



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

No. 10, February 2006

Eminent Jurists Panel holds first hearings in Colombia and East Africa

On 8-9 February, the ICJ Eminent Jurists Panel on Counter-Terrorism, Terrorism and Human Rights held its first national hearing in Bogotá, Colombia to enquire into the compatibility of the Colombian counter-terrorism policy -known as the democratic security policy- with international human rights law and international humanitarian law.

On 27-28 February, the Panel is holding a sub-regional hearing on Kenya, Tanzania and Uganda in Nairobi, Kenya.

The next hearing will be held in Sydney, Australia on 14-15 March.

[More info](#)

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AFRICA & MIDDLE EAST

Uganda: Constitutional Court rules on court-martial trial of Kizza Besigye

On 31 January, in a case concerning the Ugandan opposition leader Kizza Besigye and 22 others, the Constitutional Court ruled that a military court could not try civilians for terrorism and firearms charges and that an invasion of a court by a special counter terrorism security force on 16 November 2005 was an illegal interference with the independence of the judiciary. Kizza Besigye still faces a treason trial and is awaiting judgment on rape charges in the civilian courts.

[ICJ press release](#)

[HRW briefing paper](#)

Tanzania: Visit of UN counter-terrorism experts

A group of experts led by the UN Counter-Terrorism Committee Executive Directorate (CTED) visited Tanzania from 13 to 17 February to assess Tanzania's implementation of Security Council resolution 1373 and to evaluate the need for technical assistance to counter terrorism.

[UN press release 1](#)

[UN press release 2](#)

Yemen: Trial of former Guantánamo detainees starts

On 13 February, a Specialized State Security Court began the trial of three Yemenis, formerly detained in Guantánamo Bay and handed over to Yemen by the US in May 2005, on charges of forging passports and official documents.

[Press news](#)

AMERICAS

USA: Government seeks dismissal of pending Guantánamo cases

On 30 December 2005, President Bush signed the Detainee Treatment Act (DTA), which strictly limits the access of Guantánamo detainees to US federal courts. The Government then immediately filed motions to dismiss pending cases filed by Guantánamo detainees, arguing that the Act removes the jurisdiction of federal courts over both future and pending cases. Among these cases is the *Hamdan* case, which challenges the legality of trials by military commissions. The Supreme Court will consider whether it has jurisdiction over the case on 28 March, when it is scheduled to hear oral arguments on the merits of the case.

[DTA](#)

[President's signing statement](#)

[Motion to dismiss](#)

[HRF website on Hamdan](#)

USA: Trials by military commissions resume

On 11 January, military commissions resumed the trials of two Guantánamo detainees by Military Commissions. A constitutional challenge to the legality of such commissions is pending before the Supreme Court in the *Hamdan* case. On 20 January, the Department of Defence (DoD) announced it had brought charges against a tenth detainee who will also to be tried by a military commission.

[DoD press release 1](#)

[DoD press release 2](#)

[HRF trial observation](#)

USA: Increased pressure over domestic warrantless surveillance

Following revelations that National Security Agency (NSA) have carried out domestic surveillance of foreign telephone calls without warrant, US human rights groups have filed lawsuits challenging the legality of the program. On 16 February, a federal judge ordered the Justice Department to respond within 20 days to requests by the Electronic Information Privacy Center to release

information about the program under the Freedom of Information Act. The Government maintains that the program is legal and necessary to fight terrorism.

[CCR complaint](#)

[ACLU page on surveillance](#)

[Gonzales's statement](#)

[Court order](#)

USA: Compromise reached on the Patriot Act

Amidst debate over the impact of the Patriot Act on civil liberties, both the House of Representatives and the Senate twice agreed to one-month extensions of the 16 provisions originally due to expire at the end of 2005. On 9 February, Republican Senators and the White House reportedly agreed a compromise text, which Congress is likely to approve in March.

[Compromise text](#)

USA: Judge dismisses first lawsuit challenging “extraordinary rendition”

On 18 February, in what is believed to be the first case challenging the practice of “extraordinary rendition”, a federal judge dismissed the lawsuit brought on behalf of Maher Arar, a Syrian-born Canadian citizen. Maher Arar was deported in October 2002 by US authorities to Syria where he was tortured.

[Court's Decision](#)

[CCR press release](#)

USA: Uighurs cleared of terrorism to remain at Guantánamo detention centre

A federal judge declared in December 2005 that the indefinite detention at Guantánamo Bay detention centre of two Chinese Muslims, determined not to be enemy combatants, was unlawful but that he could not order they be released in the US. The prisoners cannot be sent back to China due to the risk of torture. The detainees' lawyers have appealed the decision to the Supreme Court.

[Court's decision](#)

ASIA-PACIFIC

Bangladesh: Parliament passes new anti-terrorism bill

On 13 February, the Parliament of Bangladesh passed a bill, which allows intelligence and law enforcement agencies to tap telephone conversations of any individual, despite concerns about its impact on the right to privacy and possible abuse of the law by the authorities. The Government is also planning to introduce a comprehensive anti-terrorism law, which would widen the scope of terrorist offenses, introduce special tribunals to try such offenses and increase the maximum punishment for offenses.

[Press News 1](#)

[Press News 2](#)

Australia: Legal challenges brought against anti-terrorism laws

Three terrorist suspects will challenge before the High Court the application of a provision of the 2005 anti-terrorism law, which retrospectively removes the need for prosecutors to prove a suspect was planning a specific terrorist act. On 7 February, the New South Wales Supreme Court dismissed a constitutional challenge by five media organizations against the National Security Information Act, which allows for closed trials of terrorist suspects.

[Press News 1](#)

[Press News 2](#)

[National Security Information Act](#)

EUROPE & COMMONWEALTH OF INDEPENDENT STATES

UK: Houses split over glorification of terrorism

On 15 February, the House of Commons voted to reintroduce clauses criminalizing glorification of terrorism in the new anti-terrorism bill. The House of Lords had removed them in January. The bill will now return to the House of Lords, where opposition to the offense is expected to continue.

Press News

JUSTICE brief

UK: New agreement with Lebanon on deportation of terrorist suspects

On 23 December 2005, the UK signed an agreement with Lebanon that no one deported by the UK to Lebanon will be subject to ill-treatment. This follows the signing of similar agreements with Jordan in August and Libya in October. At a two-day gathering in Beirut, human rights organizations from the Middle East and North Africa agreed that these agreements should be rejected as they undermined the absolute prohibition of torture.

FCO press release

AI report

AI press release

UK: Legality of control orders debated

On 2 February, Lord Carlile, appointed to independently review the Prevention of Terrorism Act 2005, released his report defending the regime of "control orders", which allows the Executive to impose far-reaching restrictions on terrorist suspects. On 14 February, the Joint Parliamentary Committee on Human Rights (JCHR) released its report expressing concerns that the regime might breach the European Convention on Human Rights. Both Houses of Parliament are debating the renewal of the regime set to expire on 10 March.

Carlile's report

JCHR report

JUSTICE brief

National Inquiries into allegations of secret CIA flights and detention centres

In France, the International Federation for Human Rights (FIDH) and the League of Human Rights (LDH) filed a complaint urging the French Public Prosecutor to investigate the alleged use of French airports by secret CIA flights transporting terrorist suspects. On 19 February, the UK National Air Traffic Services acknowledged that three CIA jets had travelled through the UK on a number of occasions, indicating that the UK authorities were aware of the so-called CIA torture flights. The UK police have reportedly started inquiries into the allegations.

FIDH press release

Liberty press release

Liberty and JUSTICE brief on renditions

Belgium: New anti-terrorism bill passes both Houses

On 23 December 2005, the Belgian Senate approved a new anti-terrorism bill, which will give the police extra powers of search and surveillance, in some cases without judicial authorization. The lower House has already approved the bill.

Anti-terrorism bill (French)

Switzerland: Draft bill on the maintenance of internal security

On 2 February, the Justice and Police Minister proposed a new draft bill on the maintenance of internal security, which would give the police greater search and surveillance powers, and would allow the Minister to prohibit activities which directly or indirectly spread, support or encourage terrorist or violent extremist acts.

Draft bill (French)

Explanatory notes (French)

Italy: Judge issues European arrest warrant for CIA agents

On 23 December 2005, a judge issued a European arrest warrant against 22 CIA agents for allegedly abducting an Egyptian terrorist suspect. On 22 January, the Italian Foreign Minister forwarded to the US authorities a request for legal assistance. The CIA agents may be put on trial *in absentia* if the Italian prosecutors do not receive greater cooperation from the US.

[Press News](#)

Russia: Lower House passes a new anti-terrorism bill

After President Putin issued a decree establishing a new anti-terrorism body headed by the Director of the Federal Security Service on 16 February, the Russian lower House of Parliament subsequently approved a new anti-terrorism bill to give effect to the decree. The bill defines terrorist acts, regulates the use of armed forces to counter terrorism, and gives the authorities extensive control and surveillance powers under the “state of emergency” and “anti-terrorism operations” regimes set out in the bill. The bill will go to the upper House and the President for final approval.

[Press News on the decree](#)

[Press News on the bill](#)

Russia/CIS: Increased restrictions on NGOs in the name of fighting terrorism

In Russia, on 10 January, President Putin signed a bill imposing new restrictions on NGOs. The bill, justified as necessary to fight terrorism and extremism, will come into force on 17 April, three months after it was published in the official journal. In Kyrgyzstan, on 24 January, the Justice Minister instructed his ministry’s registration department to investigate all foreign-funded NGOs operating in Kyrgyzstan, citing the need to fight religious extremism.

[Bill \(Russian\)](#)

[Bill \(English\)](#)

[FIDH press release](#)

[HRW letter to Kyrgyz President](#)

Uzbekistan: Andijan witness sentenced for conspiring with terrorists

On 5 January, an Uzbek court sentenced a human rights activist to seven years in prison on charges of conspiring with terrorists, defaming the state, and religious extremism, after he briefed foreign media about the Government crackdown on protests in Andijan last May. More than 100 people have been convicted for taking part in the protests.

[Press News](#)

[HRW press release](#)

UNITED NATIONS & REGIONAL ORGANIZATIONS

UN: Independent experts call for Guantánamo Bay to be closed

On 16 February, five UN independent investigators issued a joint report on the detention centre in Guantánamo Bay, urging the US to close it down and either bring all detainees before an independent and competent tribunal or release them. The UN Secretary General(SG) and the European Parliament(EP) immediately echoed the call for the closure of the camp. US officials have dismissed the report, saying it merely recycled claims made by detainees’ lawyer.

[Report](#)

[EP resolution](#)

[UN SG comment](#)

[Donald Rumsfeld’s comment](#)

Council of Europe: Investigator says Europe knew of CIA operations

On 24 January, Dick Marty, the Council of Europe (CoE) Rapporteur on alleged secret detentions and transport of terrorist suspects by the CIA, delivered his interim report concluding that European

countries were almost certainly aware of CIA activities in Europe. On 22 February, the CoE Secretary General Terry Davis announced that most Member States had replied to his questions concerning alleged CIA activities in Europe and that he would present his analysis on 1 March.

[Report](#)

[CoE press release 1](#)

[CoE press release 2](#)

[AI press release](#)

EU: Parliament launches investigation into alleged CIA prisons and transfers

On 18 January, the European Parliament agreed on the mandate of a temporary committee to investigate the allegations of transport and illegal detention of terrorist suspects by the CIA in European countries.

[Press release](#)

[Resolution](#)

IN BRIEF

UN Special Rapporteur presents his report on counter-terrorism and human rights

On 28 December 2005, Professor Martin Scheinin, Special Rapporteur on counter-terrorism and human rights, presented his first report to the Commission on Human Rights. He visited Turkey in February and will present his preliminary report on the visit at the next session of the Commission on Human Rights.

[Press release](#)

[Report](#)

[Addendum of the Report](#)

New ICJ memorandum on administrative detention and counter-terrorism

The ICJ released a memorandum on the international legal framework concerning administrative detention and counter-terrorism.

[Memorandum](#)

New Amnesty report on UK anti-terrorism measures

Amnesty International released a new report on the human rights violations resulting from UK counter-terrorism measures.

[Report](#)

Human Rights Watch releases World Report 2006

Human Rights Watch released its World Report 2006, in which it criticizes US counter-terrorism strategy as undermining the global protection of human rights.

[Report](#)

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