



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

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## AFRICA & MIDDLE EAST

### Senegal: OIC concerned about the rise of Islamophobia in the context of counter-terrorism

On 14 March, the Heads of States participating in the 11th summit of the Organisation of the Islamic Conference adopted the Dakar Declaration. The Declaration restates OIC members' opposition to terrorism and calls for the international community to apply UN resolutions and to differentiate terrorism from "legitimate resistance against foreign occupation". The Conference also rejected attempts to associate Islam with terrorism, and its observatory on Islamophobia concluded in its first report that combating terrorism cannot be successful without the support of Muslim countries.

[11th OIC Summit Webpage](#)

[News Article](#)

### Morocco: Government outlaws political party allegedly linked with terrorism

On 20 February, the government of Morocco banned the Islamist party "Civilized Alternative", after its leader, Mustapha Moatassim, was arrested and charged with links with a terrorist network. The party had run for parliamentary elections in 2007 without winning any seats. The government alleged that the party leader had links with Abdelkader Belliraj, who has been accused of carrying out six terrorist attacks in Belgium in the 1980s and who was arrested in Morocco on 18 February.

[News Article 1](#)

[News Article 2](#)

### Tunisia: UN experts express concern about the impact on fair trial rights of counter-terrorism law

On 28 March, the UN Human Rights Committee published its concluding observations on the fifth periodic report by Tunisia. The experts expressed concerns about the broad definition of terrorism in the 2003 Law, its provision to relieve lawyers from their confidence obligation and the article allowing police officers and judges to remain anonymous. The Committee asked Tunisia to adopt counter-terrorism measures consistent with its human rights obligations.

[Report Tunisia](#)

[Concluding Observations \(French\)](#)

[ICJ Submission](#)

## AMERICAS

### US: President Bush vetoes a bill to forbid torture in interrogations

On 8 March, President Bush vetoed a bill that would have prohibited the CIA from using eight harsh interrogation techniques, including waterboarding, beating and forced nudity, limiting all US interrogators to the 19 techniques authorized by the 2006 Army Field Manual. The bill had been approved by the House of Representatives in December and the Senate in February. On 12 March, the House failed to obtain a two-third majority to override the veto. The UN Special Rapporteur on Torture and the UN High Commissioner for Human Rights both stated publicly that waterboarding constituted torture, after CIA Director Michael Hayden confirmed its use on three detainees since 11 September 2001.

[President Bush Statement](#)

[News Article 1](#)

[News Article 2](#)

### US: Military Commissions hold three hearings in detainee cases

On 12 and 13 March, three Military Commissions hearings were held in Guantánamo, involving individuals detained for more than five years by the US authorities. On 12 March, Mohammed Jawad rejected his right to a military defense lawyer, alleged he had been tortured and refused to participate in his arraignment hearing. On 13 March, Omar Kadhr's lawyer alleged that evidence against his client had been manufactured by the government, as a second report, more incriminating, had apparently been drafted months after the events that led to his capture. On 13 March, during his arraignment, Ahmed Al-Darbi alleged he had been tortured and refused to enter a plea.

[HRF Guantánamo Monitoring](#)

[Mohammed Jawad Charge Sheet](#)

[News Article](#)

### **US: Department of Justice audit blames the FBI for the maintenance of the terrorists list**

On 16 March, the US Department of Justice published its audit of the terrorist watch list nomination process. It expressed concerns about the informal sharing of information between agencies, and the fact that it could lead to mistakes, delays and omissions in the list. It found that the FBI was not always providing relevant information to the National Counterterrorism Center to remove people from the list, especially in the case of people not subject to FBI investigations. The report recommended that the Department of Justice promulgate a general policy on the nomination process, and improve the cooperation of the various agencies involved in the nomination process and in the information sharing.

[DOJ Report](#)

[FBI Response](#)

### **Canada: Senate adopts bill renewing security certificates procedures**

On 14 February, after only one day of hearings, the Canadian Senate adopted Bill C-3 on the security certificate procedure. This bill confirms the power of the Executive to issue security certificates in immigration procedures about people considered to be a danger to national security, but opens the possibility for a review of the certificate. It creates "special advocates", who can access the secret evidence on which the certificate is based, but need to request permission to speak with the suspected person. The law came into force on 22 February, and 13 special advocates were appointed on that day. The Act explicitly prohibits the use of information believed to have been obtained by torture, which allegedly led to the Canadian Security intelligence Service to withdraw evidence obtained by the CIA in the cases of certificates holders Mohamed Harkat and Adil Charkaoui.

[Bill C-3](#)

[List of Special Advocates](#)

[News Article](#)

### **Canada: Federal Court rejects the application of the Charter of Rights to Afghan detainees**

On 12 March the Federal Court of Canada ruled that there is no 'fundamental human rights exception' which would justify the extraterritorial application of the Canadian Charter of Rights and Freedoms to detainees in the custody of Canadian forces in Afghanistan. The Court reaffirmed that these detainees enjoyed the protection of international humanitarian law and the Afghan Constitution. On the same day, the independent Military Police Complaints Commission announced that it would hold public hearings to know whether the Canadian military knew that transferred detainees were likely to be tortured in Afghan custody.

[Judgement](#)

[News Article](#)

### **Colombia: Military incursion in the name of the "war against terrorism" creates regional crisis**

On 1 March, Colombian armed forces attacked a camp of Revolutionary Armed Forces of Colombia (FARC) rebels located beyond its border with Ecuador, killing 17 rebels, including FARC deputy leader Raul Reyes. The Colombian government argued its forces acted from Colombian territory, in the context of a counter-terrorism operation. It also accused Venezuela and Ecuador of supporting the FARC. Ecuador, followed by Venezuela and Nicaragua, severed its diplomatic ties with Colombia following the attack. Venezuela reinstated its ties on 9 March and Nicaragua on 12 March, but Ecuador President said it would take time for Ecuador to do the same. On 16 March, the Commission of inquiry sent by the Organisation of American States published its report. On 17 March, the Ministers of Foreign Affairs of the OAS adopted a resolution rejecting the incursion as a violation of the Organisation's Charter.

[Speech Ecuador MFA \(Spanish\)](#)

[Speech Colombia President \(Spanish\)](#)

[OAS Resolution](#)

[Speech Colombia Ambassador at OAS \(English\)](#)

[Report OAS Mission](#)

### **El Salvador: Court drops charges of terrorism against environmentalist protesters**

On 8 February, the office of the Prosecutor modified the charges laid on 13 protesters from charges of terrorism to charges of public disorder and damage to property. The Judge of the San Salvadorian Special Terrorism Court was then required to refer the case to a Peace Court in Suchitoto, which declared on 19 February that the prosecution lacked sufficient evidence and dropped the charges. The protesters, who had been demonstrating against water privatization,

had been charged and detained under the Special Law Against Acts of Terrorism of 2006 on 2 July 2007.

[Background Info \(English\)](#)

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

## ASIA - PACIFIC

### **India: Peace Negotiator charged for having contacts with a terrorist group**

On 12 February, human rights activist Lachit Bordoloi was charged with “having a role in fund collecting for the United Liberation Front of Assam” under the Unlawful Activities Prevention Act, as well as with “waging a war against the State” under sections 120B and 121 of the Indian Penal Code. Mr Bordoloi was a mediator between the rebels from the United Liberation Front of Assam and the Indian government, before these talks stopped in 2007. Mr Bordoloi argues that these charges were brought to put a halt to the new talks to be started soon. His case was still pending as of 16 March.

[Frontline Background Info](#)

[News Article](#)

### **Australia: Federal Court eases conditions imposed on former Guantánamo detainee**

On 19 February, the Federal Magistrate Court of Australia eased David Hicks’ control order. The former Guantánamo detainee will now have to report to police twice a week instead of three times, and will be allowed to live anywhere in Australia, after approval from the Australian Federal Police. In May 2007, Mr Hicks pleaded guilty to the charge of supporting terrorism before a US military commission. He was subsequently detained in a high security prison in Adelaide until 29 December 2007, when he was released and placed under an interim control order. The order will expire in December 2008. On 30 March, the order barring David Hicks from speaking to the media expired.

[Judgement](#)

[News Article](#)

## EUROPE & COMMONWEALTH OF INDEPENDENT STATES

### **UK: Parliament decides to extend control order legislation**

On 21 February, the House of Commons approved an order extending the Prevention of Terrorism Act 2005 for an additional year. This law confirms the use of control orders until 2009. The Independent Reviewer Lord Carlile of Berriew advised the government to limit control orders to 2 years maximum, except in exceptional circumstances. The Parliamentary Joint Committee on Human Rights supported this proposal. On 22 February, the High Court lifted the control order imposed on terrorist suspect Cerie Bullivant, stating that the fact that his friends wanted to fight overseas did not mean he shared their objectives.

[Order 2008](#)

[JHRC Report](#)

[Lord Carlile Report](#)

[News Article](#)

### **UK: Joint Committee on Human Rights criticizes new Counter-Terrorism Bill**

On 7 February, the Joint Committee on Human Rights rejected the Government’s proposal to extend the maximum period of pre-charge detention of terrorism suspects from 28 to 42 days. The Committee considered that a period of 42 days is unnecessary, disproportionate, and that existing judicial safeguards are not adequate. It also said that there were other alternatives available, including post charge questioning and the use of intercept evidence in court. The new Counter Terrorism Bill was introduced before the House of Commons on 24 January.

[Bill Background Info](#)

[JCHR Report](#)

[JUSTICE Briefing](#)

### **UK: Court of Appeal clears alleged trainer of 9/11 hijackers of all charges**

On 14 February, the England and Wales Court of Appeal exonerated Lofti Raissi of all charges and allowed him to claim compensation for his wrongful arrest and detention. Mr Raissi, who had been accused of training four 9/11 hijackers, had been held in custody on the basis of an extradition warrant issued by the United States. The judges considered that the real purpose of the

extradition warrant, based on minor charges not related to terrorism, was the interrogation of Mr Raissi in connection with the attacks, which constituted an “abuse of the extradition process”.

Judgement

News Article

### **Netherlands: Experts on torture concerned about detention of terrorism suspects**

On 5 February, the Committee for the Prevention of Torture of the Council of Europe published a report on its visit to the Netherlands in 2007. The Committee expressed concerns about the placement of terrorism suspects in special high-security “terrorist departments.” The conditions governing these departments were considered so strict that they amount to *de facto* isolation. The Committee recommended that the decision to hold people in these departments be based on an individual risk assessment and be reviewed regularly. It also said the criteria for these placements should be specified by the law.

Report

Press Release

### **Germany: Constitutional Court opposes broad surveillance powers**

On 27 February, the Federal Constitutional Court ruled that a state law on surveillance, giving security officials the authority to spy remotely on suspected criminals by sending a computer virus that would read all data stored on the hard drive, was too broad, although these exceptional powers could be allowed with a court's permission and in cases of “paramount importance” (life or death, or threat to the state). The Court decided that the data stored on a personal computer was protected by the Constitutional right to privacy. On 11 March, the Constitutional Court declared unconstitutional parts of a federal law that gave the government the ability to store Internet and telephone data, including email addresses, length and location of phone calls, for a period of six months. Over 34 000 concerned citizens had brought their case to the Court. The ruling requires the government to obtain a warrant to access the information and to restrict this possibility to extreme situations.

Decision 1 (German)

News article 1

Decision 2 (German)

News Article 2

### **Italy: European Court for Human Rights reaffirms the absolute prohibition of torture**

On 28 February, the European Court of Human Rights held that the deportation of Nassim Saadi to Tunisia would amount to a violation of the prohibition of torture and ill-treatment enshrined in Article 3 of the European Convention of Human Rights. On the basis of terrorism charges, the Italian government was attempting to deport him to Tunisia, where a military court had sentenced him to 20 years imprisonment in his absence. The Court ruled that the absolute prohibition of torture required states not to deport individuals who face a real risk of torture in their home countries. It rejected the argument that the risk of torture had to be balanced against the threat that the person posed.

ECHR Judgement

ICJ Press Release

### **Italy: Trial of CIA agents accused of Abu Omar abduction resume in Milan**

On 19 March, a Milan court decided to reopen the trial of 26 US citizens accused of kidnapping Egyptian Imam Abu Omar. The trial had been suspended on 18 June 2007 to allow the Constitutional Court to decide whether prosecutors had the right to use wiretaps and documents allegedly covered by secret of state. In January, the prosecutors and the government provisionally agreed that the trial could continue without waiting for the decision of the Constitutional Court. Abu Omar had been abducted by CIA agents and Italian intelligence service in February 2003, and flown to Egypt where he was imprisoned for years. The US citizens are tried *in absentia*, as the government has refused to seek their extradition.

News Article

### **Turkey: European Court finds use of lethal force during a counter-terrorism operation disproportionate**

On 26 February, the European Court of Human Rights ruled that the Turkish government had disproportionately used lethal force in a counter-terrorism operation, thus violating article 2 of the Convention. The Court ruled that the death of Mazlum Mansuroğlu and the ill-treatment of his mother had not been investigated in a proper way, in violation of article 3. As the Administrative



