chief Justice Beverley McLachlin stated that that “the discretion granted to designated judges is the crucial ingredient that allows the proceedings to remain fair from beginning to end” and that “participation of the special advocates in closed hearings is intended to be a substantial substitute for personal participation by the named person in those hearings.” The judgment concerned the case of Mohamed Harkat, suspected of membership of al-Qaeda in 2002. He has maintained that deportation to Algeria will likely result in him being subjected to serious human rights violations, including torture. Canada, under whose law deportation to torture is prohibited save for “exceptional circumstances”, will now likely proceed to prepare a so-called pre-removal risk assessment under this balancing test.

Judgment

NGO Statement

Press Article

### **Argentina: Journalist accused of “terrorism” for reporting public protest**

On 14 May, Reporters Without Borders condemned the indictment of the editor of the newspaper *Última Hora*, Juan Pablo Suárez, on the charges of “inciting collective violence” with the aggravating circumstance of “aiming to terrorize the population.” This aggravating circumstance was introduced by an anti-terrorism law in 2011 and doubles the punishment foreseen in any ordinary offense. The journalist risks a sentence of twelve years of imprisonment. Reportedly, the charges are linked to the journalist’s “coverage of police demonstrations for more pay in the northern city of Santiago del Estero last December.” The Association of Argentinian Periodic (ADEPA) and the Inter-American Press Society have condemned this indictment and the related investigations as an infringement of freedom of expression.

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

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

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

## **ASIA - PACIFIC**

### **China: Mass arrests in Xinjiang following knives “terrorist” attack**

On 12 May, State media reported that the police of the Xinjiang Autonomous Region had arrested 232 persons during the previous weeks under the suspicion of having “circulated videos promoting terrorism through the Internet and on portable devices.” There are also reported to have been an increased number of searches on citizens of Uighur ethnicity. These measures followed a knife attack on 6 May at the main railway station of the city of Guangzhou, while President Xi Jinping was completing an official visit in the region in which he vowed a crackdown against terrorism. In the attack, three people were killed and 79 wounded by persons using knives and detonated explosives. Press reports say that two of the three dead persons were the attackers.

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

[Press Article 4](#)

### **Pakistan: ICJ criticizes draft security law as fundamentally flawed**

On 14 May, the ICJ called on the Pakistan Senate to reject a bill that would grant the military and law enforcement authorities sweeping powers to detain individuals, in contravention of international human rights law and standards. In its briefing paper *Protection of Pakistan Bill, 2014 – An affront to Human Rights*, the ICJ analyzes provisions of the bill in light of Pakistan’s international law obligations. The ICJ stated that the bill fails to comply with international human rights law and standards, including the right to liberty and the right to a fair trial. The ICJ also expressed serious concern that the implementation of the Bill could facilitate numerous other human rights violations, including arbitrary detention, torture and ill-treatment, enforced disappearance and extrajudicial executions, and further entrench impunity for those responsible.

[ICJ Report](#)

[ICJ Statement](#)

### **Afghanistan: Journalist arrested and detained for “collaborating with terrorists”**

On 15 May, Reporters without Borders called on the Afghan authorities to provide explanations for the arrest and detention of journalist Syed Rahman Bekore, of the *Wakht News* agency, for the charges of “collaborating with enemy countries and terrorists.” Syed Rahman Bekore had been reportedly arrested on 27 April together with other two journalists, who were released shortly after, and detained at the National Directorate of Security detention centre in Jalalabad. Reporters Without Borders asked the National Directorate of Security to explain the basis for the charges and that Syed Rahman Bekore be allowed “his right to have a lawyer and to receive visits from a delegation of representatives of journalists’ associations, as well as his family.”

[NGO Statement](#)



### **Sri Lanka: Army surrounds newspaper's headquarters and monitors activity**

On 19 May, army units and members of the intelligence services surrounded the headquarters of the Tamil-language daily *Uthayan* in Jaffna for the whole morning and took note of "who was entering and leaving the newspaper." According to Reporters without Borders and Journalist for Democracy in Sri Lanka (JDS), the "military operation appeared to be a response to *Uthayan's* publication yesterday of a supplement entitled 'Mullivaikkal Thuyar Malar - May 18,' consisting of poems and accounts by survivors of the Sri Lankan army's massacre of thousands of Tamil civilians in 2009, in the final stages of the civil war between the government and Tamil Tiger rebels." On 20 May, Human Rights Watch called on the government to comply with the March 2014 resolution of the UN Human Rights Council by "creating an international investigation into allegations of serious abuses by both sides during Sri Lanka's civil war."

[NGO Statement 1](#)

[NGO Statement 2](#)

### **Thailand: Military authorities declare martial law and suspend the Constitution**

On 20 May, General Prayuth Chan-ocha, the Commander-in-Chief of the Royal Thai Army, announced that martial law was immediately in force throughout Thailand, citing continued protests led by "various groups." Martial Law gives the military superior power over civil authorities in maintaining security and keeping public order. It also gives the military wide-ranging powers, including enlarged powers of arrest and detention without charge and impunity from claims for compensation. The ICJ and other human rights organization called on the army and the government to withdraw this declaration. The UN High Commissioner for Human Rights, Navenethem Pillay, urged Thailand to "ensure respect for human rights and a prompt restoration of the rule of law in the country" and expressed deep concern "about the forcible replacement of an elected Government, the imposition of martial law, the suspension of the constitution and the emergency measures that are restricting the enjoyment of human rights." On 22 May, the newly created Peace and Order Maintaining Command, composed of the commander in chief of the army and the commanders of the Royal Thai Navy, air force and police, announced that it had suspended the Constitution. The military has since various political leaders and activists as well as a number of academics.

[HCHR Statement](#)

[ICJ Statement 1](#)

[ICJ Statement 2](#)

[NGO Statement](#)

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

### **UK: Court of Appeals rejects Government's "Neither Confirm Nor Deny" policy**

On 2 May, the Court of Appeal ruled in favor of Mohammed Ahmed Mohamed and a man identified as CF, criticizing the government's reliance on secret justice measures in cases of national security. The two men had been detained in Somaliland in 2011, after which they allegedly were subjected to beatings, a mock execution, and flown to the UK in circumstances described by their lawyers as amounting to a "rendition" operation. Upon arrival in the UK they were placed under control orders, and when they tried to challenge them on ground of their ill-treatment, the government proceeded with a so-called Neither Confirm Nor Deny ("NCND") in open court policy. The Court of Appeal ruled that the government could not rely on the NCND policy in courts, since "the appellants or the public should [not] be denied all knowledge of the extent to which their factual and/or legal case on collusion and mistreatment was accepted or rejected. Such a total denial offends justice and propriety." The case has now been remanded to the High Court, which will have to reconsider the original challenge to the control orders.

[Ruling](#)

[Press Article](#)

## **UK: New Immigration Act allows for “terrorism” suspects deprivation of nationality resulting in statelessness**

On 13 May, the House of Lords approved and passed into law the Immigration Act 2014. The new law includes an amendment that effectively allows the Minister to strip a person convicted of a terrorism offence of his or her UK citizenship, even if that would render the person stateless. The amendment allows for this action if “the citizenship status results from the person’s naturalisation, and the Secretary of State is satisfied that the deprivation is conducive to the public good because the person, while having that citizenship status, has conducted him or herself in a manner which is seriously prejudicial to the vital interests of the United Kingdom, any of the Islands, or any British overseas territory; and he Secretary of State has reasonable grounds for believing that the person is able, under the law of a country or territory outside the United Kingdom, to become a national of such a country or territory.”

[Law](#)

[Press Article 1](#)

[Press Article 2](#)

## **UK: High Court of Justice declares UK Afghanistan detention policy unlawful**

On 2 May, the High Court of Justice ruled the UK armed forces’ detention policy in Afghanistan to be unlawful. The question was raised in the in the case of Serdar Mohammed, who was captured by UK forces in Afghanistan in April 2010, and held on a British military bases for 106 days, after which he was transferred to the Afghan authorities. The Court determined that his initial detention up to 96 hours had been lawful, in line with the International Security Assistance Force (ISAF) procedures. However, it said that his subsequent detention was unlawful, as it was based on a UK policy that had not been shared to the other States participating in ISAF, nor agreed with the Afghan government. The Court held that, in capturing and detaining Serdar Mohammed, the UK forces were acting as UK rather as UN agents, making the UK government responsible for any human rights violations. The Court therefore held that the second period of detention of 25 days solely for purposes of interrogation and without bringing Serdar Mohammed before a judge to be in violation of Article 5 of the European Convention on Human Rights, which will applies extraterritorially when UK forces have authority or control over a person.

[Ruling](#)

[Press Article](#)

## **UK/Iraq: ICC Prosecutor re-opens investigations into alleged UK war crimes in Iraq**

On 13 May, Fatou Bensouda, the Prosecutor of the International Criminal Court (ICC), decided to “re-open the preliminary examination of the situation in Iraq,” after receiving new information, provided by the European Center for Constitutional and Human Rights (ECCHR) and Public Interest Lawyers, that “alleges the responsibility of officials of the United Kingdom for war crimes involving systematic detainee abuse in Iraq from 2003 until 2008.” On 9 February 2006, former ICC Prosecutor Luis Moreno-Ocampo had decided not to initiate a preliminary investigation as the information available did not reach “the required gravity threshold of the Rome Statute.” ECCHR Secretary General Wolfgang Kaleck declared that “[t]he reopening of the investigation represents a milestone for Iraqi victims and for international criminal law.”

[ICC Statement](#)

[NGO Statement](#)

## **UK: UK surveillance agency brought to court for mass surveillance programme**

On 13 May, *The Intercept* reported that a legal complaint was brought by Privacy International against the Government Communications Headquarters (GCHQ), the UK’s surveillance agency, alleging the agency’s involvement in hacking into computers worldwide, following earlier reports on this subject from the news outlet. The complaint was lodged with the UK’s Investigatory Powers Tribunal, which is tasked with handling complaints relating to spy agencies. GCHQ is accused of acting unlawfully in assisting the development of National Security Agency (NSA) surveillance systems that are able of

breaking into potentially millions of networks and computers across the world. In its legal complaint, Privacy International argues that these activities if could be seen as “one of the most intrusive forms of surveillance any government has conducted”, because of “because of the amount of information now generated and stored by computers and mobile devices nowadays, the speed, ease and surreptitiousness with which surveillance can be conducted, and because it allows the ongoing surveillance to continue wherever the affected person may be”.

[Press Article](#)

### **UK/USA: UK surveillance agency begged “unsupervised access” to NSA data**

On 30 April, *The Intercept* reported that the British spy agency Government Communications Headquarters (GCHQ) has been aiming to secretly acquire NSA’s vast amount of private communications, seeking “unsupervised access” to its data last year. This revelation was found in a top-secret document provided to *The Intercept* by NSA whistleblower Edward Snowden, dated from April 2013, revealing that GCHQ requested to tap into data collected by the NSA surveillance operations. These operations included the PRISM program which was used “obtain the content of personal emails, chats, photos, videos, and other data processed by nine of the world’s largest internet companies, including Google, Yahoo!, Microsoft, Apple, Facebook, and Skype”. According to *The Intercept*, the Snowden files show that the request was made at “leadership level”, but do not indicate whether or not the NSA accepted GCHQ’s proposed request.

[Press Article](#)

### **Germany: Government will not admit Edward Snowden to the country for Parliament Committee’s inquiry**

On 1 May, the *Sueddeutsche Zeitung* published information contained in a leaked position paper in which the German Government indicated in writing to the Parliamentary Committee investigating the NSA surveillance scandal that it opposes entry of Edward Snowden onto German territory in order to testify before the Committee. Reportedly, “the government argued that if Snowden testified in Germany, it would endanger the “welfare of the state.” It added that his questioning in Germany would “run contrary to important political interests of the Federal Republic,” and that if the former intelligence worker were allowed to travel to Germany, the US secret services “would at least temporarily” limit cooperation with their German counterparts.” Patrick Sensburg, the Committee’s Chairman, in an interview with *Der Spiegel*, said that its members had “unanimously agreed to question” Snowden, but that discussion were ongoing on the modalities, which may include that he gives testimony from the embassy of a third country. He also added that, while his coming to Germany remains an option, it was difficult that Snowden would accept “because there is an extradition request from the United States based on the serious accusation that he committed acts of treason [and there] is no basis whatsoever for granting him political asylum in Germany.”

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

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

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

### **Italy: Court of Cassation rejects “terrorism” charges for activists**

On 15 May, the Court of Cassation annulled a ruling of a lower court that had previously allowed the detention on remand of four activists that held under the charges of “terrorism”. The Court of Cassation asked the lower court to reformulate the detention on remand order without the charge of “terrorism”, indicated it that would not apply to the situation of the four defendants. The four are accused of having launched stones, fireworks and Molotov cocktails against law enforcement officers and having attacked the works for a new high speed train line Lion-Turin, in which an electricity generator burned. Reportedly, the Investigative Judge had previously considered that this was an “attack to the democratic legality”, and so applied the charge of “terrorism”.

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

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

### **Italy: Court of Cassation issues motivation in Italian secret agents' rendition acquittal**

On 16 May, the Court of Cassation published the reasoning for its acquittal of the former head of the Italian military secret service (SISMI), Nicolò Pollari, of his deputy, Marco Mancini, and other three Italian defendants, on charges of kidnapping and complicity in the rendition of Hassan Mustafa Osama Nasr, also known as Abu Omar, carried out by the CIA in Milan in 2003. The Court of Cassation stressed that the acquittal was necessitated by the fact that, following a Constitutional Court ruling of February 2014, their prosecution was barred by the secret of state doctrine. The Court of Cassation stated that the Constitutional Court decision was unprecedented and "seems to eradicate the very possibility of a verification of the lawfulness, competence and reasonableness of the use of the power of the competent administrative authority to oppose the secret of state", with the consequence of leaving to the political powers the discretion on whether or not to investigate or prosecute facts like those of renditions."

[Judgment \(Italian\)](#)

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

### **The Netherlands: Advocate General advises Supreme Court to bar "terrorism" suspect deportation to the US**

On 2 May, the Advocate General to the Supreme Court of the Netherlands issued his view on the case of Sabir K., a Pakistani-Dutch "terrorism" suspect whose extradition has been requested by the US, and advised the Court to uphold the previous Court of Appeals' judgment barring his extradition on *non-refoulement* grounds. In July 2013, the Court of Appeal of The Hague ruled that extradition would be prohibited in reference to uncertainty regarding the possible involvement of American forces in allegedly subjecting SABIR K. to torture in Pakistan. The Dutch government had appealed to this decision, expressing their intention of proceeding with the extradition. Sabir K. is suspected in the US of involvement in an attack on an army base in Afghanistan in 2010. He was arrested in Pakistan and allegedly subjected to torture by the Pakistani secret service. His extradition was authorized by the Minister of Justice, Ivo Opstelten, in 2012. In practice, the advice provided by the Advocate General is usually followed by the Supreme Court. The Supreme Court's ruling is expected on 11 July 2014.

[Press Article](#)

### **Lithuania: Committee against Torture calls for investigations in CIA renditions and secret detention**

On 20 May, the UN Committee against Torture adopted its concluding observations on the compliance by Lithuania of its obligations under the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. The Committee expressed concern "that the Parliamentary investigation failed to determine whether CIA detainees were held in or transited through Lithuanian territory and that the pre-trial investigation launched by the Prosecutor General's Office was terminated owing to the applicability of the statute of limitations which precludes disciplinary action and the fact that the file constitutes an official secret." The Committee urged Lithuania "to complete the investigation into allegations of its involvement in the Central Intelligence Agency rendition and secret detention programmes within a reasonable time. It also recommend[ed] that the State party inform the public and ensure its investigation process is transparent."

[Concluding Observations](#)

### **Russian Federation: European Court rules that extradition of "terrorism" suspects to Uzbekistan would breach European Convention**

On 7 May, the European Court of Human Rights ruled that the Russian Federation could not extradite Avazbek Mukhammad Ugli Nizamov, Khakim Tursunovich Dzhahalbayev, Rakhmatullo Abudullayevich Mukhamedkhodzhayev and Olim Tursunovich Dzhahalbayev to Uzbekistan, as they would be at risk of being subject to torture if

transferred and detained in that country. They have been charged in Uzbekistan with membership in an extremist and terrorist organization, the Islamist Movement of Turkestan. The Court stated that “reliable international materials have demonstrated the persistence of a serious issue of ill-treatment of detainees, the practice of torture against those in police custody being described as ‘systematic’ and ‘indiscriminate’, and a lack of evidence demonstrating any fundamental improvement in that area” and that “the ill-treatment of detainees remains a pervasive and enduring problem in Uzbekistan”.

**Judgment**

### **Ukraine: General Prosecutor designates Eastern regions as “terrorist organizations”**

On 16 May, the General Prosecutor of Ukraine officially designated as “terrorist” organizations the “two so-called ‘people’s republics’ in Donetsk and Luhansk regions”. Reportedly, the General Prosecutor Office considered them “two terrorist organizations with a rigid hierarchy, financing channels and supply of weapons” and “jointly with the Security Service of Ukraine began criminal proceedings under Article 258-3 of the Criminal Code (the formation of a terrorist organization) against representatives of the so-called Donetsk and Luhansk People’s Republics.” On the same day, the UN High Commissioner for Human Rights, Navanethem Pillay released report produced by a monitoring team of 34 members documenting “an alarming deterioration in the human rights situation in the east of the country, as well as serious problems emerging in Crimea, especially in relation to the Crimean Tatars.”

**Prosecutor Statement (Ukrainian)**

**UN Report (E)**

**UN Statement (E)**

**Press Article (E)**

## **UNITED NATIONS & REGIONAL ORGANIZATIONS**

### **EU-AU: Summit underlines importance of human rights in conflict situations**

On 15 May, the African Union Peace and Security Council (AUPSC) and the European Union Political and Security Committee (EU PSC) issued a joint declaration at the end of their 7th Annual Joint Consultative Meeting in Brussels. In their declarations, the two continental bodies “condemned terrorism in all its forms. ... Both sides underscored the importance of protecting human rights, particularly in conflict situations. They also condemned sexual violence against women and the use of child soldiers.”

**Joint Communiqué**

### **OSCE: OSCE conference concludes on centrality of human rights and rule of law in countering terrorism**

On 29 April, an OSCE international counter-terrorism conference under Swiss chairmanship closed, after two days of discussions involving “200 delegates including national counter-terrorism coordinators and other governmental experts, ... representatives from international organizations, academia and NGOs.” In their conclusions, the conference’s delegates stated that the “[r]espect of the principles of legality, transparency and accountability ensures that counter-terrorism policies and practices are human rights-compliant and effective.” The recommendations by the chairmanship underlined that “oversight of and accountability for counter-terrorism measures include the executive and legislative branches of government as well as an independent and impartial judiciary. They also recommend the effective protection of media’s independence and freedom to report, including on counter-terrorism issues, and the adoption of predictable, precise and accessible counter-terrorism laws, in compliance with international human rights law, refugee and humanitarian law.”

**OSCE Recommendations**

**OSCE Statement**

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