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#### 595 Range of States' obligations

burdens inherent to social life.' The Human Rights Committee disagreed. It concluded on 30 June 2009 that Ms Williams had been a victim of discrimination prohibited under the ICCPR: while finding that 'it is generally legitimate to carry out identity checks for the purposes of protecting public safety and crime prevention or to control illegal immigration', the Committee noted that 'when the authorities carry out these checks, the physical or ethnic characteristics of the persons targeted should not be considered as indicative of their possibly illegal situation in the country. Nor should identity checks be carried out so that only people with certain physical characteristics or ethnic backgrounds are targeted. This would not only adversely affect the dignity of those affected, but also contribute to the spread of xenophobic attitudes among the general population; it would also be inconsistent with an effective policy to combat racial discrimination' (*Rosalind Williams v. Spain* [Communication No. 1493/2006], UN doc. CCPR/C/96/D/1493/2006 [17 August 2009]).

- In 1999, Mr Timishev, a Chechen lawyer living in Nalchik in the Kabardino-Balkaria Republic of the Russian Federation, travelled by car from the Ingushetia Republic to Nalchik. When reaching the administrative border of the Kabardino-Balkaria Republic, his car was stopped at a checkpoint and entry was refused to him: traffic police officers had received an oral instruction from the Ministry of the Interior of Kabardino-Balkaria Republic not to admit persons of Chechen ethnic origin. The Nalchik Town Court dismissed Mr Timishev's complaint that this was discriminatory: in its view, the order was aimed at preventing persons with terrorist or antisocial aspirations from penetrating towns and villages. Five years after Mr Timishev filed an application against Russia, the European Court of Human Rights found that Russian officers had violated the non-discrimination provision of Article 14 ECHR in combination with the freedom of movement guaranteed in Article 2 of Protocol No. 4. The order, which barred passage to any person of Chechen ethnicity or perceived as such, 'represented a clear inequality of treatment in the enjoyment of the right to liberty of movement on account of one's ethnic origin'. (Eur. Ct. H.R. (2nd section), *Timishev v. Russia* [Appl. Nos. 55762/00 and 55974/00], judgment of 13 December 2005 (final on 13 March 2006), 554).
- In the wake of September 11, 2001 terrorist attacks against New York and Washington, the German authorities, in an attempt to identify 'sleepers' of terrorist organizations, decided to resort to the so-called *Rasterfahndung* method, i.e. the screening by the police of personal data banks of public or private bodies in order to track individuals with suspects' characteristics. The criteria established at the national level for this operation included being male, Muslim, national of or born in one of twenty-six listed countries with predominantly Muslim population, current or former student, and legal resident in Germany. Numerous institutions, including universities, employers, health and social insurance agencies, were required to provide the police with the personal records of all individuals corresponding to the defined profile. Yet the operation did not result in any arrest or criminal charge for terrorism-related offences (D. Moeckli, 'Discrimination Profiles: Law Enforcement After 9/11 and 7/7', *European Human Rights Law Review*, 5 (2005), 517). On 4 April 2006, the Federal Constitutional Court ruled that the *Rasterfahndung* was in breach of the individual's fundamental right of self-determination over personal information (Arts. 2(1) and 1 of the German

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