



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

**No. 23, May 2008**

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## **Canada: Government attempts to forbid public hearings into Afghan detainees torture cases**

On 11 April, the Canadian government filed a notice of judicial review before the Federal Court to prohibit the Military Police Complaints Commission from holding public hearings about the alleged torture of detainees in Afghanistan. The government argued that military operational decisions, including detainee handling, should not be overseen by the military police complaints process, although it had previously agreed to fully cooperate with the Commission.

[Press Article 1](#)

[Press Article 2](#)

## **Honduras: Parliament adopts new law on financing terrorism**

The first week of April, the National Congress of Honduras adopted a law modifying its Penal Procedure Code, creating the offence of financing terrorism. The law requires banks to inform the National Commission of Banks and Insurance about every suspicious transaction. It also contains an obligation for NGOs and specific companies to declare all contributions and financial support for their activities.

[Draft Law \(Spanish\)](#)

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

## **Argentina: Federal criminal court sentences “Dirty War” adoptive parents to jail**

On 4 April, a couple of adoptive parents were sentenced to 7 and 8 years in prison for falsifying documents and hiding their daughter’s identity, and a former army officer was convicted for his role in giving them the baby. The case was brought to the Federal Criminal Court of Buenos Aires by the adopted daughter, who discovered in 2001 that her true parents were disappeared during the “Dirty War”, carried out by the military dictatorship against the threat of “internal terrorism” between 1976 and 1983. Only 88 of the 400 to 500 children illegally adopted during the military dictatorship have been tracked down.

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

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

## **ASIA - PACIFIC**

### **Malaysia: King confirms the preventive detention of Hindu activists under security law**

On 24 April, the lawyer of five leaders of the Hindu Rights Action Force announced that the king had rejected their request for liberation, and that they will have to complete two years of preventive detention in application of section 8 of the Internal Security Act of 1960. During their trial before the Federal Court on 3 April, the Attorney General had argued that the five men constituted a threat to national security and had links with terrorist groups, whereas their lawyer had argued that their detention was illegal. The five men were arrested in December 2007 for being involved in orchestrating a demonstration in November 2007 in Kuala Lumpur, to protest against the alleged marginalization of Malaysians of Indian ethnicity.

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

### **Indonesia: District Court recognize Jemaah Islamiyah as a terrorist group**

On 21 April, the South Jakarta District Court ruled that Jemaah Islamiyah was a terrorist organization while sentencing two of its leaders to 15 years imprisonment for assisting terrorists and possessing, storing and moving arms intended for carrying out terrorist acts. The judgment could pave the way for the government to adopt legislation banning the group, which would allow the police to arrest members of the group carrying propaganda. On 30 April, Indonesia’s vice-president said the government would not ban Jemaah Islamiyah, but would continue fighting terrorism through improving economic conditions and spreading moderate Islam.

[Press Article 1](#)

[Press Article 2](#)

### **Thailand: Governments lift martial law**

On 17 April, Thailand's National Security Council decided to lift martial law in 31 provinces. However, martial law will continue to be in force in the three provinces in the South and four neighbouring districts, where the separatist insurgency is strong. The Prime Minister also declared that the National Security Act enacted in December 2007 will selectively be applied in provinces where drug- and human-trafficking take place.

[Press Article 1](#)

[Press Article 2](#)

### **Australia: Federal Court rejects detainee's allegation of torture under control of the Australian government**

On 16 April, the Federal Court ruled that former Guantanamo Bay detainee Mamdouh Habib was not interrogated in a place under the control of the Australian government in Islamabad in 2001, and thus could not seek compensation from the federal government for his ill-treatment by Pakistani officers. Justice Madgwick added that his ruling should not prejudice Mr Habib's case on other issues.

[Judgement](#)

[Press Article](#)

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

### **UK: High Court rules that freezing of assets must be approved by Parliament**

On 24 April, the British High Court ruled that two Orders in Council issued by the Treasury Department, freezing the assets of five British nationals suspected of terrorism, were unlawful because the Orders were not subjected to parliamentary scrutiny before they came into force. The Court held that Orders in Council, authorized by the 1946 law to allow government to apply UN Security Council resolutions, should interfere with human rights to the minimum extent necessary. A decision on whether the orders should be quashed is awaited.

[Judgement](#)

[Press Article](#)

### **UK: Court of Appeal rejects diplomatic assurances from Jordan and Libya**

On 9 April, the UK Court of Appeal ruled that the likelihood of torture and ill-treatment in Jordan and Libya was sufficient to block the deportation of a Jordanian and two Libyans, despite "memorandums of understanding" from the two governments, promising that suspects would not be tortured and would receive fair trials upon return. The Court overturned the decisions made by the Special Immigration Appeals Commission.

[Othman Judgement](#)

[AS & DD Judgement](#)

[HRW Press Release](#)

[Press Article](#)

### **UK : Former detainees sue MI5 and MI6 for complicity in their ill-treatment**

On 19 April, a British newspaper reported that eight former Guantánamo detainees filed civil lawsuits before the London High Court against the British government and security services, accusing the attorney general, the M15 security service and the M16 intelligence service of complicity in their illegal abduction, treatment and interrogation in Guantánamo. In three other cases, British citizens have accused the MI5 of outsourcing their interrogation and torture to the Pakistani intelligence service.

[Press Article 1](#)

[Press Article 2](#)

### **France: European Court suspends the deportation of freed terrorism suspect to Algeria**

On 23 April, the European Court of Human Rights ordered the suspension of the deportation procedure of Kamel Daoudi to Algeria, on grounds of risk of torture. Mr Daoudi was arrested in 2001 and convicted in 2005 of associating with a terrorist enterprise for participating in a plot to attack the US embassy in Paris. He was sentenced to six years imprisonment and stripped of his French nationality. Mr Daoudi was

released from prison and placed in a immigration detention center on 21 April. He is now in assigned residence in a remote location of the South West of France and has to report twice a day to the local police, pending the decision by the European Court.

[Letter from ECHR](#)

[HRW Press Release](#)

[Press Article](#)

### **Italy: Milan Prosecutors wish to hear testimonies from Prime Ministers in Abu Omar trial**

On 16 April, lawyers for Nicolo Pollari, former director of the Italian Military Secret Service, requested the testimony of new Prime Minister Silvio Berlusconi and his predecessor Romano Prodi in the trial of 26 US citizens accused of kidnapping Egyptian Imam Abu Omar. The Deputy Prosecutor Armando Spataro and the prosecutor Ferdinando Pomarici have expressed interest in hearing them on the issue of secrets of state. The judge of the Milan tribunal will rule on this request on 14 May. Abu Omar had been abducted by CIA agents and Italian intelligence service in February 2003, and flown to Egypt where he was imprisoned for four years. The US citizens are tried *in absentia*, as the government has refused to seek their extradition.

[Press Article](#)

### **Romania: Parliament refuses to continue investigating renditions**

On 22 April, Romania's Senate approved a report drafted by a special parliamentary committee, denying that Romania allowed the CIA to carry flights or run secret prisons for terrorism suspects, while recognizing that there is no civilian control over military flights. The special committee was created to investigate allegations by Dick Marty, Rapporteur of the Parliamentary Assembly of the Council of Europe, that Romania allowed the CIA to run detention centers. The Prime Minister Calin Popescu-Tariceanu had requested the committee to continue investigating the allegations.

[Marty's Report](#)

[Press Article](#)

### **Russia: European Court bans extraditions to Uzbekistan based on diplomatic assurances**

On 24 April 2008, the European Court of Human Rights issued a judgment regarding the Russian authorities' decision to extradite a group of business men back to Uzbekistan. The Court held that there would be a violation of Article 3 of the European Convention if the extradition took place, as there was evidence that the men would risk ill-treatment in Uzbekistan, although the Uzbek government had provided diplomatic assurances that they would not. It also ruled that there had been a violation of the presumption of innocence protected by Article 6(2), as the extradition decision was based on the assumption that they had committed terrorist acts, prejudging the assessment of the facts by the relevant judicial authority in Uzbekistan; and a violation of Article 5(4) of the European Convention, as the suspects were detained for 20 months without the possibility of judicial review of their detention.

[ECHR Judgement](#)

[ECHR Press Release](#)

[HRW Submission](#)

### **Russia: North Ossetia Court dismisses cases against "Voice of Beslan" members**

On 3 and 8 April, the Pravoberezhny District Court of North Ossetia stopped its proceedings against co-chair Ella Kesaeva and two members of "Voice of Beslan", the association of victims of the Beslan school siege. The Court found the protocols on administrative offences on which the charges were based to be inconsistent with the rights of the accused persons. On 31 March, the Prosecutor's office cancelled criminal charges against Ella Kesaeva, as during the 28 March hearing the court marshals denied being beaten by her. On 23 April, the Zatrechny Court of North Ossetia dismissed a complaint of "Voice of Beslan", ruling that the commission of inquiry in charge of investigating the

Beslan hostage taking did not breach the law. “Voice of Beslan” had argued that the post-mortem examination of victims’ bodies had been held in violation of the law.

[Press Article 1](#)

[Press Article 2](#)

[Press Article 3](#)

[Press Article 4](#)

## UNITED NATIONS & REGIONAL ORGANIZATIONS

### UN: Security Council worried about the use of small arms in terrorism

On 23 April, the UN Secretary-General submitted a report to the Security Council on the proliferation of small arms, including their use in most terrorist acts, civil wars and organized crime. On 30 April, the Security Council held a day-long debate on the issue, and several states representatives highlighted the incidence of small arms proliferation in terrorism.

[UN SG’s Report](#)

[UN Press Release](#)

[Debate](#)

### UN: Meeting of Heads of Special Services in Russia

On 27 and 28 March, Heads of Special Services, Security Agencies, and Law-Enforcement Organizations from 54 states met with representatives of the CTC, the Regional Anti-Terrorist Structure of the Shanghai Cooperation Organisation, and the Anti-Terrorism Center of the CIS, in the Russian Federation. The participants reaffirmed the importance of cooperation among agencies, and tasked the Meeting’s Working Group to develop a real-time information sharing mechanism.

[Communiqué](#)

### WHO issues report on delay of permits for Gaza Strip patients

On 1 April, the World Health Organisation published a report based on interviews with families of patients, observing an increase in the denial and delay, on security grounds, of permits allowing Gaza strip inhabitants to be treated in Israeli hospitals since June 2007. It describes five cases of people who died while waiting for their permits, and alleges there were 32 cases in the last five months.

[WHO Report](#)

[Press Article](#)

### EU: The blacklisting of PKK undermined on procedural grounds

On 3 April, the European Union’s Court of First Instance ruled that the PKK (Kurdistan Workers’ Party) had been improperly enrolled on the Council of the European Unions blacklist in 2002, as the EU had failed to inform the PKK of the reasons for its listing. In 2006, after the Court ruled that the procedure to enlist the Organisation of the People’s Mujahedin of Iran was flawed, the Council of the European Union had kept the name on the list and given reasons for doing so. Several NGOs had expressed concerns about the new procedures in place for listing organisations.

[CFI Judgement](#)

[Press Article](#)

[Statewatch Background Info](#)

### EU: Justice Ministers agree on a common approach to incitement of terrorism

On 18 April, the 27 members of the European Council reached a common position on the amendment of the Framework Decision on combating terrorism, that was proposed by the Commission on 6 November 2007. The amendment creates three new offences: public provocation to commit a terrorist offence, recruitment and training for terrorism, including when committed through the Internet. The Council considers the text of the amendment as close as possible to the wording of the Council of Europe Convention on the Prevention of terrorism, but some concerns have been expressed about the protection of freedom of speech.

[Amendment](#)

[EU Press Release](#)

[ICJ Briefing](#)

## **EUROPOL: Increase in terrorism-related arrests between 2006 and 2007**

According to a new Europol report, the number of arrests connected to terrorism doubled in the European Union in 2007, with a majority of terrorism suspects being EU citizens, which indicates an increase in the number of home-grown terrorists. The report also notes that the overwhelming majority of attacks carried out on the Union's territory were linked to separatism in Spain and France, with only four attacks related to militant Islam.

[Report](#)

[Press Article](#)

## **IN BRIEF**

### **New Report on renditions of US detainees to Jordan**

In April, Human Rights Watch published a report documenting the cases of 14 detainees of various nationalities sent to Amman by the CIA to be interrogated by Jordan's General Intelligence Department.

[HRW Report](#)

[HRW Press Release](#)

[Press Article](#)

### **New report on the prosecution by Afghan authorities of detainees transferred from US custody**

In April, Human Rights First released a report about the prosecution by the Afghan government of detainees transferred from US custody in Guantánamo and Bagram. The report criticizes the US for presenting allegations without providing sufficient evidence, and calls on the Afghan government to make sure that the proceedings comply with international standards and the Afghan criminal procedure code.

[Report](#)

[Press Article](#)

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