



E-BULLETIN ON COUNTER-TERRORISM & HUMAN RIGHTS

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AFRICA & MIDDLE EAST

Ethiopia: Release of eight Kenyans allegedly held under rendition programme

On 4 October, the Ethiopian authorities released for lack of links with “international terrorists” eight Kenyans allegedly unlawfully transferred from Somalia without due process for the purpose of interrogation. They were subsequently held for two years. Their release followed a Human Rights Watch report documenting renditions and enforced disappearances by the Ethiopian Government with the collaboration of Kenya, Somalia, the US and other countries’ intelligence services. Reportedly, the eight are bringing charges of kidnapping against Kenyan police officers.

[Government Statement](#)

[HRW Report](#)

[Press Article 1](#)

[Press Article 2](#)

AMERICAS

USA: Federal Court orders release in the US of 17 Guantánamo detainees; Appeals court stays decision

On 8 October, the US District Court of the District of Columbia ordered the release in the US of 17 Chinese citizens of Uighur origin held in Guantánamo Bay for nearly seven years. The judge decided that, since the Government no longer recognises the detainees as “unlawful enemy combatants”, it does not have power to hold the men indefinitely. On 20 October, the Court of Appeals granted the staying order requested by the Government, to have additional time to consider the case. Arguments in the case are now set for 24 November.

[District Court Judgment](#)

[Court of Appeals Order](#)

[Press Article](#)

USA: Senate launches investigation into US eavesdropping of Americans abroad

On 9 October, the Chairman of the Senate Select Committee on Intelligence announced an investigation into allegations by two former officers of the National Security Agency that the Agency has been recording conversations of US military officers, aid workers and journalists residing overseas. On 15 October, the American Civil Liberties Union requested the National Security Agency and the Department of Justice to release protocols and recordings concerning this practice.

[Committee’s Statement](#)

[ACLU Statement](#)

[Press Article 1](#)

[Press Article 2](#)

USA: Military judge recognises cruel and inhuman treatment of a Guantánamo detainee

On 24 September, a military commission denied three motions for dismissal of criminal proceedings against Guantánamo detainee Mohammad Jawad for allegedly having thrown, when he was still a minor, a hand grenade at a vehicle in Afghanistan, injuring two US service members and one interpreter. In one decision, the military judge recognised that the detainee was subjected to “abusive conduct and cruel and inhuman treatment”, but rejected the requests for dismissal.

[Decision \(Torture\)](#)

[Decision \(Minor Age\)](#)

[Decision \(Jurisdiction\)](#)

[AI Report](#)

USA: Judge denies immunity to the Palestinian Authority in terrorism civil lawsuit

On 30 September, a US District Court accepted a civil lawsuit brought under the Anti-Terrorism Act against the Palestine Liberation Organisation and the Palestinian Authority by victims of bombing attacks in Israel. The Anti-Terrorism Act gives a civil cause of action to US citizens for harm caused by terrorist attacks abroad. The judge refused immunity to the defendants on the basis that Palestine does not constitute a State and the

acts concerned did not constitute “acts of war”.

[Judgment](#)

[Anti-Terrorism Act](#)

[Press Article 1](#)

[Press Article 2](#)

USA: Defence Department’s new directives allow interrogations by private contractors

On 9 October, the Department of Defence released its new “Directives on Intelligence Interrogations, Detainee Debriefings and Tactical Questions”, which provide that private contractors may conduct interrogations under the supervision of the Department’s officers. Under the directives, restricted interrogation techniques may be used only on “unlawful enemy combatants”.

[Department of Defence’s Directives](#)

[Press Article](#)

Canada: Security forces found to have indirectly contributed to torture of Canadian citizens abroad

On 21 October, the Government released the final report of an internal inquiry into Canadian responsibility in relation to the detention and torture of three Canadian citizens in Syria and Egypt as a result of their alleged terrorist connections. The report concluded that Canadian security forces indirectly contributed to the detention of two of the suspects and to the torture of all three, mainly by sharing information with foreign intelligence agencies. In two cases, Canadian consular services were found to be deficient.

[Final Report](#)

[Inquiry’s Website](#)

[Press Article 1](#)

[Press Article 2](#)

ASIA - PACIFIC

China: Court convicts eight monks for bombing in secret trial

On 14 October, a Chinese judge revealed that, some weeks before, eight Buddhist monks were convicted by a Chinese court in the Tibetan Autonomous Region for having set off a bomb in an allegedly empty public building. An NGO expressed concerns that the trial was conducted secretly and that the monks’ right to a fair trial was not respected. The defendants were sentenced to prison terms ranging from five years to life term.

[NGO’s Press Release](#)

[Press Article 1](#)

[Press Article 2](#)

India: Government Committee releases report on Counter-terrorism

On 16 September, a consultative commission appointed by the Executive released a report recommending the enactment of comprehensive anti-terrorism legislation, which would include stronger measures on, among other things, bailing procedures and detention on remand, and would create Special Fast Track Courts. In its response, the Government called for the creation of an inter-departmental counter-terrorism agency.

[Report](#)

[Press Article](#)

Philippines: Supreme Court grants *amparo* to two brothers suspected of terrorism

On 7 October, the Supreme Court of the Philippines granted a remedy of *amparo* to two brothers, who, before escaping, were allegedly abducted and subjected to arbitrary detention and enforced disappearance by members of the Filipino military on suspicion of being members or sympathisers of the New People’s Army – a US and EU designated “terrorist organisation”. The Court held that, besides the cessation of enforced disappearances, the remedy of *amparo* was necessary to assure the brothers protection from further threats to their security.

[Judgment](#)

[Press Article](#)

EUROPE & COMMONWEALTH OF INDEPENDENT STATES

UK: Government drops 42-days pre-charge detention following House of Lords vote

On 13 and 15 October, the House of Lords voted against the provisions of the Counter-Terrorism Bill 2008 extending the maximum period of pre-charge detention for terrorism suspects from 28 to 42 days and introducing secret inquests for reasons of national security. The vote followed strong criticism of the provisions on detention by reports of two Council of Europe's bodies and by the Parliamentary Joint Committee on Human Rights. The Government withdrew both provisions but plans to include them in separate Bills, with the Bill on extending pre-charge detention to be introduced only in an emergency.

[Counter-Terrorism Bill 2008](#)

[New Emergency Bill](#)

[Government's Statement](#)

[PACE Report](#)

[CPT Report](#)

[JCHR Report](#)

[Press Article](#)

UK: Report calls for prohibition of prisoners' handover to US forces

On 29 September, the All Party Parliamentary Group on Extraordinary Rendition published a legal Opinion on human rights responsibility arising from military detainee handover by British personnel in Iraq, notably to US forces. The Opinion concluded that this practice could amount to a violation of the UK's obligations under the European Convention on Human Rights, whether or not the detention by UK authorities followed a formal arrest.

[Opinion](#)

[Press Article](#)

UK: House of Lords to hear first case on diplomatic assurances for extradition

On 22 and 28 October, the House of Lords (Law Lords) will hear its first case on the use of diplomatic assurances in the extradition of national security detainees to countries where they face a risk of torture or cruel, inhuman or degrading treatment. The case concerns people suspected of terrorism activity of which two are at risk of deportation to Algeria and one to Jordan. JUSTICE and Human Rights Watch submitted a joint *amicus brief* to the House of Lords.

[NGOs' Amicus Brief](#)

[HRW Report](#)

France: European Court of Human Rights upholds conviction of cartoonist for apology of terrorism

On 2 October, the European Court of Human Rights upheld the conviction of a French satirist, convicted of complicity in apology of terrorism for the publication of a cartoon allegedly praising terrorism. The Court held that his criminal conviction was not an unnecessary or disproportionate interference with the protection of freedom of expression, particularly because the cartoon appeared just after the 9/11 attacks and the newspaper was published in the Basque country.

[Judgment \(French\)](#)

[Press Article](#)

Spain: Supreme Court dissolves two Basque political parties for links with a terrorist organisation

On 22 September, the Supreme Court published separate decisions declaring illegal two Basque political parties for breaching the Law of Political Parties. The parties had allegedly provided political support to the platform of the political party Batasuna, itself declared illegal, without expressly distancing themselves from Batasuna's position of support for ETA, which the Government has designated as a "terrorist organisation".

[Judgment 1 \(Spanish\)](#)

[Judgment 2 \(Spanish\)](#)

[ICJ Submission](#)

[Press Article](#)

Spain: Constitutional Court finds investigations in alleged ill-treatment ineffective

On 22 September, the Constitutional Court held that the right to effective remedy for torture or cruel, inhuman and degrading treatment of a person detained *incommunicado* under suspicion of belonging to a “terrorist organisation” (*banda armada*) was violated by the ineffective investigations of the Spanish authorities. The Court ordered new investigations to be opened.

[Judgment \(Spanish\)](#)

UNITED NATIONS & REGIONAL ORGANISATIONS

UN: Secretary General and Special Rapporteur on Counter-terrorism and Human Rights present reports to General Assembly

The UN Secretary General presented to the 63rd session of the General Assembly a report on international human rights and humanitarian law concerning derogations, limitations, jurisdiction and fair trial while countering terrorism. At the same session, the Human Rights Council’s Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin, presented a report on fair trial guarantees and counter-terrorism.

[Secretary-General’s Report](#)

[Special Rapporteur’s Report](#)

European Union: European Parliament amends proposal on “incitement to terrorism”

On 23 September, the European Parliament approved a legislative resolution amending the proposition of the European Commission and Council introducing the offence of “public provocation” to commit a terrorist offence. The amendment introduced the requirement of intention in the offence, re-named “public incitement”, and introduced a clause requiring national implementation of this offence to respect human rights.

[EU Parliament Resolution](#)

[Council’s Proposal](#)

[2002 Framework Decision](#)

[EU Parliament Press Release](#)

[Press Article](#)

Council of Europe: Parliamentary Committee calls for hosting of Guantánamo detainees in European Countries

On 2 October, the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe released a statement inviting Member States of the regional organisation to provide humanitarian protection to those detainees released from Guantánamo who cannot be returned to their home country because they face threats or human rights violations.

[Committee’s Statement](#)

IN BRIEF

Center on Global Counterterrorism Cooperation releases new report

The Center on Global Counterterrorism Cooperation released in October a report on the UN Global Counter-terrorism Strategy and collaboration between the United Nations and regional and sub-regional bodies in its implementation.

[Report](#)

Report to new US administration recommends means to end torture and ill-treatment

On 16 October, Human Rights First published a proposal for the next US administration called “How to end torture and cruel treatment” that suggests short, medium and long-

term measures in order to put an end to these practices during counter-terrorism operations.

Report

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