

E-BULLETIN ON COUNTER-TERRORISM & HUMAN RIGHTS

No. 96, September 2015

AFRICA & MIDDLE EAST

Ethiopia: Three persons charged under anti-terrorism law after six months pre-charge detention

Kenya: National Human Rights Commission reports gross human rights violations in countering terrorism

Syria: Cartoonist detained and prosecuted for 'terrorism' dies in custody

Syria: Amnesty International reports counter-terrorism abuses by armed group

Swaziland: Amnesty International documents abuse of anti-terrorism laws against opposition

Kuwait: Seven persons sentenced to the death penalty for 'terrorism' after unfair trial

Chad: Ten men executed after conviction for 'terrorism'

AMERICAS

USA: Videos displaying Guantánamo force-feeding released after court order

USA: West Point professor calls for targeting of legal scholars as 'enemy combatants'

USA: Federal Court lifts silence gag order for National Security Letter for first time

USA: Two Guantánamo detainees released in Saudi Arabia and Morocco

Canada: Federal Court upholds exclusion from Canadian territory for mere membership in no-longer 'terrorist' organization

ASIA - PACIFIC

India: Twelve men convicted to the death penalty under security law

Sri Lanka: UN report documents gross human rights violations in past conflict and abuse of terrorism laws

Pakistan: Nine persons sentenced to the death penalty by military court

China/India: Death penalty reduced for several criminal offences, but 'terrorism'

EUROPE & COMMONWEALTH OF INDEPENDENT STATES

UK: Head of intelligence services calls for more surveillance powers

UK: Human Rights Watch sues intelligence agency for mass surveillance

UK: Terrorism Legislation Independent Reviewer warns anti-extremism policies may be counter-productive

UK: Human rights organization requests Government to publish legal grounds for drone targeted killings

Switzerland/Bahrain: Prosecution for Bahrain Attorney General requested

Sweden: Home Minister announced new counter-terrorism measures

Germany: Lawsuit claims responsibility of German Government for complicity in US drone strikes

Turkey: European Court of Human Rights rules that mandatory life sentence for terrorism is inhuman or degrading

Turkey: Journalists arrested and charged for 'terrorism' offences

Ukraine: President bans entry to territory for several journalists for national security

Russian Federation/Ukraine: Film director convicted for terrorism in reportedly unfair trial

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

UNITED NATIONS & REGIONAL ORGANIZATIONS

UN: ECOSOC approves resolution asking to develop legal knowledge in countering terrorism

UN: Panel discussion calling for human rights centrality in countering terrorism published

EU/USA: EU-US Data Protection "Umbrella Agreement" finalized

EU: Interior Ministers call for more coordination in security of train after shooting in TGV

AFRICA & MIDDLE EAST

Ethiopia: Three persons charged under anti-terrorism law after six months pre-charge detention

On 7 September, Ethiopian authorities charged Pastor Omot Agwa, a World Bank translator, and Ashinie Astin and Jamal Oumar Hojel, two local human rights defenders, under the Anti-Terrorism Proclamation No. 652 of 2009, after almost six months of pre-charge detention. Pastor Omot Agwa was charged with being the co-founder and leader of the Gambella People's Liberation Movement (GPLM), a dismantled armed group that opposed the ruling Government in the 1990s, and of communicating with its leaders abroad. He faces a sentence from twenty years of imprisonment to life if convicted. Ashinie Astin was charged with participating in the GPLM, and Jamal Oumar is accused of being a participant of a "terrorist group" and of organizing recruits to attend a Nairobi workshop on food security. According to Human Rights Watch, the three men were held in solitary confinement for three weeks after their arrest, have had limited access to family members and some of them are thought to be in poor health.

[NGO Report](#)

[NGO Statement](#)

Kenya: National Human Rights Commission reports gross human rights violations in countering terrorism

On 15 September, the Kenya National Commission on Human Rights (KNCHR) issued a report entitled "The Error of Fighting Terror with Terror", investigating allegations of human rights violations by security agencies during the recent resurgence of counter-terrorism operations in Kenya against Al-Shabaab and alleged accomplices. Their preliminary findings established a pattern of conduct by the Kenya security agencies "amounting to grave violations of the law and human rights against individuals and groups suspected to be associated with terror attacks in various parts of the country." Their report documents over 120 cases of "widespread, systematic and well-coordinated" gross human rights violations, including extrajudicial executions and enforced disappearances. The KNCHR further reported of obstacles faced during its investigation, including denial of access to places of detention, lack of access to information and intimidation of victims and witnesses by security agencies.

[NGO Preliminary Report](#)

[NGO Press Release](#)

[Press Article](#)

Syria: Cartoonist detained and prosecuted for 'terrorism' dies in custody

On 22 September, Reporters without Borders confirmed the rumors that cartoonist Akram Raslan had died while in detention in a prison hospital around the Spring of 2013, allegedly as a result of torture and ill-treatment committed by the Syrian security services. According to the Cartoonist Rights Network International (CRNI), shortly before his death in July 2013, Akram Raslan he had been secretly put on trial by a terrorism court, with no possibility to call any witnesses and no access to a lawyer. It is reported that Akram Raslan had been arrested on 2 October 2012, because of cartoons critical of President Assad. Since the uprising of 2011, he had been anonymously publishing pro-opposition cartoons on Arabic-language news websites. Reporters without Borders reiterated its "appeal to the UN Security Council to end the impunity by referring to the situation in Syria to the International Criminal Court."

[NGO Statement 1](#)

[NGO Statement 2](#)

Syria: Amnesty International reports counter-terrorism abuses by armed group

In a report released on 7 September, Amnesty International (AI) denounced the abuses committed by the Democratic Union Party-led autonomous administration (PYD) in northern Syria. The PYD, a political party established in 2003 by Kurdish activists, is one of the most prominent Kurdish opposition parties in Syria. According to the human rights

organization, PYD is using the pretext of fighting terrorism and the Islamic State to “unlawfully detain and unfairly try peaceful critics and civilians believed to be sympathizers or members of alleged terror groups”. The report is a result of a fact-finding mission during which AI was able to interview ten detainees at two different prisons run by the PYD in northern Syria. The interviewed detainees reported being held with no evidence against them, sometimes because of peaceful opposition to the PYD or suspicion of affiliation with terrorist groups, and described trials as “blatantly unfair”.

Report

Swaziland: Amnesty International documents abuse of anti-terrorism laws against opposition

On 4 September, Amnesty International released a report documenting the continuous practices and use of security legislation by the Government to silence opposition and dissent. In its report, the human rights organization documented that the “Swazi government is continuing to use repressive laws, including the 1938 Sedition and Subversive Activities Act (SSA Act) and the 2008 Suppression of Terrorism Act (STA) as a tactic to silence its critics and suppress their rights to freedom of expression, association and peaceful assembly.”

Report

Kuwait: Seven persons sentenced to the death penalty for ‘terrorism’ after unfair trial

On 15 September, a criminal court sentenced to the death penalty seven persons convicted for their participation in the bombing of a Shiite mosque on 26 June. The attack left 26 people dead and 227 others injured, responsibility for which was claimed by the Islamic State. Five of the convicted persons were sentenced *in absentia*. Of the 29 people tried in connection with the attack, fourteen were acquitted. Eight of those convicted, including five women, were sentenced to between two and fifteen years of prison. Amnesty International called for the overturn of the death sentences, calling it a “misguided response” and “not the way to tackle terror.”

NGO Statement

Press Article

Chad: Ten men executed after conviction for ‘terrorism’

On 29 August, Chad executed ten men who had been convicted of being members of the armed group Boko Haram, considered in Chad a “terrorist organization”, and of other criminal offences including murder and the use of explosives. This execution marks the first use of the death penalty since its reintroduction for terrorism offences last month. The UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, condemned the executions, stating that the swift three-day trial may not have met international standards. While he expressed his “deepest rejection of the terrorist attacks in June and July, [he] encourage[d] the Government to react to such events within the limits of its obligations under international law”. He further reported that there was no reliable information on whether the sentenced men were able to use their right to appeal and to apply for clemency, as the hearings were moved to a secret facility during the last day of trial.

UN Statement 1

UN Statement 2

Press Article

AMERICAS

USA: Videos displaying Guantánamo force-feeding released after court order

Eight videos displaying force-feedings at Guantánamo Bay prison were released on 15 September, upon order of Judge Gladys Kessler of the District Court for the District of Columbia. The videos depict tube feeding conducted by medical and security personnel, and have been censored for anything that could be used to identify those involved. On 6

October 2014, the District Court had ordered the US Government to release 28 videotapes documenting the force-feeding and “forcible cell extractions” of Guantánamo detainee Wa’el (Jihad) Dhiab. The order of release was sought both by the detainee and a group of media companies. The Court held that disclosure was warranted under the First Amendment and that most of the exceptions claimed by the Government were “unacceptably vague, speculative, lack specificity, or are just plain implausible.” The Government claimed that the release of the videotapes could give rise to the development of counter-measures by the detainees, endanger national security by showing the structure of the detention camp, be used as propaganda, increase the need of more guards or the forcible cells extractions, or subject Wa’el Dhiab to ‘public curiosity’ in contravention of the Geneva Conventions on the laws of war”.

[Press Article 1](#)

[Press Article 2](#)

USA: West Point professor calls for targeting of legal scholars as ‘enemy combatants’

On 23 April, the National Security Law Journal published an academic article by assistant professor William C. Bradford from the West Point Military Academy entitled “Trahison des Professeurs: The Critical Law of Armed Conflict Academy as an Islamist Fifth Column.” In his paper, Bradford states that legal scholars critical of the ‘war on terror’ represent a “treasonous” fifth column and that they should be attacked as enemy combatants. He stated that places where a “causal connection between the content disseminated and Islamist crimes incited” exists, such as “law school facilities, scholars’ home offices and media outlets where they give interviews,” would need to be included as lawful targets for US military in its war against terror. The editor-in-chief of the Journal declared the publication was a mistake and its content should be considered as an “egregious breach of professional decorum”.

[National Security Law Journal Statement](#)

[Counter-Article](#)

[Press Article](#)

USA: Federal Court lifts silence gag order for National Security Letter for first time

On 15 September, the US District Court for the Southern District of New York lifted the gag order imposed eleven years ago on the founder of a small Internet service provider, Nicholas Merrill, preventing him from speaking about having been subject to a 2004 national security letter (NSL). NSLs are secret FBI orders, introduced under the USA PATRIOT Act 2001, requesting that certain businesses turn over records identified as needed for national security purposes. NSLs can prohibit recipients from ever referring to or talking about the NSL to anyone. The NSL against Nicholas Merril prevented him from disclosing to have been a recipient of the order, the identity of the target of the order and the content of the order. The US District Court ruled that the Government had not sufficiently demonstrated that the disclosure of this information would at this stage jeopardize national security. This is the first gag order under a NSL to have been fully lifted.

[Decision](#)

[Press Article](#)

USA: Two Guantánamo detainees released in Saudi Arabia and Morocco

On 18 and 22 September, the Department of Defense released two Guantánamo detainees, Abdul Rahman Shalabi and Younis Abdurrahman Chekkouri, and transferred them to Saudi Arabia and Morocco respectively. Abdul Rahman Shalabi had been detained at Guantánamo Bay for more than 13 years and was among the first detainees in Guantánamo Bay. He was alleged to have been a bodyguard of Osama bin Laden and was captured by the Pakistani military along the Afghanistan border in December 2001 and turned over to the United States. Younis Abdurrahman Chekkouri had also spent 13 years in US custody, without ever being charged of any offences before the military commissions. Currently, there are still 114 detainees remaining at Guantánamo Bay.

[DoD Statement 1](#)

[DoD Statement 2](#)

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

Canada: Federal Court upholds exclusion from Canadian territory for mere membership in no-longer 'terrorist' organization

On 16 September, the Federal Court of Canada dismissed the application for judicial review of the decision rejecting the asylum claim of Roghayeh Azizi Mirmahaleh, an Iranian national, finding that the officer of the Immigration and Refugee Board of Canada had not erred in considering the applicant a threat to national security, due to her affiliation with a 'terrorist organization'. Roghayeh Azizi Mirmahaleh was a teacher in a village in Iran, and became involved with the organization Mujaheddin-e-Khalq (MeK), distributing and reading their publication as well as teaching them to her pupils and women of the region. She and her husband were arrested and imprisoned for their activism in 1984. Her husband was executed by the Iranian regime in 1988. She travelled to Canada in 2012, where she claimed asylum in 2013, alleging to be in fear of persecution in Iran because of her involvement with the MeK. The Federal Court of Canada ruled that the fact of being a mere member of a terrorist organization was sufficient for the issuance of a prohibition to enter Canada, under Article 34(1)(f) of the Immigration and Refugees Protection Act. It further ruled that this provision does not require that the membership be current, nor that the organisation in question has any link with actual acts of terrorism. Finally, it ruled that the term "member" of a terrorist organization must be interpreted widely and in a liberal way.

Ruling

ASIA - PACIFIC

India: Twelve men convicted to the death penalty under security law

On 11 September, a special anti-terrorism court in Mumbai, established under the Maharashtra Control of Organised Crime Act No. 30 of 1999, convicted 12 men of various charges, including murder, in connection with the 2006 bombings of seven trains in Mumbai, which had killed 189 persons and injured over 800. The Court sentenced them to the death penalty. The men were also convicted of having been members of the "Students Islamic Movement of India", a proscribed organization under the Unlawful Activities (Prevention) Amendment Ordinance of 2004, aiming at protecting national security by effectively preventing the activities of unlawful associations.

Press Article 1

Press Article 2

Sri Lanka: UN report documents gross human rights violations in past conflict and abuse of terrorism laws

On 14 September, the Office of the UN High Commissioner for Human Rights (OHCHR) issued a report identifying patterns of gross violations of human rights that had occurred during the conflict between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE), including indiscriminate shelling, extrajudicial killings, enforced disappearances, torture, sexual violence and recruitment of child soldiers. These violations were allegedly committed between 2002 and 2011 by both Government security forces, and affiliated paramilitary groups, as well as the LTTE, listed as a terrorist organization. The report further addressed the abuse of anti-terrorism legislation by the Government, allowing security forces to arrest without warrant individuals suspected of "acting in any manner prejudicial to the national security or to the maintenance of public order" or having conducted "any transaction" with a person or group engaged in terrorist activities, and allowing them to detain people for up to 18 months without bringing them before a court.

OHCHR Report 1

OHCHR Report 2

UN Statement 1

UN Statement 2

Pakistan: Nine persons sentenced to the death penalty by military court

On 21 September, military spokesman Major General Asim Bajwa confirmed the death sentences passed against nine men convicted of terrorism by a military court. On 6 January, the Pakistani Parliament unanimously voted to amend the 1973 Constitution and the Army Act 1952 to allow military tribunals to try civilians accused of belonging to “a terrorist group or organization using the name of religion or a sect” carrying out acts of violence and terrorism, including waging war against the state, attacking military officers or installations, kidnapping for ransom, causing death or injury, possessing firearms designed for terrorist acts, or acting in any way to “over-awe the state” or the general public. This change occurred after Taliban gunmen killed 134 children at an army-run school in December 2014. The mandate of the military courts will end in February 2017.

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

China/India: Death penalty reduced for several criminal offences, but ‘terrorism’

On 11 September, the UN Special Rapporteurs on extrajudicial, arbitrary or summary executions, Christof Heyns, and on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, welcomed the recommendation made by the Indian Law Commission to abolish the death penalty, as well as the recent decision by the Chinese authorities to reduce the number of crimes subject to the death penalty. On 31 August 2015, a report of the Indian Law Commission concluded that “the death row phenomenon is compounded by the degrading and oppressive effects of conditions of imprisonment imposed on the convict, including solitary confinement, and the prevailing harsh prison conditions”, and recommended its abolition of the death penalty for all crimes, except for terrorism-related offences and waging war. In August, China amended several provisions of its Criminal Law, replacing the death penalty by life imprisonment for the several criminal offences.

[UN Statement](#)

EUROPE & COMMONWEALTH OF INDEPENDENT STATES

UK: Head of intelligence services calls for more surveillance powers

On 17 September, the head of MI5, Andrew Parker, called for more “up-to-date” surveillance powers in the first live interview ever given by a senior UK intelligence official. Defending the UK surveillance system as well as the Government’s plans for new surveillance powers, he stated that: “telecoms companies had an “ethical responsibility to provide more help in monitoring the communications of suspected terrorists and paedophiles.” The Home Secretary, Theresa May, announced the issuance of a new intelligence bill in October. The bill is expected to include powers to require internet and phone companies to collect and store, for 12 months, the browsing histories of customers, as well as detailed records of voice calls, messaging and text services.

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

UK: Human Rights Watch sues intelligence agency for mass surveillance

On 16 September, Human Rights Watch (HRW), together with three anonymous individuals, filed a complaint against the UK intelligence agency, the Government Communications Headquarters (GCHQ), alleging a violation of their rights to privacy and freedom of expression under Articles 8 and 10 of the European Convention on Human Right. The alleged violations are said to have been committed by GCHQ through its activities "to intercept, solicit, access, obtain, process, use, store and/or retain [the complainants'] information and/or communications." Furthermore, HRW has expressed the belief that this data is accessible to GCHQ "as part of datasets maintained, in part, or wholly, by other governments' intelligence agencies." The complainants asked GCHQ to admit and put an end to the commission of these violations, and to destroy any unlawfully obtained records.

[Complaint](#)

[Press Article](#)

UK: Terrorism Legislation Independent Reviewer warns anti-extremism policies may be counter-productive

On 17 September, David Anderson, the UK Independent Reviewer of Terrorism Legislation, stated that the Government's new anti-extremism strategy could risk increasing the threat of radicalization in Muslim communities. In his annual report on the operation of the Terrorism Act 2000, he affirmed that, "[i]f the wrong decisions are taken, the new law risks provoking a backlash in affected communities, hardening perceptions of an illiberal or Islamophobic approach, alienating those whose integration into British society is already fragile". The report was published just before the publication by the Home Office, on the 18 September, of the update of the "Prevent duty guidance for Scotland and England and Wales". This implements section 26 of the Counter-Terrorism and Security Act 2015, obliging specified authorities, including colleges and universities, to have "due regard to the need to prevent people from being drawn into terrorism". The update entails the obligation for higher education institutions to control campus speakers and to collaborate with the Government for the prevention of the radicalization of their students.

[Annual Report](#)

[Prevent Duty Guidance](#)

[Press Article](#)

UK: Human rights organization requests Government to publish legal grounds for drone targeted killings

On 10 September, Rights Watch (UK) announced to have filed a lawsuit against the UK Government "for its refusal to publish the legal advice which it says provides lawful justification for the killing of three individuals in Syria, including two British citizens." The human rights organization claimed that the UK Government has not released sufficient information on the legal grounds to justify the lawfulness of the drone strikes that killed the three persons. According to Yasmine Ahmed, Director of Rights Watch (UK), the case presents a dangerous precedent for Government activities and "[i]t is imperative that the UK government acts with transparency and publishes the legal advice so that the public can see and interrogate the legality of the government's actions. ... We must learn from the past, and remember the importance of upholding the rule of law whenever we act in the name of national security."

[NGO Statement](#)

[Blog Article](#)

Switzerland/Bahrain: Prosecution for Bahrain Attorney General requested

On 15 September, the European Center for Constitutional and Human Rights (ECCHR) called on the prosecution office in Bern (Switzerland) to open an investigation against Bahraini Attorney General Ali Bin Fadhul Al-Buainain, in compliance with Switzerland's obligations to investigate allegations of torture under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The case concerns the alleged arbitrary detention and torture of UK citizen Jaafar Al-Hasabi in 2010, when he had been charged with setting up, joining and financing a group whose aim was to

overthrow the Government, using, among other, terrorist activities to achieve these goals. Jaafar Al-Hasabi filed the complaint with the prosecution authorities of Bern in anticipation of Al-Buainain's attendance at the International Association of Prosecutors (IAP) annual conference in Switzerland, on 16 September.

[NGO Statement](#)

[NGO Case Summary](#)

Sweden: Home Minister announced new counter-terrorism measures

On 28 August, Sweden's Minister for Home Affairs, Anders Ygeman, declared, in a signed article published in the daily "Dagens Nyheter", the intention to introduce new measures this Autumn as part of a wider counter-radicalization effort. These measures would include the ban of traveling for the purpose of committing terrorist acts and would introduce the criminal offences of terrorism funding and operating training camps. Minister Ygeman stated that: "we must make travel for terrorist purposes illegal, take pre-emptive and preventative measures and make acts of terror more difficult to commit".

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

Germany: Lawsuit claims responsibility of German Government for complicity in US drone strikes

On 17 September, a team of German lawyers, composed by Natalie von Wistinghausen, Eberhard Kempf and Victor Pfaff, with the support of the Open Society Justice Initiative, filed a legal challenge before the Cologne Administrative Court against the lawfulness of Germany's role in supporting the United States military's drone strikes. The legal challenge is filed on behalf of a Somali herdsman, mistakenly killed on 24 February 2012 in a drone strike directed against Mohamed Sakr, suspected to be involved in terrorism-related activities and who was also killed in the attack. The criminal complaint asks for investigations to be initiated on the "jointly committed murder of both the herdsman (referred to as A.B.) and Mohamed Sakr [and] jointly causing the detonation of explosive materials... which caused the death of A.B and Mohamed Sakr." The responsibility of Germany is claimed to be triggered by its hosting of two U.S. military facilities involved in planning and operating drone strikes in Africa: the U.S. military's African command headquarters (Africom) in Stuttgart, the U.S. Air Force base at Ramstein.

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

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

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

Turkey: European Court of Human Rights rules that mandatory life sentence for terrorism is inhuman or degrading

On 15 September, the European Court of Human Rights ruled that Turkey violated the right of Hayati Kaytan not to be subject to inhuman or degrading treatment or punishment (Article 3 European Convention on Human Rights (ECHR)), because of the lack of possibility to review his life imprisonment sentence. The conviction of Hayati Kaytan for being a member of the Workers' Party of Kurdistan (PKK), considered a terrorist organization in Turkey, and for his involvement terrorist activities, including several armed attacks, became final on 7 January 2005. He was sentenced to 'aggravated life imprisonment.' He had previously retracted his 'confessions' on the contested crimes, claiming that they had been obtained under psychological pressure. The European Court ruled that "where domestic law does not provide any mechanism or possibility for review of a whole life sentence, the incompatibility with Article 3 on this ground already arises at the moment of the imposition of the whole life sentence and not at a later stage of incarceration", and found his sentencing to 'aggravated life imprisonment' in breach of Turkey's obligations under Article 3 ECHR.

[Judgment](#)

Turkey: Journalists arrested and charged for 'terrorism' offences

On 30 August, three journalists, two UK nationals and an Iraqi national working for Vice News in Turkey, were arrested in the city of Diyarbakir and charged with "aiding a terrorist organisation". They were covering recent clashes between Turkish security forces

and the Patriotic Revolutionary Youth Movement, the youth wing of the outlawed Kurdistan Workers' Party (PKK). Amnesty International called for the immediate release of the journalists, stating that the "decision to detain the journalists was wrong, while the allegation of assisting Islamic state is unsubstantiated, outrageous and bizarre." UK's newspaper, *Arstechnica*, linked the accusation to the use by the journalists of a "complex encryption software" on their personal computer. Amnesty International further recalled that it was one more alarming case of the arbitrary use of Turkey's anti-terrorism law. On 15 September, the Turkish press agency *Anatolie* reported that Turkish prosecutors had opened an investigation into charges of 'terrorist propaganda' by the big media group *Dogan*. The group owns the *Hürriyet* newspaper, as well as part of CNN Turk TV. The investigation concerns the publication of photos of deceased soldiers and of an interview with alleged Kurdish PKK militants.

[NGO Statement](#)

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

[Press Article 4](#)

Ukraine: President bans entry to territory for several journalists for national security

On 16 September, President Petro Poroshenko banned two BBC correspondents from entering Ukraine, together with several Russian journalists and public figures. According to a list published on the presidential website on Wednesday 16 September, long-serving BBC Moscow correspondent Steve Rosenberg and producer Emma Wells are barred from entering the country for a period of one year. The decree stated that the reporters and media executives on the list presented an unspecified "threat to national interests, national security, sovereignty or territorial integrity." These new sanctions were reportedly taken as a response to the rebel-led self-declared Donetsk People's Republic and Lugansk People's republic's plan to hold elections in October and November in the territory they control. President Petro Poroshenko stated that the list targeted people involved in the 2014 annexation of Crimea by Russia and the Russian-backed rebel aggressions in Eastern Ukraine. Because of widespread criticism of his decree, President Petro Poroshenko removed the names of the BBC journalists from the sanctions list on 17 September. The ban remains valid for the remaining 400 persons and 90 organizations listed.

[Decree \(Ukrainian\)](#)

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

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

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

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

Russian Federation/Ukraine: Film director convicted for terrorism in reportedly unfair trial

On 25 August, a Russian military court sentenced the Crimean film director Oleg Sentsov to 20 years' imprisonment after having found him guilty of planning terrorist activities in Crimea after the annexing of the peninsula by Russia. His co-defendant Alexander Kolchenko, convicted of the same offence, received a 10-year sentence. The prosecution accused Sentsov of the organization of a terrorist group, of the planning of terrorist attacks, and of illegally acquiring explosives in early 2014. Amnesty International called for the overturn of the convictions "after an unfair trial". The UK newspaper *The Guardian* reported that the "trial has been criticized by observers as farcical", while Oleg Sentsov claims he had been tortured and pressed to confess.

[NGO Report](#)

[Press Article](#)

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

On 18 September, the European Court of Human Rights ruled that the Russian Federation had violated the right to life of Abdurakhman Abdurakhmanov, kidnapped in Dagestan on 25 June 2010 after he was subject to a warrant on suspicion of being involved in 'terrorist activities'. He was presumed to be dead in light of the prolonged enforced disappearance

to which he had been allegedly subjected. The Court held that the enforced disappearance 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 family members in breach of Article 3 of the ECHR. The Court also ruled that the investigations into the enforced disappearance had been ineffective, in breach of the procedural requirements of Article 2 of the ECHR and of the right to an effective remedy under Article 13 of the ECHR.

Judgment

UNITED NATIONS & REGIONAL ORGANIZATIONS

UN: ECOSOC approves resolution asking to develop legal knowledge in countering terrorism

On 8 September, the UN General Assembly's Economic and Social Council (ECOSOC) recommended to the General Assembly the adoption of draft resolution 2015/22 on "Technical assistance for implementing the international conventions and protocols related to counter-terrorism". Aiming at strengthening international coordination and cooperation in order to prevent and counter terrorism, the draft resolution requests the UN Office on Drugs and Crime to continue "to develop specialized legal knowledge in the area of countering and preventing terrorism and pertinent thematic areas of relevance to the mandate of the Office and to continue to provide assistance to requesting Member States with regard to criminal justice responses to terrorism".

Draft Resolution

UN: Panel discussion calling for human rights centrality in countering terrorism published

On 15 September, the Human Rights Council (HRC) published the summary of the Panel discussion on the effects of terrorism on the enjoyment by all persons of human rights and fundamental freedoms, held on 30 June. The discussion's main topics were the effect of terrorism on the enjoyment of human rights, and the combating of terrorism while respecting human rights. The panellists had highlighted the value of the United Nations Global Counter-Terrorism Strategy, centrality of human rights in it, and that respect for human rights is a prerequisite to any effective counter-terrorism response. The panellists had also emphasized the importance of ensuring and fulfilling the rights of victims of terrorism, including their need for information and to have a voice in society.

Summary of the Panel Discussion

EU/USA: EU-US Data Protection "Umbrella Agreement" finalized

On 8 September, negotiations on high data protection standards for transatlantic law enforcement cooperation between the US and the EU were finalized. The "Umbrella Agreement" ensures that all exchanges of personal data, such as criminal records, names or addresses, in the context of EU-US cooperation to fight 'serious crime and terrorism', are governed by strong data protection rules. The European Commissioner on Justice, Consumers and Gender Equality, Věra Jourová, declared that: "[o]nce in force, this agreement will guarantee a high level of protection of all personal data when transferred between law enforcement authorities across the Atlantic. It will in particular guarantee that all EU citizens have the right to enforce their data protection rights in US courts."

European Commission Statement (E)

Press Article 1 (F)

Press Article 2 (German)

EU: Interior Ministers call for more coordination in security of train after shooting in TGV

On 29 August, as an outcome of a meeting of members the European Commissions and of the Ministers of Interior and Transport of nine EU Member States (France, Belgium, Britain, Germany, Italy, Luxembourg, the Netherlands and Spain), the French Minister of

Interior, Bernard Cazeneuve, announced that checks would be carried out on major continental trains, where it is necessary, and that "we are determined to pursue our cooperation to [...] prevent, detect and better fight violent acts that radicalized individuals may want to commit on European Union soil". The Minister also called for enhanced liaison on intelligence across Europe and increased coordination among security forces. The meeting took place in the aftermath of the thwarted attack on an Amsterdam to Paris train, where a gunman injured three people before being overpowered by other passengers.

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

To subscribe free of charge to this E-Bulletin, please send an email to icjcounter-terrorism@icj.org with your details (name and surname) and "subscribe ICJ E-Bulletin" in the subject line. To unsubscribe from this list send an email to icjcounter-terrorism@icj.org "unsubscribe ICJ E-Bulletin" in the subject line.

Find this E-Bulletin and more information about the ICJ, the rule of law and human rights on our website: www.icj.org. Please send feedback about the E-Bulletin to icjcounter-terrorism@icj.org.