



Fédération Internationale des Ligues des Droits de l'Homme
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Counter-Terrorism Measures and Human Rights: Keys for Compatibility

Human rights Violations in Sub-Saharan African Countries in the Name of Counter-Terrorism: A High Risks Situation

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*"The commitment to human rights and the primacy of law is one of the keys
for the very success of the fight against terrorism"*

Louise Arbour, UN High Commissioner for Human Rights, Berlin - 27 August 2004

Introduction

The present report updates a preceding document published in October 2005 and constitutes a regional declination of the FIDH report entitled: “*Counter-Terrorism measures and human rights, Keys for compatibility*”¹, highlighting the situation prevalent in sub-Saharan Africa.

The threat of terrorist attacks in sub-Saharan Africa is a reality (for example, the terrorist bomb attacks on 7 August 1998 in Nairobi and in Dar-es-Salaam); the leaders of the international campaign against terrorism – led by the United States of America, consider that this part of the world is a fertile breeding ground for the recruitment of terrorists, a potential terrorist hideout, a secured location for the acquisition of illegal arms as well as a privileged territory for obscure financial transactions linked to terrorist activities.

For these reasons, the United Nations Committee against Terrorism², created by Resolution 1373³ of the Security Council, calls on African states to ratify the international treaties against terrorist acts and to harmonize their internal law accordingly. Notably, the Committee insists on the necessary criminalization of terrorist acts and of the financing of terrorism in their national criminal law, as well as the implementation of stricter asylum and immigration policies.

Thus, under political and economic pressure from the international community and sometimes for internal security opportunism, African states have massively ratified the international and regional treaties against terrorism, notably the OAU Convention on the Prevention and Combating of Terrorism⁴. Moreover, many states have incorporated specific provisions in their domestic law to fight terrorism.

If the fight against terrorism is legitimate and necessary, an analysis of the regional legal framework and national legislation in relation thereto demonstrates the potentially harmful nature of certain provisions for fundamental freedoms. Indeed, under the pretext of fighting terrorism, numerous states have adopted and applied provisions that derogate from international human rights instruments binding upon them. Others use the fight against terrorism as

a pretext to act outside of any legal context and judicial control.

In spite of the fact that the fight against terrorism is a sensitive issue and is consequently characterised by the lack of transparency in relation to measures taken by states in this area, the present report presents numerous examples of human rights violations in the context or in the name of the fight against terrorism in sub-Saharan Africa.

It is however necessary to ensure “*the compatibility of anti-terrorist laws with human rights and democratic principles for the very success of the fight against the authors of such terrorist acts*” as Mr. Kofi Annan, former United Nations Secretary-General, emphasized to the members of the UN Security Council in January 2002. Far from being an obstacle, the demand that counter-terrorism measures are respectful of fundamental rights will result in greater admissibility and efficiency. Whatever its origin, terrorism results in and sometimes is ultimately aimed at annihilating the principles of democracy, freedom and humanity. A departure from these values in the fight against those whose sole aim is to destroy them, amount to helping those people and backing them in their aversion to the universal standards on the basis of which our societies, whether global, regional, national or local, are organised.

Respect for human rights and the fight against terrorism are compatible. One must refrain from approaching these in an antagonistic manner. In this regard, the African Commission on Human and Peoples' Rights and the future African Court on Human and Peoples' Rights should play an important role in controlling the conformity of state measures and practices in the context of the fight against terrorism with international and regional human rights standards.

1. See FIDH report n°429 of 24 October 2005 http://www.fidh.org/article.php3?id_article=2782

2. To learn more on the Committee's activities, see: <http://www.un.org/french/terrorism/index.html>

3. See Resolution 1373 (2001) of the Security Council adopted on 28 September 2001 <http://www.un.org/french/docs/sc/2001/cs2001.htm>

4. See *infra* the OAU Convention on the Prevention and Combating of terrorism.

Chapter 1: The regional legal framework for combating terrorism

In the fight against terrorism, the main regional legal framework applying to sub-Saharan Africa, is the one developed by the African Union (AU), formerly the Organisation of African Unity (OAU)⁵. Its two main instruments are the *OAU Convention on the Prevention and Combating of Terrorism* (the Algiers Convention) and its *Additional Protocol*⁶.

However, many countries, such as the Comoro Islands, Djibouti, Mauritania, Sudan and Somalia, are also members of the League of Arab States and the Organisation of the Islamic Conference, which have adopted the *Arab Convention for the Suppression of Terrorism*⁷ and the *Convention of the Organisation of the Islamic Conference on Combating International Terrorism*⁸ respectively. These conventions, which first of all apply to the Maghreb and the Middle East, are not referred to in this report.

There are other sub-regional instruments for combating terrorism. For example, the States members of the Economic and Monetary Community of Central Africa (or CEMAC, the French acronym), adopted in Libreville (Gabon) on 27 May 2004, a regulation⁹ on the adoption of the *Convention relative à la lutte contre le terrorisme en Afrique centrale*¹⁰ (Convention on the combating of terrorism in Central Africa). The West African Economic and Monetary Union (or UEMOA, the French acronym) has also adopted texts on the financing of terrorism.

Section 1: the OAU Convention on the Prevention and Combating of Terrorism (the Algiers Convention)

The Convention on the Prevention and Combating of Terrorism (the Algiers Convention) was adopted in July 1999, in Algeria, at the 35th ordinary session of the AU Assembly of Heads of State and Government¹¹. It entered into force on 6 December 2002. At the time of writing, it had been ratified by 37 African States, of which 32 in the sub-Saharan region¹².

§1. Links between counter-terrorism and human rights

The Convention establishes specific links between the fight against terrorism and human rights. It states in its

preamble that terrorism "*constitutes a serious violation of human rights and, in particular, the rights to physical integrity, life, freedom and security, and impedes socio-economic development*". The Convention is based on the principle that nothing can justify terrorist acts.

Article 22 of the Convention states that: "*Nothing in this Convention shall be interpreted as derogating from the general principles of international law, in particular the principles of international humanitarian law, as well as the African Charter on Human and Peoples' Rights*". Article 22 – a safeguard clause – is fundamental given that some of the Convention's provisions are written in such a way that they might be invoked by States to justify human rights violations.

§2. A too broad definition of "terrorist act"

For several decades, governments and experts have tried to draw up an international definition of terrorism that meets the requirements of the principle of legality and that is ideologically neutral. All their attempts have failed¹³. In particular, the lawmakers have great difficulty in distinguishing the boundary between terrorism and "the legitimate combat of people to exercise their right to self-determination and legitimate defence when faced with aggression and occupation" and equally as concerns recognition of State terrorism.

The result of this plethora of concepts is a lack of clarity and precision in the incrimination of terrorism at national and international levels. The risk is that certain crimes or offences be incorporated in the category of terrorist act that, by nature, should not be considered as such. In this sense, the Algiers Convention is not different from the other international and regional conventions on the matter.

For practical reasons, the African States concentrated on the terrorist act of which the "tangible consequences and the identity of the perpetrators are easier to identify"¹⁴, rather than on the content and legal nature of terrorism.

Article 1.3 of the Convention contains a fairly broad and ambiguous definition of "terrorist act":

"any act which is a violation of the criminal laws of a State Party and which may endanger the life, physical

integrity or freedom of, or cause serious injury or death to, any person, any number or group of persons or causes or may cause damage to public or private property, natural resources, environmental or cultural heritage and is calculated or intended to:

- (i) intimidate, put in fear, force, coerce or induce any government, body, institution, the general public or any segment thereof, to do or abstain from doing any act, or to adopt or abandon a particular standpoint, or to act according to certain principles; or*
- (ii) disrupt any public service, the delivery of any essential service to the public or to create a public emergency; or*
- (iii) create general insurrection in a State.”*

This definition contains a number of vague and ambiguous components, such as “*according to certain principles*”, “*which may*” and “*causes or may cause*”. These components are not clearly defined and do not spell out the ways in which the acts they refer to are criminal. It can therefore be said that, the “terrorist act”, defined in the Algiers Convention by reference to its consequences, violates the principle of legality of crime and punishment as it does not contain a sufficiently accurate and narrow definition of the infraction. The risk is that certain crimes or offences could be labelled terrorist acts even if they should not belong to this category (see section 2).

As explained by Federico Andreu-Guzmán in March 2003 in a report of the International Commission of Jurists, “*The Algiers Convention also eliminates the frontier between political crimes and terrorist acts. By assimilating insurrection to terrorism, the Algiers Convention denies the existence of any political crimes. Terrorist acts and political crimes are two different criminal categories, subject to distinct rules, especially as regards extradition. It is likely that, during an insurrection, terrorist acts are committed (and their authors must be tried for those acts). This is a problem of cumulated incriminations. International law does not prohibit insurrection. What is forbidden, and illicit, is the perpetration of certain acts,¹⁵ because the prohibition of the recourse to terror and terrorist acts is not general nor abstract and is in strict relationship with the notions of civil population and protected persons under international humanitarian law¹⁶.*

According to the principle of legality of crime and punishment, a criminal behaviour can only be considered as an offence if it has been defined as such by law at an earlier date, with a definition sufficiently precise to avoid any arbitrary application. In this respect, FIDH considers that the Algiers Convention, because of its imprecise definition, does not respect the principle of legality.

FIDH considers that the definition of terrorism that best meets the principle of legality to date is the one proposed by UN Secretary-General's High Level Panel on Threats, Challenges and Changes: “*any action, in addition to actions already specified by the existing conventions on aspects of terrorism, the Geneva Conventions and Security Council resolution 1566 (2004), that is intended to cause death or serious bodily harm to civilians or non-combatants, when the purpose of such an act, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or to abstain from doing any act*”¹⁷.

§3. Other problematic provisions

The Convention is based on the principle of *aut dedere aut judicare* and contains several extradition causes¹⁸. The underlying idea is to implement the principle of systematic extradition to the State where the terrorist act was committed and to ensure that political crimes are not invoked to justify a refusal of extradition. Beyond the general safeguard clause set out in Article 22, the Convention contains no specific provision prohibiting the extradition of someone whose crime is punishable by death or who risks torture or cruel, inhuman and degrading treatment in the country requesting extradition.

FIDH recalls that a state can refuse to extradite if the crime for which the extradition has been requested is punishable by death penalty according to the criminal code in the country requesting extradition, unless the requesting country can guarantee that the death penalty will not be applied. Besides, most of the major human rights treaties¹⁹ prohibit the forceful return of persons to countries where they may be exposed to torture or to cruel, inhuman or degrading punishment or treatment²⁰.

Moreover, given that the Convention contains a very broad definition of the terrorist act, the provisions relating to the monitoring and collection of data on terrorist elements and groups (Article 4 (b) and (e)) can violate the right to privacy if the states apply them to opposition groups as well²¹.

Section 2. The Additional Protocol to the Algiers Convention

The draft protocol, launched on 17 October 2001 at the Dakar Summit, planned to establish a "Mechanism for combating terrorism" since the Algiers Convention provides no provision for it. This draft has finally been adopted as the additional Protocol to the OAU Convention on the Prevention and Combating of Terrorism at the AU conference's 3rd ordinary session, held from 6 to 8 July 2004 in Addis Ababa, Ethiopia. The conference asked the AU Commission to take all necessary measures to ensure the Protocol's rapid entry into force²².

The Preamble to the Protocol reiterates "*that terrorism constitutes a serious violation of human rights and a threat to peace, security, development, and democracy*". Its principles are based on the Dakar Declaration against terrorism adopted in October 2001 by the African Summit meeting, and on the Plan of Action for the Prevention and Combating of Terrorism adopted by the Inter-governmental High Level Meeting of AU Member States, held in Algiers, Algeria, in September 2002.

The Protocol's purpose (Article 2) is to "*enhance the effective implementation of the Convention and [...] to coordinate and harmonize continental efforts in the prevention and combating of terrorism [...]*". It sets out a series of commitments by States parties to combat terrorism, prevent terrorists from entering their territory, freeze funds and assets used for terrorist purposes, combat mercenaries, etc...

Only one provision of the Protocol refers to the protection of human rights within the framework of the fight against terrorism. It asks States parties to "*outlaw torture and other degrading and inhumane treatment, including discriminatory and racist treatment of terrorist suspects,*

which are inconsistent with international law" (Article 3.1.k).

Under the Protocol, the AU Peace and Security Council is responsible for harmonizing and coordinating continental efforts to prevent and combat terrorism. The Commissioner in charge of Peace and Security is responsible for the follow-up of issues relating to the prevention and combating of terrorism, assisted by the African Centre for the Study and Research on Terrorism (ACSRT), created in 2004 and based in Algiers²³.

FIDH deplores the fact that none of the mechanisms in charge of coordinating the fight against terrorism in Africa is requested to take into account the respect of human rights in that context.

5. The Constituent Act of the African Union was adopted on 11 July 2000, but the AU's first Conference, or ordinary session, was held in July 2002.

6. See appended the Convention and its Additional Protocol

7. The Arab Convention for the Suppression of Terrorism was adopted by the Council of Arab Ministers of Justice in Cairo, Egypt, on 22 April 1998 and entered into force on 7 May 1999.

8. The Convention of the Organization of the Islamic Conference on Combating International Terrorism was adopted on 1st July 1999 in Ouagadougou and entered into force on 7 November 2002.

9. Regulation No. 08/05-UEAC-057-CM-13.

10. The signatories are Cameroon, the Central African Republic, the Republic of the Congo, the Democratic Republic of the Congo, Gabon, Equatorial Guinea, Sao Tome and Principe and Chad.

11. OAU Document AHG/Decl.132(XXXV).

12. The state parties to the Convention are: Algeria, Angola, Benin, Burkina Faso, Burundi, Cape Verde, the Comoro Islands, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Ghana, Guinea, Kenya, Lesotho, Libya, Madagascar, Mali, Malawi, Mauritania, Mauritius,

Mozambique, Niger, Nigeria, the Republic of the Congo Rwanda, the Saharoui Arab Democratic Republic, Senegal, the Seychelles, South Africa, Sudan, Tanzania, Togo, Tunisia Uganda. See <http://www.africa-union.org/root/au/Documents/Treaties/treaties.htm>.

13. See note 1 above, pp. 22-23.

14. See H. Boukrif, "Quelques commentaires et observations sur la Convention de l'Organisation de l'unité africaine (OUA) sur la prévention et la répression du terrorisme", in *Revue africaine de droit international et comparé*, Vol. 11, No. 4, 1999, p. 755.

15. Article 3 common to the 1949 Geneva Conventions, and Additional Protocol to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of Non-International Armed Conflicts (Articles 4 and 13).

16. F. Andreu-Guzman, *Terrorism and human rights No.2: new challenges and old dangers*, International Commission of Jurists, Occasional papers No. 3, March 2003, p. 63.

17. See report by the Secretary General's High-level Panel on Threats, Challenges and Changes, <http://www.un.org/secureworld/report.pdf>, and the Open Letter the FIDH sent to the U.N. Secretary General, Kofi Annan, concerning Chapter. VI devoted to terrorism, dated 7 December 2004, http://www.fidh.org/article.php3?id_article=2106.

18. Articles 4.2 and 8-13. of the Algiers Convention.

19. Such as the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Terrorism

20. See Article 3 of the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment: "No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture".

21. S. Jagwanth and F. Soltau, "*L'Afrique et le terrorisme, Participer à la Campagne Planétaire*", Monographie No. 74, in *Le Terrorisme et les Droits de L'Homme en Afrique*, J. Cilliers and K. Stuman, eds, July 2002. See:

<http://www.iss.co.za/PUBS/MONOGRAPHS/No74French/Chap2.html>

22. At the time of writing, six African countries, within 5 Sub-Saharan African countries were part of the Protocol: Burundi (ratification in 2006); Niger (2006), South Africa (2007); Gabon (2007); Mali (2007), Libya (2007). The Protocol will enter into force 30 days after the deposit of its 15th ratification.

23. The functions of the ACSRT shall be notably to:

- Assist Member States of the African Union in developing strategies for the prevention and combating of terrorism;
- Establish operating procedures for information gathering , processing and dissemination;
- Develop and maintain a database on a range of issues relating to the prevention and combating of terrorism, particularly on terrorist groups and their activities in Africa, as well as on experts and technical assistance available. Such a database as well as analyses shall be accessible by all Member States of the Union;
- Promote the coordination and standardization of efforts aimed at enhancing the capacity of Member States to prevent and combat terrorism.

See the ACSRT website: <http://www.caert.org.dz/mandat.htm>

Chapter 2: Examples of anti-terrorism laws and practices that are contrary to human rights

Almost all sub-Saharan Africa countries have ratified the international, African and/or Arab anti-terrorism conventions. Thus, many of them have incorporated into their domestic law provisions identical or similar to the Algiers Convention, with the potentially negative consequences on civil liberties identified in the previous chapter.

Other states, while they may not have adopted specific anti-terrorism laws, use this pretext to enforce extremely repressive security laws that are contrary to binding international and constitutional standards for the protection of human rights.

Finally, some states move outside the legal framework and use the anti-terrorism argument to effectively muzzle any form of opposition, in clear violation of international laws aimed at protecting human rights.

While it is difficult to find information about anti-terrorist legislation and practices, the following examples illustrate how efforts to counter terrorism in sub-Saharan Africa may result in violation of human rights.

Section 1: Definitions of terrorist offences with potential negative consequences on civil liberties

There is a tendency among a number of African countries to adopt legislations based on a vague definition of terrorism. Such ambiguous definitions enable regimes to criminalise the legitimate exercise of fundamental liberties (e.g. right to freedom of association and expression), peaceful political or social opposition and other legitimate acts. Here are a few examples.

Burundi issued a presidential decree *banning the financing of terrorism and the facilitation of acts of international terrorism*²⁴ in December 2001, in which a terrorist act is defined in terms identical to those used in the Algiers Convention. This definition runs counter to the principle of legality in criminal matters, given the vague nature of the wording used.

Concerning the **Mauritian** Prevention of Terrorism Act 2002²⁵, the UN Human Rights Committee stated: "*While the Committee understands the security requirements of*

*the fight against terrorism, it believes that the impact of the Prevention of Terrorism Act 2002 may be all the more serious as the notion of terrorism is vague and lends itself to broad interpretations.*²⁶"

In **Tanzania**, the Prevention of Terrorism Act, 2002²⁷ was adopted on 5 November 2002. Listing all the acts that could constitute terrorist crimes, article 4 of the law states that any person who "*commits an act or threatens to carry out an act that...involves prejudice to national security... [or which] ... involves serious damage to property*" is committing a terrorist crime. This definition is excessively wide and vague. However, it should be pointed out that article 4(4) of the Tanzanian law explicitly excludes strikes and demonstrations from the scope of the definition.

In **Uganda**, the Anti Terrorism Act 2002 enshrines a particularly vague definition, stating that an act committed by a person "*for purposes of influencing the Government or intimidating the public or a section of the public and for a political, religious, social or economic aim indiscriminately without due regard to the safety of others or property [...] actually resulting in major economic loss*", may constitute a terrorist act²⁸.

The same is true for the law passed in December 2005 in **Nigeria**, called the *Anti-Terrorism Economic and Financial Crimes and Allied Matters Law*. Acts such as the destruction of "*infrastructure [or] private property that could endanger the life of individuals or cause significant economic loss [and] the fact of propagating information whether it is true or false with the intention of causing panic, provoking violence or intimidating a person*" constitute terrorist acts.

It should be emphasised that a very different definition²⁹ of a terrorist act, based on that included in the Algiers Convention, appears in the Nigerian law of 2004, the Economic and Financial Crimes Commission Establishment Act.

Not only are the terms of each of the definitions open to interpretation in a manner that could be detrimental to civil liberties, but they are out of tune with one another; resulting in a double contravention of the principle of legality.

The **Sudanese Terrorism (Combating) Act**³⁰ also includes a very wide definition of terrorism as well as measures potentially detrimental to civil liberties in terms of the fundamental rights of suspects and accused persons.

Under article 2 of this law, terrorism is defined as "*every act or threat of violence, whatever the motivations, or objects thereof, which occurs in execution of an individual or collective criminal scheme, aiming at striking terror among, or awe upon the people, by hurting them, or exposing the lives, freedom or security thereof, to danger, or causing damage to the environment, public, or private property, one of the public, or private utilities or belongings, occupying or appropriating the same, or exposing one of the native, or national strategic resources to danger*".

Moreover, the following crimes are considered as terrorist acts "*even though committed for political motivations: murder, theft accompanied by coercion, against individuals, authorities, means of conveyance or communication; acts of sabotage of public property allocated for public service, even though owned by another state in the Sudan; the offences of manufacturing, smuggling or possession of arms, ammunitions, explosives or otherwise of materials prepared for the commission of terrorist offences*".

At the same time, article 144 of the 1991 Penal Code includes another definition of terrorism, couched in particularly imprecise terms: "*Anyone who threatens a third party with violence against his person or with violence against any person of particular importance to him in order to intimidate him or force him to break the law or to refrain from acting in accordance with the law, or anyone who indicates through gestures his intention to use force illicitly against any person present, shall be deemed to be a perpetrator of a terrorist crime.*"

In **Zimbabwe**, the Criminal Law Act of 3 June 2005 contains a definition that is worryingly ambiguous, insomuch as insurrection, criminal activity, sabotage and terrorism, offences whose constituent parts are by nature different, assume the same definition and are punished by the same penalties.

Moreover, in the eyes of the law, "*damaging or destroying property*" and "*disrupting a public service*" can constitute a terrorist act if perpetrated by an individual with the intention of "*changing any law or policy of the government*"³¹.

In addition, on 24 April 2006 Zimbabwe published a new bill intended to combat international terrorism, entitled "*the Suppression of Foreign International Terrorism Bill*". This bill uses the worryingly ambiguous definition of terrorism and aims at giving the government³² discretionary powers. Indeed, it enables the government to declare illegal any organisation it considers to be an international terrorist organisation, which is defined as "*any association of persons formed with the intention of overthrowing or assuming the power of the government of a State*"³³. This project became Law on 3 August 2007 without any amendment.

The new **Ethiopian** Penal Code includes a list of acts that constitute terrorist acts if they are perpetrated against an individual or group with the aim of seriously disrupting public order; the list includes for example "*deliberate attacks on human life*", "*deliberate attacks on the physical integrity of the person*", "*theft*", "*destruction*" and "*computer crimes*"³⁴.

The Johannesburg Freedom of Expression Institute published a statement in July 2003 in which it compared **South Africa's** new anti-terrorist bill ("*the Protection of Constitutional Democracy against Terrorist and Related Activities Bill*")³⁵ to a "*monster in gestation*". The report by Simon Kimani suggested that the State had "*used the opportunity presented by the 9/11 attacks in the United States to try for the second time to introduce such legislation in the country*", that the bill was "*fundamentally flawed*" and that the "*logic of its motivation*" was "*unclear*"³⁶.

The bill defined terrorism in vague terms as an "*illegal act likely to intimidate the public or a section of the public*"³⁷. South African NGOs feared that the lack of clarity in the definition contained in the bill would result in the criminalisation of actions taken by certain groups, such as the "*Soweto Electricity Crisis Committee*", which opposes power cuts in poor areas³⁸. Despite protests, the bill was finally adopted by Parliament and entered into force in May 2005³⁹.

Under this law, a terrorist crime constitutes the combination of three cumulative conditions, which in turn, break down into a series of alternative conditions, resulting in a multi-layered definition of terrorism⁴⁰. For example, any act committed in or outside the Republic which causes the destruction of, or substantial damage to any property, or that is intended to cause serious interference with, or

disruption of an essential service (e.g. transport⁴¹) and that is perpetrated in order to incite a person, a government, the general public or a segment of the public, or a domestic or an international organisation to adopt or abandon a particular standpoint, or to act in accordance with certain principles, and for the purpose of a political, religious, ideological, or philosophical motive, or which can reasonably be regarded as being intended to further such an aim, can constitute a terrorist act⁴². From this point of view, it is to be feared that this law may be used to repress freedom of demonstration or to stigmatise political opponents, even though strikes and demonstrations are theoretically explicitly excluded from the definition of terrorism.

In **Swaziland**, a bill entitled the Internal Security Act was initially introduced in 2002 and then suspended as it was considered not to be in accordance with human rights. However, the explosion of five bombs in the capital Mbabane in October 2005 subsequently led the government to reintroduce the bill. This piece of legislation is facing strong criticism on account of its many attacks on individual liberties, its very wide definition of terrorism and the severity of its penalties. For example, a person making a hoax bomb call will be committing a crime punishable by 15 years in prison. FIDH has received no information concerning the effective adoption of such a bill.

Section 2: The death penalty for perpetrators of terrorist acts

The obligation on States parties to the Algiers Convention and the Arab League Convention on the suppression of terrorism to classify acts of terrorism as crimes in their legislation and to "*make such acts punishable by appropriate penalties that take into account the grave nature of such offences*"⁴³ has encouraged most of these States⁴⁴ to include the death penalty in their criminal codes for persons found guilty of these crimes.

In **Uganda**, any person accused of terrorism or of the financing of terrorist activities can be condemned to the death penalty, as provided by Section 10 of *The Anti-Terrorism Act 2002*⁴⁵.

In **Sudan**, the *Terrorism (Combating) Act 2000* prescribes the death penalty as the first sentence to be imposed on perpetrators of terrorist acts. In its report to the UN Anti-terrorist Commission, Sudan attempts to reflect the seriousness of terrorist acts by stating that "*the law*

severely penalises acts of terrorism – death penalty by crucifixion, simple execution, amputation of the right hand and the left foot, life imprisonment or simple imprisonment – which are considered to be serious crimes"⁴⁶. The penalties described are in fact carried out⁴⁷.

Article 92 of the new **Beninese** draft Criminal Code states that "all acts of terrorism are subject to the death penalty"⁴⁸.

Botswana's Criminal code stipulates that the maximum penalty available is life imprisonment or death "*in case where life threatening assaults were used*"⁴⁹.

Gabon does not have any specific anti-terrorist legislation, but considers the inclusion in its Criminal Code of provisions relating to crimes and offences against the internal and external security of the State (Articles 61 to 74 of the Penal Code) as sufficient. Anyone found guilty of such offences is subject to the death penalty. Articles 193 and 194 of the Criminal Code, also prescribe the death penalty for any person who participates in a conspiracy⁵⁰.

In **Zimbabwe**, the *Criminal Act*, adopted in June 2005, which does not differentiate acts of insurgency, banditry, sabotage, or terrorism, nevertheless draws the following distinction: the act which "*results in the death of a person*", is punishable by the death penalty or life imprisonment whereas life imprisonment or another prison term is applied "*in other cases*"⁵¹.

The **Burundi** presidential decree imposes life imprisonment for most terrorist-related crimes⁵², while specifying that these provisions must be interpreted "*without prejudice to the provisions of the criminal code*"⁵³. Article 417 of the Burundian Penal Code stipulates that: "*any offence committed for the purpose of killing, destroying or looting shall be punishable by death*"⁵⁴.

The death penalty contradicts the very essence of human dignity and freedom. Moreover, it has hitherto demonstrated its complete uselessness as a deterrent. This is why maintaining the death penalty cannot be justified either on principle or for utilitarian considerations. FIDH also emphasises that death sentences are often pronounced – in the areas of combating terrorism – by bodies that do not have the characteristics of an impartial, independent and fair court, previously established by law, following proceedings that do not conform with the standards and guarantees of fair and equitable trial (see

below)⁵⁵. The African Commission on Human and Peoples' Rights expressed concern about the fact that "*some States parties impose[d] the death penalty under conditions not in conformity with the rights pertaining to a fair trial guaranteed in the African Charter on Human and Peoples' Rights*". In a resolution adopted at its 26th ordinary session held in Kigali (Rwanda) in 1999, the African Commission on Human and Peoples' Rights urged member States "to envisage a moratorium on death penalty"⁵⁶.

The evolution of the international law shows a trend towards the abolition of death penalty. Specific international and national instruments have been adopted in favour of its abolition. In this respect, the UN Human Rights Committee believes that "*any measure tending towards the abolition of death penalty must be considered as a progress in the enjoyment of the right to life*", a right guaranteed by the African Charter on Human and Peoples' Rights⁵⁷ and the African Union Constitutive Act⁵⁸.

FIDH calls on the AU member States, which domestic law includes capital punishment, to favour the abolition of death penalty, notably by proclaiming moratorium, and at the very least, not to add further capital offences in their legal arsenal. Furthermore, it calls on the abolition of penalties which, like those provided for by Sudan's *Terrorism Act 2000*, constitute inhuman and degrading punishments as defined in Article 7 of the International Covenant on Civil and Political Rights (ICCPR) as well as in the Article 5 of the African Charter on Human and Peoples' Rights (ACHPR).

Section 3: Arrests and arbitrary detentions, acts of torture

Personal freedom is the cornerstone of any society based on the Rule of Law. This right to liberty requires in particular that no person shall be arrested or detained by a state without legitimate reason, in other words, arbitrarily⁵⁹, and that any such person shall have the right to contest the lawfulness of his/her detention, according to the principle known as *Habeas Corpus*. There are also other rights involved in the protection of the principle of personal freedom and security, such as the right to be informed of the reasons for one's arrest⁶⁰, the right to be entitled to trial within a reasonable time and the right to be released when detention is no longer justified⁶¹. Moreover, the prohibition of torture or cruel, inhuman or degrading treatment or punishment is internationally recognized and there may be no derogation from this principle⁶².

Within the specific framework of the fight against terrorism, article 22 of the Algiers Convention reminds State Parties of their obligation to comply with the provisions of the African Charter on Human and Peoples' Rights, in particular articles 5 (prohibition of torture) and 6 (prohibition of arbitrary arrests and detentions). Article 3.1.k of the Protocol also urges States to ban all acts of torture against alleged terrorists.

In practice, some African States have not yet incorporated into their domestic legislation, the international provisions concerning the protection of human rights with respect to arrest, detention and torture, to which they are bound. Others have incorporated these provisions but do not observe them in the framework of the fight against terrorism and yet others adopt laws violating international law on human rights under the pretext of the fight against terrorism.

In **Zambia** the *Emergency Powers Act of 1964* allows, on presidential order, the indefinite detention without trial of any individual suspected of being a terrorist⁶³.

The **Tanzanian** Minister of the Interior has the power to declare, without consultation, that a person is an international terrorist, while the police may arrest without warrant any person suspected of having committed a crime linked to an act of terrorism⁶⁴.

In **Uganda** the use of torture appears to have increased due to the country's campaigns against terrorism⁶⁵. In principle Ugandan law provides for guarantees with respect to arrest, in particular the obligation to issue warrants and to comply with certain conditions surrounding the arrests⁶⁶. However, in practice, many arrests and investigations are conducted by the army instead of by the persons specifically authorized by the law. Many security agencies such as the *Police Anti-terrorism Squad* or the *Joint Anti-Terrorism Task Force* are responsible for the application of this law, while there is no coordination and supervision of their operations.

As a result, many abuses of authority are committed, all the more since most of these units have received no training to work with civilians.

Moreover, legal procedures are not observed: arrest warrants are not requested before the arrest of a suspect, the accused are mostly unaware of the charges against them, the place of detention is unknown and the right to

ask for a lawyer largely ignored. Finally, there is no systematic record of the operations conducted, which increases the risk of mistreatment or other abuse⁶⁷.

In November 2005 the Ugandan opposition leader, Dr Kizza Besigye (*Forum for Democratic Change - FDC*) was arrested after returning from several years in exile and accused along with 22 other persons of treason, “*concealment of treason*”, rape⁶⁸ and also of terrorism and illegal possession of firearms. Charged with the first three offences before a civilian court (High Court), the accused were to appear for the latter two before a military court (General Court Martial).

However, on 31 January 2006 the Constitutional Court considered this double trial as illegal. It also indicated that, according to the *Anti-Terrorism Act*, only the public prosecutor was authorized to charge someone with terrorist offences and condemned the interference of the special security forces (which had been deployed at his arrest) with the independence of the judiciary. Finally the Constitutional Court ruled these charges could only be heard in a civilian court⁶⁹.

In **Mauritius** the 2002 Act on the prevention of terrorism authorizes police officers, from the grade of superintendent, to detain any person suspected of having committed “*terrorist acts*” for 36 hours without granting him/her access to a lawyer. The detainee is only permitted to see, at his/her own request, a doctor from the official health service.

In its concluding comments of 31 March 2005, on the issue of the 2002 **Mauritian** Prevention of Terrorism Act, the United Nations Human Rights Committee “*expressed a concern that the provisions of that Act denying bail and access to counsel for 36 hours are at variance with the provisions of the Covenant (Covenant, arts.7 and 9)*”⁷⁰.

In 2003 the government of **Kenya** published the *Suppression of Terrorism Bill* which, when adopted, would have allowed the police to arrest suspects and carry out searches without authorization from the courts. The Bill provided for the secret detention of presumed “*terrorists*” for a period of up to 36 hours and the extradition of suspects without due compliance with the guarantees contained in international agreements. The security forces would be exempted from prosecution if they were considered to have used “*reasonable*” force in the context of their fight against “*terrorism*”. In the end, as a

consequence of widespread criticism, the Kenyan government formally withdrew the Bill in February 2004⁷¹.

In May 2006 a new Bill – the Kenyan *Anti-Terrorism Bill* 2006 – was presented by the government. According to Peter Kiama former program officer at the Kenya Human Rights Commission, FIDH member organisation, this new legislation permits the use of indefinite detention and the automatic disbanding of political groups on request by the Ministry of Internal Security⁷². On 15 June 2006 the Parliamentary Committee on administration of justice and legal affairs strongly denounced this Bill’s violation of the rights guaranteed by the Kenyan Constitution⁷³.

From 18 to 22 May 2003, several dozen high profile **Mauritanians** were arrested by the police. Among these prominent personalities were magistrates, in particular the presiding judge of the Toujounine court and the president of the chamber of Gorgol regional court, arrested in the exercise of their duty, contravening the national rules governing prosecution procedures. The director of the national library, a former ambassador, the director of the Akraa institute for vocational training of students from Koranic schools and the director of the United Arab Emirates charity NGO in Mauritania were also arrested. On 22 May 2003 several women, including a teacher and a researcher, were arrested at their homes without arrest warrant. These individuals were immediately detained in secret without being charged and with no possibility of contacting their families or lawyers. These events occurred following the arrest at the beginning of May of political representatives from the NAHOUD party, the mayor of Arafat and about ten Mauritanian clerics, all also detained unlawfully. The Mauritanian Prime Minister at the time, Sheik El-avia Ould Mohamed Khouna, justified these detentions by describing the persons arrested as “*Islamist terrorists working for foreigners*”, and declared that “*they were a real threat to the country*”⁷⁴.

On 26 May 2003 a press release from the PRDS (Social and Democratic Republican Party), the party in power, accused FIDH of using the pretext of defending human rights in order to “*defend extremists and allow free reign to terrorists*”. In August 2003, all those arrested were, however, released without charge.

In April 2005, May 2006 and January 2007 the **Mauritanian** authorities carried out three waves or arrests of alleged terrorists.

In April 2005, under the regime of Ould Taya, the police

justified these arrests by citing the “*discovery of a terrorist cell*” on the Mauritanian territory⁷⁵. The Mauritanian authorities declared that these actions were in connection with “*a matter concerning the security of the State*” and that these persons would be tried in accordance with the law of 9 July 1964, as amended with respect to associations, the law of 24 January 2003 governing mosques and articles 77, 246 and 247 of the Penal Code.

Shortly after the seizure of power by Colonel Ely Ould Mohamed Vall, while an amnesty decreed by the Military Council for Justice and Democracy⁷⁶ allowed the release of about a hundred political prisoners, the group of Islamists arrested in 2005 was excluded from such amnesty and remained in custody in Nouakchott central prison. Speaking of them at the beginning of 2006, Colonel Ely Ould Mohamed Vall declared that “*these Islamists were involved in terrorist organisations and were planning action in their country*”.

Some of these prisoners are in fact suspected of conniving with the Salafist Group for Preaching and Combat (GSPC), an armed Islamist movement active in Algeria and the Sahel region, with allegiance to the Osama Bin Laden network⁷⁷. Colonel Ely Ould Mohamed Vall and his Minister of Justice had assured the President of FIDH that the case of the “Islamists” would be treated expeditiously and that they would have a fair and impartial trial⁷⁸. After the 2006 and 2007 arrests, at the beginning of 2007, about thirty persons charged with belonging to terrorist groups were held in preventive custody awaiting trial in Nouakchott civilian prison. Ten others were released on 25 July 2006 by the Supreme Court⁷⁹.

The methods used to place these individuals in custody do not appear to have changed fundamentally after the seizure of power by Colonel Ely Ould Mohamed Vall. Indeed, with each wave of arrests the same complaints were made by the detainees and their families: exceeding of the custody period by several days (the legal limit being 30 days in cases concerning state security), place of custody not revealed to family and lawyers, but above all, systematically inhuman and degrading treatment and torture carried out by the police in order to obtain confessions from the prisoners. All these facts were recorded by a FIDH mission in February 2007⁸⁰.

At the opening of the trial of the alleged terrorists on 21 May 2007, FIDH and its affiliate organisation in Mauritania, the AMDH (Mauritanian Association for Human Rights) had

requested, in accordance with article 15 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, that any confessions obtained under torture should not be invoked as evidence in the proceedings.

On 11 June 2007, the judges followed FIDH and AMDH recommendations by rejecting the confessions obtained under torture and by acquitting 24 out of 25 the accused. Only Khadim Ould Seman, who escaped from prison in April 2006, was sentenced in absentia to 2 years in prison. This decision confirmed the use of torture against those detainees.

On 31 July 2007, the Nouakchott Criminal Court dropped the charges against another 14 alleged terrorists. Death penalty was required against many of them. The judges sentenced 3 of the 14 with terms ranging from two to five years prison. Accused of high treason and of belonging to a terrorist group, the three were finally charged with having falsified documents. 2 others were condemned to two years of suspended sentence. 9 were acquitted of all charges. One of the defense attorney considered that “*the Court did not find sufficient evidence to condemn the men on the basis of terrorism. All the confessions were obtained under torture. Not a single proof of evidence was presented*”.

Section 4: Unfair trials

Fair trial guarantees, which are a fundamental principle of all regional and international human rights instruments, recognize the right of any human being to a fair trial in public by independent and impartial court, previously established by the law, within a reasonable timeframe⁸¹.

However, in many countries, alleged acts of terrorism still fall under the jurisdiction of special or military tribunals. Such proceedings stand in complete contradiction with the principle of independence and impartiality of the judiciary, as the UN Committee on Human Rights has pointed out. The latter criticized those types of trials in which the accused are judged by the military forces who had proceeded to their arrest and accusation, with members of those military tribunals being officers in active service and without there being any provision allowing a review of those accusations by a higher court⁸². Consequently, the Committee demanded that civilians be brought to trial by regular courts in all cases and that any laws or provisions to the contrary should be amended⁸³. Special tribunals must comply with the provisions of article 14 of the Covenant, although it should be noted that, as the UN

Committee on Human Rights has done, "ever so often, when such tribunals are established, this is in order to allow the implementation of those [rules] which are not in accordance with ordinary standards of the judiciary"⁸⁴.

In Sudan, for instance, the 2000 anti-terrorist law, authorizes the President of the Supreme Court to set up one or more terrorism combating courts and, in consultation with the Minister of Justice, to make the rules relating to the procedure of these courts⁸⁵. The enquire and charges shall be conducted by the Minister of Justice through the "Terrorism Combating Prosecution Bureau"⁸⁶ and sentences shall be executed after approval of the President of the Republic⁸⁷.

According to the **Mauritian** Prevention of Terrorism Act of 2002, public access to the trial of an alleged perpetrator of terrorist act can be denied and the judge has the power to exclude anyone from the audience, even the accused legal representatives⁸⁸.

The respect of the presumption of innocence is also at risk in the context of the fight against terrorism.

In **South Africa**, the "Protection of Constitutional Democracy against Terrorism and Related Activities Act" establishes the reversal of the burden of proof, especially for offences related to the funding of terrorism. Thus, the principle according to which anyone has the right to be presumed innocent until proved guilty, is reduced to its vacuity. Indeed, a person suspected of having helped or financed a terrorist act may raise as a defence the fact that he or she has not facilitated the performance of such an act and that he or she acted in accordance with the law⁸⁹.

In **Zimbabwe**, the *Criminal Law Act* contains a disputable provision: in case of prosecution for the "training of terrorists", if it has been proved that the accused has attended a training course for the performance of a terrorist act in Zimbabwe, it will be presumed that this person has attended such a course with this goal, unless the opposite is reported.

Section 5: Violations of the right to freedom of information

One of the trends observed in the countries of Sub-Saharan Africa is the severe incrimination of "apology" of terrorism or even the publication of information which may prove to be useful for committing acts of terrorism. The absence of a definition of the term *apology*, coupled with

the absence of a precise definition of the *act of terrorism* generate a risk of violation of the rights to freedom of expression and information.

The **South-African** law against terrorism, the *Protection of Constitutional Democracy against Terrorism and Related Activities Bill of Law* - puts journalists under the obligation to answer questions and to submit their materials to the police if they investigate any facts related to terrorism, thus restricting, de facto, the right of journalists not to reveal their sources of information⁹⁰.

In November 2001, an official from the **Zimbabwe** government, quoted in *The Herald*, a state-owned newspaper, accused six journalists who had been working for foreign media of being "terrorists", as their coverage of country political violence were distortions of the facts and were only supporting "terrorists accused of kidnapping, torture and murder in our courts". He added: "Regarding the correspondents, we would like them to know that we agree with President Bush on the fact that anyone who, in whatever way, is involved in funding, hosting or defending terrorists is himself a terrorist. We will make no difference either between terrorists and their friends or supporters".

One of them, Andrew Meldrum, correspondent for *The Guardian* in Zimbabwe, considered this accusation as "outrageous". He has been expelled from the country by the Zimbabwean authorities. The Minister of Information, Jonathan Moyo, declared that the United States and the United Kingdom had reacted to the September 11, 2001 attempts by restricting the freedom of the press in the name of national security and that "if the most highly regarded democracies in the world do not allow their national interests to be affected, then we will not allow it either".

Hence, the government approved two new laws aimed at monitoring the acts of the citizens of Zimbabwe more closely, which has had a direct and negative impact on the freedom of the press⁹¹. The Access to Information and Protection of Privacy Act (AIPPA) and the Public Order and Security Act (POSA), both passed in 2002, have stifled the opposition to President Mugabe and his party. They have incriminated critics against the President, have made illegal any declarations which would undermine public confidence in the institutions of defence or in bodies in charge of enforcing the respect of the law and have restricted the capacity of independent human rights NGOs to take action.

During its 38th session which was held in Banjul from 21 November to 6 December 2005, the African Commission on Human and Peoples' Rights has, among others, urged Zimbabwe to abrogate or amend this legislation to make it less repressive⁹².

The 2002 **Ugandan** anti-terrorist law assimilates the dissemination of any kind of information on the activities of groups identified by the public powers as terrorists with a vindication of terrorism⁹³. This legislation confers far-reaching powers to the Minister of the Interior and to the security forces who can investigate press information about terrorist organisations, by confiscating journalists working tools, tapping their phone lines or by opening mails of suspects.

Section 6: Presumption of culpability: lists of suspected terrorists

Such as the United Nations and the European Union, the African countries, within their regional organisations or individually, have set up lists of alleged terrorists or groups of terrorists. In addition to the fact that the setting up of these lists and the impossibility to challenge their composition are questionable with regards to the respect of human rights, the broad dissemination of these lists is a severe infringement of the right to reputation (article 17 of the International Covenant on Civil and Political Rights (ICCPR) and the presumption of innocence (article 14 of the ICCPR).

The African Union, through its new body - the ACSRT (African Centre for Study and Research on Terrorism) - announced in February 2006, during a seminar on the fight against terrorism in the Maghreb and Sahel countries, that it planned to establish its "Black List" of African terrorist organisations.

Since June 2003, the West-African Economic and Monetary Union (WAEMU)⁹⁴ has disseminated a list of in the framework of the fight against the financing of terrorism; this list is regularly updated.

Nigeria, for instance, publishes on the website of the Economic and Financial Crimes Commission (EFCC), a list of the "most wanted" Nigerians, whose faces, last place of residence, universities attended etc. can be viewed on the website.

Mali, as part of the fight against the financing of terrorism, also diffuses a list which is regularly updated.

The problem raised by these lists is, first of all, the fact that they are established within an extra-judicial framework. The designation as "terrorist" entails serious consequences for the enjoyment of fundamental rights, seriously jeopardized in the absence of any judicial monitoring about the composition of such lists. Besides, it seems impossible to make an appeal to challenge one's inclusion in these lists. Consequently, the rights of defence are compromised for the benefit of a system of presumption of culpability.

In this respect, FIDH would like to highlight the 2006 judgment of the Luxembourg Court of First Instance which states that certain fundamental rights and safeguards, including the right to a fair hearing, the obligation to state reasons and the right to effective judicial protection, are, as a matter of principle, fully applicable in the context of the adoption of a Community decision to freeze funds of persons and entities registered on a list regularly updated by the decisions of the Council of the European Union⁹⁵.

Section 7: Problems related to extradition

The anti-terrorist legislation of **Mauritius**, including the 2002 Prevention of Terrorism Act, the Prevention of Terrorism (Denial of Bail) Bill and the Constitution (Amendment) Bill gives the government the right to extradite any individual presumed to be a terrorist, even to places where he or she risks human rights abuses⁹⁶.

In this respect, FIDH would like to highlight the fact that international human rights law prohibits the return of a person to a country where he or she risks torture or cruel, inhuman and degrading treatment. The UN Convention against Torture specifically stipulates that "*no State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture*"⁹⁷.

Even so, since 22 September 2001, suspected terrorists are often extradited to countries where violations of human rights are serious and systematic. Suspects are often expelled or rejected in order to bypass too restrictive extradition procedures.

E.g, on 22 June 2003, five people, suspected of being members of Al-Qa'ida, were arrested by the Malawi National Intelligence Bureau and agents of the American Central Intelligence Agency (CIA). All were sent out of Malawi to an undisclosed location in custody for interrogation by the Americans. In July 2003, it was reported that these five people had been taken to Zimbabwe, held there for a month and then sent to Sudan where they were finally released, after no evidence was found linking them to *Al-Qa'ida*⁹⁸.

In March 2003, the **Kenyan** authorities accused Suleiman Abdallah, arrested in Somalia and detained in Kenya, of being a member of *Al-Qa'ida* and suspected him of being involved in the bombings of US embassies in Kenya and Tanzania in 1998, and of a Hotel in Mombasa, Kenya, in November 2002. He was handed over to the US authorities, without the procedure of extradition being respected⁹⁹.

As Bisher Al-Rawi, an Iraqi national, and Jamil Al-Banna, a Jordanian national, with refugee status in the United Kingdom, were secretly transferred to the Bagram Air Base in January 2003, although a *habeas corpus* application on their behalf was pending in the courts in **Gambia**. Both men had been arrested in Banjul in November 2002¹⁰⁰.

24. See the decree reproduced in the appendices.

25. See the Section 3 (2) of the Mauritius Prevention of Terrorism Act, 2002 in the appendices.

26. Final observations of the UN Human Rights Commission adopted on 31 March 2005 on the report of the State of Mauritius: <http://sim.law.uu.nl/SIM/CaseLaw/uncom.nsf/0/4cc662b128f1a03dc1256fea004388bf?OpenDocument>

27. See extracts of the law reproduced in the appendices.

28. See extracts of the law reproduced in the appendices.

29. The definition is also available in the following document: The Structural and Operational Profile: internal regulation of the Commission, defining its mandate, its modus operandi and its structure. It is available at:

http://www.efccnigeria.org/index.php?option=com_docman&task=cat_view&gid=67

30. See definition in Sudan Report to the UN Anti-Terrorist Commission, S/2001/1317, page 6, and extracts from the Sudanese law reproduced in the appendices.

31. See Article from the law reproduced in its entirety in the appendices (*The Criminal Law Act, Chapter III Crimes Against State*)

32. Notably the Minister of the Interior.

33. See "Terrorism Bill withdrawn" available at: <http://allafrica.com/stories/printable/200609080614.html>. According to journalist sources, the government decided in September 2006 to review the bill, conceding that some of its provisions were unconstitutional. At the time of writing this report, the amended text had not yet been published.

34. See report by the Federal Democratic Republic of Ethiopia to the UN Anti-Terrorist Commission, dated 31 May 2006, available at: <http://daccess-ods.un.org/TMP/2754975.html>

35. Until the Law on the Protection of Constitutional Democracy against Terrorism and Related Activities is adopted, the only South African law to refer specifically to terrorism is the Internal Security Law (Law No 74 of 1982, sect. 54). In this context, terrorism is defined only in relation to attacks against South Africa and against constitutional order.

36. FXI *calls for complete retraction of Anti-Terrorism Bill*, International Freedom of Expression Exchange, 27 February 2004. See: <http://www.ifex.org/en/layout/set/print/content/view/full/57147/>

37. *Anti-terrorism, writers and freedom of expression*, International PEN, Writers in Prison Committee, November 2003, p.21. Available at: <http://www.internationalpen.org.uk/images/newsItemDownload/Antiterr.pdf>

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38. *Controversial South African anti-terrorism bill withdrawn*, Afrol News, 27 April 2004. See: http://afrol.com/printable_article/11403
39. International Commission of Jurists, "E-bulletin on counter-terrorism and human rights", N°3, September 2004. Available at: http://www.icj.org/article.php3?id_article=3513&id_rubrique=37&lang=en
40. See the full article from this law in the appendices (original language).
41. The list of essential services included in the South African law is not exhaustive.
42. See Article 24 reproduced in the appendices.
43. Article 2 (a) of the Algiers Convention.
44. The Comoros, Egypt, Eritrea, Ethiopia, Kenya, Libya, Mauritius, Nigeria, Rwanda, Senegal, Sudan, Togo.
45. Article 8: "*Any person who aids or abets or finances or harbours, or renders support to any person, knowing or having reason to believe that the support will be applied or used for or in connection with the preparation or commission or instigation of acts of terrorism, commits an offence and shall, on conviction, be liable to suffer death*".
46. See the report submitted by Sudan to the UN Anti-terrorist Commission dated 16 November 2004, available from: <http://daccess-ods.un.org/TMP/2843616.html>
47. See the alternative report submitted by FIDH to the African Commission of Human and People's Rights entitled "Sudan: One step forward, many steps back" n° 390/2 – May 2004.
48. See the report submitted by Benin to the UN Anti-terrorist Commission on the 28 April 2005 is available at: <http://daccessdds.un.org/doc/UNDOC/GEN/N05/333/06/PDF/N0533306.pdf?OpenElement>
FIDH has received no information concerning the effective adoption of such a bill.
49. See the report by Botswana submitted on 17 February 2004 to the UN Anti-terrorism Commission, available at: <http://www.un.org/french/docs/sc/committees/1373/reports.shtml>
50. See the report by Gabon submitted on 15 April 2003 to the UN Anti-terrorism Commission, available at: <http://daccess-ods.un.org/TMP/9823259.html>
51. See the Chapter III Crimes against State / article 23 reproduced in the appendices.
52. Whereas Article 126 (3) of the Transition Constitution entrusts to the law "*the determination of crimes and offences as well as the penalties applicable to them*".
53. See the decree reproduced in the appendices.
54. See the report by Burundi to the UN Anti-terrorism Commission dated 18 January 2005, available at: <http://daccessdds.un.org/doc/UNDOC/GEN/N05/217/12/PDF/N0521712.pdf?OpenElement>
55. See FIDH report n°404 on the situation in Chad - "*Death Penalty: ending a moratorium, between security opportunism and settling of scores*", September 2004 ; FIDH report n° 414 on Tanzania - "*Tanzania, institutionalised death penalty*", April 2005.
56. Resolution urging the State to Envisage a Moratorium on Death Penalty. See the Resolution at the following link: http://www.achpr.org/english/_doc_target/documentation.html?..resolutions/resolution47_en.html998
57. Article 4.
58. Article 4 (o).
59. Article 9, § 1, International Covenant on Civil and Political Rights (ICCPR); Articles 6 and 7, § 3, African Charter on Human and Peoples' Rights (ACHPR).
60. Article 9, § 2, ICCPR and Article 7, § 4, ACHPR.
61. Article 9, § 3, ICCPR and Article 7, § 5, ACHPR.
62. Article 7, ICCPR and Article 5 ACHPR.
63. See "*Anti terrorism in the Commonwealth – A briefing paper for the Commonwealth Human Rights Initiative*", Dominic Bascombe, May 2003.
64. *General situation of human rights in Africa, African Commission on Human and People's Rights*, 33. Session, Niger, 15-29 May, 2003, FIDH Position paper, p.5. available in French at: www.fidh.org/intragouv/ua/rapport/2003/positioncadhp1205f.pdf
65. Amnesty International 2004 report on Uganda, See: <http://web.amnesty.org/report2004/uga-summary-eng>
66. See the Anti-Terrorism Act, 2002 / section 17 "*provides for a warrant an investigative officer who for purpose of the Act must be a police officer at the rank of superintendant of police or public officer authorized in writing by the Director of public prosecutions to be issued if it's satisfied that a terrorist investigation is being carried out and that there are reasonable grounds for believing that there is material on premises specified in the application, which is likely to be of substantial value to the investigation*"
67. See <http://www.monitor.co.ug> article posted to the web April 3, 2006 : "Anti-Terrorism Legislation Abused – Not serving purpose for its being".
68. On 7 March, 2006, he was acquitted and is now suing the State to have recognition of the fact that his arrest was politically motivated and also to contest the results of the presidential election. On 27 February 2006 Mr Besigye came second with 37%, after Mr Museveni, with 59%.
69. See <http://news.bbc.co.uk/2/hi/africa/4666778.stm> "Besigye court martial ruled out".
- See International Commission of Jurists, ICJ E-Bulletin on Counter Terrorism and Human Rights, N°10 February 2006 : "Uganda : Constitutional Courts rules on court-martial trial of Kizza Besigye" available at www.icj.org
70. See. supra note 26.
71. International Commission of Jurists, "E-bulletin on counter-terrorism and human rights", N°1, August 2004.
72. See. <http://jurist.law.pitt.edu/paperchase/2006/05/international-brief-uk-court.php>
73. International Commission of Jurists, "E-bulletin on counter-terrorism and human rights", N°12, June 2006.
74. FIDH press release of 23/05/2003 - Mauritanie : La lutte contre le terrorisme, prétexte au musellement de la société civile
<http://www.fidh.org/article.php3?id_article=56>
75. FIDH press release of 28/04/2005 - Mauritanie : Nouvelle vague d'arrestations de religieux
<http://www.fidh.org/article.php3?id_article=2397>
76. This body overthrew the regime of President Maaouya Oyuld Sid'Ahmed Taya in August 2005
77. The GSPC has since been renamed Al-Qaeda in the Islamic Maghreb

78. See FIDH report: *Mauritanie – l'établissement de la démocratie peut-il s'affranchir du règlement du passif humanitaire ?*
79. Three had escaped in April 2006 and are still wanted
80. See FIDH report: *Mauritanie: l'affaire des islamistes, la torture au nom de la lutte anti-terroritise*, <http://www.fidh.org/spip.php?article4669>
81. Article 14, §1 ICCPR.
82. See CCPR/C/79/Add. 67 and 76.
83. See CCPR/C/79/Add. 78 and 79.
84. United Nations Committee on Human Rights, General Observation No. 13, para. 4.
85. See Article 13(1)(2) of the Terrorism (Combating) Act 2000 shown in the Appendix
86. See Article 15(1)(2) of the Terrorism (Combating) Act 2000 shown in the Appendix
87. See Article 17 of the Terrorism (Combating) Act 2000 shown in the Appendix
88. See "*L'Afrique et le terrorisme, Participer a la Campagne Planétaire*" ("Africa and Terrorism, Participating in the Global Fight"), Op. cit., p. 25.
89. Article 17 (6) "A person charged with committing an offence under section 4 (offences associated or connected with financing of specified matters) may raise as a defence – a) the fact that he or she had performed any act in connection with the property in question, or allowed or facilitated the performance of any act in connection with that property, solely for the purpose of preserving the value of that property; or b) that he or she acted in good faith and reported his or her suspicion in accordance with section 12 of this Act, [...]"
90. "Antiterrorisme, écrivains et liberté d'expression", P.E.N. International, Committee of Writers in Prison, November 2003, p.21. Available from: <http://www.internationalpen.org.uk/dev/Upload/informe-fra.pdf>
91. See the *Access to Information and Protection of Privacy Act (AIPPA)* and the *Public Order and Security Act (POSA)*, both passed in 2002.
92. See the resolution of the African Commission on Human and Peoples' Rights (ACHPR) on the human rights situation in Zimbabwe at: <http://www.fidh.org/spip.php?rubrique761>.
93. See D. O. BALIKOWA, *The Anti-terrorism Act 2002: The Media and Free Speech*, in *The Defender*, Vol. 8 issue 1, pp. 6 to 8.
94. The member states of WAEMU (Fr.: UEMOA) are the following: Benin, Burkina Faso, Ivory Coast, Guinea-Bissau, Mali, Niger, Senegal and Togo.
95. See the Judgment of the Court of First Instance in Case T-228/02 *Organisation des Modjahedines du peuple d'Iran v Council of the European Union*.
<http://curia.europa.eu/en/actu/communiqués/cp06/aff/index.htm>
96. Amnesty International Report 2003 on Mauritius. See: <http://web.amnesty.org/report2003/mus-summary-eng>
97. Article 3 of the Convention on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, adopted on 10 December 1984, available on the Internet : http://www.unhchr.ch/html/menu3/b/h_cat39.htm.
98. Amnesty International Report 2004 on Malawi. See <http://www.web.amnesty.org/report2004/mwi-summary-eng>
99. Amnesty International Report 2004 on Kenya. See <http://www.web.amnesty.org/report2004/ken-summary-eng>
100. Amnesty International Report 2004 on The Gambia. See <http://www.web.amnesty.org/report2004/gmb-summary-eng>

Chapter 3: Towards a regional control for the protection of human rights in the fight against terrorism

In view of the previous examples, the need to establish an independent mechanism designed to monitor and supervise anti-terrorist measures taken by States, and the compatibility of these measures with international human rights standards, has become fundamental and urgent. Yet neither the Algiers Convention nor its Protocol has provided for such a mechanism. Even recently, this monitoring was conducted by the political organs of the African Union¹⁰¹. Even though these organs have an unquestionable role to play, they do not gather the features required (notably the independence safeguards) for an effective monitoring that would protect against the risks of abuse. The African Commission on Human and Peoples' Rights and the upcoming African Court on Human and Peoples' Rights may compensate for this deficiency.

Section 1: The African Commission on Human and Peoples' Rights

The African Commission on Human and Peoples' Rights (African Commission), the main institution responsible for the protection and promotion of human rights in Africa¹⁰², is in charge, since 1987, of the monitoring of the application, by States, of the African Charter on Human and Peoples' Rights¹⁰³.

However, to our knowledge, the African Commission has received only one communication relating to the respect of human rights in the context of the fight against terrorism¹⁰⁴.

In the case identified as *222/98 and 229/98 Law Office of Ghazi Suleiman v/ State of Sudan*, a law office denounced human rights violations committed by Sudan under the pretext of anti-terrorist measures.

It was alleged that the three complainants had been imprisoned, in accordance with the 1994 law on national security, for "*acts of terrorism and propaganda intended to endanger the security and peace of the country and of innocent civilians*". The petitioner alleged that these persons had been arrested and detained by the Sudanese government without charges and had been refused contact with their lawyers or families. He added that there were reasons to believe that the detainees had been tortured. This same Law Office of Ghazi Suleiman submitted a similar communication, 2229/99, on behalf of 26 civilians being tried in the military court for offences of "*unhinging of*

the constitutional system, incitation to war or engaging in war against the State, inciting opposition to the government and abetting criminal or terrorist organisation", according to Sudanese law. The complainant affirmed that the right to a fair trial and the rights of the defence had not been respected.

The African Commission confirmed the violations denounced by the complainant, observing that the Republic of Sudan had violated articles 5 (torture), 6 (arbitrary arrest and detention) and 7(1) (right to a fair trial) of the Charter. The African Commission asked Sudan to conform its legislation with the provisions of the African Charter and to compensate the victims.

Despite this decision, the subject of compatibility between anti-terrorist measures and human rights is not considered by the Commissioners in the framework of the examination of States reports. This gap has been highlighted on several occasions by FIDH who wanted the African Commission to pronounce itself publicly on this subject¹⁰⁵. For this purpose, FIDH, the International Commission of Jurists (ICJ) and Interights initiated several draft resolutions proposing that the African Commission could monitor the respect of human rights in the context of the fight against terrorism in Africa.

Finally, in December 2005, the African Commission adopted an important resolution dedicated to the "*protection of human rights and the rule of law in the fight against terrorism*"¹⁰⁶ on the occasion of its 38th ordinary session.

While calling upon all states to reinforce cooperation so as to prevent and fight terrorism, the African Commission reaffirmed that measures taken to combat terrorism should fully comply with states' obligations under the African Charter on Human and Peoples' Rights and other international human rights treaties, "*including the right to life, the prohibition of arbitrary arrests and detention, the right to a fair hearing, the prohibition of torture and other cruel, inhuman and degrading penalties and treatment and the right to seek asylum*". In addition, the African Commission "*undertakes to ensure that all the special procedures and mechanisms of the African Commission consider, within the framework of their mandates, the protection of human rights and fundamental freedoms in*

the context of measures aimed at preventing and combating terrorism, and to coordinate their efforts, as appropriate, in order to promote a coherent approach in this regard".

Section 2: The African Court on Human and Peoples' Rights

On 26 December 2003, the threshold of 15 ratifications required for the African Court on Human and Peoples' Rights to come into force was reached with the ratification of the Additional Protocol to the African Charter on Human and Peoples' Rights governing the organisation, jurisdiction and functioning of the Court, by the Comoros¹⁰⁷. The Court subsequently came into force on 25 January 2004.

However, its effective implementation has been delayed by the decision taken by the African Heads of State and Government during the 3rd AU Summit in Addis Ababa (Ethiopia) in July 2004, to merge the African Court on Human and Peoples' Rights with the African Court of Justice, whose statute is still not confirmed for lack of sufficient ratifications. The future single Court – whose statute is presently being examined by a Committee of experts, will be called the African Court of Justice and Human Rights.

However, at the insistence of the Coalition for the African Court on Human and Peoples' Rights – of which FIDH is a founding member – the Heads of State and Government finally approved the effective establishment of the African Court on Human and Peoples' Rights despite the question of the merger, a decision taken at the 5th AU Summit in Syrta (Libya) in July 2005. This Court, whose judges have already been elected and which will be based in Tanzania,

will be in operation until the African Court of Justice and Human Rights will be effective.

As provided by article 3 of the Additional Protocol, the jurisdiction of the African Court on Human and Peoples' Rights extends to all cases and disputes submitted to it concerning the interpretation and application of the Charter, from civil and political rights to economic, social and cultural rights¹⁰⁸.

According to the same article 3, the Court also has jurisdiction concerning any problem related to the interpretation and application "of any other relevant Human Rights instrument ratified by the States concerned". Thus, the Court must ensure the respect of the Charter, including when State Parties to the Protocol adopt measures to fight terrorism in compliance with their international obligations¹⁰⁹.

The Court can receive communications from the African Commission, a State Party to the Protocol and by any regional African organisation which wants to denounce violation of human rights by a State Party. NGOs having observer status with the African Commission as well as individuals can also submit communications to the Court, if, and only if, the State accused of violating human rights has accepted such jurisdiction, in accordance with article 34.6 of the Protocol. Only Burkina Faso and Benin have until now authorised such a submission.

Since a successful fight against terrorism inevitably implies the unconditional respect of human rights, the effective implementation of an African Court on Human and Peoples' Rights should provide an additional guarantee in this respect.

101. These organs being the Assembly of the Union, the Executive Council, the Peace and Security Council and the Pan-African Parliament; see article 5 of the Constitutive Act of the African Union.

102. See Articles 30 and 45 of the African Charter.

103. The African Charter, adopted by the Conference of Heads of State and Government of the Organisation of African Unity (OAU) on 27 June 1981 in Nairobi, Kenya, entered into force on 21 October 1986 and was ratified by all member States of the African Union.

104. In compliance with articles 47 and 55 of the African Charter, the African Commission can receive communications from State Parties to the Charter, from NGOs having observer status with the Commission or from individuals concerning human rights violations committed by a State Party to the Charter.

105. See FIDH speech at the 36th session of the African Commission on the fight against terrorism and human rights, http://www.fidh.org/article.php3?id_article=2076

106. See the Resolution in the appendices.

107. The fourteen other African States that have ratified the Protocol are: Algeria, Burkina Faso, Burundi, Côte d'Ivoire, The Gambia, Lesotho, Libya, Mali, Mauritius, Senegal, Republic of South Africa, Rwanda, Togo and Uganda.

108. See FIDH guide: 10 keys for understanding and using the African Court on Human and Peoples' Rights, November 2004 - www.fidh.org

109. See Judgment *Bosphorus Hava v. Ireland*, of 30/06/2005 by the European Court of Human Rights, and in particular article 22 of the Algiers Convention which calls for the respect of international provisions for the protection of human rights in the context of the fight against terrorism.

Conclusion and recommendations

The fight against terrorism is legitimate and necessary, given "*the seriousness of the phenomenon*" and its inherent risks "*for the stability and security of States*", as mentioned in the preamble to the Algiers Convention.

States are thus called upon to refrain from supporting terrorism and to combat it by adopting legitimate measures aimed at penalizing this specific crime, the financing and apology of such acts and by promoting cooperation between States in matter of investigation, arrest and extradition. But the measures taken to this end by African States cannot derogate from "*the general principles of international law, in particular the principles of international humanitarian law as well as the African Charter on Human and Peoples' Rights*" as stated in the Convention adopted in 1999, in other words, two years before the tragedy of 11 September 2001.

Yet the facts speak for themselves: the fight against terrorism in Africa, as it is conducted today, derogates from a number of international and regional provisions for the protection of human rights: the right to security and personal freedom, the right to freedom of information and the right to a fair trial.

The fight against terrorism conducted in violation of international standards for the protection of human rights can only nourish an already fertile breeding ground for terrorist activities. Lawlessness must be countered with lawfulness and the law must be shown to prevail over arbitrary violence.

Terrorism must be combated not only by constant watchfulness but also by avoiding the adoption of any measure which, by its arbitrary nature or by its capacity to infringe fundamental rights and freedoms, could constitute a threat to human rights and the rule of law.

FIDH therefore recommends:

the Sub-Saharan African States

- to abstain from legislating and acting in the so-called name of the fight against terrorism in defiance of the international conventions on human rights they are bound to;

- to comply with their international human rights obligations and in particular with the provisions of the International Covenant on Civil and Political Rights, and of the African Charter on Human and Peoples' Rights relating to the principle of legality, the prohibition of torture, arbitrary arrest and detention, the right to a fair trial, freedom of expression, freedom of opinion, freedom of assembly and the right to privacy;

- when drafting anti-terrorism laws, to use clear and precise definitions and to clearly designate their scope, taking as a basis the definition of the UN High-Level Panel on Threats, Challenges and Change;

- to comply with the resolution on the "protection of human rights and the rule of law in the fight against terrorism" adopted in December 2005 by the African Commission on Human and Peoples' Rights at its 38th ordinary session;

- to ratify the Additional Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights and to make the declaration on the basis of its article 34.6 allowing for individual communications;

- to ratify the second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty.

- to respect article 22 of the OAU Convention on the Prevention and Combating of Terrorism, which affirms the obligation to respect human rights in the context of the fight against terrorism.

the African Union

- to ensure that the African Centre for Study and Research on Terrorism (ACSRT) responsible for centralising information, studies and analyses on terrorism, places proper emphasis on respect of human rights in the context of the fight against terrorism;

- despite the question of the merger of the African Court on Human Rights and the African Court of Justice into an African Court of Justice and Human Rights, to establish as quickly as possible the African Court on Human and Peoples' Rights, in accordance with the decision taken in

July 2005 by the Heads of State and Government gathered in Syrta (Libya) on the occasion of the 5th AU Summit.

the African Commission on Human and Peoples' Rights

- to systematically analyse the conformity of national legislation and practices relating to the fight against terrorism with the African Charter on Human and Peoples' Rights, when examining States reports;

- more generally, to fully implement the resolution on the "protection of human rights and the rule of law in the fight against terrorism" adopted in December 2005 by the African Commission on Human and Peoples' Rights at its 38th ordinary session.

the international community

- to promptly finalize the UN project for an international convention on clear and exhaustive definition of what constitutes terrorism, in particular so that the field of application for counter-terrorism measures can be circumscribed;

- in compliance with the African Union Plan of Action on terrorism in Africa adopted in September 2002, to address the deep-rooted causes of terrorism, in particular poverty, deprivation and marginalisation, by taking all measures to implement the World Solidarity Fund (resolution 55/210 of the United Nations General Assembly of 20 December 2001) and the decisions of the World Summit on Sustainable Development held in Johannesburg in September 2002.

Appendix

OUA CONVENTION ON THE PREVENTION AND COMBATING OF TERRORISM

The Member States of the Organization of African Unity:

Considering the purposes and principles enshrined in the Charter of the Organization of African Unity, in particular its clauses relating to the security, stability, development of friendly relations and cooperation among its Member States;

Recalling the provisions of the Declaration on the Code of Conduct for Inter-African Relations, adopted by the Thirtieth Ordinary Session of the Assembly of Heads of State and Government of the Organization of African Unity, held in Tunisia, Tunisia, from 13 to 15 June, 1994;

Aware of the need to promote human and moral values based on tolerance and rejection of all forms of terrorism irrespective of their motivations;

Believing in the principles of international law, the provisions of the

Charters of the Organization of Africa Unity and of the United Nations and the latter' relevant resolutions on measures aimed at combating international terrorism and, in particular, resolution 49/60 of the General Assembly of 9 December, 1994 together with the annexed Declaration on Measures to Eliminate

International Terrorism as well as resolution 51/210 of the General Assembly of 17 December, 1996 and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, annexed thereto;

Deeply concerned over the scope and seriousness of the phenomenon of terrorism and the dangers it poses to the stability and security of States;

Desirous of strengthening cooperation among Member States in order to forestall and combat terrorism;

Reaffirming the legitimate right of peoples for self-determination and independence pursuant to the principles of international law and the provisions of the Charters of the Organization of African United Nations as well as the African Charter on Human and People' Rights;

Concerned that the lives of innocent women and children are most adversely affected by terrorism;

Convinced that terrorism constitutes a serious violation of human rights and, in particular, the rights to physical integrity, life, freedom and security, and impedes socio-economic development through destabilization of States;

Convinced further that terrorism cannot be justified under any circumstances and, consequently, should be

combated in all its forms and manifestations, including those in which States are involved directly or indirectly, without regard to its origin, causes and objectives.

Aware of the growing links between terrorism and organized crime, including the illicit traffic of arms, drugs and money laundering;

Determined to eliminate terrorism in all its forms and manifestations;

HAVE AGREED AS FOLLOWS:

PART 1

SCOPE OF APPLICATION

Article 1

For the purposes of this Convention:

1. "Convention" means the OAU Convention on the Prevention and Combating of Terrorism.

2. "State Party" means any Member State of the Organization of African Unity which has ratified or acceded to this Convention and has deposited its instrument of ratification or accession with the Secretary General of the Organization of African Unity.

3. "Terrorist act" means:

(a) any act which is a violation of the criminal laws of a State Party and which may endanger the life, physical integrity or freedom of, or cause serious injury or death to, any person, any number or group of persons or causes or may cause damage to public or private property, natural resources, environmental or cultural heritage and is calculated or intended to:

(i) intimidate, put in fear, force, coerce or induce any government, body, institution, the general public or any segment thereof, to do or abstain from doing any act, or to adopt or abandon a particular standpoint, or to act according to certain principles; or

(ii) disrupt any public service, the delivery of any essential service to the public or to create a public emergency; or

(iii) create general insurrection in a State.

(b) any promotion, sponsoring, contribution to, command, aid, incitement, encouragement, attempt, threat, conspiracy, organizing, or procurement of any person, with the intent to commit any act referred to in paragraph (a) (i) to (iii).

Article 2

States Parties undertake to:

(a) review their national laws and establish criminal offences for terrorist acts as defined in this Convention and make such acts punishable by appropriate penalties that take into account the grave nature of such offences;

(b) consider, as a matter of priority, the signing or ratification of, or accession to, the international instruments listed in the Annexure, which they have not yet signed, ratified or acceded to; and

(c) implement the actions, including enactment of legislation and the establishment as criminal offences of certain acts as required in terms of the international instruments referred to in paragraph (b) and that States have ratified and acceded to and make such acts punishable by appropriate penalties which take into account the grave nature of those offences;

(d) notify the Secretary General of the OAU of all the legislative measures it has taken and the penalties imposed on terrorist acts within one year of its ratification of, or accession to, the Convention.

Article 3

1. Notwithstanding the provisions of Article 1, the struggle waged by peoples in accordance with the principles of international law for their liberation or self-determination, including armed struggle against colonialism, occupation, aggression and domination by foreign forces shall not be considered as terrorist acts.

2. Political, philosophical, ideological, racial, ethnic, religious or other motives shall not be a justifiable defence against a terrorist act.

PART II AREAS OF COOPERATION

Article 4

1. State Parties undertake to refrain from any acts aimed at organizing, supporting, financing, committing or inciting to commit terrorist acts, or providing havens for terrorists, directly or indirectly, including the provision of weapons and their stockpiling in their countries and the issuing of visas and travel documents.

2. States Parties shall adopt any legitimate measures aimed at preventing and combating terrorist acts in accordance with the provisions of this Convention and their respective national legislation, in

particular, they shall do the following:

(a) prevent their territories from being used as a base for the planning, organization or execution of terrorist acts or for the participation or collaboration in these acts in any form whatsoever;

(b) develop and strengthen methods of monitoring and detecting plans or activities aimed at the illegal cross-border transportation, importation, export, stockpiling and use of arms, ammunition and explosives and other materials and means of committing terrorist acts;

(c) develop and strengthen methods of controlling and monitoring land, sea and air borders and customs and immigration check points in order to pre-empt any infiltration by individuals or groups involved in the planning, organization and execution of terrorist acts;

(d) strengthen the protection and security of persons, diplomatic and consular missions, premises or regional and international organizations accredited to a State Party, in accordance with the relevant conventions and rules of international law;

(e) promote the exchange of information and expertise on terrorist acts and establish data bases for the collection and analysis of information and data on terrorist elements, groups, movements and organizations;

(f) take all necessary measures to prevent the establishment of terrorist support networks in any form whatsoever;

(g) ascertain, when granting asylum, that the asylum seeker is not involved in any terrorist act;

(h) arrest the perpetrators of terrorist acts and try them in accordance with national legislation, or extradite them in accordance with the provisions of this Convention or extradition treaties concluded between the requesting State and the requested State and, in the absence of a treaty, consider facilitating the extradition of persons suspected of having committed terrorist acts; and

(i) establish effective co-operation between relevant domestic security officials and services and the citizens of the States Parties in a bid to enhance public awareness of the scourge of terrorist acts and the need to combat such acts, by providing guarantees and incentives that will encourage the population to give information on terrorist acts or other acts which may help to uncover such acts and arrest their perpetrators.

Article 5

States Parties shall co-operate among themselves in preventing and combating terrorist acts in conformity with national legislation and procedures of each State in the following areas:

1. States Parties undertake to strengthen the

exchange of information among them regarding :

(a) acts and crimes committed by terrorist groups, their leaders and elements, their headquarters and training camps, their means and sources of funding and acquisition of arms, the types or arms, ammunition and explosives used, and other means in their possession;

(b) the communication and propaganda methods and techniques used by the terrorist groups, the behaviour of these groups, the movement of the leaders and elements, as well as their travel documents.

2. States Parties undertake to exchange any information that leads to:

(a) the arrest of any person charged with a terrorist act against the interest of a State Party or against its nationals, or attempted to commit such an act or participated in it as an accomplice or an instigator;

(b) the seizure and confiscation of any type of arms, ammunition, explosives, devices or funds or other instrumentalities of crime used to commit a terrorist act or intended for that purpose.

3. State Parties undertake to respect the confidentiality of the information exchanged among them and not to provide such information to another State that is not party to this Convention, or to a third State Party, without the prior consent of the State from where such information originated.

4. States Parties undertake to promote co-operation among themselves and to help each other with regard to procedures relating to the investigation and arrest of persons suspected of, charged with or convicted of terrorist acts, in conformity with the national law of each State.

5. States Parties shall co-operate among themselves in conducting and exchanging studies and researches on how to combat terrorist acts and to exchange expertise relating to control of terrorist acts.

6. State Parties shall co-operate among themselves, where possible, in providing any available technical assistance in drawing up programmes or organizing, where necessary and for the benefit of their personnel, joint training courses involving one or several States Parties in the area of control of terrorist acts, in order to improve their scientific, technical and operational capacities to prevent and combat such acts.

PART III STATE JURISDICTION

Article 6

1. Each State Party has jurisdiction over terrorist acts as defined in Article

1 when:

(a) the act is committed in the territory of that State

and the perpetrator of the act is arrested in its territory or outside it if this punishable by its national law;

(b) the act is committed on board a vessel or a ship flying the flag of that State or an aircraft which is registered under the laws of that State at the time the offence is committed; or

(c) the act is committed by a national or a group or nationals of that State.

2. A State Party may also establish its jurisdiction over any such offence when:

(a) the act is committed against a national of that State; or

(b) the act is committed against a State or government facility of that State abroad, including an embassy or other diplomatic or consular premises, and any other property, of that State;

(c) the act is committed by a stateless person who has his or her habitual residence in the territory of that State; or

(d) the act is committed on board an aircraft which is operated by any carrier of that State; and

(e) the act is committed against the security of the State Party.

3. Upon ratifying or acceding to this Convention, each State Party shall notify the Secretary General of the Organization of African Unity of the jurisdiction it has established in accordance with paragraph 2 under its national law. Should any change take place, the State Party concerned shall immediately notify the Secretary General.

4. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over the acts set forth in Article 1 in cases where the alleged offender is present in its territory and it does not extradite that person to any of the States Parties which have established their jurisdiction in accordance with paragraphs 1 or 2.

Article 7

1. Upon receiving information that a person who has committed or who is alleged to have committed any terrorist act as defined in Article 1 may be present in its territory, the State Party concerned shall take such measures as may be necessary under its national law to investigate the facts contained in the information.

2. Upon being satisfied that the circumstances so warrant, the State Party in whose territory the offender or alleged offender is present shall take the appropriate measures under its national law so as to ensure that

person's presence for the purpose of prosecution.

3. Any person against whom the measures referred to in paragraph 2 are being taken shall be entitled to:

(a) communicate without delay with the nearest appropriate representative of the State of which that person is a national or which is otherwise entitled, to protect that person's rights or, if that person is a stateless person, the State in whose territory that person habitually resides;

(b) be visited by a representative of that State;

(c) be assisted by a lawyer of his or her choice;

(d) be informed of his or her rights under sub-paragraphs (a), (b) and (c).

4. The rights referred to in paragraph 3 shall be exercised in conformity with the national law of the State in whose territory the offender or alleged offender is present; subject to the provision that the said laws must enable full effect to be given to the purposes for which the rights accorded under paragraph 3 are intended.

PART IV EXTRADITION

Article 8

1. Subject to the provision of paragraphs 2 and 3 of this article, the States Parties shall undertake to extradite any person charged with or convicted of any terrorist act carried out on the territory of another State Party and whose extradition is requested by one of the States Parties in conformity with the rules and conditions provided for in this Convention or under extradition agreements between the States Parties and within the limits of their national laws.

2. Any State Party may, at the time of the deposit of its instrument of ratification or accession, transmit to the Secretary General of the OAU the grounds on which extradition may not be granted and shall at the same time indicate the legal basis in its national legislation or international conventions to which it is a party which excludes such extradition. The Secretary General shall forward these grounds to the States Parties.

3. Extradition shall not be granted if final judgement has been passed by a component authority of the requested State upon the person in respect of the terrorist act or acts for which extradition is requested. Extradition may also be refused if the competent authority of the requested State has decided either not to institute or terminate proceedings in respect of the same act or acts.

4. A State Party in whose territory an alleged offender is present shall be obliged, whether or not the offence was committed in its territory, to submit the case without undue delay to its component authorities for the purpose of prosecution if it does not extradite that person.

Article 9

Each State Party undertakes to include as an extraditable offence any terrorist act as defined in Article 1, in any extradition treaty existing between any of the States Parties before or after the entry into force of this Convention.

Article 10

Exchange of extradition requests between the States Parties to this Convention shall be effected directly either through diplomatic channels or other appropriate organs in the concerned States.

Article 11

Extradition requests shall be in writing, and shall be accompanied in particular by the following:

(a) an original or authenticated copy of the sentence, warrant of arrest or any order or other judicial decision made, in accordance with the procedures laid down in the laws of the requesting State;

(a) a statement describing the offences for which extradition is being requested, indicating the date and place of its commission, the offence committed, any convictions made and a copy of the provisions of the applicable law; and

(b) as comprehensive a description as possible of the wanted person together with any other information which may assist in establishing the person's identity and nationality.

Article 12

In urgent cases, the competent authority of the State making the extradition may, in writing, request that the State seized of the extradition request arrest the person in question provisionally. Such provisional arrest shall be for a reasonable period in accordance with the national law of the requested State.

Article 13

1. Where a State Party receives several extradition

requests from different States Parties in respect of the same suspect and for the same or different terrorist acts, it shall decide on these requests having regard to all the prevailing circumstances, particularly the possibility of subsequent extradition, the respective dates of receipt of the requests, and the degree of seriousness of the crime.

2. Upon agreeing to extradite, States Parties shall seize and transmit all funds and related materials purportedly used in the commission of the terrorist act to the requesting State as well as relevant incriminating evidence.

3. Such funds, incriminating evidence and related materials, upon confirmation of their use in the terrorist act by the requested State, shall be transmitted to the requesting State even if, for reasons of death or escape of the accused, the extradition in question cannot take place.

4. The provisions in paragraphs 1, 2 and 3 of this Article shall not affect the rights of any of the States Parties or bona fide third Parties regarding the materials or revenues mentioned above.

PART V EXTRA-TERRITORIAL INVESTIGATIONS (COMMISSION ROGATOIRE) AND MUTUAL LEGAL ASSISTANCE

Article 14

1. Any State Party may, while recognizing the sovereign rights of States Parties in matters of criminal investigation, request any other State Party to carry out, with its assistance and cooperation, on the latter's territory, criminal investigations related to any judicial proceedings concerning alleged terrorist acts and, in particular:

- (a) the examination of witnesses and transcripts of statements made as evidence;
- (b) the opening of judicial information;
- (c) the initiation of investigation processes;
- (d) the collection of documents and recordings or, in their absence, authenticated copies thereof;
- (e) conducting inspections and tracing of assets for evidentiary purposes;
- (f) executing searches and seizures; and
- (g) service of judicial documents.

Article 15

A commission rogatoire may be refused:

- (a) where each of the States Parties has to execute a commission rogatoire relating to the same

terrorist acts;

(b) if that request may affect efforts to expose crimes, impede investigations or the indictment of the accused in the country requesting the commission rogatoire; or

(c) if the execution of the request would affect the sovereignty of the requested State, its security or public order.

Article 16

The extra-territorial investigation (commission rogatoire) shall be executed in compliance with the provisions of national laws of the requested State. The request for an extra-territorial investigation (commission rogatoire) relating to a terrorist act shall not be rejected on the grounds of the principle of confidentiality of bank operations or financial institutions, where applicable.

Article 17

The States Parties shall extend to each other the best possible mutual police and judicial assistance for any investigation, criminal prosecution or extradition proceedings relating to the terrorist acts as set forth in this Convention.

Article 18

The States Parties undertake to develop, if necessary, especially by concluding bilateral and multilateral agreements and arrangements, mutual legal assistance procedures aimed at facilitating and speeding up investigations and collecting evidence, as well as cooperation between law enforcement agencies in order to detect and prevent terrorist acts.

PART VI FINAL PROVISIONS

Article 19

1. This Convention shall be open to signature, ratification or accession by the Member States of the Organization of African Unity.

2. The instruments of ratification or accession to the present Convention shall be deposited with the Secretary General of Organization of African Unity.

3. The Secretary General of the Organization of African Unity shall inform Member States of the Organization of the deposit of each instrument of ratification or accession.

4. No State Party may enter a reservation which is incompatible with the object and purposes of this Convention.

5. No State Party may withdraw from this Convention except on the basis of a written request addressed to the Secretary General of the Organization of African Unity. The withdrawal shall take effect six months after the date of receipt of the written request by the Secretary General of the Organization of African Unity.

Article 20

1. This Convention shall enter into force thirty days after the deposit of the fifteenth instrument of ratification with the Secretary General of the Organization of African Unity.

2. For each of the States that shall ratify or accede to this Convention shall enter into force thirty days after the date of the deposit by that State Party of its instrument of ratification or accession.

Article 21

1. Special protocols or agreements may, if necessary, supplement the provisions of this Convention.

2. This Convention may be amended if a State Party makes a written request to that effect to the Secretary General of the Organization of African Unity. The Assembly of Heads of State and Government may only consider the proposed amendment after all the States Parties have been duly informed of it at least three months in advance.

3. The amendment shall be approved by a simple majority of the State Parties. It shall come into force for each State which has accepted it in accordance with its constitutional procedures three months after the Secretary General has received notice of the acceptance.

Article 22

1. Nothing in this Convention shall be interpreted as derogating from the general principles of international law, in particular the principles of international humanitarian law, as well as the African Charter on Human and Peoples' Rights.

2. Any dispute that may arise between the States Parties regarding the interpretation or application of this Convention shall be amicably settled by direct agreement between them. Failing such settlement, any one of the State Parties may refer the dispute to the International

Court of Justice in conformity with the Statute of the Court or by arbitration by other States Parties to this Convention.

Article 23

The original of this Convention, of which the Arabic, English, French and Portuguese texts are equally authentic, shall be deposited with the Secretary General of the Organization of African Unity.

ANNEX

LIST OF INTERNATIONAL INSTRUMENTS

(a) Tokyo Convention on Offences and Certain Other Acts Committed on Board Aircraft of 1963;

(b) Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation of 1971 and the Protocol thereto of 1984;

(c) New York Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents of 1973;

(d) International Convention against the Taking of Hostages of 1979;

(e) Convention on the Physical Protection of Nuclear Material of 1979;

(f) United Nations Convention on the Law of the Sea of 1982;

(g) Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation of 1988;

(h) Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf of 1988;

(i) Convention for the Suppression of Unlawful Acts against Maritime Navigation of 1988;

(j) Convention on the Marking of Plastic Explosives of 1991;

(k) International Convention for the Suppression of Terrorist Explosive Bombs of 1997;

(l) Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction of 1997.

PROTOCOL TO THE OAU CONVENTION ON THE PREVENTION AND COMBATING OF TERRORISM (Extracts)

Article 2

PURPOSE

1. This Protocol is adopted pursuant to Article 21 of the Convention as a supplement to the Convention.

2. Its main purpose is to enhance the effective implementation of the Convention and to give effect to Article 3(d) of the Protocol

Relating to the Establishment of the Peace and Security Council of the African Union, on the need to coordinate and harmonize continental efforts in the prevention and combating of terrorism in all its aspects, as well as the implementation of other relevant international instruments.

Article 3

COMMITMENTS BY STATES PARTIES

1. States Parties commit themselves to implement fully the provisions of the Convention. They also undertake, among other things, to:

a) take all necessary measures to protect the fundamental human rights of their populations against all acts of terrorism;

b) prevent the entry into, and the training of terrorist groups on their territories;

c) identify, detect, confiscate and freeze or seize any funds and any other assets used or allocated for the purpose of committing a terrorist act, and to establish a mechanism to use such funds to compensate victims of terrorist acts or their families;

d) establish national contact points in order to facilitate the timely exchange and sharing of information on terrorist groups and activities at the regional, continental and international levels, including the cooperation of States for suppressing the financing of terrorism;

e) take appropriate actions against the perpetrators of mercenarism as defined in the OAU Convention for the Elimination of Mercenarism in Africa, adopted in Libreville, in 1977, and other relevant applicable international instruments;

f) strengthen national and regional measures in conformity with relevant continental and international Conventions and Treaties, to prevent the perpetrators of terrorist acts from acquiring weapons of mass destruction;

g) cooperate with the international community in the implementation of continental and international instruments related to weapons of mass destruction;

h) submit reports to the PSC on an annual basis, or at such regular intervals as shall be determined by the PSC, on measures taken to prevent and combat terrorism as provided for in the Convention, the AU Plan of Action and in this Protocol;

i) report to the PSC all terrorist activities in their countries as soon as they occur;

j) become parties to all continental and international instruments on the prevention and combating of terrorism; and

k) outlaw torture and other degrading and inhumane treatment, including discriminatory and racist treatment of terrorist suspects, which are inconsistent with international law.

2. States Parties shall implement the provisions of paragraph 1 above on the basis of all relevant African and international Conventions and Treaties, in conformity with Article 22 of the Convention.

Article 4

MECHANISM FOR IMPLEMENTATION

The Peace and Security Council (PSC) shall be responsible for harmonizing and coordinating continental efforts in the prevention and combating of terrorism. In pursuing this endeavor, the PSC shall:

a) establish operating procedures for information gathering, processing and dissemination;

b) establish mechanisms to facilitate the exchange of information among States Parties on patterns and trends in terrorist acts and the activities of terrorist groups and on successful practices on combating terrorism;

c) present an annual report to the Assembly of the Union on the situation of terrorism on the Continent;

d) monitor, evaluate and make recommendations on the implementation of the Plan of Action and programmes adopted by the African Union;

e) examine all reports submitted by States Parties on the implementation of the provisions of this Protocol; and

f) establish an information network with national, regional and international focal points on terrorism.

Article 5

THE ROLE OF THE COMMISSION

1. Under the leadership of the Chairperson of the Commission, and in conformity with Article 10 paragraph 4 of the Protocol Relating to the Establishment of the Peace and Security Council, the Commissioner in charge of Peace and Security shall be entrusted with the task of following-up on matters relating to the prevention and combating of terrorism.

2. The Commissioner shall be assisted by the Unit established within the Peace and Security Department of the Commission and the African Centre for the Study and Research on Terrorism, and shall, among other things:

a) provide technical assistance on legal and law enforcement matters, including on matters relating to combating the financing of terrorism, the preparation of model laws and guidelines to help Member States to formulate legislation and related measures for the prevention and combating of terrorism;

b) follow-up with Member States and with regional mechanisms on the implementation of decisions taken by the PSC and other Organs of the Union on terrorism related matters;

c) review and make recommendations on up-dating the programmes of the Union for the prevention and combating of terrorism and the activities of the African Centre for the Study and Research on Terrorism;

d) develop and maintain a database on a range of issues relating to terrorism including experts and technical assistance available;

e) maintain contacts with regional and international organizations and other entities dealing with issues of terrorism; and

f) provide advice and recommendations to Member States on a needs basis, on how to secure technical and financial assistance in the implementation of continental and international measures against terrorism.

**ADOPTED BY THE THIRD ORDINARY SESSION OF
THE ASSEMBLY OF THE AFRICAN UNION
ADDIS ABABA, 8 JULY 2004**

National legislations aimed at combating terrorism

SOUTH AFRICA: *Protection of Constitutional Democracy against Terrorism and Related Activities Act* (Extracts)

Chapter 1 – Definition and Interpretation – article 1 (XXV)

“terrorist activity” means:

(a) any act committed in or outside the Republic, which-

(i) involves the systematic, repeated or arbitrary use of violence by any means or method;

(ii) involves the systematic, repeated or arbitrary release into the environment or any part of it or distributing or exposing the public or any part of it to:

(aa) any dangerous, hazardous, radioactive or harmful substance or organism;

(bb) any toxic chemical; or

(cc) any microbial or other biological agent or toxin;

(iii) endangers the life, or violates the physical integrity or physical freedom of, or causes serious bodily injury to or the death of, any person, or any number or group of persons;

(iv) causes serious risk to the health or safety of the public or any segment of the public;

(v) causes the destruction of or substantial damage to any property, natural resource, or the environmental or cultural heritage, whether public or private;

(vi) is designed or calculated to cause serious interference with or

serious disruption of an essential service, facility or system, or the delivery of any such service, facility or system, whether public or private, including, but not limited to-

(aa) system used for, or by, an electronic system, including a an information system;

(bb) a telecommunication service or system;

(cc) a banking or financial service or financial system;

(dd) a system used for the delivery of essential government services;

(ee) a system used for, or by, an essential public utility or transport provider;

(ff) an essential infrastructure facility; or

(gg) any essential emergency services, such as police, medical or civil defense services;

(vii) causes any major economic loss extensive destabilisation of an economic system or substantial devastation of the national economy of a country; or

(viii) creates a serious public emergency situation or a general insurrection in the Republic, whether the harm contemplated in paragraphs (a)(i) to (vii) is or may be suffered in or outside the Republic, and whether the activity referred to in subparagraphs (ii) to (viii) was committed by way of any means or method; and

(b) which is intended, or by its nature and context, can reasonably be regarded as being intended, in whole or in part, directly or indirectly, to-

(i) threaten the unity and territorial integrity of a State;

(ii) intimidate, or to induce or cause feelings of insecurity within the public, or a segment of the public, with regard to its security, including its economic security, or to induce, cause or spread feelings of terror, fear or panic in a civilian population: or

(iii) unduly compel, intimidate, force, coerce, induce or cause a person, a government, the general public or a segment of the public, or a domestic or an international organisation or body or intergovernmental organisation or body, to do or to abstain or refrain from doing any act, or to adopt or abandon a particular standpoint, or to act in accordance with certain principles, whether the public or the person, government, body, or organisation or institution referred to in subparagraphs (ii) or (iii), as the case may be, is inside or outside the Republic; and

(c) which is committed, directly or indirectly, in, whole or in part, for the purpose of the advancement of an individual or collective political, religious, ideological or philosophical motive, objective, cause or undertaking.

ZIMBABWE : Criminal Law Act (Extracts)

CHAPTER III CRIMES AGAINST THE STATE

Interpretation in Chapter III

In this Chapter—

Insurgency, banditry, sabotage or terrorism

- (1) Any person who, for the purpose of
 - (a) causing or furthering an insurrection in Zimbabwe; or
 - (b) causing the forcible resistance to the Government or the Defence Forces or any law enforcement agency; or
 - (c) procuring by force the alteration of any law or policy of the Government;

commits any act accompanied by the use or threatened use of weaponry with the intention or realising that there is a real risk or possibility of?

- (i) killing or injuring any other person; or
- (ii) damaging or destroying any property; or
- (iii) inflicting substantial financial loss upon any other person; or
- (iv) obstructing or endangering the free movement in Zimbabwe of any traffic on land or water or in the air; or
- (v) disrupting or interfering with an essential service;

shall be guilty of insurgency, banditry, sabotage or terrorism, whether or not any purpose referred to in paragraph (a), (b) or (c) is accomplished, and be liable?

A. where the act of insurgency, banditry, sabotage or terrorism results in the death of a person, to be sentenced to death or to imprisonment for life;

B. in any other case, to imprisonment for life or any shorter period.

(2) For the avoidance of doubt it is declared that where any act of insurgency, banditry, sabotage or terrorism does not result in any of the consequences referred to in subparagraph (i), (ii), (iii), (iv) or (v) of subsection (1), the competent charge shall be one of attempting to commit an act of insurgency, banditry, sabotage or terrorism.

SOUDAN : **Terrorism (Combating) Act 2000 (Extracts)**

Chapter I : Preliminary Provisions

Title and commencement

Interpretation

1. (...)

2. (...)

“Terrorism”, means every act, or threat of violence, whatever the motivations, or objects thereof, which occurs in execution of an individual or collective criminal scheme, aiming at striking terror among, or awe upon the people, by hurting them, or exposing the lives, freedom or security thereof, to danger, or causing damage to the environment, public, or private property, one of the public, or private utilities or belongings, occupying or appropriating the same, or exposing one of the native, or national strategic resources to danger;

Exception

- Upon application of the provisions of this Act, the following acts shall not be deemed as political offences, even though committed for political motivations :

- (a) murder, theft accompanied by coercion, against individuals, authorities, means of conveyance or communication;
- (b) acts of sabotage of public property allocated for public service, even though owned by another state in the Sudan;
- (c) the offences of manufacturing, smuggling or possession of arms, ammunitions, explosives or otherwise of materials prepared for the commission of terrorist offences.

Chapter II Terrorist Offences and Acts

Terrorist Offences

- Whoever does, abets, attempts, or facilitates, by deed, word of mouth, or publication, the commission of an act, in execution of a terrorist purpose, against the State, the social security, subjects, property, utilities or public, or private establishments thereof, through committing a terrorist, or political offence shall, upon conviction, be punished with death, or life imprisonment. [...]

Chapter III Terrorism Combating Courts

Terrorism Combating courts constituted

- (1) The Chief Justice shall constitute one, or more courts, to be known as the « Terrorism Combating Court », by an order, to be made thereby.

(2) The Chief Justice, in consultation with the Minister of Justice, shall make the rules relating to the procedure of the Terrorism Combating Courts, and the manner of passing judgments.

(...)

Terrorism Combating Prosecution Bureau

1. (1) there shall be constituted, by an order, to be mad by the Minister of Justice, a special prosecution bureau, to be known as the « Terrorism Combating Prosecution Bureau », to inquire and prefer charges, before Terrorism Combating Courts.

(...)

Judgment confirmed

17. Every sentence of death, or life imprisonment passed by Terrorism Combatting Courts shall be submitted before the Terrorism Combating Appeal Court, for confirming the same; provided that death sentence shall not be executed, save after approval of the President of the Republic.

TANZANIA : Prevention of Terrorism Act - 14 December 2002 (Extracts)

[...]

PART II PROHIBITION FOR ACTS OF TERRORISM

4(1) No person in the United Republic and no citizen of Tanzania outside the United Republic shall commit terrorist act and a person who does an act constituting terrorism, commits an offence, unincorporated association or organisation;

(2) A person commits terrorist act if, with terrorist intention, does an act or omission which;

(a) may seriously damage a country or an international organization; or

(b) is intended or can reasonably be regarded as having been intended to;

(i) seriously intimidate a population;

(ii) unduly compel a Government or perform or abstain from performing any act;

(iii) seriously destabilise or destroy the fundamental political, constitutional, economic or social structures of country or an international organization; or

(iv) otherwise influence such Government, or international organization; or

(c) involves or causes, as the case may be

(i) attacks upon a person's life which may cause death;

(ii) attacks upon the physical integrity of a person;

(iii) kidnapping of a person,

(3) An act shall also constitute terrorism within the scope of this Act if it is an act or threat of action which;

(a) involves serious bodily harm to a person;

(b) involves serious damage to property;

(c) endangers a person's life;

(d) creates a serious risk to the health or safety of the public or a section of the public;

(e) involves the use of firearms or explosives;

(f) involves releasing into the environment or any part of it or distributing or exposing the public or any part of it to;

(i) any dangerous, hazardous, radioactive or harmful substance;

(ii) any toxic chemical;

(iii) any microbial or other biological agent or toxin;

(g) is designed or intended to disrupt any computer system or the provision of services directly related to communications infrastructure, banking or financial services, utilities, transportation or other essential infrastructure;

(h) is designed or intended to disrupt the provision of essential emergency services such as police, civil defence or medical services;

(i) involves prejudice to national security or public safety, and is intended, or by its nature and context, may reasonably be regarded as being intended to;

(i) intimidate the public or a section of the public;

(ii) compel the Government or an international organization to do, or refrain from doing, any act, and is made for the purpose of advancing or supporting act which constitutes terrorism within the meaning of this Act.

BURUNDI :

20 December 2002 presidential decree prohibiting the financial of terrorism and facilitation of international terrorism acts (Extracts (original language))

Article premier :

Aux fins du présent décret :

L'expression "acte terroriste" désigne :

a) toute acte ou menace d'acte en violation de la loi susceptible de mettre en danger la vie, l'intégrité physique, les libertés d'une personne ou d'un groupe de personnes, qui occasionne ou peut occasionner des dommages aux biens privés ou publics, aux ressources naturelles, à l'environnement ou au patrimoine culturel, et commis dans l'intention :

(i) d'intimider, provoquer une situation de terreur, forcer, exercer des pressions ou amener tout Gouvernement, organisme, institution, population ou groupe de celle-ci, à engager toute initiative ou à s'en abstenir, à adopter, à renoncer à une position particulière ou agir selon certains principes; ou

(ii) de perturber le fonctionnement normal des services publics, la prestation de services essentiels aux populations ou de créer une situation de crise au sein des populations; ou

(iii) de créer une insurrection générale dans un Etat.

b) toute promotion, financement, contribution, ordre, aide, incitation, encouragement, tentative, menace, conspiration, organisation ou équipement de toute personne avec l'intention de commettre tout acte mentionné au paragraphe a(i) à (iii) ; et

c) un acte qui constitue une infraction au regard et selon la définition donnée dans les traités relatifs au terrorisme;

d) tout autre acte destiné à tuer ou blesser grièvement un civil, ou tout autre acte personne qui ne participe pas directement aux hostilités dans une situation de conflit armé, lorsque, par sa nature ou son contexte, cet acte vise à intimider une population ou à contraindre un gouvernement ou une organisation internationale à accomplir ou à s'abstenir d'accomplir un acte quelconque.

Les considérations d'ordre politique, philosophique, idéologique, racial, ethnique, religieux ou autres ne peuvent justifier les actes visés ci-dessus.

Article 2 :

Sans préjudice des dispositions du Code Pénal, sera puni d'une peine d'emprisonnement à perpétuité quiconque se sera mis à la tête des bandes terroristes ou y aura exercé une fonction ou un commandement quelconque.

Les individus faisant partie des bandes visées à l'alinéa précédent sans y exercer aucun commandement ni emploi, seront punis d'une servitude pénale de 15 à 20 ans.

Quiconque, agissant intentionnellement, met à disposition, collecte ou obtient autrement des fonds ou autres avoirs financiers dans l'intention que ceux-ci soient utilisés ou sachant qu'ils seront en tout ou partie utilisés en vue de préparer ou de perpétrer un acte de terrorisme sera également puni d'une servitude pénale à perpétuité.

Ces actes constituent également une infraction pénale en République du Burundi lorsqu'ils sont commis à l'étranger par un ressortissant burundais ou par un étranger qui réside régulièrement au Burundi.

Article 3 :

Sans préjudice des dispositions du Code Pénal, encourt une peine d'emprisonnement à vie quiconque met intentionnellement des fonds, avoirs ou services financiers à la disposition de l'une quelconque des personnes ou entités ci-après :

a) toute personne qui pour des raisons valables peut être soupçonnée de préparer ou de perpétrer une infraction visée aux articles premier ou 2 ;

b) toute entité appartenant au suspect ou sur laquelle celui-ci exerce une influence non négligeable; ou

c) toute personne ou entité agissant au nom ou sur instruction du suspect ou de l'entité visée à l'alinéa b

Le paragraphe 2 de l'article 2 s'applique mutatis mutandis.

Article 4 :

Lorsque pour des raisons valables, une personne est soupçonnée de préparer ou de perpétrer un acte visé aux articles premier ou 2, le Ministre Public prend les mesures requises en vue de geler sans retard tous biens, comptes, fonds, avoirs et titres appartenant :

- a) au suspect;
- b) à toute entité appartenant au suspect ou sur laquelle celui-ci exerce une influence non négligeable; ou
- c) à toute personne ou entité agissant au nom ou sur instruction du suspect ou de l'entité visée à l'alinéa b)

Toute institution financière qui soupçonne qu'une transaction est liée à un acte visé aux articles premier ou 2, transmet d'office toutes informations de nature à dénoncer cette infraction au Ministre Public. L'institution financière doit, à la requête du Ministre Public, fournir toutes informations utiles concernant l'infraction présumée. Elle n'informe aucun client ni tiers que ces informations ont été transmises. L'obligation de discrétion s'impose également aux responsables de l'institution financière.

Article 5 :

Sans préjudice des dispositions du Code Pénal, quiconque, intentionnellement et en connaissance de cause, facilite, promeut, aide, donne asile, héberge, recrute, approvisionne en moyens ou en armes, délivre ou contrefait des documents d'identité ou de voyage des individus, groupes, entités ou associations de terroristes, est puni d'une servitude pénale à perpétuité.

[...]

RESOLUTION ON THE PROTECTION OF HUMAN RIGHTS AND THE RULE OF LAW IN THE FIGHT AGAINST TERRORISM

The African Commission on Human and Peoples' Rights, meeting at its 37th Ordinary Session held in from 21st November to 5th December 2005, Banjul, The Gambia,

Considering the preamble to the African Charter on Human and Peoples' Rights requesting Member States to reaffirm their support to human and peoples' rights and liberties contained in the Declarations, Treaties and other Instruments adopted within the framework of the United Nations and of the African Union;

Bearing in mind the provisions of the Constitutive Act of the African Union in Article 3(h), which enshrines the objective of the African Union to promote and protect human rights, and Article 4(o), which requires respect for the sanctity of human life, condemns impunity, political assassinations, acts of terrorism and subversive activities;

Taking into consideration Article 23 of the African Charter on Human and Peoples' Rights which guarantees the right of people to peace and security and prohibits States from allowing their territories to be used as bases for subversive or terrorist activities;

Considering also the fundamental importance of guaranteeing respect of all human and peoples' rights and the standards of the rule of law when legislating and implementing antiterrorism laws;

Bearing in mind Articles 45 (1) and (2) of the African Charter on Human and Peoples' Rights mandating the African Commission on Human and Peoples' Rights to formulate and lay down principles on human rights issues upon which African Governments may base their legislation and requiring it to ensure the protection of human and peoples' rights as well as Article 60 permitting the African Commission on Human and Peoples' Rights to draw inspiration from international law on human and peoples' rights;

Recalling Article 22(1) of the Convention of the Organisation African Unity (OAU) on the Prevention and Combating of Terrorism that stipulates that no provisions of the Convention may be interpreted in a manner that

derogates from the general principles of international law, particularly the principles of international humanitarian law and the African Charter on Human and Peoples' Rights;

Further recalling Article 3(k) of the Protocol to the OAU Convention on the Prevention and Combating of Terrorism under which States Parties commit themselves to outlaw torture and other degrading and inhuman treatment, including, discriminatory and racist treatment of terrorist suspects, which are inconsistent with international law;

Considering the rôle of the Peace and Security Council of the African Union as enshrined in the Protocol relating to the Establishment of the Peace and Security Council to coordinate and harmonise continental efforts in the prevention and combating of terrorism;

Considering further the rôle assigned to the African Commission on Human and Peoples' Rights in the Protocol relating to the Establishment of the Peace and Security Council of the African Union: "to seek close cooperation with the Peace and Security Council and to draw the attention of the Peace and Security Council to all issues of relevance to its mandate";

Recalling Resolutions 1373 and 1456 of the United Nations Security Council, Resolutions 57/219 and 58/187 of the General Assembly, Resolutions 2003/68 and 2004/87 of the Human Rights Commission, Resolutions 2003/15 and 2004/14 of the Sub Committee on the Promotion and Protection of Human Rights reaffirming that States should ensure that all measures taken to combat terrorism conform to their obligations under the terms of international law in general, and international human rights law, international humanitarian law and the rights of refugees in particular;

Deeply concerned by the increase in the number of terrorist acts perpetrated on the continent and legislations, measures and practices of States Parties, that may be inconsistent with the provisions of the African Charter on Human and Peoples' Rights;

Reaffirming the rôle of the African Commission on Human

and Peoples' Rights in the implementation and monitoring of the respect for the provisions of the African Charter on Human and Peoples' Rights;

Recognising that the acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental liberties and democracy, constitute a threat to territorial integrity, the security of States and seek to destabilise legally constituted Governments;

1. Calls on all African States to take the necessary measures to reinforce their activities of cooperation in order to prevent and combat terrorism;
2. Reaffirms that African States should ensure that the measures taken to combat terrorism fully comply with their obligations under the African Charter on Human and Peoples' Rights and other international human rights treaties, including the right to life, the prohibition of arbitrary arrests and detention, the right to a fair hearing, the prohibition of torture and other cruel, inhuman and degrading penalties and treatment and the right to seek asylum;
3. Undertakes to ensure that all the special procedures and mechanisms of the African Commission on Human and Peoples' Rights consider within the framework of their mandates, the protection of human rights and fundamental freedoms in the context of measures aimed at preventing and combating terrorism and to coordinate their efforts, as appropriate, in order to promote a coherent approach in this regard;
4. Decides to organise a meeting of experts on the protection of human rights and the rule of law within the framework of the fight against terrorism in Africa;
5. Appeals to the relevant organs of the African Union and requests its other partners to provide the required assistance in the quest for resources and modalities to organise this experts' meeting;
6. Instructs the Secretariat to follow up and coordinate this activity.

FIDH represents 155 Human Rights organisations

155 organisations

ALBANIA - ALBANIAN HUMAN RIGHTS GROUP
ALGERIE - LIGUE ALGERIENNE DE DEFENSE DES DROITS DE L'HOMME
ALGERIE - LIGUE ALGERIENNE DES DROITS DE L'HOMME
ALLEMAGNE - INTERNATIONALE LIGA FÜR MENSCHENRECHTE
ARGENTINA - CENTRO DE ESTUDIOS LEGALES Y SOCIALES
ARGENTINA - COMITE DE ACCION JURIDICA
ARGENTINA - LIGA ARGENTINA POR LOS DERECHOS DEL HOMBRE
ARMENIA - CIVIL SOCIETY INSTITUTE
AUTRICHE - OSTERREICHISCHE LIGA FÜR MENSCHENRECHTE
AZERBAIJAN - HUMAN RIGHTS CENTER OF AZERBAIJAN
BAHRAIN - BAHRAIN CENTER FOR HUMAN RIGHTS
BAHRAIN - BAHRAIN HUMAN RIGHTS SOCIETY
BANGLADESH - ODHIKAR
BELARUS - HUMAN RIGHTS CENTER VIASNA
BELGIQUE - LIGUE DES DROITS DE L'HOMME
BELGIQUE - LIGA VOOR MENSCHENRECHTEN
BENIN - LIGUE POUR LA DEFENSE DES DROITS DE L'HOMME
BHUTAN - PEOPLE'S FORUM FOR HUMAN RIGHTS IN BHUTAN
BOLIVIE - ASAMBLEA PERMANENTE DE LOS DERECHOS HUMANOS DE BOLIVIA
BOTSWANA - THE BOTSWANA CENTRE FOR HUMAN RIGHTS - DITSHWANELO
BRASIL - CENTRO DE JUSTICA GLOBAL
BRASIL - MOVIMENTO NACIONAL DE DIREITOS HUMANOS
BURKINA - MOUVEMENT BURKINABE DES DROITS DE L'HOMME & DES PEUPLES
BURUNDI - LIGUE BURUNDAISE DES DROITS DE L'HOMME
CAMBODGE - LIGUE CAMBODGIENNE DE DEFENSE DES DROITS DE L'HOMME
CAMBODIA - CAMBODIAN HUMAN RIGHTS AND DEVELOPMENT ASSOCIATION
CAMEROUN - LIGUE CAMEROUNAISE DES DROITS DE L'HOMME
CAMEROUN - MAISON DES DROITS DE L'HOMME
CANADA - LIGUE DES DROITS ET DES LIBERTES DU QUEBEC
CHILE - CORPORACION DE PROMOCION Y DEFENSA DE LOS DERECHOS DEL PUEBLO
CHINA - HUMAN RIGHTS IN CHINA
COLOMBIA - ORGANIZACION FEMININA POPULAR
COLOMBIA - COMITE PERMANENTE POR LA DEFENSA DE LOS DERECHOS HUMANOS

COLOMBIA - CORPORACION COLECTIVO DE ABOGADOS
COLOMBIA - INSTITUTO LATINO AMERICANO DE SERVICIOS LEGALES ALTERNATIVOS
CONGO - OBSERVATOIRE CONGOLAIS DES DROITS DE L'HOMME
COSTA RICA - ASOCIACION SERVICIOS DE PROMOCION LABORAL
COTE D'IVOIRE - MOUVEMENT IVOIRIEN DES DROITS DE L'HOMME
COTE D'IVOIRE - LIGUE IVOIRIENNE DES DROITS DE L'HOMME
CROATIE - CIVIC COMMITTEE FOR HUMAN RIGHTS
CUBA - COMISION CUBANA DE DERECHOS HUMANOS Y RECONCILIACION NACIONAL
DJIBOUTI - LIGUE DJIBOUTIENNE DES DROITS HUMAINS
ECUADOR - CENTRO DE DERECHOS ECONOMICOS Y SOCIALES
ECUADOR - COMISION ECUMENICA DE DERECHOS HUMANOS
ECUADOR - FUNDACION REGIONAL DE ASESORIA EN DERECHOS HUMANOS
EGYPT - EGYPTIAN ORGANIZATION FOR HUMAN RIGHTS
EGYPT - HUMAN RIGHTS ASSOCIATION FOR THE ASSISTANCE OF PRISONNERS
EL SALVADOR - COMISION DE DERECHOS HUMANOS DE EL SALVADOR
ESPANA - ASOCIACION PRO DERECHOS HUMANOS
ESPANA - FEDERACION DE ASOCIACIONES DE DEFENSA Y DE PROMOCION DE LOS DERECHOS HUMANOS
ETHIOPIAN - ETHIOPIAN HUMAN RIGHTS COUNCIL
EUROPE - ASSOCIATION EUROPEENNE POUR LA DEFENSE DES DROITS DE L'HOMME
FINLANDE - FINNISH LEAGUE FOR HUMAN RIGHTS
FRANCE - LIGUE DES DROITS DE L'HOMME ET DU CITOYEN
GEORGIE - HUMAN RIGHTS CENTER
GRECE - LIGUE HELLENIQUE DES DROITS DE L'HOMME
GUATEMALA - CENTRO PARA LA ACCION LEGAL EN DERECHOS HUMANOS
GUATEMALA - COMISION DE DERECHOS HUMANOS DE GUATEMALA
GUINEE - ORGANISATION GUINEENNE POUR LA DEFENSE DES DROITS DE L'HOMME
GUINEE-BISSAU - LIGA GUINEENSE DOS DIREITOS DO HOMEN
HAITI - COMITÉ DES AVOCATS POUR LE RESPECT DES LIBERTÉS INDIVIDUELLES
HAITI - CENTRE OCEANIQUE DES DROITS DE L'HOMME

HAITI - RÉSEAU NATIONAL DE DÉFENSE DES DROITS HUMAINS
INDIA - COMMONWEALTH HUMAN RIGHTS INITIATIVE
IRAN - DEFENDERS OF HUMAN RIGHTS CENTER
IRAN - LIGUE IRANIENNE DE DEFENSE DES DROITS DE L'HOMME
IRAQ - IRAQI NETWORK FOR HUMAN RIGHTS CULTURE AND DEVELOPMENT
IRLANDE - COMMITTEE ON THE ADMINISTRATION OF JUSTICE
IRLANDE - IRISH COUNCIL FOR CIVIL LIBERTIES
ISRAEL - ADALAH
ISRAEL - ASSOCIATION FOR CIVIL RIGHTS IN ISRAEL
ISRAEL - BT'SELEM
ISRAEL - PUBLIC COMMITTEE AGAINST TORTURE IN ISRAEL
ITALIA - LIGA ITALIANA DEI DIRITTI DELL'UOMO
ITALIA - UNIONE FORENSE PER LA TUTELA DEI DIRITTI DELL'UOMO
JORDAN - AMMAN CENTER FOR HUMAN RIGHTS STUDIES
JORDAN - JORDAN SOCIETY FOR HUMAN RIGHTS
KENYA - KENYA HUMAN RIGHTS COMMISSION
KIRGHIZISTAN - KYRGYZ COMMITTEE FOR HUMAN RIGHTS
KOSOVO - CONSEIL POUR LA DEFENSE DES DROITS DE L'HOMME ET DES LIBERTES
LAOS - MOUVEMENT LAOTIEN POUR LES DROITS DE L'HOMME
LEBANON - PALESTINIAN HUMAN RIGHTS ORGANIZATION
LEBANON - FOUNDATION FOR HUMAN AND HUMANITARIAN RIGHTS IN LEBANON
LETTONIE - LATVIAN HUMAN RIGHTS COMMITTEE
LIBAN - ASSOCIATION LIBANAISE DES DROITS DE L'HOMME
LIBERIA - LIBERIA WATCH FOR HUMAN RIGHTS
LIBYA - LIBYAN LEAGUE FOR HUMAN RIGHTS
LITHUANIAN - LITHUANIAN HUMAN RIGHTS LEAGUE
MALAYSIE - SUARAM
MALI - ASSOCIATION MALIENNE DES DROITS DE L'HOMME
MALTE - MALTA ASSOCIATION OF HUMAN RIGHTS
MAROC - ASSOCIATION MAROCAINE DES DROITS HUMAINS
MAROC - ORGANISATION MAROCAINE DES DROITS HUMAINS
MAURITANIE - ASSOCIATION MAURITANIEENNE DES DROITS DE L'HOMME
MEXICO - COMISION MEXICANA DE DEFENSA Y PROMOCION DE LOS

DERECHOS HUMANOS
MEXICO - LIGA MEXICANA POR LA DEFENSA DE LOS DERECHOS HUMANOS
MOLDOVA - LEAGUE FOR THE DEFENCE OF HUMAN RIGHTS IN MOLDOVA
MOZAMBIQUE - LIGA MOCANBICANA DOS DIREITOS HUMANOS
NETHERLAND - LIGA VOOR DE RECHTEN VAN DE MENS
NICARAGUA - CENTRO NICARAGUENSE DE DERECHOS HUMANOS
NIGER - ASSOCIATION NIGERIENNE DES DROITS DE L'HOMME
NIGERIA - CIVIL LIBERTIES ORGANISATION
NOUVELLE CALEDONIE - LIGUE DES DROITS DE L'HOMME DE NOUVELLE CALEDONIE
OCCUPIED PALESTINIAN TERRITORIES - RAMALLAH CENTER FOR HUMAN RIGHTS STUDIES
OCCUPIED PALESTINIAN TERRITORIES - AL HAQ
OCCUPIED PALESTINIAN TERRITORIES - PALESTINIAN CENTRE FOR HUMAN RIGHTS
PAKISTAN - HUMAN RIGHTS COMMISSION OF PAKISTAN
PANAMA - CENTRO DE CAPACITACION SOCIAL
PERU - ASOCIACION PRO DERECHOS HUMANOS
PERU - CENTRO DE ASESORIA LABORAL
PHILIPPINE - PHILIPPINE ALLIANCE OF HUMAN RIGHTS ADVOCATES
POLYNESIE - LIGUE POLYNESIENNE DES DROITS HUMAINS
PORTUGAL - CIVITAS
RDC - ASSOCIATION AFRICAINE DES DROITS DE L'HOMME
RDC - GROUPE LOTUS
RDC - LIGUE DES ELECTEURS
RÉPUBLIQUE CENTRAFRICAINE - LIGUE CENTRAFRICAINE DES DROITS DE L'HOMME
RÉPUBLIQUE CENTRAFRICAINE - ORGANISATION POUR LA COMPASSION ET LE DÉVELOPPEMENT DES FAMILLES EN DÉTRESSE
RÉPUBLIQUE DOMINICAINE - COMISION NACIONAL DE LOS DERECHOS HUMANOS
RÉPUBLIQUE TCHÈQUE - HUMAN RIGHTS LEAGUE
ROUMANIE - LIGUE POUR LA DEFENSE DES DROITS DE L'HOMME
RUSSIA - CITIZEN'S WATCH
RUSSIA - MOSCOW RESEARCH CENTER FOR HUMAN RIGHTS
RWANDA - ASSOCIATION POUR LA DEFENSE DES DROITS DES PERSONNES ET LIBERTES PUBLIQUES

RWANDA - COLLECTIF DES LIGUES POUR LA DEFENSE DES DROITS DE L'HOMME
RWANDA - LIGUE RWANDAISE POUR LA PROMOTION ET LA DEFENSE DES DROITS DE L'HOMME
SENEGAL - RENCONTRE AFRICAINE POUR LA DEFENSE DES DROITS DE L'HOMME
SENEGAL - ORGANISATION NATIONALE DES DROITS DE L'HOMME
SERBIE - CENTER FOR PEACE AND DEMOCRACY DEVELOPMENT
SUDAN - SUDAN HUMAN RIGHTS ORGANISATION
SUDAN - SUDAN ORGANISATION AGAINST TORTURE
SUISSE - LIGUE SUISSE DES DROITS DE L'HOMME
SYRIA - DAMASCUS CENTER FOR HUMAN RIGHTS STUDIES
SYRIE - COMITE POUR LA DEFENSE DES DROITS DE L'HOMME EN SYRIE
TAIWAN - TAIWAN ALLIANCE FOR HUMAN RIGHTS
TANZANIA - THE LEGAL & HUMAN RIGHTS CENTRE
TCHAD - ASSOCIATION TCHADIENNE POUR LA PROMOTION ET LA DEFENSE DES DROITS DE L'HOMME (ATPDH)
TCHAD - LIGUE TCHADIENNE DES DROITS DE L'HOMME
THAILAND - UNION FOR CIVIL LIBERTY
TOGO - LIGUE TOGOLAISE DES DROITS DE L'HOMME
TUNISIE - ASSOCIATION TUNISIENNE DES FEMMES DÉMOCRATES
TUNISIE - CONSEIL NATIONAL POUR LES LIBERTES EN TUNISIE
TUNISIE - LIGUE TUNISIENNE DES DROITS DE L'HOMME
TURKEY - HUMAN RIGHTS FOUNDATION OF TURKEY
TURKEY - INSAN HAKLARI DERNEGI / ANKARA
TURKEY - INSAN HAKLARI DERNEGI / DIYARBAKIR
UGANDA - FOUNDATION FOR HUMAN RIGHTS INITIATIVE
UNITED KINGDOM - LIBERTY
USA - CENTER FOR CONSTITUTIONAL RIGHTS
UZBEKISTAN - HUMAN RIGHT SOCIETY OF UZBEKISTAN
UZBEKISTAN - LEGAL AID SOCIETY
VIETNAM - COMMITTEE ON HUMAN RIGHTS & QUE ME : ACTION FOR DEMOCRACY IN VIETNAM
YEMEN - HUMAN RIGHTS INFORMATION AND TRAINING CENTER
YEMEN - SISTERS' ARABIC FORUM FOR HUMAN RIGHTS
ZIMBABWE - HUMAN RIGHTS ASSOCIATION

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