

AMNESTY INTERNATIONAL DEFENDS THE BASIC RIGHTS OF PROF. JOSE MARIA SISON IN “TERRORIST” BLACKLIST CASE

Report by International DEFEND Committee
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Through its European Office, Amnesty International (AI) issued recently its response to the European Commission Green Paper on the presumption of innocence, COM (2006) 174 final.

The AI document made a special reference to the case of Prof. Jose Maria Sison and defended his basic rights, including the right to presumption of innocence, the right to due process and the right to defence.

Amnesty International expressed concern that inclusion in “terrorist” lists may lead to a violation of the right to presumption of innocence and the deprivation of basic individual, social and economic rights (in particular the right to freedom of assembly, freedom of expression, the right to private and family life, the basic right to public services and the right to liberty and to a fair trial).

The passage pertinent to Prof. Sison in the AI document reads as follows:

“The case of the Philippine national Mr. Jose Maria Sison illustrates how the decision and procedure to include an individual in the list of terrorist organizations can violate elementary basic rights, including the right to presumption of innocence, the right to due process and the right to defence.

“Mr. Sison was included in the list adopted in the decision 2002/848/EC of October 28, 2002. He contests his inclusion in the list and any link to terrorism. The lawyers of Mr. Sison have lodged several requests for access to the documents which could give the material reasons and elements which led the Council of the European Union to describe him as a terrorist.

“Their requests were refused each time with the Council claiming that their disclosure could endanger public safety and the international relations of the EU. The impact of inclusion on the list was among other things that the joint account Mr. Sison had with his wife was frozen and his social benefits were terminated.

“Such measures are described by the Council of European Union as merely preventive administrative measures to stop the financing of terrorism and combat terrorism. With the support of the Netherlands, the Council holds the view that the traditional guarantees of the European Convention on Human Rights (ECHR) do not apply as the making of the list is a purely administrative procedure.

“The proceedings for annulment against the inclusion of Mr. Sison in the list introduced in February 2003 are still being examined by the Court of First Instance of the EU.”

Amnesty International concurred with the analysis of the EU Network of Independent Experts that:

The asset-freezing provisions of the “terrorist” blacklist affect the presumption of innocence because the freezing of assets prejudices the guilt of persons who have not been convicted of a crime.

This situation cannot be reconciled with the rights to due process in Articles 6 and 13 in the European Convention on Human Rights.

The fundamental rights of persons include the right to be protected against damage to honor and reputation and the right to be presumed innocent until guilt is established.

The full document of AI is found in the following: http://www.amnesty-eu.org/static/documents/2006/AI_response_Green_Paper_Presumption_of_Innocence_June06.pdf It also attached hereto.

The case filed by Prof. Sison against his being blacklisted as a “terrorist” by the Council of European Union is expected to be decided soon by the European Court of First Instance, following the final hearing on May 30, 2006 in Luxembourg.

Prof. Sison’s European panel of lawyers in the Luxembourg court case include Jan Fermon and Mathieu Beys of Brussels, Hans Eberhard Schultz of Germany, Antoine Comte of France, Thomas Olsson of Sweden and Dundar Gurses of The Netherlands.###