



The Cairo Institute for Human Rights Studies (CIHRS) is an independent regional non-governmental organization founded in 1993. It aims at promoting respect for the principles of human rights and democracy, analyzing the difficulties facing the application of International Human Rights Law and disseminating Human Rights Culture in the Arab Region as well as engaging in dialogue between cultures in respect to the various International Human Rights treaties and Declarations. CIHRS seeks to attain this objective through the developing, proposing and promoting policies, legislations and Constitutional amendments. CIHRS works on human rights advocacy in national, regional and international human rights mechanisms, research and human rights education -both for youth and ongoing professional development for Human Rights Defenders. CIHRS is a major publisher of information, a magazine, an academic quarterly, and scores of books concerning human rights.

A key part of CIHRS' mandate is to help shape the understanding of the most pressing human rights issues within the region and then to coordinate and mobilize the key players and NGOs from across the Arab world to work together to raise the public awareness about these issues and to reach solutions in line with the international human rights law.

CIHRS enjoys consultative status with the United Nations ECOSOC, and observer status in the African Commission on Human and Peoples' Rights. CIHRS is also a member of the Euro-Mediterranean Human Rights Network (EMHRN) and the International Freedom of Expression Exchange (IFEX). CIHRS has its main offices in Cairo . CIHRS was awarded the French Republic Award for Human Rights in December 2007.



# Roots of Unrest

Human Rights in the Arab Region  
Annual Report 2010

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Annual Report 2010**

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Reform Issues (27)

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# Dedication

Dedicated to prisoners of conscience and victims of  
unfair trials in the Arab world\*

## Sudan

*Dr. Mudawi Ibrahim Adam, chair of the Sudanese Social Development Organization (SUDO)*- In December 2010 he was sentenced to one year in prison on false charges in relation to breach of trust after a flawed trial lacking all due-process guarantees. The court that convicted him had acquitted him on the same charges and the same case earlier. In March 2009, the Sudanese authorities had shut down SODU as part of a wide-scale crackdown on human rights defenders and organizations accused by the authorities of cooperating with the International Criminal Court on the war crimes file in Darfur.

*Dr. Abdul Bassit Mirghani, human rights activist and director of Al-Fanar Center for Development Services*- He was arrested on December 14, 2010, after the center hosted a coordinating meeting to combat the oppression of women in Sudan.

*Abdelrahman Mohammed al-Gassim, member of the Darfur Bar Association and the executive committee of the Sudan Human Rights Monitor*- He was arrested with other human rights defenders in Darfur in October 2010. The authorities have not revealed his whereabouts or the charges against him, but it is thought that his detention is related to his participation in international and regional human rights forums.

*Jaafar al-Subki, journalist with the independent al-Sahafa newspaper*-He was arrested in November 2010. The authorities have not revealed his whereabouts or the charges against him.

*Abuzar al-Amin,  
Al-Tahir Abu Jawhara,  
Ashraf Abdel Aziz,*

*Journalists with the opposition Rai al-Shaab newspaper*  
They were arrested as part of a broad attack on freedom of the press and referred to trial on numerous charges, including inciting to overthrow the constitutional order, insulting the president, and disseminating false news liable to harm the country's reputation. Al-Amin was sentenced to five years in prison, while Abu Jawhara and Abdel Aziz received two-year prison terms.

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\* The following is not a complete list, but merely names some of the most prominent victims. For more information, please refer to the full report and the sources used.

## Yemen

*Yasser al-Wazir*, member of the Yemeni Organization for the Defense of Rights and Democratic Freedoms, He was sentenced to eight years in prison in January 2010. He was first abducted by the security apparatus and held incommunicado for nearly three months, during which time he was tortured and held in solitary confinement. He was tried in near secrecy by an exceptional court on false charges, including forming an armed group.

*Ali Ahmed al-Saqqaf*, member of the Yemeni Organization for the Defense of Rights and Democratic Freedoms- He is detained without charge or trial after his abduction by the security apparatus in September 2009. In detention he is denied his right to treatment for hepatitis.

*Sadeq al-Sharaf*, director of Protection Center and member of the board of trustees of the Yemen Center for Human Rights- He was arbitrarily detained on July 14, 2009, and in April 2010 referred with several others to trial before the exceptional Specialized Criminal Court on charges of maintaining contacts with Iran due to his human rights activities in documenting abuses against the Zaidi community in the Saada war. They remained in detention at the end of 2010, despite a presidential amnesty for all those detained in connection with the war.

*Abdul Elah Haidar*, journalist specialized in *al-Qaeda*- He was detained in August 2010 and referred to the Specialized Criminal Court on false and grave charges, including membership in a terrorist gang and inciting to the assassination of the president and his son.

## Morocco

*Chekib el-Khayari*, president of the Association for Human Rights in the Rif- He is serving a three-year prison sentence following his convictions in June 2009 on charges of insulting state institutions after he discussed corruption in anti-drug trafficking efforts.

*Abdullah Boukfou*, He was sentenced to one year in prison on charges of publishing information about student protests online and possession of flyers inciting to racist hatred.

*Abdellatif Obais*, blogger, He was repeatedly arrested and questioned during 2010 after which he was placed in provisional detention pending trial, although the charges have not yet been announced. It is thought that these arbitrary measures are linked to his blogging activities.

*Sheikh Amidan*, Sahrawi political activist- In early 2010, Appeals Court in Laayoune upheld his five-year prison sentence.

**Mohammed al-Merouati**, secretary-general of the Umma Party;

**Mustapha al-Moatassim**, secretary-general of al-Badil al-Hadari Party;

**Mohammed Amine al-Rakala**, deputy secretary-general of al-Badil al-Hadari Party;

**Abdelhafiz al-Serbiti**, correspondent for al-Manar channel;

**Ma al-Ainin al-Abadla**, member of the national council of Justice and Development Party

Among the 35 defendants in the Belliraj terrorist case, they were sentenced to false prison terms ranging from 20 to 25 years. In 2010, an appeals court reduced their sentences to ten years, but both courts were accused of undermining defense rights and failing to provide due-process guarantees.

**Ali Salem al-Tamek**, vice-president of the Collective of Sahrawi Human Rights Defenders;

**Ibrahim Dahan**, president of the Sahrawi Association of Victims of Grave Violations of Human Rights;

**Ahmad al-Nasiri**, president of the Freedom Sun Organization for the Protection of Sahrawi Human Rights Defenders

They are standing trial with four other Sahrawi activists after they were detained following their visit to the Sahrawi refugee camps in Tindouf, southern Algeria, in late 2009. While the other four defendants are currently free, these human rights defenders have been provisionally detained for one year. The seven defendants were originally slated to be tried before a military court, but the investigating military judge ruled that the court had no jurisdiction, after which they were referred to the Casablanca Primary Court.

**Yehya Mohammed Hafez**, member of the Collective of Sahrawi Human Rights Defenders- He has been serving an unfair sentence of 15 years in prison since late 2009 for his involvement with protests against Moroccan administration of the Western Sahara.

## Egypt

**Khairat al-Shater**, deputy chairman of the Muslim Brotherhood- He and 25 other leaders of the Brotherhood are serving prison terms ranging from three to ten years issued by a military court in April 2008.

**Magdy Ahmed Hussein**, journalist and leader in the frozen opposition Labor Party- He was sentenced to an additional year in prison shortly before completing a two-year prison term handed down by an exceptional military court on charges of illegally crossing the Egyptian border into Gaza. The additional year was issued in connection with a publication lawsuit filed against him 14 years ago because of a media campaign directed at the then Interior Minister.

**Ahmed Hassan Bassyouni, blogger-** In November 2010, he was sentenced to six months in prison after referral to a military court on charges of divulging military secrets and information online.

**Mohammed Farouq al-Sayyed, Shiite citizen-** He and others were arrested in April and May 2009 on charges of forming a Shiite organization to disseminate ideas disparaging to Islam. Although the Supreme State Security prosecution ordered the defendants released in October 2009, Farouq and four others remained in detention under the terms of the emergency law. Over the course of nearly a year, the court charged with hearing the detainees' formal complaints issued six court orders requiring the Interior Ministry to release Farouq, but the ministry did not comply.

## **Saudi Arabia**

**Hadi al-Mutif, longest serving prisoner of conscience in the world-** He has been imprisoned for nearly 17 years following a death sentence issued against him for insulting the prophet. In September 2009, he received an additional sentence of five years after criticizing the judiciary and the human rights situation in the country on a taped interview broadcast on al-Hurra.

**Mansour bin Salem al-Awda, lawyer and member of the Saudi Civil and Political Rights Association-** He has been arbitrarily detained in the city of al-Jawf in the northern part of the country for more than four years.

**Sulaiman Rashoudi,**  
**Dr.Saud Mukhtar al-Hashimi,**  
**Abdulrahman al-Shumairi,**  
**Abdulrahman Sadeeq Khan,**  
**Al-Sharif Seif al-Din Shahin,**  
**Dr. Moussa al-Korni**

They have been detained without trial since their arrest in 2007 because of their demands for political reform and their desire to form an independent human rights organization.

**Khaled al-Omair**  
**Mohammed al-Otaibi**

They have been detained without trial since they were arrested in January 2009 for calling for protests against the Israeli aggression in Gaza at the time.

**Munir Baqir Ibrahim al-Jassas, blogger-** He has been detained since November 2009 without charge after publishing critical writings online addressing abuses of Shiite rights in Saudi Arabia.

**Raafat al-Ghanim**, *blogger*- He has been detained since July 2009 after signing a petition demanding the release of two individuals who arbitrarily detained.

**Dr. Abd al-Aziz Kamel**, *Egyptian academic*- He has been detained without trial since June 2009.

**Dr. Mohammed Abd al-Karim**, *university professor and editor-in-chief of Mutamar al-Umma paper*- He was detained on December 6, 2010; because of an article he wrote discussing his view regarding conflicts within the Saudi ruling family

## Bahrain

**Abduljalil Alsingace**, *official spokesman and head of the Human Rights Unit in the Movement of Civil Liberties and Democracy "HAQ"*

**Abdulghani Issa Ali Khanjar**, *official spokesman of the National Committee for Martyrs and Torture Victims;*

**Mohammed Saeed al-Sahlawi**, *member of the Bahrain Center for Human Rights;*

**Jaffar Jassim Ahmed al-Hessabi**, *human rights activist;*

**Abdulahdi Abdullah al-Saffar**, *human rights activist;*

**Ali Abdulemam**, *blogger and journalist*

They were arrested as part of a campaign launched by the authorities targeting hundreds of activists, Shiite opposition figures, and human rights defenders shortly before the 2010 parliamentary elections. They are standing trial as part of a group of 25 defendants charged with joining a terrorist organization that seeks to overthrow the regime. Most were subjected to repulsive forms of torture, and their trial lacks minimum due-process guarantees.

**Hassan Salman**, *human rights activist*- In September 2009, he was received an unfair three years prison sentence on charges of publishing a list online of employees with the National Security Agency involved in human rights abuses.

## Tunisia

**Fahem Boukadous**, *independent journalist*- He was sentenced to four years in prison for preparing photo reports of the protest movement in the mining region in 2008. He was arrested for the execution of the sentence in July 2010 in front of the hospital where he was receiving treatment. Boukadous suffers from chronic asthma and bronchitis, and his health has deteriorated precipitously in prison, threatening his life.

**Hassan bin Abdullah**, *member of a regional coalition of unemployed university graduates*- He was sentenced to four years and one month in prison on April 27, 2010, for taking part in the protests in the mining region in 2008.

## Syria

**Muhannad al-Hassani**, lawyer and president of the Syrian Organization for Human –Sawasiyah- In June 2010, he was sentenced to three years in prison for his prominent advocacy work and his role in exposing the operation of exceptional State Security courts. The Bar Association—under the control of the ruling Baath Party—disbarred him.

**Haitham al-Maleh**, lawyer and former president of the Human Rights Association in Syria- He was sentenced in July 2010 to three years in prison for his human rights work, his critical opinions of human rights violations in Syria, and his defense of Muhannad al-Hassani before the Bar Association disciplinary hearing.

**Ali al-Abdullah**- Although he completed a prison sentence in June 2010 for his involvement with the Damascus Declaration for National Democratic Change, he remained in prison after the military prosecutor filed new charges against him for his criticism of the guardianship of the jurisprudent system- *Willayat al-Faqih*-in Iran. He was referred to a military criminal court.

**Nizar Rastanawi**- He was arrested on April 18, 2005, and sentenced to four years in prison on charges of disseminating false news and disparaging the president. He was transferred to the Sednaya Prison. Although he completed his sentence on April 18, 2009, he was not released and his family does not know of his fate.

**Anwar al-Bunni**, on the most prominent human rights defender and signatory to the Beirut-Damascus Declaration- He is serving a five-year prison sentence for disseminating false news liable to weaken the nation's morale.

**Kamal al-Labwani**, founder of the Democratic Liberal Gathering- He is serving a prison term on charges of inciting a foreign state to attack Syria and disseminating false news liable to weaken the nation's morale.

**Habib Saleh**, human rights activist and opposition writer - He was sentenced to three years in prison in August 2009 on charges of weakening national sentiment in wartime.

**Abd al-Hafiz Abd al-Rahman**, member of the board of trustees of the Human Rights Organization in Syria (MAF)- He received a one-year prison sentence on September 29, 2010, because of his activism and advocacy work on behalf of Kurds.

**Khalaf al-Jarbou**, member of the banned Syrian Democratic People's Party- A criminal court sentenced him to two years in prison on November 24, 2010, on charges of harming the stature of the state.

**Ismail al-Abdi**, member of the board of trustees of the Committees for the Defense of Democratic Freedoms and Human Rights- He was subjected to enforced disappearance in August 2010 and referred to the second investigating judge in October. He was convicted of disseminating false news liable to weaken the nation's moral and membership in a banned political organization.

**Tal Bint Dawsar al-Mellouhi, blogger-** She was arrested by Syrian security in December 2009 and her fate remained unknown until late 2010. The authorities have still not announced formal charges against her.

**Nazmi Abd al-Hanan Mohammed,**  
**Ahmed Khalil,**  
**Dalkash Shammo Mammo,**  
**Yasha Khaled Qader Darwish**

Kurdish political activists, they were detained on January 1, 2007, and sentenced in April 2010 to five years in prison on charges of membership in a banned political association.

**Hafez Majoul Shendi-** In May 2010, he was sentenced to four years in prison on charges of breaching measures taken by the state to protect its neutrality in war and engaging in acts unauthorized by the government that expose Syria to hostile acts or disturb its relations with a foreign state.

**Mahmoud Saffo, member of the politburo of the Kurdish Left Party in Syria-** He was sentenced to one year in prison on charges of inflaming racial and sectarian tensions, membership in an unlicensed secret association, and assumption of a leadership position in it on June 20, 2010.

**Walid Mohammed Ali Hussein-** In March 2010, he was sentenced to one year in prison and fined on charges of inflaming sectarian tensions.

**Mohammed Saadun, member of the politburo of the Kurdish Azadi Party-** He was sentenced to one year in prison for his activism in Kurdish issue.



## Acknowledgement

The Cairo Institute for Human Rights Studies (CIHRS) would like to express its appreciation for and acknowledgement of the many national, regional and international human rights organizations that persistently monitor, study and analyze important human rights developments in the Arab region. Without their work, it would have been impossible to prepare this report. The information that these organizations have published, either through different publications or on their websites, was a crucial source of information for the writing and preparation of the present report. Furthermore, several of these organizations have revised the early drafting of this report and have provided up-to-date information that was used in the final version of the report. CIHRS would like to thank the researchers in several Arab states who worked with CIHRS to prepare this report. CIHRS would also like to express its gratitude for the contributions and consultations from members of the Advisory Board of CIHRS' International Advocacy Program, which includes members from 11 Arab countries as well as members of CIHRS Board of Directors and Board of Trustees.

However, the findings and conclusions of the report do not necessarily represent the points of view of any of these individual researchers and organizations. Nor does this report constitute their point of view as a group.

CIHRS would also like to note that the order in which the following list of organizations whose research and consultation aided in the creation of this report does not have any special significance. All of the organizations below have made important contributions that are of equal importance, not only to this report, but in efforts to defend human rights and disseminate a culture of rights in the Arab region.

## First: National Organizations

### Bahrain

1. Bahrain Center for Human Rights <http://www.bahrainrights.org/>
2. Bahrain Youth Society for Human Rights. <http://www.byshr.org>
3. Bahrain Human Rights Society. <http://bhros.org/>

### Iraq

4. The NGO Coordination Committee for Iraq. <http://www.ncciraq.org/>
5. Iraq Body Count. [www.iraqbodycount.org](http://www.iraqbodycount.org)

### Egypt

6. Egyptian Organization for Human Rights. <http://www.eohr.org>
7. The Egyptian Association for Community Participation Enhancement. <http://www.mosharka.org>
8. Al Nadim Centre for Psychological Rehabilitation for Victims of Violence and Torture. <http://alnadeem.org>
9. New Woman Research Center. <http://www.nwrcegypt.org>
10. The Center for Trade Union and Workers' Services. <http://ctuws.blogspot.com>
11. Association for Human Rights Legal Aid. <http://www.ahrla.org>
12. The Egyptian Initiative for Personal Rights. <http://www.eipr.org/>
13. Hisham Mubarak Law Center. <http://www.hmlc-egy.org>
14. Andalus Institute for Tolerance and Anti-Violence Studies. <http://www.andalusitas.net/>
15. The Egyptian Centre for Women's Rights. <http://ecwronline.org>
16. Center for Egyptian Women's Legal Assistance. <http://www.cewla.org/>
17. The Egyptian Center for Economic and Social Rights. <http://ecesr.com/>
18. Arab Foundation for Civil Society and Human Rights Support. <http://madanaya.net/>
19. Association for Freedom of Thought and Expression. <http://www.en.afteeegypt.org/>

### Lebanon

20. The Foundation for Human and Humanitarian Rights. <http://fhhr.org>
21. Maharat Foundation. <http://www.maharatfoundation.org/>
22. Palestinian Human Rights Foundation (Monitor). <http://www.pal-monitor.org>
23. The Palestinian Human Rights Organization. <http://www.palhumanrights.org>

### Morocco

24. The Moroccan Organization for Human Rights. <http://www.omdh.org>
25. The Moroccan Association for Human Rights. <http://www.amdh.org.ma>
26. The Moroccan Observatory for Public Liberties. <http://www.forumalternatives.org/observatoire/>
27. Instance Marocaine des Droits Humains
28. The Sahrawi Association of Victims of Grave Human Rights Violations Committed by the Moroccan State. [www.asvdh.net/](http://www.asvdh.net/)
29. Association ADALA. <http://www.justicemaroc.org/>
30. The Collective of Sahrawi Human Rights Defenders (CODESA). <http://www.codesaso.com/>
31. The Moroccan League for the Defense of Human Rights. <http://lmdhd.tadwena.com/>
32. Association des blogueurs marocains. <http://maghrebblog.maktoobblog.com/>

33. Comité pour la défense du droit à l'autodétermination pour le peuple du Sahara Occidental. <http://www.codapso.org/>

### Saudi Arabia

34. Human Rights First Society. [www.hrfssaudiArabia.org](http://www.hrfssaudiArabia.org)
35. Saudi Human Rights Center. <http://www.saudihr.org/>
36. The Committee for the Defense of Human Rights in the Arabian Peninsula. <http://www.cdhrap.net>
37. Saudi Civil and Political Rights Association. <http://www.ksarights.org/>

### Sudan

38. Darfur Bar Association
39. Journalists Network for Human Rights (Jahr)

### Syria

40. Syrian Human Rights Organization. <http://www.shro-syria.com>
41. Kurdish Organization for the Defence of Human Rights and Public Freedoms in Syria. <http://dadkurd.co.cc>
42. Syrian Human Rights League. <http://www.shrl.org>
43. Syrian Observatory for Human Rights <http://www.syriaohr.com>
44. The Syrian Human Rights Committee. <http://www.shrc.org>
45. Committees for the Defence of Democracy Freedoms and Human Rights in Syria. <http://www.cdf-sy.org/>
46. The Arab Organization for Human Rights-Syria <http://www.aohrs.org/>
47. The Syrian Center for Media and Freedom of Expression <http://www.kurdistanabinxete.com/>
48. Damascus Centre for Human Rights Studies. <http://www.dchrs.org>

### Tunisia

49. Tunisian Human Rights League. <http://www.ltdh.org>
50. The International Association for the Support of Political Prisoners .
51. Committee for the Respect of Liberties and Human Rights in Tunisia. [www.crltdht.org](http://www.crltdht.org)
52. Tunisian Association of Democratic Women. <http://www.Tunisia/tadw/>
53. National Council for Liberties in Tunisia. <http://www.welcome.to/cnl>
54. Observatory for the Defence of Press, Publishing and Creation Freedom. <http://www.tunisia/olpec>
55. Association Against Torture in Tunisia. <http://www.tunisia/altt>
56. The National Committee to support the people of the basin mine.
57. Liberté et Equité
58. The Tunisian Observatory for Union Rights and Freedoms

### Yemen

59. Sister's Arab Forum for Human Rights. <http://saf-yemen.org>
60. Yemen Observatory for Human Rights. <http://www.yohr.org/>
61. The National Organization for Defending Rights and Freedoms.(Hood) <http://www.hoodonline.org>
62. Yemeni Organization for Defending Rights and Democratic Freedoms <http://www.anhri.net/yemen/yoddrf>
63. Southern Observatory for Human Rights. <http://sohr-aden.org/>
64. Center for Training and Protection of Journalists' Freedoms <http://ctpjf.org/>

65. SEYAJ Organization for Childhood Protection. <http://www.seyaj.org/>
66. Yemen Centre for Human Rights. <http://ycfhr.org/>

### Occupied Palestinian Territory

67. Al-Haq (Ramallah ) <http://www.alhaq.org/>
68. Palestinian Center for Human Rights.(Gaza) <http://www.pchrgaza.org>
69. Al Mezan Center for Human Rights. <http://www.mezan.org>
70. The Independent Commission for Human Rights (ICHR). <http://www.ichr.ps/>

### Algeria

71. Collective of the Families of the Disappeared
72. Algerian League for the Defense of Human Rights [www.la-laddh.org](http://www.la-laddh.org)

## Second: Regional Organizations

73. The Arabic Network for Human Rights Information. <http://anhri.net/>
74. Alkarama for Human Rights. <http://www.alkarama.org/>
75. Skeyes Center for Media and Cultural Freedoms. <http://www.skeyesmedia.org/>
76. Arab Reform Initiative. <http://arab-reform.net/>
77. Working Group on Press Freedom and Free Expression in North Africa. <http://www.anhri.net/mena/wgfena/>
78. Arab Organisation for Human Rights. [www.aohr.net](http://www.aohr.net)

## Third: International Organizations and Institutions

79. The Euro-Mediterranean Human Rights Network. <http://www.euromedrights.net>
80. Human Rights Watch. <http://www.hrw.org>
81. Article 19. <http://www.article19.org/>
82. Amnesty International. <http://www.amnesty.org/>
83. International Crises Group. <http://www.crisisgroup.org>
84. Intentional Federation for Human Rights. <http://www.fidh.org/>
85. Front Line, Protection of Human Rights Defenders. <http://www.frontlinedefenders.org/>
86. Reporters without Borders. <http://www.rsf.org>
87. The Committee to Protect Journalists. <http://www.cpj.org/>
88. International Committee of the Red Cross. <http://www.icrc.org/>
89. The Carnegie Endowment for International Peace. <http://www.carnegieendowment.org>
90. Humanitarian news and analysis (IRIN). <http://arabic.irinnews.org/>
91. Office of the Secretary General of the United Nations

Cairo Institute for Human Rights Studies (CIHRS)  
<http://www.cihrs.org>

## Why This Report?

The Cairo Institute for Human Rights Studies (CIHRS) is pleased to present its third annual report on the state of human rights in the Arab world.

As was the case in previous years, the publication of this report was originally scheduled to coincide with the annual commemoration of the International Declaration of Human Rights, adopted by the United Nations on December 10, 1948. However, due to practical considerations and dramatic developments that just may write a new history for the Arab region—or at least several of its nations—CIHRS had to prioritize other tasks and postpone its publication.

In terms of practical considerations, CIHRS felt it would be difficult to issue the report in early December without including the documentation and analysis of the parliamentary elections that took place in Bahrain in October 2010 and in Egypt from late November to early December. The Egyptian elections were particularly important, as the outcome would determine the nature of the presidential elections that were scheduled for September 2011. It was widely believed these elections would once again be marred by widespread voter fraud. In the end however, the Egyptian popular revolution negated these elections, removing the Mubarak regime along with prominent symbols of its ruling party in 18 days of mass protests.

Mubarak's ouster was perhaps the most significant of the many profound developments seen in the Arab world since the end of 2010. A period that began with the Tunisian revolution in early 2011, overthrowing the regime

of Ben Ali and inspiring similar movements across the region which have sought an end to regimes of tyranny, autocracy, and exclusion.

In tandem with these events, the Sudanese political system—and indeed the geopolitical map of the state itself—was changing radically after an overwhelming majority of southerners voted for secession, a true manifestation of the failure of Bashir’s regime to make unity an attractive option for millions of citizens. In Lebanon, the majority coalition unraveled due to intimidation and threats backed by Hizbullah’s arsenal, with the goal of thwarting the trial of those responsible for the murder of late Prime Minister Rafiq Hariri. Accordingly, the government fell and the majority was cast into the ranks of the opposition.

While the documentation and evaluation of these developments lie outside the scope of the current report, the publication delay permitted our researchers to cover the most significant developments through the end of 2010, in contrast to previous editions which only discussed events through September or October at the latest. As a result, this report covers developments in the Arab world from September 2009 to mid-December 2010.

This report aims of assessing both breakthroughs and failures in the observance of human rights. It focuses especially on those developments that reveal Arab states’ readiness to foster a climate conducive to democratization, strengthen the participation of political and civil forces in policymaking, and renounce discriminatory policies of marginalization. In turn, this indicates to what extent regimes in the Arab region possess the political will necessary to engage in democratic reform and respect human rights.

The report approaches these issues from a general framework of civil and political rights, but it concentrates on several basic themes that are key to understanding the state of human rights in the countries under review. Thus, developments related to the following issues are given close attention:

- Freedom of expression in various media
- Freedom of association and the right to organize in political parties, civic associations, and trade unions
- The way in which the state deals with political protest, social ferment, and labor and professional freedoms, which includes the authorities’ response to demonstrations, protests, sit-ins, and strikes
- The nature of pressures, threats, and assaults targeting human rights defenders and reform advocates

- The nature of pressures on religious freedom, the status of minority rights, various forms of discrimination—religious, sectarian, and ethnic—and assaults on defenders of minority rights
- The application of exceptional and counterterrorism legislation and its impact on personal freedom and security and due process, as well as the use of such measures to crack down on peaceful political or oppositional activities and restrict freedom of expression
- The extent to which legislation, policies, and practices foster a culture of impunity for grave human rights violations, which entails a close look at the torture and ill treatment of prisoners, extrajudicial killings, and various forms of collective punishment
- The right to participate in public affairs, fair and equal opportunity in general elections, and the political ramifications of election results

As is clear from this list, individual country reports do not conform to the traditional model of documenting violations of civil and political rights. Rather, they focus on those developments that are regarded as the most indicative of signs of progress or deterioration in upholding human rights in each country.

As such, the right to life, for example, is not examined independently in each country report, but the most significant abuse of this right will be examined in other sections such as those dealing with the crackdown on protests, the death penalty, the repression of minorities, or the lack of accountability for torture and other gross human rights violations. By the same token, the right to movement and travel is not the subject of a separate analysis, but it may be highlighted as one means by which authorities pressure political activists, government critics, or human rights defenders. Although the right to personal freedom and security is not addressed directly, violations of this right are self-evidently clear in the harassment, arrest, and detention of suspected terrorists, political and social activists, and defenders of minority rights. Similarly, the reader will see that the right to fair trial is violated in prosecutions related to counterterrorism cases, as well as trials that attempt to contain various forms of political and social protest or target regime opponents, political activists, and human rights defenders.

In its third annual report, CIHRS has almost followed the same model it followed in its previous reports. That is, it seeks to provide an overview of human rights dilemmas and problems in the Arab region by documenting and analyzing developments in countries that have special political significance. The current report reviews developments in the same countries

examined in last years' reports, namely Egypt, Tunisia, Algeria, Morocco, Sudan, Syria, Lebanon, Palestine, Iraq, Saudi Arabia, Bahrain, and Yemen.

Also in keeping with the first two annual reports, this report offers a qualitative assessment of those countries experiencing armed conflicts, whether as a result of occupation or civil strife, including the occupied Palestinian territories, Iraq, Yemen, and Sudan. Although the threat of civil war has receded in Lebanon, the political crisis and chronic political stalemate in the country required a separate qualitative treatment as well.

The present report relied on background papers prepared by researchers and rights experts in the countries under review, as well as documented information made available by Arab and international rights organizations and the observations given by consulting members of the International Advocacy Program. Several Arab experts also read drafts and gave useful advice to CIHRS, but some of them preferred not be mentioned by name given the security risks this might entail.

The report also contains a special chapter documenting and analyzing the performance of Arab governments in UN human rights agencies, including the UN Human Rights Council. The report also contains a chapter that examines the relationship between Arab states and the European Neighborhood Policy.

# Introduction

## Ideas can also kill

Bahey eldin Hassan\*

In the first few weeks of 2011, bullets fired by police and/or army forces in Tunisia, Egypt, Libya, Yemen, and Bahrain, killed thousands of people as they struggled to overthrow their despotic regimes. Behind the scenes of this bloodbath, long-standing theories and propositions that had played a vital role in prolonging the lifespan of these collapsing regimes - and thus increasing the number of their victims and the suffering of their people - were also crumbling.

Peoples in the Arab region have been fighting not only their most obvious enemies. Unwittingly, they were also struggling against conventional theories that in practice served to entrench authoritarianism. In this sense, the martyrs of these struggles were also victims of theories they did not create, but which gave long life to authoritarians in the region, or contributed to the lack of support and aid for these popular struggles.

The **first** of these theories claimed that authoritarian rulers were the guarantors of stability in nations throughout the region. On the contrary, developments in the region in the first weeks of 2011 demonstrated how the systematic, decades-long eradication of the rule of law in Tunisia and Egypt in fact strengthened the elements of chaos in these nations, which began to emerge from the depths of these societies as soon as the regimes were decapitated.

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Even as warnings of chaos if those regimes were shaken amplified, it was those regimes themselves that were planting its seeds, nurturing its growth, and, indeed, institutionalizing it. This was done in two ways: by blocking all possible paths for gradual, organized reform from within, no matter how modest the demands for reform is; and, by establishing and organizing gangs of supporters proficient in the use of weapons and thugs prepared to take action against any sign of protest through non-institutional channels and outside any legal framework. Over the past six years in Egypt, these gangs received hands-on training on how to confront such protests, particularly during general elections and referendums.

The **second** theory held that Islamists were the sole alternative to authoritarian regimes in the region. However, the revolutions in Egypt and Tunisia, as well as ongoing uprisings in other nations, proved this theory false. Liberal slogans demanding freedom, dignity, and justice dominated the revolutions and uprisings in these nations. Islamists did participate, but they did not emerge as the “alternative” in these revolutions, and they do not possess the institutional capacity and basis to be the alternative, at least in the foreseeable future.

This theory served authoritarian regimes particularly well and added years to their lives. Indeed, some worked hard to resuscitate this theory when their regimes seemed on the verge of dying during the democracy promotion initiative of former US President George Bush. At the time, the Mubarak regime made a deal with the Muslim Brothers prior to the 2005 parliamentary elections. Under the terms of the deal, the Brotherhood won 20 percent of the seats in the assembly, but Mubarak was the big winner, forcing Bush to abandon the democracy project after the elections.

The **third** theory claimed that democracy and civil and political rights were not a priority for peoples of the Arab world. Their primary concern, as far as their conventional wisdom went, was development and economic and social rights. This theory was particularly popular among some southern European governments, such as France, which found in it a convenient justification for its embarrassing support of brutal authoritarian regimes in North Africa. Large international donors also adopted this theory.

This belief is implicitly racist, assuming as it does that peoples in this region are somehow inherently different than others, perhaps closer to animals, moved only by such basic instincts as hunger. Despite the utter defeat of this proposition, some institutions remain incapable of recognizing this fact, as it will involve a fundamental shift in programs and policies into which hundreds of thousands of dollars have already been invested.

Some donors prioritized economic and social rights, and occasionally women's rights, not out of conviction, but as a cover, because it enabled them to avoid problems with regional governments. Motivated by the same "political" impetus, others offered support to governmental or semi-governmental organizations, or limited their support exclusively to these institutions.

The Tunisian uprising began with the suicide of Mohammed Bouazizi in protest of deteriorating social conditions, but the revolution quickly began raising explicitly political slogans against the ruling family, eventually overthrowing it. In Egypt, the revolution neither began nor ended with a social demand. Rather, it started with a joint appeal issued by several political youth groups to turn National Police Day on January 25 into a "Day of Rage." It was a political occasion par excellence, and the political target was as crystal clear: the police state. Before the sun had risen the next day, the predominant slogan was already, "The people want to topple the regime." The president and the main props of his regime fell, but still the waves of anger did not subside until State Security headquarters were stormed – notably not grain storehouses. Despite different political contexts, the progression of events has not differed significantly in Libya, Yemen, and Bahrain. They all agree that this piece of conventional wisdom was always dead, but waited to be buried under the feet of revolting peoples demanding freedom, equality, and dignity.

Of course, this does not mean that these populations have no interest in their right to employment, health, education, housing, and more, but they realize that they will not be able to exercise these rights without the affairs of the country being run in a democratic fashion; without the right to political, civic, and labor association, and without the right to elect their representatives in free and fair elections. Only this will allow them to defend their rights to bread and work.

The **fourth** theory stated that peoples of this region are not ready for a democratic system that respects human rights because the religion of the majority- Islam -is incompatible with democratic values and human rights. This is another racist theory predicated on the assumption that people here are fundamentally different from elsewhere. Based on this theory, democracy and human rights advocates in the region were urged to reconcile themselves to this "objective fact" and moderate their goals and demands accordingly. They were told to accept the principle of cultural relativity over the universality of human rights, thus accepting that they would need to sacrifice some women's rights, religious freedoms, the right to freedom of belief, and a handful of other rights and freedoms.

A month before the revolutions of Tunisia and Egypt, in December 2010, CIHRS organized a seminar in Copenhagen in conjunction with the Danish Institute for Human Rights and the Danish-Egyptian Dialogue Institute on the problem of human rights in Egypt. The background paper I presented at the seminar was entitled, “The Human Rights Dilemma in Egypt: Political Will or Islam?” – and was later published as a chapter of a book published in English early last year. The seminar provided some tentative responses to the question, but on January 25, Egyptians gave an unequivocal answer with their blood. It was the same answer given by a regular Egyptian citizen on CNN in the early days of the revolution: “We only want the same rights you have.” CNN aired this simple, but momentous segment repeatedly in the coming days between its newscasts and regularly scheduled programs.

In Tahrir Square in Cairo, after Mubarak had fallen and State Security Investigations headquarters had been stormed, I met a Danish researcher who had taken part in that seminar in Copenhagen. He told me, “You don’t realize how much the Egyptian revolution helped us in Denmark. The racist Right has disappeared in embarrassment and stopped their racist, extremist anti-Muslim hate speeches.”

The **fifth** theory posited that human rights were an elite issue in this region, of concern only to a handful of out-of-touch liberals and secularists who belonged to human rights organizations that survived on funding from outside their societies. Arab governments propagated this theory among foreign diplomats and the press. When some foreign visitor would repeat it to me, I would ask him to explain why, then, human rights groups received thousands of complaints from the poorest and least educated segments of society, many of which were written in halting, broken prose, and often with spelling mistakes in the name and address of the organization on the envelope, looking like appeals for help sent out to sea in a bottle. The definitive response to this theory, however, came in the form of millions of people from different classes who took to the streets in several countries across the region, all united by their demands for political and civil rights, proving the wide currency of human rights ideas and principles among peoples of the region. Of course, this is not only due to local advocacy groups, but also due to the work of international organizations, local and international media, political activists, trade unionists, and bloggers, as well as international pressure and initiatives, especially those in 2004 and 2005.

After January 25, in Cairo’s Tahrir Square and the streets leading to it, I met people I didn’t know who would greet me by name, explaining that they knew me through articles or interviews, photos in the press, or television programs. They repeatedly told me, “Today we reap the fruit that you’ve sown,” before launching into a discussion about what the coming days

would bring. My human rights colleagues had similar experiences. One of them told me, “I was walking in a narrow street leading to Tahrir Square when a man in his 40s stopped me. He asked me if I was the person he thought I was. When I told him yes, he stretched out his hands to greet me. As soon as I put my hand out, he took it to his mouth and kissed it. I pulled my hand away quickly while he explained to me how he knew me. I was embarrassed and had to hold back my tears.”

After the revolutions of Tunisia and Egypt, this 2010 human rights report may seem irrelevant at the first instance, but reading this report, especially the chapters on these two countries, exposes the roots of these revolutions, as well as those of the uprisings taking place in other countries discussed in this report. It describes in detail the daily accumulation of people’s suffering and grievances, which led them to the point of no return as they faced their regimes, both those that have already fallen and those still waiting their turn. We hope it happens before next year’s report.



# Report Summary

## General State of Human Rights in the Arab Region

The human rights situation in the Arab countries reviewed in the current report continued to deteriorate, whether in those countries that ostensibly enjoy some measure of political stability; or those living with armed internal conflicts, like Iraq, Yemen, and Sudan; or under an occupation force and severe political schism, as in the Palestinian case; or under a unique parallel power structure, such as in Lebanon.

This report details the persistent absence of political will among Arab regimes to advance human rights conditions in their nations, illustrated in particular by the lack of progress on the legislative front. Indeed, most relevant legislation over the past year has increased, rather than curtailed, restrictions on human rights and public liberties. At the same time, authoritarian governance continues to ensure immunity and impunity for grave human rights abuses, including extrajudicial killings, abductions and enforced disappearances, arbitrary arrests and detentions, and torture. This report also notes increasing sectarian and religious denominational tensions in some countries, including Bahrain, Saudi Arabia, and Egypt, which threaten more violence in light of policies that entrench discrimination and the exclusion of minorities and are inconsistent with these nations' responsibility to protect the rights of minorities and religious freedoms.

The report further discusses the continuous deterioration in the human rights situation in those countries that only a few years ago seemed to promise the implementation of reform, such as Morocco and Bahrain. This change appears linked to the loss of international momentum for the

democratization of the Arab region and the tendency of influential international parties, such as the United States and European Union, to allow its interests to trump the protection of human rights and democracy.

The most significant setbacks in the field of human rights from September 2009 to mid-December 2010 are discussed below.

## **I. Decline on the legislative and institutional framework**

The authorities in most Arab countries continued to cling to repressive legal structures that confiscate basic liberties, secure the monopolization of power, and manipulate the will of voters in what are purportedly free elections.

Most developments on these two fronts involved legislation that undermined human rights protections.

The state of emergency and exceptional laws continued in Syria, Algeria, and north Sudan and the Darfur region, while the Egyptian government renewed emergency law for an additional two years. The Egyptian government also passed amendments expanding the jurisdiction of military courts over civilians, eliminating the need for emergency powers to do so. Under these changes, for the first time in 50 years, workers exercising their right to peacefully protest were referred to military trials. In addition, the Egyptian government remains intent on passing a new NGO law that would increase the already wide-scale restrictions on civic associations and add a third, new oversight authority, represented by the semi-governmental General Federation of Associations and NGOs and its regional branches, that should guarantee together with the security establishment and Ministry of Social Solidarity, even more arbitrary interference in civic life.

In the run up to general elections in Sudan, the authorities issued the National Security Service Law that gives National Intelligence and Security Services broad powers of arrest, detention, search, and seizure of assets and property without judicial oversight. It also grants nearly absolute immunity to members of the Service against accountability for abuses or violations committed while exercising these prerogatives.

The Syrian authorities passed additional legislation tightening its grip on electronic media and mandating further prison penalties for journalists and bloggers. As for Bahrain, two legislative decrees were passed targeting the electronic media, while in Lebanon the authorities are seeking to pass a law that imposes severe restrictions on the flow of information over the internet.

In Tunisia, the authorities targeted human rights organizations, especially groups that coordinate their efforts with regional or international mechanisms, with legal changes that mandate prison terms of 5 to 20 years for any person who maintains foreign contacts with the intention of inciting harm to the nation's "vital interests".

The Hamas government in the Gaza Strip is preparing a law aimed at tightening control over the Independent Commission for Human Rights while the Ministry of Interior issued directives banning NGOs from including as members civil servants who retired or refused to do their jobs because of their political stance on the Hamas coup against the Palestinian National Authority.

The most promising development seen in the countries examined in this report was the passage of a new NGO law in Iraq. Although the law contains some provisions that are inconsistent with international norms, particularly those related to the establishment process of NGOs, it remains the best such law in the Arab world, reducing the opportunities for arbitrary administrative interventions and giving NGOs the right to freely develop their resources, receive donations and foreign funding, and join networks and federations, both in and out of Iraq. Lebanon also introduced minor changes to its labor laws, alleviating some of the work problems for Palestinian refugees that are officially registered in the country. The Lebanese government also introduced a bill for the protection of women from domestic violence.

Although Bahrain took the legislative steps necessary to establish a national human rights commission, the commission's independence remains the subject of criticism, especially considering its overwhelmingly governmental composition and its silence in the face of increasing violations in the kingdom.

## **II. Human rights defenders and civil society institutions**

Syria remained the worst offender in the repression of human rights defenders. Many rights activists were brought before trials lacking due process, in which two prominent human rights defenders were sentenced to three years in prison. The fate of human rights defender Nizar Rastanawi remained unknown, though it was increasingly feared that he had been killed in the Sednaya Prison during the massacre in the facility three years ago. Human rights organizations continue to be denied legal existence, while a travel ban was imposed on a large number of leaders and members of these organizations.

In Bahrain, human rights defenders were targets for various types of repression, including arrest and torture, and security and media campaigns were launched to smear them as supporters for terrorism. The authorities also dissolved the board of the Bahrain Human Rights Society, the only legally recognized independent human rights group, while two other independent human rights organizations were forced to move their offices to Europe amid the current wave of repression.

In Tunisia, the routine practice of blockading the offices of major Tunisian human rights organizations continued, as did police measures such as the close surveillance of human rights defenders and activists and the various types of harassment and assault practiced against them. In addition, human rights defenders faced ongoing threats, at times amounting to death threats, and constant suppression of their activities. Smear campaigns were also launched, accusing prominent human rights figures of treason.

In Morocco, extreme pressure was brought to bear on human rights defenders in Western Sahara, including physical attacks, abduction, and referrals to unfair trials. The biggest Sahrawi organizations continued to be denied legal standing, and the authorities continued to pressure the Moroccan Association for Human Rights because of its members' involvement in various forms of social action. This pressure included official campaigns inciting to the closure of the association.

In Egypt, administrative pressures on NGOs increased, including on those groups that operate under the NGO law. The government arbitrarily intervened to cancel the general assembly meetings of some groups, while delaying or refusing permission to many NGOs to receive foreign funding for their programs and activities, which in some cases led to the reduction or suspension of these activities leading one human rights organization to nearly shut down its offices for lack of funding. Additionally, the Center for Trade Union and Workers Services was a special target for administrative harassment and smear campaigns after it exposed flaws in trade union legislation before the international labor conference at the International Labor Organization. The authorities also sought to limit or deny permission to human rights organizations to monitor the fraudulent elections for the People's Assembly and Shura Council.

Last year saw growing pressure from security and intelligence bodies on many human rights defenders in Lebanon with the chair of the Palestinian Human Rights Organization even threatened with torture.

The most serious assaults on human rights defenders took place in Yemen, where abduction, enforced disappearance, and torture have become routine practices used against many human rights defenders and activists.

Some human rights defenders were brought before exceptional courts under the pretext of the war on terror. In one such trial, a prominent activist was sentenced to eight years in prison. Other human rights defenders were subjected to physical attacks and threats. The authorities were also reluctant to allow entry to the country for human rights figures active regionally or internationally, whether as part of fact-finding missions or to participate in activities organized by Yemeni organizations.

The Algerian authorities maintained a hostile attitude toward human rights activities, particularly towards NGOs or figures who demand accountability for abuses or information about those who disappeared in the bloody clashes of the 1990s between government forces and armed Islamist groups.

The Saudi authorities persisted in their refusal to license any independent human rights organizations and continued to harass and imprison activists who expose human rights violations or advocate democratic reforms online. Some Saudi activists were also detained or summoned for questioning by the security apparatus after meetings with foreign delegations coming to assess the human rights situation in the country.

In Sudan, human rights defenders were targeted for arbitrary detention or prosecution, which led to a one-year prison sentence for the chair of the Sudan Social Development Organization (SUDO) as this report was going to press.

In Iraq, despite the issuance of a relatively positive the NGO law, the application of the law thus far has left much to be desired: there is only one office, located in the capital, for receiving applications for the establishment of NGOs, and there were several documented cases in which security personnel, with no legal cause at all, made surprise visits to NGO offices to inquire about their activities or demand information and photos of their members. The Iraqi authorities also continued to deny rights groups permission to visit prisons and detention facilities.

In the occupied Palestinian territories, the occupation authorities took arbitrary measures to ban the director of al-Haq in Ramallah from travelling, while also placing a Palestinian human rights defender and writer in the defense of prisoner rights under administrative detention for a second time. Furthermore, the Interior Ministry on the West Bank refused to license dozens of NGOs, while security forces raided and searched the offices of several associations. The Interior Ministry also arbitrarily appointed ad-hoc committees to manage some NGOs. The Independent Commission for Human Rights estimated that some 35 NGOs were arbitrarily dissolved. Some researchers and members of these rights groups were detained, among

which were members of the International Solidarity Foundation for Human Rights, Rased Institute, and a specialized center for detainees' studies.

In the Gaza Strip, police under the Hamas authority raided and searched the offices of the Red Crescent, detaining several of its staff and forcing them to sign pledges to comply with the laws operative in the Gaza Strip. The Independent Commission for Human Rights was also prohibited from convening a workshop in the Strip, while police prevented a symbolic sit-in by the Palestinian NGO Network. Raids were also carried out on the offices of Addameer Prisoners' Support and Human Rights Association, the Palestinian NGO Network, and the Independent Commission for Human Rights, which the Hamas authority is seeking constantly to control.

### **III. Freedom of expression**

Pressures increased on freedom of expression and various forms of media, both traditional and new, especially in Yemen, Egypt, Sudan, Bahrain, and Lebanon, while Morocco maintained its harsh measures against the press, in particular against outlets that breach one of the three major official taboos- the King, the royal family and Islam, or those that adopt stances on the Western Sahara conflict at odds with the official position that the region is an indivisible part of Morocco. Moreover, several cases brought to court this year were also related to the exposure of corruption or bloggers' solidarity with social action.

The police state in Tunisia continued its long suppression of press and media freedoms, banning the establishment of independent media, blocking electronic websites, using advanced technology to monitor internet and email use, prosecuting and at times imprisoning journalists on trumped up charges, and routinely targeting journalists, correspondents, and photographers with various forms of harassment, physical assault, and close surveillance.

Syria maintained its hostile stance toward freedom of expression, demonstrating zero tolerance. The arsenal of laws inimical to freedom of expression guaranteed the prosecution and imprisonment of journalists and political activists. Several issues of newspapers and periodicals were banned, and wide-ranging measures were taken to confiscate publications and block online content.

Media outlets and workers in the occupied Palestinian territories faced double pressure from both the Israeli occupation authorities and the consequences of the Fatah-Hamas conflict. This report documents dozens of cases of assault on journalists by the occupation authorities in the West

Bank. Journalists, correspondents, photographers, and camera crews were targeted, particularly in the course of doing their job, covering peaceful protests or clashes with locals protesting the separation wall. There were also reports of temporary detentions and harassments of dozens of media workers by the occupation authorities. At the same time, the Palestinian National Authority in the West Bank continued to harass and detain dozens of journalists and workers with pro-Hamas satellite channels. A correspondent with the Aqsa satellite channel was brought before an exceptional military court and sentenced to 18 months in prison, while in the Gaza Strip, the Hamas authority also attacked and arrested journalists. Detained media workers in both the West Bank and Gaza Strip were subjected to various forms of ill treatment prior to their release. Several pro-Hamas newspapers were denied entry into the West Bank, while a number of pro-Fatah newspapers were prohibited entry or distribution in the Gaza Strip.

Journalists remained targets for detention and abduction in many parts of Iraq, including in the Kurdistan province. Although the murder of journalists decreased slightly, it was not halted. A terrorist attack by al-Qaeda on the Arabiya channel left three media workers dead.

In Algeria, the authorities continued to exercise monopoly over television and radio, and penal provisions helped keep press outlets in line, as they found themselves forced to impose self-censorship on their publications. A prison sentence (suspended) was handed down to a prominent anti-corruption figure, as the authorities continued to block online content and independent web-based radio stations. Amid the historical tensions between Morocco and Algeria over the issue of Western Sahara, two Moroccan journalists were detained.

In Saudi Arabia, which falls short of having any independent media, the authorities continued to harass and detain bloggers for long periods without charge or trial. Tight surveillance of email and chat rooms continued, and many websites were blocked.

In Lebanon, a growing intolerance was noted for writings critical of the army, the ruling authorities, and the president. This was manifested in forms of legal actions against several journalists and bloggers and the intelligence apparatus joining security in putting restrictions on journalists and cultural and intellectual activities. At the same time, the Lebanese government is seeking to pass a law to regulate the internet that, if passed, would entail severe violations of the right to privacy and impose broad restrictions and oversight on the free flow of information.

In Sudan, the report notes an expanded assault on press freedoms and some television and radio outlets by government parties in the north and

south. Political and partisan figures opposed to the Bashir regime or the Sudan People's Liberation Movement were detained, while several journalists were also arrested and tortured. The security apparatus retained its authority to censor the press, despite an announcement abolishing this prerogative in August. Officials with the National Intelligence and Security Services declared that they retained "their constitutional right to re-impose wholesale or partial censorship." The authorities in Khartoum also continued to block a great number of websites.

In Egypt, journalists and bloggers continued to face liberty-depriving punishments for publication crimes. Press and media freedoms experienced a qualitative decline, particularly in the run-up to parliamentary elections, as seen in the attempt to silence one of the most prominent and boldest independent papers and the suspension of some of the most popular political talk shows. Several private satellite channels received warnings or temporary closure orders, and strict directives were issued banning live satellite coverage of events without prior approval. The pressure even extended to bulk SMS messages, after service providers were required to obtain a license from the Ministry of Information and the Supreme Press Council to offer the service.

The Bahraini authorities preceded the parliamentary elections with a broad arrest campaign targeting its political opponents, banning in the process bulletins by political groups. Bloggers were also arrested and more websites were blocked.

The worst violations of freedom of expression were seen in Yemen, where dozens of journalists were put on unfair trials. Most received harsh prison terms, and some had their professional credentials temporarily or permanently revoked. At the same time, newspaper offices were raided and some newspapers were suspended, while journalists and correspondents faced physical assault and several were targets for assassination attempts. Some journalists were also abducted or temporarily disappeared, while others were subjected to brutal torture, and one journalist underwent several mock executions. Despite the presidential amnesty issued in the second half of the year, there are reports that some Yemeni journalists covered under the amnesty remain detained or have been subjected to further legal action. In addition, the amnesty did not prevent the continued arrest of other journalists, some of whom were brought before exceptional courts.

#### **IV. The right to peaceful assembly**

Forms of political or social action remained targets for various types of suppression in most countries examined in the report. Although in recent years Egypt has shown a degree of tolerance for social action, the year 2010 saw a marked shift, to the point that some ruling party MPs called on the Interior Ministry to open fire on demonstrators. In addition, for the first time in five decades, workers were referred to a military trial for exercising their right to peaceful protest. At the same time, more demonstrations and protests were suppressed, including labor protests, protests against torture, and assemblies by the April 6 Youth Movement, and other political groups advocating constitutional and legislative reforms.

In Sudan, on more than one occasion, the authorities used excessive force to break up demonstrations calling for reforms and adequate guarantees for general elections. Severe pressure was also brought to bear on the doctors' strike movement, during which several doctors were arrested, along with medical students showing their solidarity.

In Tunisia, despite a presidential amnesty for dozens of trade unionists tried for their involvement in protests in the mining basin, two of the defendants were retried and handed harsh prison terms. The Tunisian authorities also continued to place various pressures on those trade unionists covered by the amnesty. They also used force to repress some student protests and referred some students to trials in which 17 received prison sentences. The security apparatus also used force to counter solidarity activities condemning the Israeli aggression on the Freedom Flotilla. Some 150 people were arrested in the wake of social protests in Ben Guerdane, located on the border with Libya.

In Algeria, the authorities mobilized the judiciary to suspend strikes by teachers, doctors, health workers, and railway workers, while protests to declare strike demands were dispersed with the use of force. The security apparatus also used violence to break up the weekly, peaceful demonstrations organized by families of the disappeared. Two members of the Algerian League for the Defense of Human Rights were detained, and the authorities arrested journalists and human rights defenders during a peaceful assembly demanding the end of censorship on public media and the establishment of a pluralistic media. A demonstration in defense of Amazigh rights was also suppressed.

The Moroccan authorities continued to deal violently with demonstration and protests in the Western Sahara and used force to counter social protests outside major cities, in addition to some student protests. The authorities also

harassed hundreds of members of Justice and Spirituality association during the so-called “advice councils” they convene in their homes.

In Syria, where zero tolerance is shown for peaceful protests, crackdowns on celebrations of the Kurdish New Year, *Newruz*, led to the death of at least one person, while Kurdish citizens arrested during the festivities were referred to a military trial. Kurdish citizens who organized a one-minute commemoration ceremony for the victims of the Halabja massacre in Iraq in 1988 were also sentenced to prison.

In Iraq, the authorities showed more intolerance for peaceful demonstrations as official directives stressed the need to obtain prior permits and allowed the use of unlimited force to disperse demonstrators. At least two people were killed in one demonstration, while dozens were arrested in another.

In the occupied Palestinian territories, the occupation authorities used excessive force to suppress protests against the separation wall in the West Bank and Jerusalem, as well as demonstrations organized for Land Day and against plans to Judaicize Jerusalem. In the Gaza Strip, the Hamas government prohibited several peaceful gatherings and members of Fatah Revolutionary Council from leaving the Gaza Strip to attend the council’s second conference in Ramallah. Following a strict religious line, Hamas security agents also shut down a tourist resort, restaurants, and cafes, and banned cultural events for the alleged reasons of gender mixing, women smoking water pipes in public, or because the events involved public concerts.

The Yemeni authorities stepped up their crackdown, particularly against growing protest in the south. More than 43 people were killed and several thousand protestors were temporarily detained. Most were later released, but several were sentenced to prison.

## **V. Religious freedoms and minority rights**

The Syrian authorities continued their policy of exclusion and systematic discrimination against Kurds, cracking down on Kurdish celebrations, taking measures to marginalize them economically, using excessive force to put down Kurdish protests, and referring protestors to trial. There were a series of sham trials conducted before the criminal courts, the military judiciary, and the exceptional State Security Court last year, subsequent to which several leaders of Kurdish parties received prison terms of one to five years on charges of inflaming sectarian tensions or putting the country at risk of hostile acts. Several political activists and members of Kurdish human rights

organizations were detained, disappeared, or tortured, and the fate of some detainees remained unknown despite more than a year of inquiries.

Systematic discrimination and marginalization of Shiites in Bahrain also continued, although they constitute some 70 percent of the population, which contributed to increased tensions and clashes with security forces in Shiite areas. The security crackdown on Shiite protests and the use of shotgun pellets and live ammunition against demonstrators began to encourage counter-violence, which the authorities used as a pretext for the detention and torture of prominent figures in the Shiite opposition, referring them to trial shortly before the parliamentary elections on charges of forming a terrorist organization.

In Saudi Arabia as well, Shiites continued to be the target of systematic discrimination. The year 2010 saw further arrests and raids targeting Shiite platforms for public expression, while a growing tendency was seen to deny Shiite citizens their right to publicly practice their faith and their religious rites. The Ministry of Interior closed several Shiite mosques in the Eastern Province, citing unspecified security and sectarian concerns, while several Shiites were arrested for practicing Shiite rites and holding Friday prayers in their homes.

In Algeria, the application of the 2006 law on the exercise of non-Islamic religious rites put growing pressure on the freedom of belief and the right of non-Muslims to worship, fueling increased bigotry and sectarian violence. This was seen in such cases as the burning and destruction of a home thought to be used for worship services by Protestant Christians, as the authorities claimed that the site was not licensed for worship services under the 2006 law. In the wake of this, unknown assailants set fire to a mosque under construction. Under the same law, several Protestants were referred to trial on charges of engaging in religious rites without a permit. The law also mandates a penalty that could amount to five years in prison for any person who incites, compels, or entices any Muslim to convert to another religion. At the same time, the authorities continued to appease the religious sentiments of the majority by harassing and arresting individuals accused of eating in public during the fast of Ramadan.

In Egypt, where the police state increasingly acquired religious features, the security apparatus continued to repress the freedom of belief, including among Muslims who belong to legal schools or sects at odds with the prevailing majority interpretation of Islam. Shiites remained a target of repeated arrest, while Quranists faced pressures, as well and several Ahmadi Muslims who were detained for 80 days. Coptic Christians continued to face various types of discrimination in the licensing, construction, renovation, or

expansion of churches. Sectarian violence continued, often sparked by a desire for revenge following rumors or incidents involving a Muslim woman marrying a Christian man or a Christian raping a Muslim. During the violence last year, churches and Coptic property came under attack. The violence reached its peak with the Christmas massacre that took place on January 7, 2010, in Naga Hamadi, during which eight Copts and one Muslim policeman were killed. Two Copts were also killed in November 2010 during violent clashes with the police when thousands of Copts assembled to protest the administrative and security restrictions on their right to build houses of worship in the Giza governorate.

## **VI. Wide-ranging violations in connection with counterterrorism measures**

The Yemeni regime has successfully garnered the support of international parties for its attacks on its own people, under the pretext of pursuing al-Qaeda elements. A large-scale operation was carried out against the population of the southern provinces who support the social protest movement, and air raids and missile attacks on possible al-Qaeda bases, supported by the United States, left dozens of civilians dead, most of them women and children. Many suspected terrorists remain detained without charge or trial and are at risk of torture in detention facilities that have no judicial oversight. Dozens of people were also referred to the Specialized Criminal Court, an exceptional court that does not provide defendants with minimum due-process safeguards. Counterterrorism measures were also routinely accompanied by abductions, enforced disappearances, and heightened concerns about possible extrajudicial executions.

In Egypt and Algeria also, the fight against terrorism provided a convenient pretext for the ongoing exceptional state of emergency in both countries, giving legal cover to arbitrary detention, torture, and trials in exceptional courts. The Algerian authorities continued to impose a strict information blackout on the prosecution of suspects and the number of detainees. Egypt, too, has provided no official number, though human rights organizations estimate the numbers to be within the range of 5,000-10,000 detainees. Additionally, last year, as part of an informal truce between Sinai Bedouins and the security apparatus, the Egyptian authorities released a few hundred detainees, most of them Sinai Bedouin. Moreover the list of detainees includes some 200 members of the Muslim Brotherhood, as several members of the group were tried last year before emergency courts despite the charges brought against them being unrelated to terrorism.

In Bahrain, the authorities have used the counterterrorism law to engage in wide-ranging arrests of hundreds of people, including political dissidents known for their peaceful activities, bloggers, and several human rights defenders. Some of these were subjected to severe torture, and 23 were referred to trial.

In Sudan, the counterterrorism law was used to convene exceptional trials against rebels with the Justice and Equality Movement. As this report went to press, more than 100 death sentences had been issued in these trials.

In Saudi Arabia, the authorities continued to impose a strict blackout on the fate of thousands of people detained in connection with counterterrorism measures, many of whom have spent more than seven years in prison without charge or trial. While the Interior Minister estimated the number of detainees at 7,000, human rights organizations put the number closer to 12,000. Most of these detainees have been denied the right to visits, aid, or legal advice.

In Morocco, complaints of torture increased with the rise in arbitrary detention, enforced disappearance, torture, and deteriorating conditions inside penal facilities run under the counterterrorism rubric. An appeals court upheld the conviction of five senior leaders of recognized political parties and a television correspondent in what was known as the Belliraj case, but reduced the sentences from 20-25 years to 10 years in prison.

## **VII. Torture and extrajudicial killings**

Incidents of torture increased in Bahrain, Yemen, Morocco, and Sudan, and escalated to a systematic practice in Egypt. Victims of torture included suspects in terrorism cases, political activists, criminal suspects, people detained arbitrarily in connection with sectarian violence, and those harassed in connection with exercising their rights to freedom of belief, or who adopt ideas at odds with the prevailing official interpretation of Islam. Torture and extremely poor conditions in prisons and detention facilities led to several deaths in Egypt, Syria, Yemen, Morocco, Iraq, and Algeria.

Reports have documented routine torture inside Palestinian National Authority detention facilities in the West Bank and Hamas' controlled facilities in the Gaza Strip. Most of the victims of torture were pro-Fatah elements in the Gaza Strip and pro-Hamas elements in the West Bank.

In Iraq, concerns were raised about the nearly 10,000 detainees turned over by American forces to the Iraqi authorities without any guarantees against torture, even as Iraqi prisons already hold more than 30,000 people

detained without charge or trial. Torture is reportedly widespread in these facilities, particularly in secret prisons, where it is used to extract confessions.

The security authorities in Egypt continued to use excessive force to apprehend suspects, the most infamous last year being the brutal, lethal assault by police informers on Khaled Said. Border Guards in Egypt continued to fire on African migrants trying to illegally cross the border into Israel, which has led to 69 deaths since 2007, among them 12 killed in the first months of 2010. The Egyptian authorities have carried out no investigation into any of these cases, and showed extreme disregard for UN criticism, while only noting that the dead accounted for less than 2 percent of the total number of people who attempted to cross the border in 2008 and 4 percent in 2009.

In Bahrain, there were numerous instances of the use of excessive force, including the use of shotgun pellets, internationally banned as means of crowd control, being used against protests in Shiite-majority areas.

In the southern provinces of Yemen, populated areas were subjected to brutal bombings in what appeared to be retaliation for the killing of several Yemeni soldiers in ambushes. The raids left many defenseless civilians dead and caused grave damage to homes and property.

Increasing complaints were heard in Syria about suspicious deaths among Kurdish conscripts. While the Syrian authorities attributed the deaths to suicide or accidents, rights sources and some victims' families say they were government caused. At least 18 Kurds died in 2009 in such circumstances, but the government has not responded to growing demands for genuine investigations.

## **VIII. Right to political participation**

General elections in the Arab world remained the embodiment of the chronic failure and the lack of the political will to ensure the peaceful rotation of power through free and fair elections.

In Sudan, where presidential, parliamentary, and state assembly elections were held, as well as elections for the prime minister of South Sudan, elections were conducted amid a repressive environment in both the North and South. In the North, the authorities managed to control the electoral process by manipulating the census, which forms the basis for electoral districting. The Electoral Commission, controlled by the ruling party in the North, took measures to facilitate the manipulation of the elections, making

it extremely difficult to review voter rolls, and showed clear bias in the for the ruling party, enabling its representatives to control polling stations. Election monitors were subjected to security assaults and reported flagrant rigging during the voting process itself. The security situation in the south and western Darfur prevented the population from voting, while violence and turmoil prevented the elections from taking place in 18 parliamentary districts and 26 state assembly districts in 14 states.

The Iraqi elections of last year showed that the democratization of Iraq remains a far-reaching dream, despite political progress illustrated in particular by the growing involvement of Sunnis and different sectors of Iraqi society in the elections. Nevertheless, competing political forces are still not ready to accept the rules for the peaceful rotation of power, as was clearly illustrated by the months-long political vacuum in the country in the wake of elections, when no consensus could be reached on a new government. The elections also saw the exclusion of hundreds of candidates on the grounds of former membership in the Baath Party. The election results themselves were the subject of many challenges, requiring a partial recount of votes that did not change the results. The outcome showed that the vote was largely determined by sectarian or ethnic considerations, while the negotiations for the formation of a government further entrenched the principle of sectarian quotas for sovereign positions.

The parliamentary elections in Bahrain were preceded by a fierce crackdown on hundreds of Shiite and liberal dissidents as well as several human rights defenders, some of whom were prosecuted in an unfair trial under provisions in the counterterrorism law even as elections were taking place. This campaign coincided with other measures, most significantly the practice of politically motivated naturalizations. This practice aims to give the Sunni community higher representation among voters to prevent Shiites from winning seats in the parliament commensurate with their demographic weight in the population. The government also drew electoral districts with the same objective in mind. As a result of this repressive atmosphere, voter turnout declined, including among Shiites, and thus Shiites were able to take only 45 percent of seats in parliament.

The elections in Egypt for the People's Assembly and Shura Council were some of the worst in Egypt's history. Conducted without judicial supervision and with civil society groups denied permits to meaningfully monitor the elections, the security apparatus, the government, and its party, were free to play a decisive role in determining the outcome of the electoral process. In some districts, the results were rigged for some official opposition candidates after the first round of voting revealed a sharp decline in their representation. The ruling party and its supporters took 93 percent of

the seats in the People's Assembly, and even after rigging on its behalf, the official opposition combined won only 3 percent of seats while the remaining 4 percent went to independents who belong to no political camp. Meanwhile, the Muslim Brotherhood was completely shut out of the parliament. The authorities preceded the parliamentary elections with a broad campaign of repression that involved the detention of hundreds of Muslim Brotherhood partisans; the abduction of political activists by unknown security agents; the intimidation of media through administrative decrees, warnings, and actual shutdowns of several satellite channels and popular talk shows; in addition to new requirements for companies to obtain prior permission for the provision of bulk news SMS service on cell phones; and bans on live coverage of events without prior permission. The new People's Assembly faced severe challenges, with 350 final court rulings handed down by the High Administrative Court as of the run-off stage annulling some of the districts results. The Administrative Court issued more than 1,000 rulings in connection with elections, only 15 of which were implemented.

## **IX. Grave abuses under occupation or armed conflicts**

The Palestinians continued to face grave violations, both due to the occupation and the ongoing internal conflict, which has led to a de facto split between the Fatah authority in the West Bank and the Hamas government in the Gaza Strip. This has been accompanied by acts of mutual retribution against those seen as loyal to the other party. As such, this report documents the ongoing politicization of basic rights and liberties, or, to be more precise, the abuse of these rights on the basis of political affiliation.

Israel continued its crimes and policies in breach of international humanitarian law, most importantly the collective punishment and siege of the population of the Gaza Strip, including the infamous attack on the Freedom Flotilla and using excessive force to prevent it from entering Gazan waters, leaving nine activists on the flotilla dead. The crime could arguably be seen to have slightly contributed to reducing the plight of Gazans after Egypt opened the Rafah border crossing indefinitely.

Israel continued with plans to Judaicize Jerusalem, expand settlements, and complete the apartheid separation wall. It also maintained its policy of extrajudicial killings, assassinating Palestinians it deems involved in military operations against it. In the first nine months of 2010, at least nine people were killed in these operations. Israel faced no sanctions for these crimes, not only because of the immunity provided by the United States or European parties, but, as became clear this year, due to shared interests and policies

between Israel and the two Palestinian governing bodies. This was illustrated in the resolution submitted by the Organization of the Islamic Conference on behalf of the Palestinian National Authority at the UN Human Rights Council, granting additional time to Israel, Fatah and Hamas to conduct investigations into crimes and violations of international humanitarian law documented by the Goldstone report during Israel's war on Gaza. The resolution once more prevented the referral of these crimes to the International Criminal Court, although the UN Committee of Independent Experts monitoring compliance with the recommendations of the report noted that investigations conducted by the Israeli and Hamas *de facto* authority sides lacked transparency, seriousness, and integrity.

Amid the Fatah-Hamas conflict, hundreds of Hamas members were detained and are at risk of torture in detention facilities in the West Bank, as were Fatah members and supporters in the Gaza Strip. Death sentences were issued against four people on unsubstantiated charges of cooperating with the enemy. Amid the political crisis, the legitimacy of governing institutions was further eroded; extending this year to local councils, after the Palestinian National Authority cabinet issued a decree indefinitely postponing local elections, in violation of the provisions of the law regulating the establishment of these councils.

Iraq again saw the most lethal violence in the Arab region, despite a clear decrease in the number of victims. In the first nine months of 2010, 3091 civilians were killed, compared to 4645 in 2009 and 9221 in 2008. These numbers reflect the fragility of the security situation, doubts about the ability of security forces to bear their responsibilities, and the need to advance the political process among various competing parties in Iraq. Responsibility for the violence last year rests largely with Iraqi parties after the near total suspension of major military operations by United States forces as part of the redeployment of these forces and the end of major combat operations in Iraq. Religious and ethnic minorities remained targets for violence and random murders as a result of the dominance of militant religious groups and discourses on the Iraqi political and cultural scene. The Christian minority and churches were targets of attacks, while similar attacks against the Mandaean Sabians have displaced 12,000 members of the community since the United States invasion. It is estimated that the armed conflict has left more than 2.7 million Iraqis refugees or internally displaced.

In Yemen, hundreds of civilians were killed in military operations against Houthis in the Saada region from August 2009 until a fragile ceasefire was put in place in February 2010. During the operations, Saudi Arabia officially joined the conflict on the side of the Yemeni government. Meanwhile, the Yemeni authorities continued to engage in practices of arbitrary detention,

enforced disappearance, and torture, and issued death sentences to dozens of people. Information also indicates that Houthis have begun to carry out their own extralegal executions and have used captured Yemeni military officers as human shields.

The chronic political crisis, sectarian divisions, and parallel power structure in Lebanon, further undermined sovereignty of the rule of law. Faced with Hizbullah's "weapons of resistance," institutions of governance and official judicial and security authorities were unable to perform their duties. As a result, the achievement of justice in the Hariri assassination case and the subsequent series of crimes became less likely as Hizbullah threatened to throw the country into a civil war if the Special Tribunal for Lebanon issued indictments naming any Hizbullah members.

Armed conflicts in Sudan led to further humanitarian adversity in many areas of the country. This was witnessed in the south, with the displacement of more than 150,000 people and the death of some 700 people as of July 2010. Additionally, in Darfur, violence and military clashes claimed hundreds of lives and exacerbated the plight of the internally displaced. The Sudanese authorities also continued to expel humanitarian aid agencies operating in the province and kidnapped humanitarian workers and soldiers with peacekeeping forces. Despite a second arrest warrant issued for President Omar al-Bashir by the International Criminal Court for genocide and other charges, Bashir and the Sudanese regime continued to challenge international justice as the international community failed to assume responsibility for supporting the court's decisions.

Part I  
Human Rights Situations in the  
Arab World

Chapter I  
Occupied States or  
States in Armed Conflicts



## The Occupied Palestinian Territories

Conditions were dire throughout the occupied Palestinian territories last year, both in the West Bank and the Gaza Strip. Israel continued its siege of the Gaza Strip, imposing a regime of collective punishment on the population for the fourth consecutive year. Thousands remain imprisoned and detained in Israeli prisons, and the Israeli occupation authority continued its apartheid and settlement policies in the West Bank and Jerusalem, seizing more Palestinian territory, demolishing homes, and assaulting Palestinian cultural and religious landmarks. Additionally, Israel continued its policy of extrajudicial killings, assassinating those it deems to be involved in terrorist attacks against Israelis. 2010 also saw the killing of international activists on board a ship carrying humanitarian aid to the Gaza Strip.

At the same time, the conflict between Fatah and Hamas, and their policy of mutual retribution, contributed to a decline in the human rights situation and civil liberties in both the West Bank and the Gaza Strip. Fatah members and Fatah affiliated institutions are targets for various forms of repression in Gaza, while the crackdown also continues on Hamas members and Hamas affiliated institutions in the West Bank. The internal struggle was a principal cause of the spread of arbitrary detention and torture, and the erosion of due process, the disregard of court rulings, widespread violations of freedom of expression and the press, and pressure on civil society groups and human rights organizations. Moreover, Hamas' increasing tendency to impose religious fundamentalism on society has also led to abuses in Gaza and further assaults on civil and personal rights and liberties. Cafes and restaurants have been shut down, weddings raided, summer camps torched, and cultural and youth activities banned.

Given the widespread impunity for human rights abusers and the lack of accountability for crimes committed both by the Israeli occupation authorities and the Palestinian Authority and Hamas, the Palestinian people continue to suffer.

Unfortunately, developments last year showed that common political interests continue to unite Israel and its international allies on the one hand, and the two Palestinian governing bodies on the other, undermining all hope of accountability for the grave crimes committed by the Israeli and Palestinian sides during the Gaza war in December 2008 – January 2009. In this context, it is significant to note that the Organization of the Islamic Conference (OIC), on behalf of the Palestinian Authority (PA), put forward a resolution at the UN Human Rights Council. The resolution aimed to extend the deadline for both the Israeli and Palestinian domestic investigations into the violations documented in the Goldstone Report. By doing so, the PA delayed the referral of the crimes to the International Criminal Court, if not thereby excluding the possibility altogether. In contrast, the UN committee of experts monitoring Israeli and Palestinian compliance with the recommendations of the Goldstone report noted that investigations conducted by the Israeli and Hamas *de facto* authority sides lacked transparency, seriousness, and integrity.<sup>1</sup>

## **I. Human rights violations by the Israeli occupation authorities**

### **Arbitrary detention and torture**

The occupation authorities continued to arbitrarily detain Palestinians in Israeli prisons. As of June 2010, officials with the International Committee of the Red Cross estimated the number of Palestinian detainees in Israeli prisons at 8,967, among them 300 minors and 37 women. Torture in Israeli prisons is sanctioned by the Supreme Court of Israel, which allows the Israeli General Security Services to exercise “a moderate amount” of psychological and physical pressure on Palestinian detainees. The UN Committee Against Torture has repeatedly criticized the complete immunity enjoyed by Israeli interrogators who commit torture against detainees.

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<sup>1</sup> On the resolution see, “Justice Cannot Be Held Hostage to Politics: Decision of PA an Insult to Victims,” Palestinian Center for Human Rights (PCHR), Sep. 29, 2010, <[http://www.pchrgaza.org/portal/en/index.php?option=com\\_content&view=article&id=7019:justice-cannot-be-held-hostage-to-politics-decision-of-pa-an-insult-to-victims-&catid=36:pchrpressreleases&Itemid=194](http://www.pchrgaza.org/portal/en/index.php?option=com_content&view=article&id=7019:justice-cannot-be-held-hostage-to-politics-decision-of-pa-an-insult-to-victims-&catid=36:pchrpressreleases&Itemid=194)>.

The forms of torture used includes beatings, denial of medical treatment, long-term sleep deprivation, suspension for long periods, cuffing detainees' hands to their feet, threats to kill or rape members of the detainee's family, and solitary confinement. Detainees are also made to hear the screams of other detainees being subjected to torture.<sup>2</sup>

On May 23, 2010, Israel's mini-cabinet approved the Shalit Law. This law allows a slew of abuses against Palestinian detainees, turning them into hostages to add pressure on the Palestinian factions that continue to hold Israeli soldiers, including Gilad Shalit, prisoner. The measures permitted under the law on detainees include open-ended solitary confinement; the denial of contact with lawyers; the denial of access to televisions, books, or newspapers; and the denial of the right to continue their education.<sup>3</sup>

### **Extrajudicial killing**

Israeli occupation forces still engage in extrajudicial killings, assassinating persons it claims are involved in military operations against Israeli targets.

Reports from human rights organizations note that occupation forces do not show due consideration for civilian casualties. Overall, 28 percent of victims in these attacks are not targets of the assassination. From July 2008 to September 2010, human rights organizations documented 17 assassinations that left 32 Palestinians dead, 16 of them civilians, among them nine children. In the first nine months of 2010 there were six extrajudicial killings; five Palestinians were shot dead after their homes were surrounded, and the sixth was killed in a missile attack that targeted his room.<sup>4</sup>

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<sup>2</sup> "On the International Day Against Torture, Al Mezan Calls the International Community to Intervene to Stop the Crime of Torture in the OPT," Al Mezan Center for Human Rights, June 24, 2010, <[http://www.mezan.org/en/details.php?id=10375&ddname=torture&id\\_dept=9&id2=9&p=center](http://www.mezan.org/en/details.php?id=10375&ddname=torture&id_dept=9&id2=9&p=center)>.

<sup>3</sup> "Al Mezan Condemns the Israeli Approval of the 'Shalit Law' Bill and Calls for Intensifying International Efforts to Abolish This Racist Law," Al Mezan, May 24, 2010, <[http://www.mezan.org/en/details.php?id=10170&ddname=detention&id\\_dept=9&id2=9&p=center](http://www.mezan.org/en/details.php?id=10170&ddname=detention&id_dept=9&id2=9&p=center)>.

<sup>4</sup> Report on Extra-judicial Executions Committed by the Israeli Occupation Forces (IOF) July 2008-September 2010, PCHR, Oct. 15, 2010, <[http://www.pchrgaza.org/portal/en/index.php?option=com\\_content&view=article&id=7202:report-on-extra-judicial-executions-committed-by-the-israeli-occupation-forces-iof-july-2008-september-2010-&catid=45:pchrassassinationreports&Itemid=189](http://www.pchrgaza.org/portal/en/index.php?option=com_content&view=article&id=7202:report-on-extra-judicial-executions-committed-by-the-israeli-occupation-forces-iof-july-2008-september-2010-&catid=45:pchrassassinationreports&Itemid=189)>.

In October 2010, two members of Hamas' military wing were killed during an operation in a residential area in southern Hebron. The operation destroyed three apartment blocks, severely damaged four other residential units, and destroyed the electricity and water networks.<sup>5</sup>

### **Ongoing apartheid, settlement plans**

The Israeli occupation authorities continued to implement their ongoing apartheid, settlement plans to Judaicize Jerusalem and Hebron and undermine the area's Islamic and Arab identity. As part of these plans, the occupation authorities included the Haram Al-Ibrahimi (Mosque of Ibrahim) and the Bilal Mosque on the list of Jewish national heritage sites, disregarding international law that requires occupying authorities to refrain from changing the historical and religious heritage of areas under occupation.

The Israeli army and settlers in Jerusalem continued to disregard the moral value of Islamic religious sites, attempting to raid the courtyard of the Aqsa Mosque, preventing Palestinians from reaching the mosque, and using excessive force to put down Palestinian protests against encroachments on their places of worship. In March 2010, dozens of Palestinians were injured when Israeli forces beat protestors and used tear gas and rubber bullets to disperse them.<sup>6</sup>

This was accompanied by plans to expand Jewish settlements in East Jerusalem. The Jerusalem municipality announced the construction of 1,600 new housing units in the area, which entails the confiscation and theft of Palestinian-owned land and house demolitions. Meanwhile, settlers enjoy material benefits and privileges that allow them to exploit natural resources and land belonging to the Palestinian population. The road network for settlers and the usurpation of Palestinian resources, particularly water, have destructive consequences for Palestinian life. It is estimated that there are currently 450,000 Israeli settlers in the West Bank and East Jerusalem. In 2009 alone, the occupation authorities demolished more than 270 homes in

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<sup>5</sup> "In Excessive Use of Force, IOF Kill Two Palestinian Activists in Hebron," PCHR, Oct. 10, 2010, <[http://www.pchrgaza.org/portal/en/index.php?option=com\\_content&view=article&id=7051:in-excessive-use-of-force-iof-kill-two-palestinian-activists-in-hebron&catid=36:pchrpressreleases&Itemid=194](http://www.pchrgaza.org/portal/en/index.php?option=com_content&view=article&id=7051:in-excessive-use-of-force-iof-kill-two-palestinian-activists-in-hebron&catid=36:pchrpressreleases&Itemid=194)>.

<sup>6</sup> "In the Absence of Accountability Israel's Crimes Continue in Occupied Jerusalem," joint statement issued by 32 Arab organizations, Mar. 8, 2010, <<http://www.cihrs.org/english/newssystem/details.aspx?id=2570>>.

the service of expanding settlements, leaving some 600 Palestinians homeless.<sup>7</sup>

It is estimated that the construction of settlements in East Jerusalem has required the confiscation of 35 percent of Palestinian territory for 195,000 Israeli settlers. Israel has classified 40 percent of the West Bank as "state"-owned property, used largely for settlement purposes. Some 21 percent of Israeli settlements in the West Bank are established on privately owned Palestinian land.<sup>8</sup> In the first eight months of 2010, the occupation authorities demolished 267 Palestinian homes in the West Bank and East Jerusalem, compared to 271 homes in 2009 and 236 in 2008.<sup>9</sup>

At the same time, the occupation authorities continue construction on the separation wall inside the West Bank, despite this constituting a flagrant violation of international humanitarian law according to the International Court of Justice. In connection with this, Israel suppresses all forms of protest against the wall by detaining Palestinians who take part in the protests. Some of these demonstrators, including minors, are referred to military tribunals on charges of incitement to demonstration or for throwing stones at Israeli soldiers. In other cases, the authorities have placed activists protesting against the wall under administrative detention.<sup>10</sup> Some international activists protesting in solidarity against the wall have also been detained and deported.<sup>11</sup>

Occupation forces routinely use force against activists protesting against the wall, beating them with batons and rifle butts and using both live ammunition and rubber bullets. These attacks have injured protestors as well as journalists and photographers covering the protests. The same methods are employed against demonstrators protesting Israeli efforts to Judaicize

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<sup>7</sup> "Israel Urged to Stop Settlement Expansion in East Jerusalem," Amnesty International, Mar. 10, 2010, <<http://www.amnesty.org/en/news-and-updates/israel-urged-stop-settlement-expansion-east-jerusalem-2010-03-10>>.

<sup>8</sup> "Illegal Israeli Settlement Plans Threaten Palestinian Human Rights," Amnesty International, Oct. 14, 2010, <<http://www.amnesty.org/en/news-and-updates/illegal-israeli-settlement-plans-threaten-palestinian-human-rights-2010-10-15>>.

<sup>9</sup> "Israel: New Peak in Arbitrary Razing of Palestinian Homes," Human Rights Watch, Aug. 19, 2010, <<http://www.hrw.org/en/news/2010/08/19/israel-new-peak-arbitrary-razing-palestinian-homes>>.

<sup>10</sup> "Israel: End Crackdown on Anti-wall Activists," Human Rights Watch, Mar. 5, 2010, <<http://www.hrw.org/en/news/2010/03/05/israel-end-crackdown-anti-wall-activists>>.

<sup>11</sup> "PCHR Condemns IOF Pursuit of International Human Rights Defenders in the West Bank," PCHR, Feb. 8, 2010, <[http://www.pchrgaza.org/portal/en/index.php?option=com\\_content&view=article&id=5995:pchr-condemns-iof-pursuit-of-international-human-rights-defenders-in-the-west-bank&catid=36:pchrpressreleases&Itemid=194](http://www.pchrgaza.org/portal/en/index.php?option=com_content&view=article&id=5995:pchr-condemns-iof-pursuit-of-international-human-rights-defenders-in-the-west-bank&catid=36:pchrpressreleases&Itemid=194)>.

Jerusalem, which also involve assaults on the Aqsa Mosque, as well as during public occasions such as Land Day.

In support of its settlement plans in the West Bank, the occupation authorities continued to deport Palestinians on the grounds that they are infiltrators or illegally residing in the West Bank. This measure was given additional legal support with a new military order that went into effect in April 2010. The order adopts a broad definition of infiltrator to include any person living in the West Bank without a permit issued by the Israeli authorities. Pursuant to this order, Israel may deport such “infiltrators” to other states or to the Gaza Strip.<sup>12</sup>

### **Ongoing siege and collective punishment of Gazan population**

The population of the Gaza Strip has been subjected to collective punishment due to the siege Israel has imposed on it since 2007. As a result of the blockade, 60 percent of Gazans live below the poverty line and a full 40 percent of the Gazan labor force is unemployed. Israel continues to impose a full ban on the entry of the raw materials needed to rebuild Gaza after the widespread destruction caused by the Israeli attack on Gaza from December 2008 to January 2009.<sup>13</sup>

Adding to its crimes under international law and international humanitarian law, Israel attacked and used excessive force against the Freedom Flotilla, a convoy of ships carrying humanitarian, to prevent them from reaching Gaza. Nine international activists on board the ships were killed and dozens injured.<sup>14</sup> The global and regional reactions to the crime compelled the Egyptian government to breach the siege in early June 2010,

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<sup>12</sup> “New Israeli Military Order Could Increase Expulsions of West Bank Palestinians,” Amnesty International, Apr. 27, 2010, <<http://www.amnesty.org/en/news-and-updates/new-israeli-military-order-could-increase-expulsions-west-bank-palestinians-2010-04>>. See also, “Israeli Implementation of Military Order 1650; Authorities Expel Another Palestinian Man from the West Bank to the Gaza Strip,” Al Mezan, Apr. 29, 2010, <[http://www.mezan.org/en/details.php?id=10036&ddname=expel&id\\_dept=9&id2=9&p=center](http://www.mezan.org/en/details.php?id=10036&ddname=expel&id_dept=9&id2=9&p=center)>.

<sup>13</sup> “State of the Gaza Strip’s Border Crossings (01-15 October 2010),” PCHR, Oct. 18, 2010, <[http://www.pchrgaza.org/portal/en/index.php?option=com\\_content&view=article&id=7195:state-of-the-gaza-strips-border-crossings-01-15-october-2010-&catid=63:closure-update&Itemid=227](http://www.pchrgaza.org/portal/en/index.php?option=com_content&view=article&id=7195:state-of-the-gaza-strips-border-crossings-01-15-october-2010-&catid=63:closure-update&Itemid=227)>.

<sup>14</sup> “The Israeli Commission into Flotilla Attack Is Incapable of Conducting Independent, Credible Investigation,” PCHR, June 16, 2010, <[http://www.pchrgaza.org/portal/en/index.php?option=com\\_content&view=article&id=6759:the-israeli-commission-into-flotilla-attack-is-incapable-of-conducting-independent-credible-investigation&catid=36:pchrpressreleases&Itemid=194](http://www.pchrgaza.org/portal/en/index.php?option=com_content&view=article&id=6759:the-israeli-commission-into-flotilla-attack-is-incapable-of-conducting-independent-credible-investigation&catid=36:pchrpressreleases&Itemid=194)>.

when it opened the Rafah border crossing indefinitely, allowing Gazans to enter and leave the Strip. According to official data, As of October 2010, 48,290 Gazans had left the Gaza Strip while 49,761 had entered the Strip.<sup>15</sup>

Palestinians continued to die in the tunnels that are used to smuggle goods into Gaza. As of late September 2010, 25 people had died, and since the beginning of the siege through May 2010, 157 people lost their lives in the tunnels.<sup>16</sup>

## **II. Palestinian violations in the shadow of the Hamas-Fatah conflict**

### **Detention and torture**

Arbitrary detention and torture continued in both the West Bank and the Gaza Strip amid the severe political schism in the Palestinian governing bodies that erupted in June 2007. In addition to political opponents, those suspected of criminal violations were also tortured. In some cases, torture practices were further extended to include family members of detainees. After three years of expansive detention and torture, no serious measure has been taken by the PA in the West Bank, or the *de facto* Hamas government in Gaza to prosecute torturers. The findings of official investigations, if conducted, have not been announced, nor have they lead to the prosecution of those responsible for these crimes or reparations for the victims.<sup>17</sup>

In the first nine months of 2010, the Independent Commission for Human Rights (ICHR) received at least 106 reports of torture by security and intelligence services in the West Bank and 148 complaints of torture by internal security and police under the Hamas *de facto* authority in Gaza.<sup>18</sup>

It should be noted that Hamas internal security services prohibit ICHR delegates from visiting detention facilities and investigating the status of detainees. In addition, ICHR reports routinely find that court orders are

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<sup>15</sup> “State of the Gaza Strip’s Border Crossings (01-15 October 2010)”.

<sup>16</sup> “21 Persons Died Inside Tunnels To-Date; Tunnels Death Toll Rises to 157,” Al Mezan, May 30, 2010,

<[http://www.mezan.org/en/details.php?id=10293&ddname=tunnel&id\\_dept=9&id2=9&p=center](http://www.mezan.org/en/details.php?id=10293&ddname=tunnel&id_dept=9&id2=9&p=center)>. See also the monthly reports on human rights violations in the PA territories for the months of July, August, and September 2010, the Independent Commission for Human Rights (ICHR), <<http://www.ichr.ps/>>.

<sup>17</sup> Taqir hawl mumarasat al-ta’dhib fi-l-sujun wa marakiz al-tawqif fi-l-sulta al-Filistiniya, PCHR, Aug. 2010, <<http://www.pchrgaza.org/files/2010/PCHR%20Report-25-8-10.pdf>>

<sup>18</sup> Data derived from the monthly reports issued by the ICHR, <<http://www.ichr.ps/etemplate.php?id=12>>.

unimplemented or circumvented in the West Bank. ICHR reports have documented dozens of cases in which rulings from the Supreme Court of Justice or the preliminary court in Nablus go unimplemented, particularly those related to illegal arrests and detentions.<sup>19</sup>

The most far-reaching arrest campaign of Hamas members in the West Bank took place in early September 2010 after the movement's military wing claimed responsibility for an operation that left four Israeli settlers dead. After two days of the campaign, reports documented at least 370 arrests without warrants.<sup>20</sup> As of September 18, more than 500 people had been detained in connection with the campaign.<sup>21</sup>

In the West Bank, security raids targeted Palestinian MPs with the Reform and Change bloc, affiliated with Hamas. On September 21, 2010, a security force raided the home of MP Abd al-Rahman Fahmi Zeidan and searched his home and personal papers without showing a search or arrest warrant. Security confiscated a laptop, a cell phone, a camera, and many papers and files. Zeidan was taken to the National Security headquarters in Tulkarm and released 30 minutes later.<sup>22</sup>

## **Hamas and arbitrary execution**

In the first ten months of 2010, the Hamas government carried out five death sentences, some issued by the High Military Court, based on provisions in the PLO's Revolutionary Penal Code, which has been subject to constitutional challenges as it has not been approved by the parliament. The execution of these sentences also violates the Palestinian Basic Law, which states that the President of the PA must approve all death sentences. Hamas considers this prerogative to have devolved onto the *de facto* government, as it regards the presidency as being vacant since the constitutional term of office expired in January 2009.

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<sup>19</sup> Ibid. These criticisms are a constant in the ICHR's reports for the first nine months of 2010.

<sup>20</sup> "Palestinian Security Services Waging a Campaign of Politically-motivated Arrests," al-Haq, Sep. 2, 2010, <<http://www.alhaq.org/etemplate.php?id=542>>..

<sup>21</sup> "al-Haq wa-l-mizan yastankiran istimrar hamlat al-i'tiqalat al-siyasiya fi-l-Diffa al-Gharbiya," joint press statement, Sep. 18, 2010, <<http://www.alhag.org/template.php?id=136>>.

<sup>22</sup> ICHR, monthly report for Sep. 2010, <<http://www.ichr.ps/pdfs/ICHR%20Monthly%20Report%20-%20September%202010%20-%20Eng.pdf>>.

Six death sentences were issued in 2010, all of them in the Gaza Strip. In 2009, 17 death sentences were issued, 14 of them in the Gaza Strip and the remaining three in the West Bank.<sup>23</sup>

## Ongoing pressure on freedom of expression and the media

Journalists and media workers continued to come under pressure by the authorities in both the West Bank and Gaza Strip. Nearly daily reports documented the assault and harassment of journalists, correspondents, and satellite television crews covering the news in Gaza and the West Bank.

Hamas security services arrested Ibrahim Qannan, a journalist with the *Maan* News Network. Ala al-Mashharawi, a correspondent for the Emirati *al-Ittihad* and the Jerusalem-based *al-Quds*, was also arrested and detained for 22 days before his release in September 2009.<sup>24</sup> The homes of several journalists in Gaza were also raided, among them Noufouz al-Bakri, a correspondent with *al-Hayat al-Jadida*, and Ammar Yasser al-Tallawi, a photographer and editor with Aqsa Television.<sup>25</sup>

Internal security in Gaza prevented a video conference between journalists in Gaza and members of a delegation from the International Federation of Journalists in Ramallah.<sup>26</sup> Many papers issued in the West Bank were denied entry to Gaza, including *al-Ayyam*, *al-Hayat*, and *al-Quds*. In turn, the authorities in the West Bank prohibited the distribution of

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<sup>23</sup> "Position Paper: Death Penalty under the Palestinian National Authority," PCHR, Oct. 12, 2010, <[http://www.pchrgaza.org/portal/en/index.php?option=com\\_content&view=article&id=7065:position-paper-death-penalty-under-the-palestinian-national-authority&catid=48:pchrpositionpapers&Itemid=232](http://www.pchrgaza.org/portal/en/index.php?option=com_content&view=article&id=7065:position-paper-death-penalty-under-the-palestinian-national-authority&catid=48:pchrpositionpapers&Itemid=232)>, and "Palestinian Man from Northern Gaza Sentenced to Death by Hanging," PCHR, Nov. 8, 2010, <[http://www.pchrgaza.org/portal/en/index.php?option=com\\_content&view=article&id=7097:palestinian-man-from-northern-gaza-sentenced-to-death-by-hanging-&catid=36:pchrpressreleases&Itemid=194](http://www.pchrgaza.org/portal/en/index.php?option=com_content&view=article&id=7097:palestinian-man-from-northern-gaza-sentenced-to-death-by-hanging-&catid=36:pchrpressreleases&Itemid=194)>.

<sup>24</sup> "Taqrir 'Skyz' 'an shahr Aylul/Sibtambir," Oct. 6, 2009, <<http://www.anhri.net/lebanon/sk/2009/pr1006.shtml>>.

<sup>25</sup> "Political Tensions Between Hamas and Fatah Continue to Take Toll on Palestinian Journalists," IFEX, May 11, 2010, <[http://www.ifex.org/palestine/2010/05/11/political\\_tension/](http://www.ifex.org/palestine/2010/05/11/political_tension/)>.

<sup>26</sup> "MADA: Unknown Persons Raided the House of the Journalist al-Bakri in Khanyounis," MADA, Sep. 22, 2010, <[http://www.madacenter.org/madaeng/index.php?option=com\\_content&view=article&id=267:mada-unknown-persons-raided-the-house-of-the-journalist-al-bakri-in-khanyounis&catid=63:report2010&Itemid=77](http://www.madacenter.org/madaeng/index.php?option=com_content&view=article&id=267:mada-unknown-persons-raided-the-house-of-the-journalist-al-bakri-in-khanyounis&catid=63:report2010&Itemid=77)> and ICHR monthly report for August 2010, <<http://www.ichr.ps/pdfs/aug2010mr.pdf>>.

*al-Risala* and *Filistin* newspapers.<sup>27</sup> In many cases, journalists, writers, and political activists were banned from traveling or leaving the Gaza Strip, among them Dr. Atef Abu Seif, the editor-in-chief of *Siyasat* magazine and a novelist.<sup>28</sup> Furthermore, Hamas security services placed Fatah spokesman Fayez Abu Aita under house arrest after he entered Gaza for his father's funeral.<sup>29</sup>

In the West Bank, journalists affiliated with Hamas were detained as well. As of late 2009, Mohammed Eshtiwi, the director of the Aqsa Television, had been detained more than 15 times. Mustafa Sabri, a correspondent with *Filistin*, was summoned for questioning more than 20 times.

Since September 2009, many journalists have been arrested and detained, among them Asyad Amarna, Tareq Abu Zeid, and Alaa al-Titi, all with Aqsa Television, as well as Murad Abu al-Baha, the media director for Hamas MPs in Ramallah, and Walid Suleiman al-Amayra, with the Hebron News online paper. Several people working with Hamas-affiliated websites were also arrested, among them Mohammed Ezzat al-Halayka and Sami Asad. Security services raided the offices of Sawt al-Hurriya Radio, arresting the director and four staff members. Samer Rwayched, a correspondent with Sawt al-Aqsa, was also detained.<sup>30</sup>

Tareq Abu Zeid, a former correspondent with the banned Aqsa Television, was tried before a military tribunal on charges of working with the station. He was sentenced to 18 months in prison in February 2010.<sup>31</sup>

In September 2010, intelligence services in the West Bank detained Mamdouh Hamamra, a correspondent with the Quds satellite station. He was taken to an undisclosed location and was denied visits. It is believed that he

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<sup>27</sup> ICHR monthly report for July 2010, <<http://www.ichr.ps/pdfs/ICHR%20Monthly%20Report%20-%20July%202010%20-%20Eng.pdf>>.

<sup>28</sup> "Taqrir 'Skyz' 'an shahr Aylul/Sibtambir'".

<sup>29</sup> "Hamas tufrid al-iqama al-jabriya 'ala-l-natiq bi-ism Fatah Fayiz Abu 'Ita," SKEYES, May 25, 2010, <<http://www.skeyesmedia.org/?mode=newsdetails&id=1652>>.

<sup>30</sup> "Markaz 'Skyz' li-l-difa' an al-hurriyat al-i'lamiya wa-l-thaqafiya al-taqrir al-sanawi li-'am 2009," Feb. 1, 2010, <<http://www.anhri.net/lebanon/sk/2010/pr0201.shtml>>.

<sup>31</sup> Ibid. See also, "Taqrir 'Skyz' 'an shahr Aylul/Sibtambir'; "Violation of Media Freedoms in OPT during November 2009," MADA, <[http://www.madacenter.org/madaeng/index.php?option=com\\_content&view=article&id=148:violation-of-media-freedoms-in-opt-during-november-2009&catid=62:report2009&Itemid=78](http://www.madacenter.org/madaeng/index.php?option=com_content&view=article&id=148:violation-of-media-freedoms-in-opt-during-november-2009&catid=62:report2009&Itemid=78)>; and "Political Tensions Between Hamas and Fatah Continue to Take Toll on Palestinian Journalists".

was detained after airing criticisms and photos on the internet that were considered disparaging to the Palestinian President.<sup>32</sup>

## Violations of the freedom to peaceful assembly

There were widespread violations of the right to peaceful assembly, both by the PA in the West Bank, and the Hamas *de facto* government in Gaza. The crackdown on the freedom to assemble in Gaza was accompanied by strict religious displays by Hamas as part of its attempts to Islamize society and the imposition of further restrictions on personal liberties.

In the West Bank, one prominent manifestation of these violations took place on July 17, 2010, when the PA refused to allow the Islamic Liberation Party to hold a peaceful meeting, in Ramallah on the grounds that the party was unlicensed. To prevent the meeting, security services engaged in a preventive arrest campaign in the two days leading up to it, detaining some 200 members and supporters of the party. Military checkpoints were also set up along the entrances to the Ramallah province and the exits of other Palestinian cities, in order to identify party members and send them back to their hometowns.. Security forces also raided the office of the *Watan* television network after some of its photographers covered the arrest of Islamic Liberation Party members.<sup>33</sup>

In August 2010, using intelligence agents, authorities in the West Bank sabotaged a political conference in Ramallah organized by opposition political forces and civil society groups to discuss a stance on direct Palestinian-Israeli negotiations. Two staff members with the Palestinian NGO al-Haq were attacked while documenting the incident, and Dr. Mohammed Jadallah, a conference organizer, was arrested.<sup>34</sup>

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<sup>32</sup> “MADA Demands to Retract from Abu Zeid Sentence and Calls to Release Him,” MADA, <[http://www.madacenter.org/madaeng/index.php?option=com\\_content&view=article&id=161:mada-demands-to-retract-from-abu-zeid-sentence-and-calls-to-release-him&catid=54:-2010&Itemid=58](http://www.madacenter.org/madaeng/index.php?option=com_content&view=article&id=161:mada-demands-to-retract-from-abu-zeid-sentence-and-calls-to-release-him&catid=54:-2010&Itemid=58)>; “Istikhbarat al-Filistiniya tastad’i murasil fada’iyat al-Quds li-l-yawm al-thani ‘ala-l-tawali,” SKEYES, Sep. 16, 2010, <<http://www.skeyesmedia.org/?mode=newsdetails&id=2430>> and “al-Mukhabarat al-Filistiniya ta’taqil murasil fada’iyat al-Quds bi-sabab sura musi’a li-l-ra’is Mahmud ‘Abbas ‘ala ‘Faysbuk’,” Sep. 30, 2010, <<http://www.skeyesmedia.org/?mode=newsdetails&id=2550>>.

<sup>33</sup> “Ta’liqan ‘ala man’ hizb al-tahrir min ‘aqd tajammu’ihi al-silmi, mu’assasat al-haqq tatalib al-sulta al-wataniya al-Filistiniya bi-ihitiram al-huquq,” <<http://www.alhaq.org/atemplate.php?id=128>>.

<sup>34</sup> “Suppression of Freedom of Expression and Assembly and Attacks on Human Rights Defenders by Palestinian Security Services,” Al-Haq, Aug. 25, 2010, <<http://www.alhaq.org/etemplate.php?id=540>>.

In September, security forces used live ammunition to break up a peaceful march in Bethlehem protesting against the interruption of water service at the Aida refugee camp for more than a month.<sup>35</sup>

In the Gaza Strip, Hamas security services stopped a peaceful march in Khan Younis protesting occupation practices in Jerusalem and at the Aqsa Mosque.<sup>36</sup>

Hamas authorities also prohibited several activities by Fatah-affiliated institutions. For example, the General Union of Palestinian Women was banned from organizing a ceremony to mark the one-year anniversary of the Israeli assault on Gaza, and Fatah members and partisans were prohibited from engaging in any activities to mark the birth of the Fatah movement.<sup>37</sup>

In May 2010, Hamas police responded with force to break up a festival organized by the General Union of Palestinian Women to commemorate the *nakba*, the Palestinian dispossession.<sup>38</sup> In August 2010, police in Gaza prohibited a sit-in called by the Popular Front for the Liberation of Palestine to protest the continued electricity crisis in the Gaza Strip. Police fired live ammunition in the air to disperse the protestors, who were also beaten with batons and rifle butts.<sup>39</sup>

In connection with Hamas' increasing enforcement of religious fundamentalism, UNRWA summer camps came under attack by armed masked men who set fire to the camps. In the aftermath, the Hamas authorities prohibited the Palestinian NGO Network and human rights groups from organizing a peaceful assembly to condemn the attacks.<sup>40</sup> In the same context, masked militants raided several weddings, using violence against guests and forcing the wedding party to cancel the festivities.<sup>41</sup>

It was reported that restaurants and cafes were closed on several occasions, and cultural events were cancelled. The stated reason was gender

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<sup>35</sup> ICHR 2009 annual report, <<http://www.ichr.ps/pdfs/ICHR%20Report15%20-%20Final.pdf>>.

<sup>36</sup> Ibid.

<sup>37</sup> ICHR monthly report for Jan. 2010, <<http://www.ichr.ps/pdfs/eMRV-1-10.pdf>>.

<sup>38</sup> ICHR monthly report for May 2010, <<http://www.ichr.ps/pdfs/eMRV-5-10.pdf>>.

<sup>39</sup> ICHR monthly report for Aug. 2010, <<http://www.ichr.ps/pdfs/aug2010mr.pdf>>.

<sup>40</sup> Ibid. See also the ICHR report for June 2010, <<http://www.ichr.ps/pdfs/eMRV-6-10.pdf>>.

<sup>41</sup> ICHR monthly report for July 2010, <<http://www.ichr.ps/pdfs/ICHR%20Monthly%20Report%20-%20July%202010%20-%20Eng.pdf>>.

mixing, violations of the ban on women smoking water pipes, or that holding parties were against the law.<sup>42</sup>

On September 23, 2010, Hamas internal security services arrested Moheeb Shaath, the director of the Sharek Youth Forum, after raiding the forum's offices. Shaath was questioned about gender mixing at the forum's activities and warned that it would be shut down if the mixed activities continued.<sup>43</sup>

## **Pressures on civil society organizations and human rights defenders**

The Interior Ministry in the West Bank continues to arbitrarily intervene in the work of civic associations without any legal basis in the NGO law. It persisted in attending the NGOs' general assembly meetings, approving the results of its elections, and in some cases appointing members to their board or demanding that candidates for membership be disqualified. It also continued to disregard court rulings that require the abolition or suspension of arbitrary measures taken against NGOs.<sup>44</sup> As of the end of 2009, 35 NGOs in the West Bank had been dissolved by administrative order, while an additional 25 were facing administrative obstacles in registration.<sup>45</sup>

Many individuals involved in human rights work were also detained. This includes Fuad al-Khuffash, the director of the Ahrar Center for Prisoners Studies and Human Rights, who was arrested in October 2009. In November 2009, Ahmed Betawi, a researcher with the International Solidarity Foundation for Human Rights, was also arrested. Betawi was questioned about the nature of his work, the institution's sources of funding, and its political views.<sup>46</sup>

Journalist Muhannad Salahat, a representative of the Palestinian Association for Human Rights (Rased) in Jordan, was detained three times

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<sup>42</sup> Some of these incidents are mentioned in the ICHR monthly report for Sep. 2010, <<http://www.ichr.ps/pdfs/ICHR%20Monthly%20Report%20-%20September%202010%20-%20Eng.pdf>>.

<sup>43</sup> "Amn Hamas ya'taqil mudir muntada sharik al-shababi bi-sabab al-ikhtilat bayn al-jinsayn fi anshitatihi," SKEYES, Sep. 25, 2010, <<http://www.skeyesmedia.org/?mode=newsdetails&id=2496>>.

<sup>44</sup> "Mudhakkira arsalatha al-haqq li-ra'is al-wuzara' al-Filistini Salam Fayyad hawl intihakata al-ajhiza al-amniya al-Filistiniya li-huquq al-insan fi-l-Diffa al-Gharbiya," al-Haq, Mar. 2, 2010, <<http://www.alhaq.org/atemplate.php?id=115&lid=1>> .

<sup>45</sup> ICHR 2009 annual report.

<sup>46</sup> Ibid.

by intelligence services in the West Bank from March to May 2010. The last time, it was feared that he was tortured after he was abducted and taken to an undisclosed location for ten days. No reason was given for his detention, and after his release he was banned from travel.<sup>47</sup>

In May 2010, rights activist Hassan Zaghera was sentenced to two years in prison after his conviction by a military court on charges of funding banned militias. He was arrested by intelligence services in December 2009 and was reportedly tortured in the early days of his detention. The Supreme Court issued an order for his release, deeming him illegally detained, but the authorities did not implement the ruling.<sup>48</sup>

In the Gaza Strip, NGOs and rights groups had their offices raided by unknown personnel. In November 2009, the offices of the Damir Association were raided, the contents taken, and files and computers vandalized. In December 2009, the offices of the Palestinian NGO Network were subjected to a similar raid. The ICHR office was also raided by Hamas security forces and the office director was asked to turn over the keys on the grounds that directives had been issued shutting it down pending a resolution of the commission's legal status in the Gaza Strip.<sup>49</sup> The ICHR was also prohibited from organizing workshops to discuss its 2009 annual report.<sup>50</sup>

In connection with Hamas' opposition to the ICHR, its parliamentary bloc approved the ICHR bill in the second reading, which observers believe reflects an official move to tighten control over the commission. Hamas accuses the ICHR of bias towards the authorities in Ramallah.<sup>51</sup>

In addition, seven associations in Gaza City and Rafah were shut down and the contents of their offices confiscated by Hamas internal security services as part of the measures adopted by Hamas to contain NGOs affiliated with Fatah. On August 5, 2010, the Interior Ministry in Gaza issued a decree prohibiting all civil servants who had stopped working after Hamas seized power in the Strip in 2007 from membership in the general

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<sup>47</sup> "Ila-l-sayyid ra'is al-sulta al-Filistiniya Mahmud 'Abbas wa ra'is al-hukuma al-Filistiniya al-sayyid Salam Fayyad," joint statement issued by 37 Arab organizations, May 13, 2010, <[www.anhri.net/?p=5903](http://www.anhri.net/?p=5903)>.

<sup>48</sup> "al-Mahkama al-'askariya fi Nablus tahkum 'ala-l-huquqi Hasan al-Zaghera bi-l-sajj li-muddat 'amayn," SKEYES, May 15, 2010, <<http://www.skeyesmedia.org/?mode=newsdetails&id=1460>>.

<sup>49</sup> ICHR 2009 annual report.

<sup>50</sup> ICHR monthly report for May 2010, <<http://www.ichr.ps/pdfs/eMRV-5-10.pdf>>.

<sup>51</sup> "Hukumat 'Hamas' al-muqala tas'a li-l-saytara 'ala-l-hay'a al-mustaqilla li-huquq al-insan bi-l-qanun," SKEYES, Aug. 27, 2010, <<http://www.skeyesmedia.org/?mode=newsdetails&id=2266>>.

assemblies of NGOs and charitable associations, employment as staff members, or membership on their boards. If such civil servants retain their membership, the boards of these associations are considered illegal.<sup>52</sup>

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<sup>52</sup> ICHR monthly report for Aug. 2010, <<http://www.ichr.ps/pdfs/aug2010mr.pdf>>.



# Iraq

Iraq remained the most blood-soaked country in the Arab region in 2010 as violence and murder continued to claim the lives of thousands of Iraqis, both civilians and combatants. Despite successive American claims of reduced casualties to the lowest levels since the US invasion in 2003, ostensibly due to the improved capacities of Iraqi security forces and the expansion of the political process, facts on the ground paint a different picture.

According to the most cautious statistics, 3,697 civilians in Iraq were killed from January 1 to November 12, 2010, compared to 4,645 in 2009 and 9,221 in 2008.<sup>1</sup> The lack of improvement in the security situation was made clear when the Iraqi authorities declared that July 2010 was deadliest month in the country in two years, with 535 killed and 1,043 injured. This is

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<sup>1</sup> These numbers are taken from Iraq Body Count (IBC), an independent NGO established after the invasion of Iraq. Despite the great credibility accorded the group's reports, independent observers doubt the veracity of the numbers because of the methodology used to document deaths. IBC counts only those victims whose death or injury has been documented rather than using a statistical survey as other organizations do. This approach seems accurate at first glance, but the weakness of Iraqi state agencies, particularly the Ministries of Defense, Interior, and Health—the entities responsible for documenting the number of dead and wounded—and the absence of local and international media coverage across the country amid barriers to movement and the lack of resources makes the accurate counting of victims a difficult task, with the exception of troop casualties maintained by the American forces. In addition, the cause of death of Iraqi victims is in some cases unknown, especially when bodies are found in the streets. It is hence difficult to determine whether the death was linked to political or criminal motivations. According to ICB, the number of civilian Iraqi deaths since the American invasion is as follows: 12,049 in 2003; 10,751 in 2004; 14,832 in 2005, 27,676 in 2006; and 24,534 in 2007. For more information see the ICB website, <<http://www.iraqbodycount.org/>>.

slightly less than the total casualties in May 2008, when violence claimed 563 lives.<sup>2</sup>

The fragility of the security situation was further undermined by negative political developments, both domestic and foreign. Although the Iraqi parliamentary elections in March 2010 saw widespread Sunni participation, in contrast to the 2005 elections, Amid numerous accusations of unfair elections and constitutional manipulations, Iraqi political forces remained incapable of naming a prime minister for eight months afterwards.

The political vacuum left by the long-term absence of a government would constitute a grave challenge for any state, but in Iraq it was particularly serious since the competing parties are still far from reaching a consensus on some of the most important conditions of the political game, such as the constitution and laws defining the distribution of wealth, and drawing the borders of disputed areas. These issues are particularly significant since Iraqi forces will assume full security control of the country after the final departure of American forces on December 31, 2011.

Along with political tensions, prison conditions and the legal infrastructure in Iraq continued to suffer from major flaws that prevent a minimum degree of respect for international principles of justice, and obstruct the rule of law.. Additionally, media workers and religious and ethnic minorities all over Iraq remained targets for attacks in the period under review.

### **Violence, arbitrary killings, and the targeting of civilians**

Data on violence and murder in Iraq from September 2009 to September 2010 has worrying implications, and it appears that an improvement of the security situation is still beyond reach. Although the number of victims reached a stable eight deaths a day in 2010, compared to 8.3 in 2009,<sup>3</sup> a closer look warrants a more pessimistic assessment.

In the period under review, acts of violence increased steadily from month to month. Whereas January 2010 saw 259 deaths, the number rose to 311 and 376 in February and March respectively.<sup>4</sup> After the number of deaths settled at around 400 per month by mid-year, casualties again rose in

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<sup>2</sup> Al-Jazeera reports is available on: <<http://www.aljazeera.net/NR/exeres/85050E86-OEBC-47EC-BA83-3331A8E6131C.htm>>.

<sup>3</sup> Iraq Body Count.

<sup>4</sup> Ibid.

July and August to 469 and 501 respectively, approaching the rates seen in late 2008.

Considering the warnings of the UN Assistance Mission for Iraq (UNAMI), which indicate an increasing number of wounded in the last quarter of 2009- an estimate often ignored because of the lack of accurate documentation of the injured- the picture grows even bleaker.<sup>5</sup>

There are several factors contributing to the severity of the situation. Most importantly, in the period covered by this report, there was an almost total cessation of major military operations by American and Iraqi forces against Shiite and Sunni militias, part of a strategy to reduce the number of US forces from 160,000 troops to the current 50,000. The absence of large military operations, which in the past had been accompanied by numerous casualties, did not markedly reduce the rate of killings because of the increased use of suicide attacks, car bombs, IEDs, mortars, and assassinations of both civilians and combatants.

Suicide attacks remain most lethal in Iraq, causing most of the civilian casualties. On May 10, 2010, 102 Iraqis were killed in one of the bloodiest days since December 8, 2009, when 127 people lost their lives.<sup>6</sup> The tragedy of the day was not only in the number of victims, but also in the method of the attack. In the southern city of Hilla, three cars driven by suicide bombers targeted a factory in the Shiite-majority city at close intervals. After police and medics arrived, another suicide bomber struck, using a now well-worn tactic and thus indicating Iraqi security forces' lack of professionalism despite their seven years of experience in combating violence. August 25, 2010, was perhaps the most dramatic day of violence throughout the year. Less than a week before President Obama announced the end of the US combat mission, armed Sunni militias targeted Iraqi police stations in 13 cities in north, central, and south Iraq, in a coordinated series of attacks that claimed the lives of at least 55 people and again highlighted the weakness of the Iraqi security establishment.<sup>7</sup>

Various political forces routinely express doubts about the professionalism and impartiality of Iraqi security forces, questioning their loyalty and arguing that their ranks are split along political, sectarian, and

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<sup>5</sup> UNAMI, Human Rights Report 1 July-31 December 2009, <[http://www.uniraq.org/documents/UNAMI\\_Human\\_Rights\\_Report16\\_EN.pdf](http://www.uniraq.org/documents/UNAMI_Human_Rights_Report16_EN.pdf)>.

<sup>6</sup> "102 Killed in Iraq's Bloodiest Day This Year," AFP, May 10, 2010, <[http://www.google.com/hostednews/afp/article/ALeqM5ivtK8MT02\\_eZ0Pa8CtFIHXPKncYw](http://www.google.com/hostednews/afp/article/ALeqM5ivtK8MT02_eZ0Pa8CtFIHXPKncYw)>.

<sup>7</sup> "Coordinated Attacks Strike 13 Iraqi Cities," New York Times, Aug. 25, 2010, <[http://www.nytimes.com/2010/08/26/world/middleeast/26iraq.html?\\_r=1](http://www.nytimes.com/2010/08/26/world/middleeast/26iraq.html?_r=1)>.

ethnic lines, which ultimately has an impact on their ability to fairly enforce the law.<sup>8</sup>

Shiite-majority provinces in southern and central Iraq, along with the Sunni-majority city of Mosul in the north, were the scenes of most of the violence in Iraq in the period under review. The violence was largely aimed at Shiite citizens, Iraqi government offices, or allied installations such as the Sunni Awakening Councils, created by the US army in 2006 to counter al-Qaeda cells. Nonetheless, violence remained at stable levels in Baghdad, Diyala, and Kirkuk. In addition, some acts of violence targeted other religious and national minorities, going beyond the traditional Sunni-Shiite conflict in Iraq.

On April 6, 2010, five suicide bombings hit the Shiite-majority neighborhood of al-Shuala, killing 49 and injuring 160.<sup>9</sup> On July 18, 2010, a suicide bomber blew himself up among a group of fighters with the Awakenings Council in al-Radwaniya, south of Baghdad, killing 43 and injuring dozens.<sup>10</sup> On May 24, 2010, insurgents killed Bashar Hamed al-Akidi, who won a parliamentary seat in elections on the Iraqi List in the northern city of Mosul.<sup>11</sup>

The abduction of citizens for ransom continued as well. On June 3, a woman in her 20s was kidnapped in the Jamila quarter of Baghdad; while on June 17, the decapitated body of a man was found a week after he had been abducted in Baquba in northeast Iraq.<sup>12</sup>

American forces also continued to kill and target Iraqi civilians, although incidents of this type declined markedly in the period under review. On September 15, 2010, nearly two weeks after the end of the US combat

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<sup>8</sup> The schisms within Iraqi military and security agencies emerged clearly shortly before the announcement declaring an end to the US combat mission in Iraq and the redeployment of US troops outside Iraqi cities. On Aug. 11, 2010, Babaker Zebari, the Iraqi army chief of staff and a Kurd, announced that Iraqi forces were unprepared to take over security before 2020. The statement was quickly denied by officials in the caretaker government headed by Prime Minister Nouri al-Maliki, a Shiite. See "Babakr al-Zibari: al-jaysh al-'Iraqi ghayr qadir 'ala hifz al-amn qabl 'am 2020," al-Mowaten News," Aug. 11, 2010,

<<http://www.almowatennews.com/news.php?action=view&id=7288>>.

<sup>9</sup> "Iraq Bomb Attacks Leave Dozens Dead," Guardian, Apr. 6, 2010,

<<http://www.guardian.co.uk/world/2010/apr/06/bomb-attack-baghdad-34-dead>>.

<sup>10</sup> "Baghdad Suicide Bomber Kills at Least 43 People," BBC, July 18, 2010,

<<http://www.bbc.co.uk/news/world-middle-east-10675723>>.

<sup>11</sup> Iraq Body Count.

<sup>12</sup> Ibid.

mission in Iraq, a joint Iraqi-US force killed seven people during a raid in Fallujah, northwest of Baghdad.<sup>13</sup>

## Minorities and refugees

Religious and ethnic minorities in Iraq continue to be the groups most subjected to violence and random murder, largely due to the hegemony of extremist religious discourses and groups on the country's political and social stage, including among the security agencies charged with protecting these minorities. The impartiality of Iraqi security forces remains questionable as their political, sectarian, and ethnic affiliations affect their ability to fairly enforce the law.

The Christian minority in particular complained of assaults, as their homes were targeted by militants with the goal of displacing them, particularly in the north of the country. On February 22, 2010, unknown militants killed three members of a Christian family, Aishwa Maroki, 59, and her sons Mukhlis and Bassem, in their home in the Saha quarter of Mosul. They were among at least eight Christians who were killed in Mosul that month.<sup>14</sup> On November 2, 2009, a group of militants attacked the home of a Christian family in Mosul with explosives, causing the family to flee. In a similar incident, on December 7, 2009, the home of a Christian family in the city's al-Hadba quarter came under attack with explosives. These attacks were accompanied by the abduction of Christians in Mosul. In most cases, the victims were released after a ransom was paid, but in two cases, the victims disappeared.<sup>15</sup>

From September 2009 to September 2010, Christian churches continued to be targeted as well. On December 23, 2009, at least three people were killed after two churches were targeted in Mosul.<sup>16</sup> On October 31, 2010, in the most lethal attack on churches since the invasion, the Our Lady of Salvation Church in the capital came under assault by militants who took

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<sup>13</sup> "7 People Die in Raid in Iraqi City of Fallujah," Associated Press, Sep. 18, 2010, <<http://technews.tmcnet.com/topics/associated-press/articles/102611-7-people-die-raid-iraqi-city-fallujah.htm>>.

<sup>14</sup> *Iraq: Civilians under Fire*, Amnesty International, Apr. 26, 2010, <<http://www.amnesty.org/en/library/info/MDE14/002/2010/en>>.

<sup>15</sup> UNAMI, Human Rights Report 1 July-31 December 2009.

<sup>16</sup> Asian News International, <<http://www.aniin.com/>>.

some 100 worshippers hostage. More than 40 people were killed when Iraqi security services attempted to rescue them.<sup>17</sup>

Mandean Sabians also continued to be targeted. Their numbers have been reduced from 30,000 to 12,000 since the US invasion due to emigration and forced displacement. On June 10, 2010, three Sabians were killed in an armed robbery of a jewelry store in the southern city of Basra.<sup>18</sup>

Minorities' holding of traditional trades, as well as their lack of political influence or status, contributed to their fragile position. Criminal gangs and militias targeted Sabians, who traditionally work as jewelers or own jewelry stores. Similarly, the sale of alcohol is largely limited to Christians and Yazidis, which places them as targets for Islamist militants and militias.<sup>19</sup>

Places where Iraqi citizens gather to express their beliefs remained targets for attacks as well. In February 2010, at least 40 Shiites visiting the tomb of Imam Moussa al-Kazim in Baghdad were killed.<sup>20</sup>

The situation of refugees and the internally displaced continued to be a major political and social problem. According to the UN High Commissioner for Refugees, there were 2,764,111 internally displaced persons in Iraq as of the end of 2009.

UNAMI has expressed its concern for the nearly 450,000 squatters in Iraq who are often not provided adequate basic services such as water, sewage, and electricity.<sup>21</sup> The squatters face numerous problems due to administrative and practical obstacles to the exercise of their basic rights, such as the ability to obtain civil status documents in a timely manner and the provision of housing and employment opportunities. Human rights reports note that several European states, among them the Netherlands, Sweden, Norway, and Britain, have intentionally refouled Iraqi refugees back to Iraq, thus endangering their lives.<sup>22</sup>

Concerns also remain about the more than 3,000 Iranian refugees with the opposition Mujahedeen-e Khalk (the People's Mujahedeen of Iran) – MEK,

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<sup>17</sup> "Killing of Civilian Hostages in Iraq Church 'a War Crime'," Amnesty International, Nov. 2, 2010, <<http://www.amnesty.org/en/news-and-updates/killing-civilian-hostages-iraq-church-%E2%80%98-war-crime%E2%80%99-2010-11-02>>.

<sup>18</sup> "Maqtal tis'at ashkhas fi hajamat fi-l-'Iraq baynahum thalatha min al-Sa'iba al-Manda'iyyin," Etisalat News, June 10, 2010, <<http://news.weyak.ae/article/view/lang/ar/id/1196489>>.

<sup>19</sup> *Iraq: Civilians under Fire*.

<sup>20</sup> *Ibid*.

<sup>21</sup> UNAMI, Human Rights Report 1 July-31 December 2009.

<sup>22</sup> "Stop Forcible Returns from Europe to Iraq," Amnesty International, June 17, 2010, <<http://www.amnesty.org/en/appeals-for-action/stop-forcible-returns-europe-iraq>>.

who live in Camp Ashraf in Diyala. The siege of the camp continues and the entry of fuel and medicines has been prohibited since Iraqi forces assumed security control of the camp in July 2009, with the ultimate goal of forcibly displacing the MEK members and their families from Iraq. Earlier last year, the Iraqi authorities officially stated their intention to close the camp as a prelude to the transfer of camp residents to the desert area in southern Iraq.<sup>23</sup> October 2010 saw limited clashes between Iraqi forces and camp residents following residents' opposition to an attempt by Iraqi forces to set up a surveillance tower inside the camp. Eighteen residents were reportedly injured in the clashes, in which Iraqi forces used live ammunition, batons, and electrical cables against protestors.<sup>24</sup>

## Media freedoms

Iraq remains among the five most dangerous countries in the world and the most dangerous Arab country for journalists and press workers, who are at risk of murder and abduction. Last year saw the murder of seven Iraqi journalists, a rate lower than the ten killed in 2009, compared to 14 in 2008, and 47 in 2007.<sup>25</sup>

On September 8, 2010, insurgents killed journalist Safa al-Din Abd al-Hamid, with the al-Mosuliya channel in Mosul, one day after Riyadh al-Saray, an announcer with the official al-Iraqiya channel, was killed in Baghdad by unknown militants. On May 4, 2010, the body of Kurdish journalist Sardasht Osman was found in Mosul two days after unknown militants abducted him from the Kurdish city of Erbil. The Kurdish authorities claimed that the pro-Qaeda Ansar al-Islam group was responsible for his murder, but independent reports blamed the authorities in the Kurdistan province, as Osman habitually criticized the provincial authorities.<sup>26</sup> Moreover, In July 2010, al-Qaeda in Iraq claimed responsibility for a terrorist attack targeting the Saudi al-Arabiya channel in Baghdad, in which three media workers were killed.

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<sup>23</sup> "Protecting Camp Ashraf Residents Is the Responsibility of the Iraqi Government and the International Community," CIHRS, Feb. 22, 2010, <<http://www.cihrs.org/english/newssystem/details.aspx?id=2562>>.

<sup>24</sup> "al-Mu'arada al-Iraniya tastankir al-hujum 'ala mu'askar Ashraf," al-Qabas, Oct. 19, 2010, <<http://www.alqabas.com.kw/Article.aspx?id=644914&date=19102010>>.

<sup>25</sup> Data taken from Reporters Without Borders and the Committee to Protect Journalists.

<sup>26</sup> "Commission of Enquiry Says Journalist's Murder Unrelated to His Work" Reporters Without Borders, Sep. 16, 2010, <<http://en.rsf.org/iraq-commission-of-enquiry-says-16-09-2010,38383.html>>.

Journalists working in Iraq faced not only the risk of murder, but abduction and detention. UNAMI documented the detention of at least eight journalists in Kurdistan in the last quarter of 2009. Reporters Without Borders estimates that only one percent of the groups responsible for the murder, abduction, or threat of journalists were brought to justice from 2003 to 2010.<sup>27</sup>

Journalists also continued to risk arrest by Iraqi and Kurdish forces if they criticized the government. In September 2010, the police arrested journalist Sajjad Salem in al-Kut, southeast of Baghdad, after he published an article online criticizing the courts in the city.<sup>28</sup>

The law to protect the rights of journalists is still awaiting approval by the Iraqi parliament despite its approval by the government in July 2009. The law is expected to provide greater protection of freedom of speech by prohibiting the authorities from misusing articles in the Penal Code (Law 111/1969) to file criminal charges against government critics. The law will also uphold the right of journalists to access information from government sources. Nevertheless, the bill has raised some concerns, particularly since it grants the government broad discretionary power that could be used to restrict the right to freedom of expression. For example, it bans the publication of material that “compromise the security and stability of the country” - a formulation that could be interpreted broadly by the authorities to limit free expression. Furthermore, the bill provides no guarantees for journalists’ right to protect their sources; on the contrary, it requires them to reveal them. The bill also uses a narrow definition of journalist as “a person who works in the press... and who belongs to the Iraqi Journalists Syndicate.” This threatens to deprive other media workers, such as editors, commentators, and bloggers, of the right to publicly express their opinions.<sup>29</sup>

In July 2010, the Supreme Judicial Council in Iraq announced that it intends to establish a new press court, raising concerns that legal means would be used to suppress the freedom of the press. The new court, the first of its kind in Iraq, is expected to hear cases related to media and publication crimes, such as libel, slander, and violations of freedom of the press. However, Iraqi journalists fear the court may be misused such as similar courts in other Arab countries such as Yemen.<sup>30</sup>

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<sup>27</sup> “The Iraq War: a Heavy Death Toll for the Media,” Reporters Without Borders, Aug. 2010 <[http://en.rsf.org/IMG/pdf/rapport\\_irak\\_2003-2010\\_gb-2.pdf](http://en.rsf.org/IMG/pdf/rapport_irak_2003-2010_gb-2.pdf)>.

<sup>28</sup> Journalistic Freedoms Observatory, <<http://www.jfoiraq.org/default.aspx>>.

<sup>29</sup> UNAMI, Human Rights Report 1 July-31 December 2009.

<sup>30</sup> “al-‘Iraq yukhattit li-iqamat mahkama khasa li-l-sahafiyin,” Arabic Network for Human Rights Information, July 26, 2010, <<http://www.anhri.net/?p=9687>>.

## **Political participation and the prospects of the rotation of power**

Political developments in 2010 largely overshadowed the optimistic signs of 2009, especially after the local elections, the reduction of violence, and the conclusion of a final agreement on the departure of US forces.<sup>31</sup> Although it seemed that religious parties, both Sunni and Shiite, had been defeated in the local elections, which also saw the widest Sunni turnout since the US invasion, arrangements prior to the parliamentary election on March 7, 2010, and the eight-month political vacuum that followed, did not bode well for the opportunities to reach a political consensus among all competing Iraqi parties and make a decisive break with the violence.

The first negative sign came in the arduous negotiations between political forces to pass the elections law, which delayed the elections five weeks beyond the constitutionally mandated time, which was set to be in January 2010.<sup>32</sup> The primary disputes in the negotiations centered on the status of the mixed city of Kirkuk (which the Kurds want annexed to Kurdistan), the nature of the electoral system (open or closed electoral list systems), and the number of seats in parliament (ultimately increased from 275 to 325 based on purely political calculations given the absence of any accurate census information). These disputes were closely linked with the hope of parties that had lost in local elections (the Iraqi Islamic Party, the Sadrists (Shiite), the Kurdistan Democratic Party and the Patriotic Union of Kurdistan) to weaken the chances of Prime Minister Nouri al-Maliki, who emerged strong after his coalition “the State of Law” won the most seats in the provincial councils. The disagreements also reflected the desire of some large parties, particularly those that lost in provincial elections, to preserve the closed list system, which gives more opportunities than the open list system, which allows voters to vote on the candidate and the list at the same time. More importantly, many observers agree that the elections and agreement on the elections law would not have taken place were it not for strong American intervention to pressure all factions to make concessions, in addition to regional pressures from Iran, Turkey, and Saudi Arabia.<sup>33</sup>

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<sup>31</sup> “Iraq: Relative Improvement on Fragile Ground,” *Bastion of Impunity, Mirage of Reform*, CIHRS 2009 annual report.

<sup>32</sup> “al-‘Iraq: 7 Maris maw’id ijra’ al-intikhabat,” *Asharq al-Awsat*, Dec. 9, 2009, <<http://www.aawsat.com/details.asp?section=4&article=547790&issueno=11334>>.

<sup>33</sup> “Iraq’s Uncertain Future: Elections and Beyond,” International Crisis Group, Feb. 25, 2010, <<http://www.crisisgroup.org/en/regions/middle-east-north-africa/iraq-syria-lebanon/iraq/094-iraqs-uncertain-future-elections-and-beyond.aspx>>.

The political crisis came to head shortly before elections, after the Accountability and Justice Commission, an independent commission formed to replace the De-Baathification Commission, issued a decree disqualifying 456 candidates, or about 16 percent of all candidates, on the grounds that they were former members of or propagated the ideas of the dissolved Baath Party.<sup>34</sup> Although most of those disqualified were Shiites, the Commission's selective decrees and its disqualification of senior Sunni leaders such as Saleh al-Mutlaq, the president of the Iraqi Front for National Dialogue, and Dhafir al-Ani, the president of the parliamentary Accord Front bloc, cast doubts on the commission's impartiality and its decrees' contribution to free and fair elections. Additionally, the commission gave no reason for the disqualifications and did not give candidate's sufficient time to appeal. In addition, Commission's president Ahmed Chalabi and Vice-President Ali al-Lami, were both candidates with the Shiite National Iraqi Alliance list, which suggested that the decisions were motivated by political rather than legal considerations.<sup>35</sup>

The elections, their prelude, and their aftermath revived pessimism about the peaceful rotation of power, particularly after the withdrawal of American forces at the end of 2011. Shortly before elections, Iraqi parties accused the State of Law list led by al-Maliki of distributing funds, lands, and arms to Iraqi tribes in central and south Iraq to buy their votes.<sup>36</sup> Al-Maliki's allies responded that Saudi Arabia and Turkey had given huge sums of money to the Iraqi List, the coalition comprised largely of Iraqi Sunni forces and led by former prime minister Iyad Allawi, a Shiite and former Baathist, to buy votes and work toward bringing the Baath party back to power.<sup>37</sup>

Directly after the elections, problems began to emerge as the announcement of the results was delayed for 19 days, leading both al-Maliki and Allawi to doubt their veracity and demand a hand count of the ballots.<sup>38</sup> After some back and forth among the parties, on April 19, 2010, the Independent High Electoral Commission agreed to do a partial count in Baghdad, announcing on May 14 that the final outcome of the elections had

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<sup>34</sup> Istib'ad Salih al-Mutlak wa Zafir al-'Ani rasmiyan min al-intikhabat al-'Iraqiya al-muqabila," Reuters, Feb. 14, 2010, <<http://ara.reuters.com/article/topNews/idARACAE61C07Y20100214?sp=true>>.

<sup>35</sup> ICG notes that enormous American pressure prevented a decree the commission was to issue disqualifying 15 parties in addition to the candidates.

<sup>36</sup> "Suspicious Swell as Iraqi Elections Near," Asia Times, Mar. 2, 2010, <[http://www.atimes.com/atimes/Middle\\_East/LC02Ak01.html](http://www.atimes.com/atimes/Middle_East/LC02Ak01.html)>.

<sup>37</sup> "Fi ziyara mufaji'a Iyad 'Allawi yasil al-Sa'udiya," Iraq Cultural Network, Feb. 10, 2010, <<http://www.iraqcenter.net/vb/53623.html>>.

<sup>38</sup> "Qa'imat 'Allawi tahtall al-mawqa' al-ula fi-l-intikhabat al-'Iraqiya," BBC, Mar. 26, 2010, <[http://www.bbc.co.uk/arabic/middleeast/2010/03/100326\\_iraq\\_results\\_tc2.shtml](http://www.bbc.co.uk/arabic/middleeast/2010/03/100326_iraq_results_tc2.shtml)>.

not changed.<sup>39</sup> After the declaration of results, negotiations on the formation of a government illustrated once more the structural and constitutional barriers that prevent Iraq from becoming a fully democratic state.

According to Article 76 of the Iraqi constitution, the president, after his election by the parliament, taps the winning coalition to form a government within 30 days. Yet, after the elections, the Shiite State of Law and the National Iraqi Alliance merged into one list with a total of 159 MPs, thus becoming the largest bloc. This change in the situation constituted a violation of the rights of Iraqi voters, prompting the wronged parties to seek recourse through the federal court. On July 11, 2010, the court ruled that the term “winning bloc” referred to the biggest bloc formed inside parliament after the elections, not before. This definition was seen by Allawi’s list as a way to steal its victory and marginalize its role in politics by suddenly changing the rules of the game.<sup>40</sup> This was not the only breach of the constitution. Nearly every political force colluded in order not to convene parliamentary sessions. Only one short session was held on June 11, 2010, although the constitution explicitly states that the parliament shall convene 15 days after the Supreme Court approves the election results.

Although Iraq since 2003 has seen delays in the formation of government- al-Maliki was unable to form a government for five months after the December 2005 elections - yet the fact that it took Iraqi political forces more than eight months to simply agree on installing al-Maliki as the prime minister and charging him with forming a government, reveals the political challenge facing Iraq in the future, particularly since al-Maliki was initially agreed upon only after the US was able to reach an understanding with Iran and neighboring Sunni countries. The delay means that more than seven years after the US invasion, Iraqi political forces have still not accepted the rules of the peaceful rotation of power, even amid the serious security challenges facing Iraqi forces, rising protests by Iraqis against corruption and poor infrastructure, and delays on the issuance of important

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<sup>39</sup> In the final tally, the Iraqi List won 91 seats, followed by the State of Law Coalition with 89 seats, the National Iraqi Alliance with 70 seats, the Kurdistan Alliance with 43 seats, the Movement for Change (Gorran) with 8 seats, the Accord Front with 6 seats, and the Unity Alliance of Iraq with 4 seats. The remaining 14 seats were distributed among the Kurdistan Islamic Union, the Islamic Group of Kurdistan, and Christian, Sabeen, Shabak, and Yazidi minorities.

<sup>40</sup> “al-Shabindar yaqaddim muqtarahan bi-taqsim al-manasib al-siyadiya bayn al-kutal al-fa’iza li-hall azmat tashkil al-hukuma,” AK News, Sep. 22, 2010, <<http://www.aknews.com/ar/aknews/4/183085/?AKmobile=true>>.

legislation, such as that determining the status of Kirkuk, the division of wealth, a new constitution, and the shape of the federal system.<sup>41</sup>

The outcome of elections showed that, by and large, sect still determines voters' choices in Iraq. Despite media claims that Iraqis do not vote on the basis of religious or ethnic identity, a closer look reveals otherwise. The Iraqi List, for example, took no seats in the Shiite-majority provinces of Maysan, Najaf, and al-Muthanna, while sweeping all the Sunni provinces. This indicates that the choice of Shiite politician Allawi as president did not receive the support of a broad swathe of Shiites.<sup>42</sup> In turn, the State of Law list and the National Iraqi Alliance won no seats in the Sunni provinces of Nineveh and Salah al-Din or in the Kurdish provinces. The same holds for the Kurdish forces, which suffered overwhelming defeats in Arab areas.

It is clear from the failure of secular forces, or cross-sectarian coalitions like the Unity Alliance of Iraq, that sectarian politics are well entrenched. The latter Unity Alliance of Iraq won only four seats out of a 325.<sup>43</sup> More importantly, negotiations of the government coalition clearly illustrated the division of so-called sovereign posts by sect (prime minister, president, speaker of the parliament, and the army chief of staff), which threatens to further entrench the sectarian mindset in the future, although the constitution does not mandate the division of government posts based on religion or ethnicity.

In contrast to the common belief that the ongoing violence, the absence of a climate of trust, and interventions by neighboring states, are preventing the emergence of cross-sectarian national forces, it is the de facto sectarian quota that makes it difficult for any new force to enter politics without aligning itself with the sectarian forces that rule the country.

## **Right to peaceful assembly and association**

In violation of citizens' right to assembly, the Iraqi authorities increasingly banned peaceful demonstrations and arrested the organizers, particularly for protests related to the regular power and water cuts. International reports documented the authorities' refusal to approve

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<sup>41</sup> See "Iraq's Uncertain Future." ICG states clearly that the entire political process in Iraq constitutes a field for the recycling of authority within the same dominant sectarian and political formations, which do not allow alternative forces to emerge, especially secular and non-sectarian ones.

<sup>42</sup> In the 2009 local elections, Allawi's list, which stood alone unallied with Sunni parties, won only 26 seats out of 440.

<sup>43</sup> For complete election results, see <<http://www.themajlis.org/projects/iraq-results>>.

numerous demonstrations during the summer of 2010, on orders that are thought to have originated from the Prime Minister's office.

According to these reports, on June 19, 2010, authorities in Iraq killed two demonstrators and wounded at least 19 others after a demonstration against power cuts in Basra in southern Iraq.<sup>44</sup> On August 21, 2010, police and protestors clashed in the southern city of al-Nasiriya, leaving 16 people injured on both sides. Security forces arrested 37 people and used water cannons and batons to disperse the demonstrators, who threw sticks and stones.<sup>45</sup>

The reports further stated that on June 25, 2010, the Interior Ministry issued a decree that in practice obstructs the right to demonstrate by requiring protest organizers to obtain approval from the Interior Minister and the governor 72 hours in advance. The decree makes no mention of the standards used by the Interior Ministry, governors, or the police to approve or deny permits, effectively giving the government the absolute discretion to determine who has the right to organize a demonstration. The decree also allows Iraqi security forces to use unlimited force against demonstrators, stating that if violence erupts during a demonstration, security forces are authorized "to use known methods to disperse demonstrators." Several protest organizers have said that their request for permits were denied in numerous cities with no stated reason, or that police intimidated them or attempted to detain them.<sup>46</sup>

Iraqi legislation still lacks a law regulating the operation of political parties, this despite the existence of more than 500 political parties, the vast majority of them established after the fall of Saddam Hussein's regime in 2003. There is little available information about the proposed bill on political parties, which the Presidency Council is thought to have sent to parliament for approval in May 2008. However, it is known that the bill includes conditions regulating funding for parties.<sup>47</sup> Independent observers believe that political parties represented in parliament are attempting to prevent the passage of the bill because it will limit their ability to receive funds from

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<sup>44</sup> "Iraq: Stop Blocking Demonstrations," Human Rights Watch," Sep. 17, 2010, <<http://www.hrw.org/en/news/2010/09/17/iraq-stop-blocking-demonstrations>>.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

<sup>47</sup> Abd al-Karim al-Samarrai, an MP with the Sunni Accord Front and the vice-chair of the Security and Defense Committee, claimed in an interview that the main obstacle to the passage of the bill was a provision prohibiting foreign funding for political parties, which he said would weaken the capacities of some parties. Malaf Press, Aug. 7, 2009, <<http://almalafpress.net/?d=143&id=89581>>. Observers believe that another problem with the bill is an article banning any party from operating a private militia, which would affect several Shiite, Kurdish, and Sunni parties.

foreign states, or because it may require them to disclose their annual budgets. In addition, slowing the passage of the bill has meant that small parties have continued to be unable to receive any state funds as is common in many democracies.<sup>48</sup>

Also on the legislative front, the National Assembly Speaker impeded the establishment of an independent high commission on human rights without offering sufficient explanation, although UNAMI offered substantial technical support for the selection of members.<sup>49</sup>

The most positive legal development last year was the passage of an NGO law, which went into effect in April 2010. Although some provisions in the law do not comply with international norms, for instance, an NGO office which is attached to the cabinet supervises all applications for the registration of NGOs, in general it is considered to be the best law of its kind in the Arab world. Registration conditions are fairly simple, as the law requires only three people to file an application with one executive body, with no fees required. The law also grants NGOs the right to contest any decrees or measures taken against them by the executive, and the NGO office does not have the authority to issue a direct decree dissolving any association based on financial irregularities without recourse to the courts. In contrast to many Arab countries, the law upholds the right of NGOs to freely establish coalitions, networks, and alliances, and they are also free to establish their internal organizational systems as they see fit. There are also no restrictions on their right to collect donations or receive foreign grants.<sup>50</sup>

It may be too early to assess the effectiveness of the provisions of the NGO law and their application in practice. However, so far the experience on the ground has been negative. Most NGOs in operation are required to file applications for their establishment to the cabinet department, which has only one office in the capital. In addition, Iraqi security services have reportedly made surprise visits to NGO offices to inquire about their activities or request photos of their members. The authorities also refused to grant requests by human rights groups, particularly those wishing to visit prisons and detention centers to investigate detention conditions.<sup>51</sup>

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<sup>48</sup> “Mata yuqirr majlis al-nawwab qanun al-ahzab?” al-Sabaah, <<http://www.alsabaah.com/paper.php?source=akbar&mlf=copy&sid=95481>>.

<sup>49</sup> UNAMI, Human Rights Report 1 July-31 December 2009.

<sup>50</sup> ‘Isam al-Din Muhammad Hasan, “al-Qam’ wa-l-hurriya: dirasa muqarina li-qawanin al-jam’iyat fi-l-‘Iraq wa Misr,” Rawaq ‘Arabi, periodical issued by the CIHRS, no. 54, 2010, pp. 15-33.

<sup>51</sup> US Department of State, 2009 human rights report for Iraq, Mar. 11, 2010, <<http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136069.htm>>.

## **Independence of the judiciary and the right to fair trial**

Investigative and trial procedures before Iraqi courts still receive severe criticism by Iraqi and international human rights groups for their failure to comply with basic standards of due process. According to UNAMI, the Criminal Procedure Code is marred by severe flaws, relying not on an evidence-based system but on confessions, which are often extracted under duress or torture.<sup>52</sup> UNAMI reports that many Iraqi defendants continue to be denied safeguards for a fair trial, including the right to see an attorney in a timely manner, access evidence, challenge prosecution evidence, and present exculpatory evidence. In addition, detainees are held for long periods without judicial review.<sup>53</sup>

Numerous human rights abusers have yet to be brought to trial amid increasing complaints that Iraqi judicial institutions are under pressure from political parties or threats from militias or criminal elements.<sup>54</sup>

The flaws in the judicial system are closely tied to the archaic bureaucratic infrastructure, which prevents the computerization and registration of data, and stops judicial officials, especially in the provinces, from releasing detainees based on court orders, as they fear the orders may have been forged. In addition, judicial officials and other civil servants find it difficult to move around the country because of the dangerous security situation.<sup>55</sup>

The spread of corruption is also a factor in determining the manner and procedures of detentions. Some people are held by Iraqi security forces neither as suspects in crimes, nor because they constitute a security threat, but rather to extort money from them and their families. In November 2009, a counterterrorism force with the Interior Ministry arrested Dr. Adnan al-Mahdawi, the dean of the Faculty of Education at Diyala University, while he was driving his car in Baquba. He was detained without cause or a warrant and taken to an undisclosed location. One of his relatives later received a phone call from an officer with the unit demanding a large sum of money to guarantee al-Mahdawi's release. His family said they were unable to pay and al-Mahdawi remained in detention. He was later charged with involvement in the murder of a university colleague based on claims made

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<sup>52</sup> UNAMI, Human Rights Report 1 July-31 December 2009.

<sup>53</sup> Ibid. The difficulty of legal representation is not only due to the nature of the judicial system. Attorneys may be afraid to represent their clients, particularly in cases of terrorism or murder, fearing they themselves may be killed.

<sup>54</sup> US Department of State, 2009 human rights report for Iraq.

<sup>55</sup> "Iraq: New Order, Same Abuses: Unlawful Detention and Torture in Iraq," Amnesty International, Sep. 12, 2010, <<http://www.amnesty.org/en/library/info/MDE14/006/2010/en>>.

by the victim's wife. Although he was referred to trial, the woman did not appear to testify.<sup>56</sup>

Human rights organizations complained not only about the failure to prosecute human rights abusers in Iraqi courts, but also about the lenient sentences given to them in US courts. On September 29, 2009, a US military judge dropped the murder charge against Sergeant Jermaine Nelson, who confessed to killing an unarmed Iraqi detainee in Fallujah in November 2004 based on orders from his commander, who had been acquitted by a civil court in 2008. To avoid a murder conviction, Nelson pleaded guilty to dereliction of duty, which carries a maximum sentence of one year in prison.<sup>57</sup>

### **Conditions in prisons and detention facilities**

Although the Iraqi government has ratified the UN Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, conditions in Iraqi prisons and detention facilities continued to deteriorate. It is estimated that the Iraqi authorities are holding some 30,000 people without trial despite court orders for their release and the Iraqi amnesty law passed in 2008, which provides for the release of anyone detained without charge for 6-12 months after their arrest. Under the terms of the US-Iraqi status of forces agreement concluded in November 2008, the US authorities turned over 10,000 detainees to the Iraqi authorities without any safeguards against their torture or ill treatment.<sup>58</sup>

Iraqi prisons and detention facilities are filled with thousands of people arbitrarily detained without charge or trial, sometimes for years.. Prisoners also face beatings, often in secret prisons, to extract coerced confessions. Enforced disappearances are also widespread. Some have died under torture by Iraqi interrogators and prison guards, who regularly refuse to confirm detentions or inform detainees' families of their location. On February 12, 2010, Riyadh Mohammed Saleh al-Uqaibi, 54, died in detention from internal hemorrhaging after a brutal beating during interrogation that broke his ribs and damaged his liver.

Secret prisons continue to exist, most prominently the old Muthanna Airport prison, exposed in April 2010. It is thought that some 500 detainees

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<sup>56</sup> Ibid.

<sup>57</sup> UNAMI, Human Rights Report 1 July-31 December 2009.

<sup>58</sup> "Iraq: New Order, Same Abuses". According to the report, some 200 Iraqi detainees, either senior Baath leaders or members of al-Qaeda, are still in US custody.

were held there at the time.<sup>59</sup> Some had been detained based on false information obtained by Iraqi security forces from secret informants. Some detainees were also tortured during questioning to obtain confessions about their involvement in bombings or other crimes that may carry a death sentence. These “confessions” are often prepared in advance by interrogators, and detainees are forced to sign them while blindfolded, without reading them.<sup>60</sup> In connection with the aforementioned reliance of the courts on confessions, in many cases these prepared confessions were the only evidence brought against detainees in court, including in cases carrying a possible death penalty.<sup>61</sup>

Common forms of torture include beatings with cables or water hoses, electroshocks on sensitive body parts, the breaking of limbs, the removal of fingers and toenails, asphyxiation, puncturing holes in the body, and psychological torture in the form of threats of rape.

Conditions in prisons in the northern Kurdistan province are abysmal. The Kurdish Asayish security force continues to detain numerous people for long periods without trial. Walid Yunis Ahmed, 52, has been held by the Asayish without charge or trial for nearly ten years since his arrest on February 6, 2000, in Erbil, the capital of the Kurdish autonomous region. He is the longest held detainee in Iraq. His family was not informed about whether he was alive until three years after he had disappeared, when they were able to visit him. Ahmed was allegedly tortured and placed in solitary confinement after he declared a hunger strike in 2008 that lasted 45 days to protest his continued detention. He is still being held in the main Asayish forces facility in Erbil.<sup>62</sup>

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<sup>59</sup> Ibid.

<sup>60</sup> Ibid.

<sup>61</sup> UNAMI documented 1,254 death sentences issued in Iraq by the end of 2009.

<sup>62</sup> “Iraq: New Order, Same Abuses.”



# Sudan

The human rights situation in Sudan continued to decline in the shadow of enduring armed conflict and a regime led by a president who has been a target for international justice since 2009. Having already charged him with war crimes and crimes against humanity in Darfur, in 2010 the International Criminal Court (ICC) added the charge of genocide to the indictments against President Omar al-Bashir. Unfortunately, Bashir has been able to disregard the arrest warrants as the international community has failed to treat them with the requisite seriousness, and he flouted the warrants with impunity on visits to several Arab and African nations.

It became clear that major international parties were prepared not only to ignore the warrants against Bashir, but also the many abuses perpetrated by his regime. The calculation has been that a more flexible stance toward the regime might encourage it to take the measures necessary to guarantee the right of southern Sudanese to self-determination in the referendum in January 2011. Therefore, it came as no surprise when the international community turned a blind eye to the scandalous manipulation and fraud seen in last year's parliamentary and presidential elections, which was attributed to logistical problems faced by the regime in its attempt to organize elections. The Khartoum government helped ensure a repressive climate for elections in advance when the ruling party majority in the National Assembly passed a national security law. This law gives security personnel broad powers of arrest, detention, search, and seizure of assets and property with no judicial or parliamentary oversight. The law also grants security personnel and their collaborators absolute immunity from accountability or

prosecution if they abuse these prerogatives. The law was passed despite the objections of parliamentarians with the Sudanese People's Liberation Movement (SPLM) and the withdrawal of five parliamentary blocs in protest.<sup>1</sup>

This chapter also documents the expanding security crackdown on political dissidents and journalists, the torture of some activists, and the continued repression of peaceful assemblies and demand-based movements.

The humanitarian situation remained grave in Darfur as a result of ongoing armed clashes and tribal violence, as well as the authorities' obstruction of the work of humanitarian aid groups, some of whose staff members were abducted. There were also continuing acts of hostility, murder, and political violence in the south, which claimed hundreds of lives and exacerbated the problem of internal displacement. Clearly, Sudan will witness dramatic developments in early 2011 as southerners will without a doubt vote for secession, since after over five years of the Comprehensive Peace Agreement, the al-Bashir regime is still incapable of managing the country's ethnic and religious diversity in a way that would make unity an attractive option for southern Sudanese.

## **Freedom of expression**

Freedom of expression and media freedoms further eroded in the months before and after general elections, as successive blows were struck at both partisan and independent press. This included the reinstatement of the precensorship of newspapers, and the detention of several journalists who were brought before unfair trials. Moreover, websites were blocked, and radio and television media were besieged. Also in the South, different forms of expression and journalists were targets of abuse by the southern government.

On December 7, 2009, during a peaceful pro-democracy demonstration in front of the Sudanese parliament, security used force to disperse the demonstrators, attacking them with clubs, whips, and rifle butts. Many protestors and journalists covering the events were detained, and some were physically attacked. Among them were journalists and television correspondents with *Ajras al-Hurriya newspaper*, *al-Rai al-Amm newspaper*,

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<sup>1</sup> Abdelkadir Mohamed, "Min taht al-barlaman al-qahr ya'bur li-l-sha'b al-Sudani," Dec. 27, 2009, <<http://old.ifhamdarfur.net/node/1412>>.

*al-Ahdath newspaper, al-Akhbar newspaper, South Sudan TV, and al-Jazeera.*<sup>2</sup>

On December 14, 2009, attacks and arrests were repeated during press coverage of a peaceful protest organized by opposition forces.. The victims included journalists and correspondents with *Sawt al-Umma newspaper, al-Tayyar newspaper, al-Shorouq and al-Arabiya Satellite Channels*. At the same time, the security apparatus raided the offices of *Sawt al-Umma newspaper*, detaining several journalists, and beating correspondents from several news agencies. Security furthermore confiscated recording and photography equipment.<sup>3</sup>

In September 2009, a decree was announced abolishing press censorship. Despite this an article published in *Sudani newspaper* in December 2009 by journalist al-Haj Warraq on the situation in Darfur, was censored. In addition, in March 2010, the editors of *Ajras al-Hurriya* and *Rai al-Shaab* newspapers were summoned before the government's National Press and Publications Council for questioning about articles critical of the Sudanese president.<sup>4</sup>

In early May 2010, Fayeze al-Sheik al-Silaik, the editor of *Ajras al-Hurriya newspaper*, and journalist al-Haj Warraq, were referred to trial before the Khartoum Criminal Court, based on complaints by the National Intelligence and Security Services (NISS). They were charged with undermining the stature of the state and publishing false news. At the same time, the National Press and Publications Council issued a decree suspending *al-Hurra* and *al-Ahram al-Yawmi newspapers*.<sup>5</sup>

In the South, soldiers with the Sudan People's Liberation Army (SPLA) arrested Lonya Banak, the director of Internews Radio, because of a talk show that included criticism of the poor level of services provided by the southern government. During his five-day detention, Banak was repeatedly beaten and required hospitalization for two days.

The election campaign season in the South saw the intimidation and threat of journalists. Four journalists were detained because of their coverage

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<sup>2</sup> "al-Ayyam al-muzlima," report on freedom of expression in Sudan in 2009, Arabic Network for Human Rights Information (ANHRI), Jan. 6, 2010,

<<http://www.anhri.net/sudan/makal/2010/pr0106.shtml>>.

<sup>3</sup> "al-I'tida' 'ala-l-sahafiyin intihak li-l-dustur," Journalists for Human Rights, Dec. 14, 2009,

<<http://www.anhri.net/sudan/makal/2009/pr1214.shtml>>.

<sup>4</sup> "Democracy on Hold," Human Rights Watch, June 29, 2010,

<<http://www.hrw.org/en/reports/2010/06/29/democracy-hold>>.

<sup>5</sup> "Awqafu muhakamat al-sahafiyin," Journalists for Human Rights, May 9, 2010, <

<http://www.anhri.net/?p=5704> >.

of sensitive political issues, particularly government corruption. Other journalists were arrested in the Eastern Equatoria province after writing articles critical of the southern government.<sup>6</sup>

Security agents attacked the offices of Bakhita FM, operated by the Catholic Church, and Liberty FM, a private radio station, and arrested officials at both stations. The move came after Liberty hosted the campaign director for an independent candidate, and was an attempt to force Bakhita to curtail its political coverage and force it to focus on religious programming. The directors of the two stations were also summoned to the Information Ministry, where they received oral directives requiring all radio stations in the South to tape programs with political content before broadcast and censor any segments containing criticism of the southern government or incitement against it.<sup>7</sup>

The abuses escalated after the elections in April 2010. On May 19, former press censorship was officially reinstated to suppress free expression. Security forces raided the offices of several newspapers in Khartoum, and newspaper content was subjected to prior review by the security authorities. Four days before censorship was re-imposed, the authorities suspended the opposition paper *Rai al-Shaab*, along with four of its journalists. *Ajras al-Hurriya* was forced not to publish more than half its pages after several stories were banned by the security apparatus.<sup>8</sup>

On May 18, Abuzar al-Amin, the deputy editor of *Rai al-Shaab*, was detained. He told his attorney that he had been tortured in jail. He also said that torture marks were visible on three of his colleagues, Nagi Dahab, Ashraf Abdel Aziz, and Abu Baker al-Sammani, who were being held in a State Security facility. After his arrest, al-Amin was beaten all over his body and subjected to electroshocks. On May 23, Altahir Ibrahim, the political editor at the same paper, was also detained, taken to a State Security facility, and tortured.<sup>9</sup> Abuzar al-Amin; and two other colleagues from the same newspaper Mohammed Abd al-Aziz,; and al-Tahir Ramadan, were referred to trial in June on an array of serious charges found in the Penal Code, the Terrorism Law, and the Press Law. These charges included espionage, incitement against the government, destruction of the country's

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<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> "Prior Censorship Makes a Comeback," Reporters Without Borders, June 7, 2010, <<http://en.rsf.org/soudan-prior-censorship-makes-a-comeback-07-06-2010,37532.html>>.

<sup>9</sup> "Several Journalists on Opposition Daily Tortured in Prison," Reporters Without Borders, May 26, 2010, <[http://arabia.reporters-sans-frontieres.org/article.php?id\\_article=31781](http://arabia.reporters-sans-frontieres.org/article.php?id_article=31781)>.

constitutional order, inciting sectarian hatred, disseminating false news, and disturbing the public peace.<sup>10</sup>

On June 6, *Ajras al-Hurriya* suspended publication for one week in protest against the strict censorship and nighttime security incursions on its offices to review content prior to publication. Other papers were also subjected to raids, among them the opposition weekly *al-Maidan*, some of whose stories were banned. Other newspapers received security orders by phone prohibiting them from addressing certain topics, particularly the ICC and the doctors' strike movement. On July 6, *al-Intibaha* newspaper received an order closing it down and indefinitely suspending publication after it covered appeals for the Sudanese people to vote for southern secession in the 2011 referendum.<sup>11</sup>

Although, the authorities announced the end of direct censorship of newspapers on August 9, 2010, the decree did not prevent the security apparatus from imposing its own censorship.<sup>12</sup> These acts were backed by statements made by the director of the NISS the same day, who said that the agency "reserves its constitutional right to re-impose total or partial censorship whenever the necessity arises."<sup>13</sup> Also on the same day, the Ministry of Information announced that it was suspending BBC Arabic on FM radio in Khartoum, Port Sudan, Medani, and El Obeid. The Ministry also suspended BBC's agreement with the national broadcaster on the grounds that the BBC brought in satellite equipment in a manner other than that specified by the agreement, and that it operated in southern Sudan without a permit from the central government.

In early October 2010, the Sudanese government suspended international Monte Carlo Radio. The station had applied to renew its broadcasting license with the Ministry of Information, but was refused on the grounds that it had violated broadcasting agreements and relevant laws.<sup>14</sup>

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<sup>10</sup> "al-Sudan: li-l-marra al-thalitha fi usbu' wahid man' sahifat al-maydan min al-sudur bi-l-tazamun ma' bad' muhakamat al-sahafi Abu Dhar 'Ali al-Amin wa zumala'ih," ANHRI, June 12, 2010, <<http://www.anhri.net/?p=7355>>.

<sup>11</sup> "al-Sudan: 'awdat al-raqaba al-amniya 'ala-l-suhuf wa ighlaq sahifat al-intibaha," ANHRI, July 8, 2010, <<http://www.anhri.net/?p=8703>>.

<sup>12</sup> "al-Sudan yunhi al-raqaba al-mubashira 'ala-l-suhuf wa-l-sahafiyin mutashakkikin," Reuters, Jan. 25, 2010, <<http://ara.reuters.com/article/topNews/idARACAE6780EQ20100809>>.

<sup>13</sup> "Sudan Bans BBC Arabic, Tightens Grip on the Press," Committee to Protect Journalists, Aug. 9, 2010, <<http://www.cpj.org/2010/08/sudan-bans-bbc-arabic-tightens-grip-on-the-press.php>>.

<sup>14</sup> "al-Sudan: ba'd asabi' qalila min iqaf bathth al-bi bi si al-hukuma al-Sudaniya tuqarrir iqaf bathth idha'at Munt Karlu," ANHRI, Oct. 4, 2010, <<http://www.anhri.net/?p=13228>>.

In early November 2010, the authorities also closed down the office of Radio Dinka in Khartoum, which broadcasts from the Netherlands, after it aired stories about the situation in Darfur. The measure was accompanied by a raid on the office and the arrest of 13 of its staff members.<sup>15</sup>

In May 2010, the southern Sudanese authorities placed increasing pressure on two independent radio stations in the south, Miraya FM and Bakhita. The authorities accused Miraya of inciting to ethnic violence and broadcasting news to incite strife, and threatened to revoke Bakhita's license if it did not alter its programming and reduce its political coverage.<sup>16</sup>

Regarding the electronic media, the central government, through the National Telecommunications Cooperation, continued to block websites, among them the sites of two Arab secularist groups, *Al-ladinyeen al-arab* and *Al-almanyeeen al-arab*). YouTube was also blocked after footage was posted showing security and intelligence officers torturing children in Darfur. The website of the ICC was also blocked, along with al-Mustafa website, which includes an electronic library of works on Islamic history and thought. The agency continued to block the sites of rights groups as well, and at times it is impossible to access the UN webpage that contains links to reports on the situation in Sudan.<sup>17</sup>

## **Freedom of assembly and the right to association**

The authorities continued to suppress all forms of assembly, association, and peaceful protest. In December 2009, the authorities used force to suppress two peaceful demonstrations protesting the lack of democratic reforms prior to elections. Some 40 people were injured in the first protest by the use of tear gas, rubber bullets, and clubs, and more than 160 were arrested. Similar attacks and arrests took place at the second demonstration; amongst the victims was Hafiz Ibrahim Abdulgadir, a former minister of local governance in the Jazirah province and a leading member of the SPLM.

A few months before the general elections in April 2010, the authorities in the North and in Darfur increased the pressure to stifle public assemblies. They also prohibited some civil society groups from organizing training

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<sup>15</sup> "al-Sudan: tashdid al-hisar 'ala wasa'il al-i'lam," ANHRI, Nov. 3, 2010, <<http://www.anhri.net/?p=18480>>.

<sup>16</sup> "Prior Censorship Makes a Comeback."

<sup>17</sup> The National Telecommunications Agency used to post messages on the banned sites indicating that they had been blocked, but that messages no longer appear.

programs on raising voter awareness, including a training session organized on December 16, 2009, in Kushta area, in the White Nile province. Security forces raided the site of the training, confiscated educational materials, and arrested a member of Sudanese Human Rights Monitor, which had helped organize the program. Additionally, in February, the security apparatus banned a seminar on peace-building efforts in South Darfur, and arrested one of the seminar's coordinators and detained him for three days.

After the elections, the central government in Khartoum launched a repressive campaign to undermine political liberties and harass prominent opposition figures. On May 15, Hassan al-Turabi, the leader of the opposition Popular Congress Party, was arrested and detained at the Cooper Prison until late June 2010. On May 20, Farouk Abu Eissa, who heads a coalition of opposition parties, was arrested and questioned for several hours about the opposition's support for Turabi and the ICC.<sup>18</sup>

In the South, the security apparatus arrested Tong Lual Ayat on October 22, 2009, the chair of the United Democratic Party, on the grounds that his party was not legally registered. After two weeks in detention, he was taken to a military prison, where, according to his statement, soldiers tied him to a tree for 16 days.. Observers considered this to be indicative of a pattern of arbitrary detention, abuse, and ill treatment, to which members of opposition political parties are subjected by the SPLM in the South.<sup>19</sup>

In September 2009, , the Ministry of Health fired 22 doctors in southern Sudan and referred several medical workers to investigation in order to contain a strike movement after a strike by doctors protesting delayed salaries.<sup>20</sup>

In the second half of March 2010, Sudan saw an open-ended strike by numerous doctors advocating improved work conditions and higher wages. President Omar al-Bashir threatened to fire the doctors, but the strike continued until May.<sup>21</sup> An agreement was reached between the government and the strikers, but it soon collapsed and the doctors returned to their strike. After the resumption of the strike the police attacked the doctors, beating

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<sup>18</sup> "Democracy on Hold."

<sup>19</sup> Ibid.

<sup>20</sup> "Idrab atibba' bi-janub al-Sudan," al-Jazeera, Sep. 16, 2009, <[http://www.aljazeera.net/NR/exeres/ADC68A1C-C821-4818-AE45-6248B96FC092.htm?wbc\\_purpose=b](http://www.aljazeera.net/NR/exeres/ADC68A1C-C821-4818-AE45-6248B96FC092.htm?wbc_purpose=b)>.

<sup>21</sup> "Tajaddud azmar al-atibba' bi-l-Sudan," al-Jazeera, June 5, 2010, <[http://www.aljazeera.net/NR/exeres/92BCFA12-1F29-46D5-B922-BCC194D6BF9F.htm?wbc\\_purpose=b](http://www.aljazeera.net/NR/exeres/92BCFA12-1F29-46D5-B922-BCC194D6BF9F.htm?wbc_purpose=b)>.

them and detaining some.<sup>22</sup> Security also arrested six medical students at Khartoum University for their solidarity with the strike.<sup>23</sup> Following a new agreement with the government under which all those detained in connection with the strike were released, the doctors declared the end of the strike on June 25.<sup>24</sup>

### **Continued pressure on human rights defenders**

The authorities continued to pressure human rights associations and human rights defenders. This pressure has in recent years been accompanied by the closure of several organizations and the arbitrary detention and torture of a number of human rights defenders. The most prominent attack on human rights defenders came in late October 2010, when Abdelrahman Mohammed al-Gassim, a member of Darfur Bar Association and the executive committee of the Sudanese Human Rights Monitor, was subjected to enforced disappearance arbitrarily detention and torture . It is thought that al-Gassim was targeted because of his engagement with UN mechanisms and his lobbying efforts at the UN Human Rights Council for the mandate of the Independent Expert on Sudan to be extended.

Other human rights defenders targeted in the campaign include Abdelrahman Adam Abdallah, Dirar Adam Abdallah, Manal Mohammed Ahmed, Aisha Sardo Sherif, and Aziza Ali Idris.<sup>25</sup>

### **Elections: securing the monopolization of power**

In April 2010, Sudan saw one of the most complex electoral processes in the country's history, as the electorate cast votes for the president, the parliament, the head of the southern Sudanese government, and the provincial assemblies. According to official poll results, President Omar al-

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<sup>22</sup> "al-Shurta taqtahim mabani kulliyat al-tibb dimn ahdath idrab al-atibba'," Sudan Elite Online Magazine, June 2, 2010, <<http://www.sudanelite.com/news.php?action=show&id=10703>>.

<sup>23</sup> Ibid.

<sup>24</sup> "Raf' idrab al-atibba' niha' iyan wa 'awdat al-atibba' li-'amalihim," Sudanese Online, June 26, 2010, <[http://forums.sudaneseonline.org/cs/blogs/sample\\_weblog/archive/2010/06/26/9669.aspx](http://forums.sudaneseonline.org/cs/blogs/sample_weblog/archive/2010/06/26/9669.aspx)>.

<sup>25</sup> "Sudan: Enforced Disappearance and Reprisals Against Sudanese Human Rights Defenders," CIHRS, Nov. 6, 2010, <<http://www.cihrs.org/english/newssystem/details.aspx?id=2712>>, and "Sudan: End Continuing Repression of Darfur Activists," Human Rights Watch, Nov. 2, 2010, <<http://www.hrw.org/en/news/2010/11/02/sudan-end-continuing-repression-darfur-activists>>.

Bashir won 68 percent of the vote; his closest competitor was Yassir Arman, the SPLM candidate, with 21.6 percent of the vote, despite his withdrawal from the race before elections. In the south, Salva Kiir Mayardit was reelected as president of the southern Sudan government with 93 percent of the vote. The ruling National Congress Party (NCP) preserved its dominance, taking 72 percent of the seats in the National Assembly, while the SPLM won 22 percent and the remaining 6 percent were distributed among candidates from the Popular Congress Party, the Democratic Unionist Party, the Federal Umma Party, the National Umma Party, the Umma Reform and Development Party, the Muslim Brothers, the SPLM-Democratic Change, and some independents. In the Southern Sudan Legislative Assembly, the SPLM, tantamount to the ruling party in the south, won 93 percent of seats, while in the provincial assemblies the ruling NCP won a majority in all but one of the Northern provinces and SPLM candidates won all provinces in the south but one.<sup>26</sup>

According to reports from local organizations that monitored the elections, as well as many international reports, the elections were held in a repressive climate in both the north and south and saw widespread irregularities that in effect prevented voters from freely expressing their opinion and choosing their representatives at the polls. Opposition parties in the North called the elections corrupt and rigged, while nine small parties in the South declared their rejection of the official results.<sup>27</sup>

Before the vote, it was clear that both government parties were attempting to secure the elections and determine their course in advance; hence, the severe criticism leveled at the census that was held and the widespread accusations that the data had been manipulated for political ends and geographic districts gerrymandered. The National Elections Commission, dominated by elements close to President Bashir, took measures to distort the electoral process, eliminating data about residence and address of voters from the voter rolls, making it difficult to review the rolls. These difficulties were exacerbated when the commission failed to release the voter rolls to allow challenges and reduced the window in which to contest their veracity. Sudanese civil society groups also noted that the commission made it easier for money to influence elections by setting a high ceiling on campaign spending by parties and candidates. This necessarily benefited parties with large resources. In the North, the commission was clearly biased toward the ruling NCP. This was illustrated in particular by the provincial committees, district chairs, and administrative body,

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<sup>26</sup> “Report of the Secretary-General on the Sudan,” UN Document S/2010/388, July 19, 2010, <<http://www.un.org/Docs/journal/asp/ws.asp?m=S/2010/388>>.

<sup>27</sup> Ibid.

appointments of the commission's members which ensured the dominance of NCP representatives in all polling stations. The bias was even evident in voter awareness programs, which used the symbols and campaign discourse of the NCP. NCP candidates were also placed at the top of printed ballots. In addition, the commission violated its own internal regulations by allowing the registration of members of the regular armed forces in their places of work instead of at home, which compelled them to vote even if they were not inclined to. More importantly, this measure allowed the ruling party to take advantage of what might be called collective voting blocs.<sup>28</sup>

Civil society media monitoring reports revealed that the principle of equal opportunity was not observed in the state-owned media, which showed a clear bias for the ruling NCP, in violation of rules established by the National Elections Commission itself. Opposition parties withdrew from the media committee formed by the Commission after it issued directives requiring a speech by al-Sadiq al-Mahdi, the presidential candidate for the Umma Party, to be vetted prior to broadcast. In the North and in Darfur, the Sudanese authorities were involved in widespread abuses that were enabled by emergency laws. Reports noted violent security interventions to break up some assemblies, and bans placed on public meetings. Opposition candidates, their supporters, and their authorized representatives, were arrested and harassed in both the North and South, as were election monitors and political activists advocating a boycott. At least 194 incidents of intimidation, harassment, or violence were documented in the southern provinces during the vote. In Nyala, South Darfur, the head of the Communist Party and a member of the Umma Reform and Development Party, were arrested while distributing flyers calling for an election boycott.

In the South, opponents of the SPLM were arrested, particularly those seen as supporters of Lam Akol, the presidential candidate in the South for SPLM-Democratic Change. According to Akol, some of his supporters were beaten during interrogation. In the South, candidates from the South Sudan Democratic Forum were arrested and assaulted. Three of them were denied a chance to submit their candidacy papers as a result of the arrest. Activists involved in the Girifna Movement, which urges citizens to vote against the ruling NCP and its leader Omar al-Bashir, were also detained, harassed, and pressured.

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<sup>28</sup> "Mawqif shabakat munazzamat al-mujtama' al-madani al-mustaqilla min al-'amaliya al-intikhabiya," Apr. 19, 2010, < <http://www.anhri.net/?p=4879> >.

During the vote itself, there were reports of widespread security attacks on monitors, who were prevented from entering polling stations, as well as numerous reports of repeat voting, or voting by people whose names were not on the voter rolls. Video footage posted on the internet showed workers with the National Elections Commission in one district in eastern Sudan stuffing the ballot boxes at night, which led to the cancellation of the district's election results.<sup>29</sup>

Elections were also accompanied by armed clashes between different ethnic groups in South Darfur. As a result of this, voters were prevented from reaching polling stations, which were closed early. In West Darfur, rebels with the Justice and Equality Movement (JEM), who opposed the elections, attempted to prevent the population from voting, and as a result, most polling stations were shut down after the first day of voting.<sup>30</sup>

Within three months of the elections, the Supreme Court had received at least 188 election-related challenges. It rejected 177 of them, forced changes in the National Assembly results in two provinces, and canceled the results of the elections in four constituencies. It referred five of the lawsuits to the National Elections Commission for procedural considerations, but the commission rejected all five.

Due to chaos, violence, and technical and logistical problems, the National Elections Commission was forced to extend the voting by two days. Nevertheless, there were no elections in 18 districts for the National Assembly elections, and in 26 districts for the provincial assembly elections (including ten Northern provinces and four Southern ones). The reasons behind canceling these elections included printing errors on the ballots, the death of candidates, or legal challenges. Elections in 31 of these districts were held in June, while in the others they were postponed until the end of the rainy season.<sup>31</sup>

## **The South between political and tribal violence**

Violence in the South continued to claim more lives and exacerbate human suffering in many areas. The southern government's disarmament efforts were accompanied by increased tensions, and violent clashes took place between members of the Rizeigat tribe and the SPLA on the border between Bahr al-Ghazal and South Darfur- The reasons behind these clashes were not revealed. Over the past year, dozens were also killed and injured in

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<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

<sup>31</sup> "Report of the Secretary-General on the Sudan."

numerous clashes between the SPLA and insurgents with the Lord's Resistance Army, operating from inside Northern Uganda.

According to UN reports, as of July 2010, the lack of security in the South had incurred serious consequences, particularly in the provinces of Jonglei, Lakes, Warrap, al-Wehda, Western Equatoria, and Eastern Equatoria. According to these reports, more than 700 people were killed and more than 150,000 displaced.

Some of the violent clashes were related to political competition and conflict between the SPLM and its splinter groups, while others were linked to the elections results in the South. Fighting broke out in the northern part of Jonglei and the southern part of Upper Nile following elections between supporters of General Ator and the SPLA. These clashes left dozens dead and severely undermined the security and human rights situation, since they were accompanied by arbitrary detentions, looting, destruction of property, and rape.

In the same context, forces loyal to David Yau-Yau, an election candidate in Jonglei, launched an attack on SPLA forces, while the latter accused several members of the Legislative Assembly with the SPLM-Democratic Change of being responsible for an ambush set up by armed men that killed six people in Upper Nile. The group denied the accusation, considering it a response to the electoral gains it made in the Upper Nile province.<sup>32</sup>

### **Deterioration of the humanitarian situation in Darfur**

The humanitarian situation in the Darfur province remained fragile as military operations continued between the Sudanese government and its militias on the one hand, and armed Darfuri factions on the other. There were also clashes among Darfuri factions, and fighting provoked by tribal conflicts.

The violence claimed the lives of hundreds of people and exacerbated the problems of the displaced and homeless. The lack of security also severely hindered the efforts of humanitarian aid groups, as the Sudanese government maintained its unyielding stance towards them. The area also saw more pressure for the expulsion of foreign organizations, increased attacks on aid convoys, and the abduction of several aid workers.

The Sudanese authorities continued its expulsion of foreign organizations working to provide humanitarian aid in Darfur. In January 2010, the

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<sup>32</sup> Ibid, for more details on tribal and political violence in the south.

authorities took measures to cancel the registration of 26 groups on the grounds that they were unable to carry out their mission. The authorities gave 13 other organizations one month to settle their status and comply with the relevant laws.<sup>33</sup>

In July, the authorities deported two foreign workers with the International Organization for Migration in Darfur, giving no reason for the order.<sup>34</sup> In August, five more employees with the same organization and the International Committee of the Red Cross were also deported.<sup>35</sup> The same month, the authorities delayed the arrival of humanitarian aid for two weeks to the Kelma camp, which holds half a million refugees.<sup>36</sup> Aid workers continued to risk abduction, while peacekeeping forces in the province faced abduction or death. Four aid workers with two organizations were kidnapped in May and June.<sup>37</sup>

Between January 2008, when peacekeeping forces were first deployed, and June 2010, 27 troops were killed. Among them were two Egyptian soldiers who lost their lives in May in an ambush in South Darfur.<sup>38</sup> Insurgents also kidnapped two Jordanian officers in August 2010 following a dispute between peacekeeping forces and the Sudanese government over the latter's demands for the former to hand in six local leaders. These six individuals had sought protection with the peacekeeping forces after the government accused them of involvement in inciting violence leading to a situation where several people died.<sup>39</sup> The two officers were released on August 17.<sup>40</sup>

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<sup>33</sup> "Darfur fi-l-sahafa 19 Yanayar 2010-24 Yanayar 2010," <<http://old.ifhamdarfur.net/node/1454>> .

<sup>34</sup> "al-Sudan yukhtir al-munazzama al-dawliya li-l-hijra bi-tard ithnayn min muwazzafiha al-dawliyin al-'amilin fi Darfur," UN Radio, July 15, 2010, <<http://www.unmultimedia.org/arabic/radio/detail/45649.html>>.

<sup>35</sup> "al-Sudan yatrud khamsa min muwazzafi al-umam al-muttahida wa-l-salib al-ahmar min Darfur," Reuters, Aug. 16, 2010, <<http://ara.reuters.com/article/idARACAE67F0JV20100816>>.

<sup>36</sup> "al-Sudan: al-samah li-l-munazzamat al-insaniya bi-l-wusul ila mukhkhayam Kalma," Irin News, Aug. 18, 2010, <<http://arabic.irinnews.org/ReportArabic.aspx?SID=2185>>.

<sup>37</sup> "al-Sudan: istimrar al-muwajahat yu'addi il nuzuh al-alaf," Irin News, June 30, 2010, <<http://arabic.irinnews.org/ReportArabic.aspx?SID=2096>>.

<sup>38</sup> "Maqtal thalatha min quwat hifz al-salam wa isabat akhar bi-juruh khatira fi Darfur," UN Radio, June 21, 2010, <<http://www.unmultimedia.org/arabic/radio/detail/44783.html>>.

<sup>39</sup> "Musallahun yakhtafun zabitayn Urduniyayn min quwat hifz al-salam fi Darfur," BBC, Aug. 15, 2010,

<[http://www.bbc.co.uk/arabic/middleeast/2010/08/100815\\_darfur\\_peacekeepers\\_tc2.shtml](http://www.bbc.co.uk/arabic/middleeast/2010/08/100815_darfur_peacekeepers_tc2.shtml)>.

<sup>40</sup> "al-Ifraj 'an zabitayn Urduniyan makhtufayn fi Darfur," Reuters, Aug. 17, 2010, <<http://ara.reuters.com/article/topNews/idARACAE67G0QL20100817>>.

Some 40,000 people were displaced as a result of violent clashes in March 2010 in Jebel Marra.<sup>41</sup> From August to November 2010, attacks on civilians in Jebel Marra resumed, leading to further destruction and collective displacement. Many civilians were killed after government forces used fighter jets to bomb populated areas, and fleeing civilians were forced to take refuge in peripheral areas under the control of Darfuri factions. Sudanese forces prevented humanitarian aid groups from reaching these areas, and also denied access to United Nations and African Union troops taking part in a survey mission of the affected region.<sup>42</sup>

Peace talks taking place under Qatari auspices in Doha failed to produce a final ceasefire agreement between the Sudanese government and the Justice and Equality Movement (JEM). This failure was due in part to the lack of participation by other Darfuri factions, and in part to JEM's insistence that the Sudanese government release all its members detained in Khartoum.<sup>43</sup> These prisoners include 104 people who were sentenced to death after the JEM attack on Omdurman in May 2008. These trials lacked all guarantees of due process. The most recent death sentences were handed down to two defendants in January 2010.<sup>44</sup>

Clashes between Sudanese government forces and the JEM escalated after the latter announced in May that it was suspending participation in the Doha peace talks. According to sources in the Sudanese army, its forces killed 108 rebels in mid-May and imprisoned 68 individuals. The Sudanese police also announced that it had thwarted an attack by the JEM on a commercial convoy between al-Dain and Nyala, the capital of South Darfur, adding that 57 rebels had been killed during the clash.<sup>45</sup> According to government sources, there were also clashes with the JEM in July, which left more than 300 of its fighters and 75 Sudanese troops dead. However, this was denied by JEM.<sup>46</sup>

The Sudanese government showed no intention of complying with UN Security Council resolutions requiring it to disarm the Janjaweed militias that share responsibility for abuses committed in Darfur since the outbreak

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<sup>41</sup> "Min ajl al-Sudan wa Darfur," closing statement by NGO conference held parallel to the Arab Summit, Mar. 8, 2010, <<http://old.ifhamdarfur.net/mod/1551>>.

<sup>42</sup> "Sudan: Halt Wave of Attacks on Civilians in Darfur," Human Rights Watch, Nov. 11, 2010, <<http://www.hrw.org/en/news/2010/11/11/sudan-halt-wave-attacks-civilians-darfur>>.

<sup>43</sup> "Report of the Secretary-General on the Sudan."

<sup>44</sup> "Darfur fi-l-sahafa 19 Yanayar 2010-24 Yanayar 2010."

<sup>45</sup> "al-Jaysh al-Sudani yaqul innahu qatal 108 min mutamarridi Darfur," Reuters, May 15, 2010, <<http://ara.reuters.com/article/topNews/idARACAE64E0JM20100515>>.

<sup>46</sup> "al-Bashir: muhadathat Darfur akhir mufawadat ma' ayy jama'a musallaha," Reuters, June 5, 2010, <<http://ara.reuters.com/article/topNews/idARACAE6540MM20100605>>.

of the war. Many internally displaced persons said that the Janjaweed continue to carry arms and engage in violence against them.<sup>47</sup>

The Sudanese authorities also continued to insulate those responsible for crimes and abuses in Darfur from any accountability. The presumed commander of the Janjaweed militias, Musa Hilal, whose name is often mentioned in connection with war crimes in Darfur, remains in his post as an advisor to the president since his appointment in 2008.<sup>48</sup> In September 2010, Khartoum confirmed, in an unprecedented move, that a new massacre had taken place in Darfur, killing 49 people. However, it attributed the atrocity to unknown assailants that it described as a gang of criminals and promised to bring them to justice.

While the Sudanese regime refused to comply with the rulings of the ICC, which include turning over President Bashir and several of his aides for trial, the authorities asked Libya in June to expel Khalil Ibrahim, the leader of the JEM.<sup>49</sup> In May, the Sudanese government filed an official request with Interpol for Ibrahim's arrest and extradition, in preparation for his prosecution for his role in the armed JEM attack on Omdurman in May 2008 that left 200 people dead.<sup>50</sup>

On July 13, Pre-Trial Chamber I of the ICC issued a second arrest warrant for President Bashir based on additional evidence of his responsibility for three counts of genocide against the Fur, Masalit, and Zaghawa ethnic groups in Darfur.<sup>51</sup> This development places greater responsibility on the international community to apprehend Bashir -a responsibility that is not only incumbent on signatories to the Rome Statute, but also states parties to the Convention on the Prevention and Punishment of the Crime of Genocide.

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<sup>47</sup> "Letter Dated 27 October 2009 from the Chairman of the Security Council Committee Established Pursuant to Resolution 1591 (2005) Addressed to the President of the Security Council," UN Document S/2009/562, Oct. 29, 2009, <[http://www.un.org/ga/search/view\\_doc.asp?symbol=S/2009/562&referer=\[http://arabic.irinn.ews.org/ReportArabic.aspx?SID=1688\]&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=S/2009/562&referer=[http://arabic.irinn.ews.org/ReportArabic.aspx?SID=1688]&Lang=E)>.

<sup>48</sup> Asharq Alawsat, no. 11632, Oct. 3, 2010.

<sup>49</sup> "al-Sudan yatlub min Libya tard za'im li-mutamarridi Darfur," Reuters, Jan. 27, 2010, <<http://ara.reuters.com/article/topNews/idARACAE65Q0CR20100627?sp=true>>.

<sup>50</sup> "Taqrir: al-Sudan yatlub min al-shurta al-dawliya i'tiqal za'im mutamarridin," Reuters, May 10, 2010, <<http://ara.reuters.com/article/idARACAE64916N20100510>>.

<sup>51</sup> "Report of the Secretary-General on the Sudan."

## Specter of the civil war

Five years after the conclusion of the Naivasha Agreement, it had become clear that the Bashir regime and its ruling party were largely incapable of managing ethnic and religious diversity in such a way as to make the unity of Sudan an attractive option. The Bashir regime has sought to deepen the theocratic features of the state and never made it a priority to harness Sudan's diversity within a policy framework that would promote national integration on the basis of citizenship and the rejection of discrimination, exclusion, and marginalization. As such, secession of the South was a foregone conclusion by the end of 2010.

In fact, the specter of renewed civil war between North and South began to loom on the horizon as the government proved incapable of reaching an agreement on several vital issues necessary to ensure a safe secession. As this report went to press, this list of issues included the drawing of borders and rules governing the vote on whether the oil-rich province of Abyei will be included in South Sudan for the purposes of the referendum. The ruling party in Khartoum maintains that the Arab Misseriya tribe has the right to vote in the referendum in Abyei, while the SPLM insists on excluding the tribe on the grounds that they are nomadic cattle herders and thus not permanent residents of the region. The tribe itself has announced that it intends to fight if they are banned from participating in the referendum.

Minimizing the chances of renewed civil war may depend on the two parties' recognition of their own economic mutual dependence, i.e. that while the oil fields and petroleum reserves are largely concentrated in the South, the pipelines and ports are located in the North.<sup>52</sup>

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<sup>52</sup> Philippe de Pontet, "Can Sudan Avoid a Return to Civil War in 2011?" Arab Reform Bulletin, Oct. 13, 2010, <<http://www.carnegieendowment.org/arb/?fa=show&article=41726>>; "al-Harb taduqq abwab al-Sudan," al-Shorouk, July 18, 2010; and "al-Khasirun wa-l-rabihun fi infisal janub al-Sudan," Asharq al-Awsat, Aug. 26-27, 2010.

# Yemen

The human rights situation in Yemen deteriorated further last year as the sixth round of the war in Saada continued and Saudi Arabia joined as a direct party in the conflict by launching military operations. The Yemeni regime's scorched-earth policy left massive destruction in several towns, and hundreds of civilians were killed in Saudi and Yemeni air raids. The war involved no less grave abuses committed by those described by the government as Houthi rebels. As a result of military operations, more than 250,000 citizens were forcibly displaced.

In addition, the authorities continued to crack down on all forms of peaceful action in the south, employing excessive force, initiating broad detention campaigns, and bringing detainees before trials lacking due process.

Amid these conflict situations, the authorities tightened their grip on the press and various forms of media, while abductions; temporary enforced disappearances; and trials of journalists, critics of Yemen's catastrophic policies, and human rights defenders, became routine practices.

The situation was further exacerbated by the fact that the remnants of al-Qaeda based in Yemen gave the regime room to maneuver and distort the facts, allowing it to use the war on terrorism as a pretext to suppress regime opponents with the complicity of regional and international parties who have declared their support for the regime's counterterrorism measures without regard for human rights. The United States announced it was committed to non-interference in "Yemen's internal affairs," labeling events in the south

an internal matter for the state. Air raids in the south ostensibly targeting al-Qaeda, and carried out with US support, left dozens of civilians dead.<sup>1</sup>

Although President Ali Abdullah Saleh issued a presidential amnesty in late May 2010 for detainees and prisoners held in connection with the war in Saada or the southern social movement, as well as journalists awaiting trial, the amnesty was only partially implemented. There remained a substantial number of detainees in prison, among them human rights activists and defenders. Prisons and detention facilities also absorbed more detainees as the crackdown continued after the amnesty.

## **Abuses in the Saada war**

After several rounds of fighting starting in 2004, the Yemeni president declared a suspension of the war in Saada in July 2008. Nevertheless, the war resumed on August 12, 2009, after which the army adopted a scorched-earth policy following Saleh's announcement that he intended to crush the Houthi rebels with an iron fist.<sup>2</sup>

Air raids by Yemeni forces killed many civilians, most of them women and children. One such example, on September 16, was a raid in the al-Adi region, near the Sufyan district in the Amran province, which left 85 civilians dead and 120 injured. On September 14, government planes shelled a market in al-Talh, killing 34 civilians and injuring many more, mostly women and children.<sup>3</sup>

The most recent round in the war, in November 2009, saw the entry of Saudi Arabia as a direct party to combat operations against Houthis, following reports of Houthi fighters entering Saudi territory. Numerous Saudi air raids reportedly inflicted heavy civilian casualties, including during

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<sup>1</sup> "U.S. Widens Terror War to Yemen, a Qaeda Bastion," New York Times, Dec. 27, 2009, <[http://www.nytimes.com/2009/12/28/world/middleeast/28yemen.html?\\_r=2&ref=yemen](http://www.nytimes.com/2009/12/28/world/middleeast/28yemen.html?_r=2&ref=yemen)>; "U.S. Official Gives Details of Assistance to Yemen in Fight Against al Qaeda," CNN, Dec. 29, 2009, <<http://edition.cnn.com/2009/POLITICS/12/29/yemen.al.qaeda/index.html?iref=allsearch>>; and "U.S. Is Said to Expand Secret Actions in Mideast," New York Times, May 24, 2010, <<http://www.nytimes.com/2010/05/25/world/25military.html?scp=1&sq=Special%20operations&st=cse>>.

<sup>2</sup> Christopher Boucek, "War in Saada: From Local Insurrection to National Challenge," Carnegie Paper, May 2010, <<http://carnegieendowment.org/publications/index.cfm?fa=view&id=40731>>.

<sup>3</sup> "All Quiet on the Northern Front?" Human Rights Watch, Apr. 7, 2010, <<http://www.hrw.org/en/reports/2010/04/07/all-quiet-northern-front-0>>.

the bombing of the Beni Muin market in the Razih district, which left 70 dead and some 100 injured.

The Yemeni authorities imposed a strict media blackout on events to prevent the exposure of abuses in Saada, including the suspension of mobile phone services in the region. It also imposed restrictions on the entry of national and international humanitarian agencies at various points during the conflict, denying the population urgently needed aid, in a move tantamount to the collective punishment of civilians living in the damaged areas.<sup>4</sup>

The conflict in Saada was accompanied by the detention of many people without charge or trial, and the disappearance of others, many of whom were tortured during detention. As of the end of 2009, some 190 people had been brought to trial or were awaiting trial on charges of forming an armed gang and committing violent crimes, including the murder of soldiers. These individuals were tried before the Specialized Criminal Court, an exceptional State Security court. At least 34 of them received death sentences, while at least 54 were sentenced to prison terms of up to 15 years.<sup>5</sup>

At the same time, Houthis were accused of carrying out summary executions. On August 9, 2009, Ali Mirzaq, from the town of Tallan in the district of Haidan in northern Yemen, was executed, while on October 14, fighters executed two civilians, Yehya bin Yehya Misfir and Ali Deif Allah Masawi, by firing an RPG at them. Nine other individuals, who refused to join the Houthi rebellion against the government in Razih in the Saada province, were kidnapped. There is also evidence that Houthi fighters were using Yemeni military officers taken prisoner as human shields to ward off offensives. They also allegedly prevented injured people from leaving their villages to obtain medical care in larger towns. Eyewitnesses reported looting of personal property as well.<sup>6</sup>

On February 12, 2010, a ceasefire went into effect pursuant to an agreement between the Yemeni government and the Houthis, followed by a new agreement between the two parties on June 21, 2010, which contained more detailed provisions on the implementation of the February ceasefire. Under the ceasefire, all people abducted or detained in connection with the Saada war were to be released. Nonetheless, the Yemeni authorities are linking the release of detainees to the Houthis compliance of other provisions of the February agreement.

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<sup>4</sup> “Yemen: Security and Human Rights: Media Briefing,” Amnesty International, Jan. 25, 2010, <<http://www.amnesty.org/en/library/info/MDE31/004/2010/en>>.

<sup>5</sup> Ibid.

<sup>6</sup> “All Quiet on the Northern Front?”

According to information obtained by CIHRS from the Yemeni Organization for Defending Rights and Democratic Freedoms, it is estimated that 657 people were detained in connection with the Saada war. According to reports issued in late July 2010, 82 detainees were still imprisoned, despite presidential amnesties.<sup>7</sup>

Despite similar presidential amnesties for Saada detainees, the last in 2008, many have been held for more than five years without trial or an appearance before the prosecutor. According to the Yemeni Organization for Defending Rights and Democratic Freedoms, their salaries have been suspended and they have been dismissed from their jobs as well.

The authorities accuse the Houthis of violating the agreement by cutting roads, setting up new barriers, and committing acts of violence and murder. There were also reports of clashes between Houthi militias and some pro-government tribal militias, which threatens to provoke a fresh outbreak of the war, considering that the sixth round of fighting saw the government deploying the so-called “popular army,” which contains a mix of tribal soldiers and irregular fighters.<sup>8</sup>

Fears of renewed military operations were heightened due to the escalation of incendiary media campaigns targeting the Zaidi sect, which constitutes a majority of the population in the Saada province, and participation in such campaigns, by radical religious figures through their writings and in mosques. In August 2010, the campaigns were accompanied by attacks by armed groups on the population of Houth, located in the Amran province, during which Mohammed Mutahhar Zaid, thought to be a Houthi, was assassinated. During his funeral procession, armed assaults caused the death of many members of the Zaidi community. In addition, nine homes were destroyed and looted and at least 70 people were abducted and taken to an undisclosed location.<sup>9</sup> According to field statements gathered by the Yemeni Organization for Defending Rights and Democratic Freedoms, the abductees were taken to a private prison run by an influential tribal sheikh in the area, before being transferred to state prisons.

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<sup>7</sup> “al-Marsad al-Yamani li-huquq al-insan yanshur asma’ al-muhtajazin ‘ala dhimmat al-tajammu’at al-silmiya fi-l-muhafazat al-janubiya wa harb Sa’da al-ladhin yantazirun al-ifraj,” July 29, 2010, <<http://www.yohr.org/details.asp/?catid=2&id=385>>.

<http://www.yohr.org/print.asp?catid=358>

<sup>8</sup> “Harb Yamaniya sabiqā wa madha ba’d?” Asharq Alawsat, June 7, 2010, and Christopher Boucek.

<sup>9</sup> “al-Markaz al-Yamani li-huquq al-insan yudin al-jara’im al-lati yata’arrad laha sukkan madinat Huth,” Aug. 24, 2010, <<http://www.anhri.net/?p=11129>>.

In connection with the growing sectarian conflict and violations of the Zaidi community's right to religious freedom, the security apparatus in Amran kidnapped and detained 22 Zaidi citizens while they were commemorating Eid al-Ghadir. Some were beaten and tortured, and the security authorities did not reveal the charges against them.<sup>10</sup>

### **Crackdown on the southern movement**

The Yemeni authorities continued to respond with excessive force to the growing strikes and protests seen in southern Yemen since 2007. The protests were sparked by southerners' growing resentment at the political and economic exclusion and marginalization experienced since the end of the civil war in 1994. Given the ongoing disregard for southern grievances, and the brutal suppression of protests, a renewed civil war remains possible, particularly in light of the growing separatist claims and the emergence of counter-violence in the face of government repression. Some official government statements have attempted to link the southern movement with al-Qaeda terrorist activities, accusing those involved in the former of engaging in acts of sabotage. According to government sources, during the first three months of 2010, there were 87 bombings that killed 10 security personnel. Parliamentary sources with the Yemeni Socialist Party say that as of March 2010 the government crackdown in the south has left at least 150 people dead and thousands detained.

Some reports put the number of deaths from April to July 2010 at 43, with 153 injured, 176 detained, and more than ten prison sentences of up to 10 years issued against those involved in the southern movement.<sup>11</sup>

Starting in April 2010, the Yemeni government began suspending the salaries of some civil servants, including 38 people from the leadership of the southern movement. It also removed the names of several southern retirees from the pension rolls, among them Ahmed Bamuallim, a former parliamentarian and prominent political dissident. He was later denied his monthly pension and sentenced to ten years in prison on March 23, 2010, by an exceptional State Security Court on charges of undermining national

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<sup>10</sup> "T' tiqal 22 muwatinan min al-ma' khadh bi-muhafazat 'Amran fi istimrar li-l-i' tiqalat bi-sabab al-ghadir," Nov. 30, 2010, <<http://www.hurryat.org/?p=1190>>.

<sup>11</sup> See the reports on human rights abuses fro April, May, and June 2010, Southern Observatory for Human Rights, <<http://sohr-aden.org/>>.

unity.<sup>12</sup> Under the presidential amnesty, Bamuallim was released on July 16, 2010, as part of a group of 28 people detained in connection with peaceful assemblies in the south, including Ambassador Qassem Askar Jubran and Fadi Baoum; fifteen people detained under the same circumstances remained in detention.<sup>13</sup>

On November 30, 2009, the authorities cracked down on a peaceful demonstration in Aden to commemorate the 42nd anniversary of southern independence, arresting some 2,000 southern citizens, who were denied visits and were not brought before the prosecutor. It was reported that tear gas was used inside their cellblocks, while some were beaten or subjected to other coercion to force them to pledge not to take part in any future protest.<sup>14</sup>

In April 2010, one citizen was injured and 33 others arrested when security forces in the Lahij province broke up a peaceful assembly convened by the Joint Meeting Parties. Security forces fired live ammunition and tear gas canisters, while Abd al-Qawi Qaed Saleh and Samir Abd al-Salam, leaders in Al-Islah “reform” party, were brutally beaten, and more than 33 activists were detained.<sup>15</sup>

The southern movement in Dhala accused the security apparatus of responsibility for the death of a citizen after he was injured by gunfire in the head during a demonstration on March 11 to commemorate Southern Prisoner Day.<sup>16</sup> In April 2010 in the city of Makiras, Republican Guards

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<sup>12</sup> “Yemen: Ahmed Bamuallim Sentenced to 10 Year Imprisonment,” Alkarama for Human Rights, Mar. 23, 2010, <[http://en.alkarama.org/index.php?option=com\\_content&view=article&id=453:yemen-ahmed-bamuallim-sentenced-to-10-years-imprisonment&catid=40:communiqu&Itemid=216](http://en.alkarama.org/index.php?option=com_content&view=article&id=453:yemen-ahmed-bamuallim-sentenced-to-10-years-imprisonment&catid=40:communiqu&Itemid=216)>.

<sup>13</sup> “Usar mu’taqalin: qarar bi-l-ifraj ‘an 3 qiyadiyin ghadan al-sabt,” July 16, 2010, <<http://www.sh-new.com/vb/showthread.php?t=9762>>; list of detained persons in southern provinces and the Saada war, Southern Observatory for Human Rights; and “al-Marsad al-Yamani li-huquq al-insan yurahhib bi-l-ifraj ‘an 28 mu’taqalan wa yutalib bi-l-ifraj ‘an al-baqiya,” July 17, 2010, <<http://www.yohr.org/details.asp?id=354&catid=2>>.

<sup>14</sup> “Balagh il-l-munazzamat al-huquqiya fi-l-‘alam,” Yemeni Organization for the Defense of Rights and Democratic Freedoms, Dec. 10, 2009 <<http://www.anhri.net/yemen/yoddrf/2009/pr1210.shtml>>.

<sup>15</sup> “al-Marsad al-Yamani li-huquq al-insan (YOHR) yudin qam’ fa’aliya silmiya fi muhafazat Lahij,” Yemeni Observatory for Human Rights, Apr. 28, 2010, <<http://www.yohr.org/details.asp?catid=2&id=324>>.

<sup>16</sup> “al-Yaman: 111 mu’taqal fi muthalath al-hirak al-janubi khilal shahr Maris,” Bawwabat al-Yaman, Mar. 25, 2010, <<http://www.ye26.net/indep/yemen-today-news-sanaa-aden/33979-25-03-2010.html#>>.

opened fire on peaceful protesters asking for the release of political prisoners, resulting in the killing of a 14-year-old child.<sup>17</sup>

In July 2010, security forces opened fire on citizens organizing a funeral procession for Ahmed Mohammed Darwish, who died in a prison in June 2010 as a result of torture. Two people were killed and many injured.<sup>18</sup>

Six more citizens were killed and 20 injured in a bloody clash in the southern city of al-Dhalea in early June 2010, after army forces deployed in the city clashed with armed members of the southern movement. This was followed by aerial bombing of the city that destroyed more than ten homes and injured more than 20 people, most of them women and children.<sup>19</sup>

### **Grave abuses in the name of the fight against terrorism**

The establishment of al-Qaeda in the Arabian Peninsula, and its choice of Yemen as a base for its operations, gave the Yemeni government a pretext to exploit the dangers of terrorism to cover up its widespread human rights abuses. In the name of fighting terror, security cooperation with the US and the European Union has been strengthened, with these parties largely ignoring the violations entailed by counterterrorism measures. Indeed, in some cases, they have been complicit in violations, having given the Yemeni authorities the green light to suppress its opponents. President Barack Obama promised to deepen US cooperation with the Yemeni government, reflected in the declaration by US officials that Washington considers events in the south to be an internal Yemeni matter.<sup>20</sup>

Counterterrorism measures have been accompanied by more cases of abductions and enforced disappearances of suspected al-Qaeda members,. In addition, there are increasing concerns about security forces possibly resorting to extrajudicial execution in pursuit of suspects, and attacks on sites alleged to be providing g refuge to al-Qaeda elements, which has entailed grave harm to civilians. On December 17, 2009, for example, an air raid targeting insurgents in the southern Abyan province killed 42 civilians, most of them women and children. According to several reports, these raids

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<sup>17</sup> See the report on human rights abuses for April 2010 from the Southern Observatory for Human Rights, <<http://sohr-aden.org/>>.

<sup>18</sup> "Ahdath 'Adin yawm 7 Yulyu 2010m," Yemeni Organization for the Defense of Rights and Democratic Freedoms, July 8, 2010, <<http://www.anhri.net/?p=8719>>.

<sup>19</sup> "al-Yaman: 6 qatla wa 20 jarihan fi ishtibakat wa qasf bi-l-Dali' wa 'isyan bi-mudun janubiya," Asharq Alawsat, June 8, 2010, <<http://www.aawsat.com/details.asp?section=4&issueno=11515&article=573017>>.

<sup>20</sup> "The Problems of Partnering with Yemen," Human Rights Watch, Apr. 7, 2010, <<http://www.hrw.org/en/news/2010/04/07/problems-partnering-yemen>>.

were carried out with US support,<sup>21</sup> while some reports added that the Yemeni president had received congratulations from his American counterpart following the raid.<sup>22</sup>

International human rights reports pointed to the use of the internationally banned cluster munitions in these raids. Although official Yemeni sources said that its forces were solely responsible for the raids, press accounts later reported that American cruise missiles were fired at presumed al-Qaeda locations in Yemen. The reports, some from the US, noted that only the US possesses such missiles and that it was unlikely that the Yemeni armed forces would be able to use them.<sup>23</sup> International reports also accused the US of deploying drones in Yemen to kill “high-value targets,” which is tantamount to extrajudicial killing.<sup>24</sup>

On August 20, 2010, the Yemeni army bombed populated areas of the Lawdar district in the southern Abyan province with the use of tanks and artillery, inflicting severe harm on the population. The attacks were launched following the death of several soldiers in an ambush allegedly set up by al-Qaeda or insurgents with the southern movement. The bombing forced hundreds of families to flee their villages and homes and seek refuge in the mountains, even as military units surrounded the entry and exit points to the district. A market was also shelled, while several homes, agricultural property, and a kindergarten, were severely damaged. At least three people were killed and dozens injured, among them a six-year-old girl.<sup>25</sup>

International reports suggest that the authorities have detained hundreds and possibly thousands of people over the last decade suspected of belonging to al-Qaeda or other jihadi groups such as the Yemeni Islamic Jihad or the Jund al-Yemen Brigades. Yet no more than a few dozen of those apprehended have been referred to trial, where they were prosecuted before the Specialized Criminal Court, an exceptional court whose impartiality is questionable. Attorneys are not permitted to view their clients’ case files

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<sup>21</sup> “Treating Terrorism in a Vacuum,” Human Rights Watch, Apr. 7, 2010, <<http://www.hrw.org/en/news/2010/04/07/treating-terrorism-vacuum>>.

<sup>22</sup> “Obama Ordered U.S. Military Strike on Yemen Terrorists,” ABC News, <<http://abcnews.go.com/Blotter/cruise-missiles-strike-yemen/story?id=9375236>>.

<sup>23</sup> “Images of Missile and Cluster Munitions Point to US Role in Fatal Attack,” Amnesty International, June 7, 2010, <<http://www.amnesty.org/en/for-media/press-releases/yemen-images-missile-and-cluster-munitions-point-us-role-fatal-attack-2010->>.

<sup>24</sup> “Yemen: Cracking down Under Pressure,” Amnesty International, Aug. 25, 2010, <<http://www.amnesty.org/en/library/info/MDE31/010/2010/en>>.

<sup>25</sup> “To the Obama Administration: Don’t Defile Your Hands with the Blood of Innocent Yemeni Civilians,” CIHRS, Aug. 29, 2010, <<http://www.cihrs.org/english/newssystem/details.aspx?id=2663>>.

during these trials, and often the judges disregard procedural violations during the defendants' detention and interrogation.

In 2009, only 24 individuals were tried for membership in al-Qaeda or other jihadi groups; six of them were sentenced to death, while the others received prison sentences of up to 15 years.

Under the pretext of fighting terrorism, the authorities passed a law to combat money laundering and financing for terrorism. The law requires attorneys to disclose information about their clients, a fundamental breach of attorney-client privilege. The government also has plans to introduce amendments to the Penal Code that will allow capital punishment for those convicted of terrorist crimes committed while they were 15 to 18 years old. This opens the door to the execution of minors, a violation of the International Covenant on Civil and Political Rights and the International Convention on the Rights of the Child.<sup>26</sup>

### **Freedom of opinion and expression**

Freedom of opinion and expression and press freedoms witnessed a remarkable decline. Dozens of journalists, government critics, and political dissidents were put on trial, and prison sentences were handed down to writers and journalists, some accompanied by a temporary or permanent ban on practicing their profession. Journalists faced growing threats and risks as some were violently assaulted, and several survived attempted assassinations. Websites critical of the authorities continued to be blocked or hacked, and the offices of newspapers were raided and several newspapers banned.

In early November 2009, the Press Court passed sentences against *al-Masdar* newspaper, its editor Samir Jubran, and Munir al-Mawri, a journalist at the paper living in the US. Jubran was sentenced to one year in prison (suspended), banned him from working as a publisher or editor for one year, and fined 100,000 Yemeni rials. As for al-Mawri, he was sentenced to two years in prison on charges of insulting the president in one of his articles for the paper.<sup>27</sup>

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<sup>26</sup> "Yemen: Security and Human Rights: Media Briefing."

<sup>27</sup> "al-Tahaluf al-dawli li-l-difa' 'an al-huquq wa-l-hurriyat yutalib al-sultat al-Yamaniya bi-ilgha' mahkamat al-sahafa wa-l-ahkam al-sadira bi-haqq sahafat al-masdar," Nov. 3, 2009, <<http://www.anhri.net/yemen/makal/2009/pr1103.shtml>>, and "Mahkamat al-sahafa al-mutakhassisa tusdir hukm didd sahafat al-masdar," Yemeni Journalists Syndicate, Nov. 1, 2009, <<http://www.anhri.net/yemen/makal/2009/pr1101.shtml>>.

In January 2010, journalist Anisa Mohammed Ali Osman was sentenced to three months in prison for two articles she had published in *al-Wasat* newspaper two years earlier. She was also banned from writing for one year, and the newspaper's editor was fined 10,000 rials.<sup>28</sup>

The Press and Publications Court in Sana'a also sentenced journalist Moaz al-Ashhabi to one year in prison on charges of infringing on Islamic belief in an article he published in *al-Thaqafa* newspaper in Taiz after he was sued by MPs and clerics. The trial was marred by several procedural irregularities, including al-Ashhabi being taken from the courtroom to prison for service of the initial sentence, on May 10, 2010, until the Appeals Court rectified the matter and released him.<sup>29</sup>

In May 2010, Sami Ghalib, the editor of the independent weekly newspaper *al-Nida*, was put on trial, along with four reporters for the paper – Abdel Aziz al-Majidi, Mayfa Abdel Rahman, Fouad Musaad, and Shafi al-Abd – on charges of publishing false stories liable to incite to violence. The trial came after a series of critical articles published in the paper on the unrest in southern Yemen and the government's handling of it. The court sentenced each defendant to three months in prison (suspended) while condemning the newspaper for incitement and inflaming geographic and racial tensions. On May 2, the court sentenced journalist Hussein Abu Bakr al-lesawas to one year in prison and banned him from writing for one year.<sup>30</sup> He was released on May 29, 2010, as part of a presidential amnesty.<sup>31</sup>

Under the presidential amnesty issued for journalists on May 9, 2010, the trial of three journalists before the Specialized Criminal Court were suspended in December 2009. The three are journalist and human rights defender Salah Yahya al-Saqladi, and journalists Fouad Rashed and Ahmed

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<sup>28</sup> "al-Sajn thalath ahshur li-l-katiba Anisa Muhammad 'Ali 'Uthman," Barakish Net, Jan. 17, 2010, <<http://www.barakish.net/news.aspx?cat=12&sub=15&id=3499>> and "Usrat Anisa 'Uthman: sanatlub al-luju' li-balad akhar li-an al-hurriyat bi-l-Yaman ma'duma," Sahwa Net, Jan. 17, 2010, <[http://www.alsahwa-yemen.net/view\\_news.asp?sub\\_no=1\\_2010\\_01\\_17\\_75384](http://www.alsahwa-yemen.net/view_news.asp?sub_no=1_2010_01_17_75384)>.

<sup>29</sup> "Liqa' tadamuni ma' Mu'adh al-Ashhabi fi muntada al-shaqaiq," al-Shaqaiq al-Arabi Human Rights Forum, Apr. 22, 2010, <<http://www.anhri.net/?p=4679>> and "al-Ifraj 'an al-sahafi Mu'adh al-Ashhabi zuhr al-yawm," Change Media Network, May 10, 2010, <<http://www.ye26.net/component/rssnews/?task=iframe&format=raw&id=45425>>.

<sup>30</sup> "al-Marsad al-Yamani li-huquq al-insan (YOHR) yudin al-hukm al-sadir didd al-sahafi al-lesawas," Yemeni Observatory for Human Rights, Feb. 5, 2010, <<http://www.yohr.org/details.asp?catid=2&id=325>>.

<sup>31</sup> "CTPJF: nurahhib bi-tawjihat ra'is al-jumhuriya al-akhira wa nu'akkid an istiqrar al-Yaman lan yatahaqqaq illa bi-ihthiram al-hurriyat al-'amma," Center for Training and Protection of Journalistic Freedoms, May 29, 2010, <<http://www.anhri.net/?p=6802>>.

al-Rebeizi. They had been charged with disturbing the public order and inciting to hatred in a series of articles published online.<sup>32</sup>

On May 21, the authorities suspended the prosecution of opposition journalist Mohammed al-Maqalih, the editor of the online news site of the Socialist Party.<sup>33</sup> Al-Maqalih was subjected to grave abuses after he was abducted in September 2009. His whereabouts remained unknown for five months before he was referred to trial for his public criticism of human rights violations, particularly in the Saada region. During his period of involuntary disappearance, he was subjected to physical and psychological torture, including a mock execution.<sup>34</sup>

Also as part of the presidential amnesty, eight cases involving 32 journalists were reportedly suspended. Among those covered by the amnesty was journalist Hisham Bashraheel, the founder of the *al-Ayyam* newspaper.<sup>35</sup> Bashraheel had been detained in January 2010 after security forces raided the paper's offices, along with his two sons, Mohammed Hisham Bashraheel and Hani Hisham Bashraheel.<sup>36</sup> His sons were released in April 2010 based on directives from the president, while Hisham Bashraheel was released on March 24, 2010, for health reasons.<sup>37</sup>

In contravention of the terms of the amnesty, there were reports in October 2009 that many supposedly covered by it remained in prison or were being brought before the Specialized Criminal Court or the Press Court. Among these journalists were Hussein al-Lesawas, Mohammed al-Maqalih, Sami Ghalib (editor of *al-Nida* newspaper), as well as Shifi al-Abd, Nabil Subaie, Nayef Hassan, and writer Moaz al-Ashhabi.<sup>38</sup>

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<sup>32</sup> "al-Yaman: ta'liq muhakamat al-mudafi' 'an huquq al-insan al-sayyid Salah al-Saqladi," Front Line Defenders, <<http://www.frontlinedefenders.org/ar/node/10534>>.

<sup>33</sup> "Judicial Proceedings Against Mohamed Al-Maqalih Suspended," Reporters Without Borders, May 21, 2010, <<http://en.rsf.org/yemen-yemeni-media-and-journalists-20-04-2010,37080.html>>

<sup>34</sup> "al-Marsad al-Yamani li-huquq al-insan yuwajjih nida' 'ajil li-l-tadakhkhul li-inqadh hayat al-sahafi Muhammad al-Maqalih," Feb. 3, 2010, <<http://www.anhri.net/yemen/makal/2010/pr0203.shtml>>

<sup>35</sup> "Special Court Abandons Cases Against 33 Journalists," Reporters Without Borders, June 10, 2010, <<http://en.rsf.org/yemen-special-court-abandons-cases-10-06-2010,37716.html>>.

<sup>36</sup> "Yemen: Editor and Son Arrested, Risk Torture," Amnesty International, Jan. 7, 2010, <<http://www.amnesty.org/en/library/asset/MDE31/001/2010/en/104349df-c10f-4351-99d0-6c91702839f8/mde310012010en.html>>.

<sup>37</sup> "Soldiers Overrun Media Company to Suppress Story about Army Raid on Police Station," Reporters Without Borders, Apr. 23, 2010, <<http://en.rsf.org/yemen-soldiers-overrun-media-company-to-23-04-2010,37133.html>>.

<sup>38</sup> "Bayan tadamuni didd istihdaf al-sahafiyin wa-l-suhuf," Yemeni Organization for the Defense of Rights and Democratic Freedoms, Oct. 13, 2010, <<http://www.anhri.net/2p=13826>>.

The authorities also renewed their harassment of journalists following the amnesty. In August 2010, the National Security Agency detained Kamal Sharaf, a cartoonist involved in anti-corruption campaigns, and Abdul Elah Haidar Shaya, a writer specializing al-Qaeda affairs. In July, Haidar had been abducted by unknown assailants, blindfolded and taken to an undisclosed location, and questioned about his writings on al-Qaeda. Sharaf had witnessed the incident and filed a formal complaint.<sup>39</sup> While Sharaf was released 50 days after his arrest, Haidar was referred to trial before the Specialized Criminal Court on serious charges, including membership in a terrorist gang seeking to undermine state security and incitement to the assassination of the president and his son.<sup>40</sup>

Several journalists faced assassination attempts, the most prominent case being in February 2010, when an attempt was made on the life of journalist Mohammed Shoui al-Raboue in the Beni Qais district of the Hajjah province after he published a report about corruption. Eyewitnesses said that as al-Raboue left his home more than three people in a car attempted to run him over. When he sought refuge behind a tree, they began shooting. He sustained injuries to his shoulders, chest, and other parts of his body.<sup>41</sup>

In January 2010, Abd al-Rahman al-Mohammedi, a correspondent for *al-Ghad* in Dhala, and Mohammed Ali Mohsin, the chair of the media office in Dhala, survived an assassination attempt during an attack by unknown armed assailants on a restaurant in the city.<sup>42</sup> The director of the online site Sahwa Net, Mohammed al-Alwani, was also threatened, while Abdullah Bishr, the chair of Jumhour, also faced an assassination attempt.<sup>43</sup>

Mohammed Said al-Sharabi, the editor of the independent weekly *al-Diyar* newspaper, faced grave armed attacks and intimidation of him and his family in the Taiz province because of his published writings, which included critical coverage and news of violations allegedly perpetrated by the local leadership in Taiz. More than 60 gunshots were fired at his home,

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<sup>39</sup> “al-Yaman: ‘ala al-niyaba al-‘amma an tu’lin bi-wuduh asbab i’tiqal sahafi wa rassam karikatir wa ihtijazihim bi-l-mukhalafa li-l-dustur,” Arabic Network for Human Rights Information, Aug. 23, 2010, <<http://www.anhri.net/?p=11073>>.

<sup>40</sup> “Journalist Disputes Court’s Legality as Trial Opens,” Reporters Without Borders, Oct. 26, 2010, <<http://en.rsf.org/yemen-preposterous-charges-arbitrary-26-10-2010,38661.html>>.

<sup>41</sup> “al-Sahafa fi-l-Yaman waqi’ masawi wa tahdid mustamirr,” Feb. 22, 2010, <<http://www.ahewar.org/debat/show.art.asp?aid=204791>>, and “Bayan idana: siyaj tudin ighthiyal al-sahafi wa-l-nashit Muhammad al-Rabu’i wa tad’u al-jami’ li-l-tadamun,” Seyaj for Childhood Protection, Feb. 13, 2010, <<http://www.anhri.net/yemen/seyaj/2010/pr0213.shtml>>.

<sup>42</sup> “al-Sahafa fi-l-Yaman waqi’ masawi wa tahdid mustamirr.”

<sup>43</sup> “CTPJF yad’u li-waqf fawri li-l-harb al-maftuha didd al-sahafiyin,” Jan. 18, 2010, <<http://www.anhri.net/yemen/ctpjf/2010/pr0118.shtml>>.

along with a hand grenade that did not detonate, and his home sustained severe damage. The assault came less than 24 hours after he received threats from sources close to the Taiz governor.<sup>44</sup>

In March 2010, the editor of the Hadramawt Press website, Awad Kashmim, was abducted by security agents.<sup>45</sup> He was detained until his release under the presidential amnesty.<sup>46</sup>

Turning to press censorship, the Ministry of Information banned the publication of the Aden-based independent *al-Watan* newspaper for two consecutive weeks because of its coverage of the southern movement and an article considered insulting to the president.<sup>47</sup> On April 21, 2010, Central Security Forces also raided the offices of the October 14 Foundation for Journalism, Printing and Publishing in Aden, confiscating the next day's issue of *al-Tariq*. The forces searched every car leaving the office to find copies of the paper, which is printed in the building. The move came after *al-Tariq* published a story about the Central Security Forces surrounding the police station in al-Tawahi in southern Yemen, reporting that the military operation was a form a retribution following an argument between a policeman in al-Tawahi and a soldier with Central Security during the demolition of illegal housing in the town.<sup>48</sup> In early December 2010, the intelligence apparatus banned the entry of the *al-Thawri* newspaper, the mouthpiece of the opposition Socialist Party, into Aden after the paper covered the detention of several citizens in the city. Printed copies of the paper were confiscated from the truck on its way to Aden.<sup>49</sup> Additionally, the website of the independent Yemen News was hacked in mid-December 2009.<sup>50</sup>

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<sup>44</sup> "Yemen: ta'akeed etekal al saed Hamam al-Dabei." Alkarama for Human Rights. Apr. 10, 2010  
<[http://ar.alkarama.org/index.php?option=com\\_content&view=article&id=3805:2010-04-13-07-43-38&catid=164:2009-03-08-12-08-04&Itemid=140](http://ar.alkarama.org/index.php?option=com_content&view=article&id=3805:2010-04-13-07-43-38&catid=164:2009-03-08-12-08-04&Itemid=140)>

<sup>45</sup> "Bayan tadamuni ma' mudtahadi wa mu'taqali hurriyat al-ra'i wa-l-ta'bir fi dawlat al-Yaman," Association for Human Rights in the Rif, Apr. 4, 2010,  
<<http://www.anhri.net/?p=3538>>.

<sup>46</sup> "CTPJF: nurahhib bi-tawjihat ra'is al-jumhuriya al-akhira."

<sup>47</sup> "Wizarat al-i'lam al-Yamaniya tusadir al-'adad 61 min sahifat al-watan," al-Watani, Oct. 17, 2009, <<http://www.anhri.net/yemen/makal/2009/pr1017.shtml>>.

<sup>48</sup> "Soldiers Overrun Media Company to Suppress Story about Army Raid on Police Station."

<sup>49</sup> "al-Yaman: a-amn yamna' sahifat al-hizb al-ishtiraki al-mu'arid min wusul 'Adin," Arabic Network for Human Rights Information, Dec. 4, 2010, <<http://www.anhri.net/?p=19921>>.

<sup>50</sup> "al-Marsad al-Yamani li-huquq al-insan yudin ma ta'arrad lahu niyuz Yaman," Yemeni Observatory for Human Rights, Dec. 12, 2010,  
<<http://www.anhri.net/yemen/makal/2009/pr1212.shtml>>.

The pressure on media freedoms also extended to satellite television, targeting al-Jazeera in particular, which faced threat of closure. Murad Hashim, the al-Jazeera bureau director at the time, and correspondent Ahmed al-Shalafi, received several death threats, but the authorities conducted no investigations into the complaints filed with the Interior Ministry. The channel's crew also faced repeated attacks while covering events in the south as state officials incited against them, among them the governor of Taiz and an MP with the ruling party, who demanded that the al-Jazeera offices be destroyed. Central Security Forces and the political police (intelligence services), accompanied by Ministry of Information officials, also raided the offices of both al-Jazeera and al-Arabiya in Sana'a, forcibly confiscating Jazeera's broadcasting equipment without a warrant from the Public Prosecutor or any other body. They claimed that they were following directives from the Minister of Information.<sup>51</sup>

### **Crackdown on human rights defenders**

Human rights defenders remained a target for abuses including exceptional trials, arbitrary detentions, and enforced disappearances, in addition to some facing intimidations and threats, because of their role in exposing human rights violations.

On Monday afternoon, September 28, 2009, human rights activist Ali Ahmed al-Saqqaf, a member of the Yemeni Organization for Defending Rights and Democratic Freedoms, was abducted. Eyewitnesses said that armed men in civilian clothes surrounded him on a street in the capital and led him to a medium-sized truck.<sup>52</sup> Al-Saqqaf was detained and denied his right to medical treatment after he contracted hepatitis, prompting him to declare a hunger strike in protest of the arbitrary measures taken against him.<sup>53</sup>

On November 23, 2009, the offices of the Sisters' Arab Forum for Human Rights (SAF) were raided by unknown assailants who destroyed equipment and vandalized the office. Amal al-Basha, the chair of SAF, was later harassed by unknown persons who sprayed her face with a liquid

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<sup>51</sup> "al-Yaman: al-amniya taqtahim maktabay al-Jazira wa-l-'Arabiya bi-San'a' wa tusadir jihazay al-irsal," Mar. 10, 2010, <<http://arab-reform.net/spip.php?article2937>>.

<sup>52</sup> "Yemen: Attack Against Human Rights Defenders Ms Tawakkol Karman and Ms Lubna al-Gedsi and Alleged Enforced Disappearance of Mr Ali Ahmad al-Saqqaf," Front Line Defenders, Oct. 9, 2009, <<http://frontlinedefenders.org/node/2193>>.

<sup>53</sup> "Tadamunan ma' a'da' al-munazzama al-Yamaniya li-l-difa' 'an al-huquq wa-l-hurriyat al-dimuqratiya li-l-mu'taqalin ta'assufan," Tunisian Observatory for Union Rights and Freedoms, Aug. 2, 2010, <<http://www.anhri.net/?p=10245>>.

substance. She also discovered that the brakes of her car had been tampered with on November 17, 2009.<sup>54</sup>

In January 2010, Yasser al-Wazir, a member of the Yemeni Organization for Defending Rights and Democratic Freedoms, was sentenced to eight years in prison. He had been kidnapped 18 months earlier by the political police, after which he was held incommunicado and denied family visits for more than three months. He was tortured and placed in solitary confinement for long periods, and remained detained without charge or trial until the authorities referred him to trial on false charges, among them forming an armed militia, although he was not investigated on any of these charges. He was tried under semi-secret conditions in closed court sessions the dates of which were not announced in advance. His lawyer was unable to attend the trial before the Specialized Criminal Court, which constitutes a denial of the defendant's basic rights to due-process and procedural safeguards.<sup>55</sup>

On February 13, 2010, human rights activist Mohammed Naji Allaw, the coordinator for the National Organization for Defending Rights and Freedoms (HOOD), and a former member of the Yemeni parliament, was questioned when the chair of the Specialized Press Court referred him to the Public Prosecutor on charges of defaming the judiciary after he criticized the Press Court and declared it an exceptional court in violation of the constitution and the law.<sup>56</sup>

Afrah Ali Saeed, a human rights activist and member of the executive committee of the Yemeni Organization for Defending Rights and Democratic Freedoms, was harassed by security and received threats on her home line and mobile phone. On more than one occasion, she was followed to her work place and to the Arab Foundation for Supporting Women and Juveniles, the site of her social and legal activism. Her computer was hacked

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<sup>54</sup> "Ba'd ta'arrud sayyarat Amal al-Basha li-qat' faramiliha qablaha bi-usbu' iqtiham maqarr al-Shaqa'iq," Sisters Arab Forum for Human Rights Forum, Nov. 23, 2009, <<http://www.anhri.net/yemen/saf/2009/pr1123.shtml>>.

<sup>55</sup> "Yemeni Human Rights Defender to Serve Eight Year Prison Term," CIHRS, Feb. 4, 2010, <<http://www.cihrs.org/English/NewsSystem/Articles/2545.aspx>>, and "Munazzamat al-mujtama' al-madani al-Yamani tastahjin hukm mahkamat amn al-dawla 'ala 'udw al-munazzama al-Yamaniya Yasir al-Wazir," Yemeni Organization for the Defense of Rights and Democratic Freedoms, Jan. 17, 2010, <<http://www.anhri.net/yemen/yoddrf/2010/pr0117.shtml>>.

<sup>56</sup> "al-Yaman: ba'd al-mumarasat al-ja'ira didd al-sahafiyin: al-tahqiq ma' nashit huquqi," Arabic Network for Human Rights Information, Feb. 16, 2010, <<http://www.anhri.net/press/2010/pr0216.shtml>>.

and her phones tapped,<sup>57</sup> and she was ultimately compelled to leave the country to seek political asylum.

In August 2010, Abd al-Hafez Mujab, the media officer for the National Forum for Human Rights, was brutally beaten because of his criticism to and after he photographed the distribution of the aid distribution process to citizens and documented them being beaten and humiliated. The military police assaulted him before detaining him for several hours at a facility of the Economic Institution, which is not a legal detention center.<sup>58</sup>

On October 12, 2010, human rights activists Tawakkol Karmen and Bushra Alsorabi were also assaulted, hit with flammable materials and rubber bullets, and detained for several hours, after taking part in a demonstration in solidarity with the internally displaced people of Jaashen.<sup>59</sup>

In early December 2010, officials with the district security office in the Amran province arrested Abd al-Wasie al-Muayyad, a member of the Yemeni Organization for Defending Rights and Democratic Freedoms, along with several others, during a peaceful assembly of the families of detainees in the province. The human rights delegation taking part in the assembly was also met with a series of insults and threats of detention. The delegation included Ali al-Dailami, the executive director of the organization, and lawyer Mohammed Mohammed Ibrahim, a member of the Change Organization for Defending Rights and Freedoms, as well as several other lawyers.<sup>60</sup>

Pressure on human rights defenders also extended to their peers in Arab and international human rights groups. In June 2010, Nabeel Rajab, a representative of the International Federation for Human Rights and the president of the Bahrain Center for Human Rights, was harassed on a visit to Yemen to take part in advocacy activities. He was held at the Sana'a Airport for several hours upon both arrival and departure, and his bag, personal computer, camera, and mobile phone were searched. Upon leaving the country, he was informed that he was no longer welcome and should not try to enter Yemen in the future. The harassment came after Rajab took part in a fact-finding mission about torture in Yemen as a representative of the

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<sup>57</sup> "Istinkar ma tata'arrad lahu al-nashita al-huquqiya al-ustadha Afrah 'Ali Sa'id," Yemeni Organization for the Defense of Rights and Democratic Freedoms, June 23, 2010, <<http://www.anhri.net/?p=7993>>.

<sup>58</sup> "al-Munazzama al-Yamaniya tualib bi-l-tahqiq al-jiddi fi qadiyat al-i'tida' 'ala-l-nashit al-huquqi 'Abd al-Hafiz Mu'jab," Aug. 23, 2010, <<http://www.anhri.net/?p=11064>>.

<sup>59</sup> "al-Shaqaiq yudin al-intihakat al-lati ta'arradat laha Karman wa-l-Sawabi," al-Shaqaiq al-Arabi Human Rights Forum, Oct. 16, 2010, <<http://www.anhri.net/?p=13958>>.

<sup>60</sup> "al-Munazzama al-Yamaniya tastankir al-tahdid bi-l-i'tiqal li-mudiriha al-tanfidhi 'Ali al-Daylami," Dec. 1, 2010, <<http://www.al-tagheer.com/news244506.html>>.

International Federation for Human Rights in October 2009. The Yemeni authorities also denied an entry visa to a representative of the federation in Geneva who was scheduled to take part in an activity organized by the Sisters' Arab Forum for Human Rights.<sup>61</sup>

## Torture

Amid the increasingly common practices of arbitrary detention, enforced disappearance, and torture, the Yemeni government in November 2009 refrained from attending the meeting of the UN Committee against Torture convened for the review of Yemen's second annual report on compliance with the Convention against Torture. The Committee concluded that torture and other forms of ill treatment are rampant in Yemen.<sup>62</sup> It stated that political activists, journalists, and human rights defenders had been arbitrarily detained and held in isolation, and that allegations of torture in the country are rarely investigated, noting there appeared to be a climate of impunity for perpetrators. The Committee added that at times the relatives of suspects are also detained as hostages, among them children, and sometimes for years on end, to force suspects to turn themselves in.<sup>63</sup>

The Committee further noted that forms of torture include beatings; intimidation; death threats, at times with a gun held to the head; suspension; beating of the soles with *al-Fallaqa* (a torture tool);<sup>64</sup> and mock executions, such as that experienced by al-Maqalih, who was placed in a chair in preparation for an execution after which he was mocked by his torturers.<sup>65</sup> Methods of torture also include beatings with batons and rifle butts, punches, kicks, extended suspension from the wrists or ankles, cigarette burns, stripping, denial of food and medical aid, and threats of sexual assault.

Because of their participation in peaceful protests in the south, dozens of detainees have been tortured in the Mukalla District Prison. Seven men suspected of leading protests had their hand and ankles bound and were

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<sup>61</sup> "al-Shaqaiq yudin ihtijaz mumaththil al-fadraliya al-dawliya li-huquq al-insan," al-Shaqaiq al-Arabi Human Rights Forum, June 24, 2010, <<http://www.anhri.net/?p=8101>>.

<sup>62</sup> "Yemen: Security and Human Rights: Media Briefing."

<sup>63</sup> "Provisional Concluding Observations of the Committee Against Torture," Dec. 17, 2009, <<http://daccess-ods.un.org/TMP/6494992.97142029.html>>.

<sup>64</sup> Intervention by the Yemeni Organization for the Defense of Rights and Democratic Freedoms before the UN Committee Against Torture, Geneva, May 6, 2010, session no. 44.

<sup>65</sup> "al-Yaman: al-sahafi al-Maqalih yuwajjih muhakama ghayr 'adila wa yukshaf ta'arruduh li-l-ta'dhib athna' ikhtifa'ih qasriyan," Alkarama for Human Rights, Feb. 23, 2010, <[http://ar.alkarama.org/index.php?option=com\\_content&view=article&id=3749:2010-02-23-08-56-00&catid=164:2009-03-08-12-08-04&Itemid=140](http://ar.alkarama.org/index.php?option=com_content&view=article&id=3749:2010-02-23-08-56-00&catid=164:2009-03-08-12-08-04&Itemid=140)>.

suspended from the ceiling and walls of their cells for hours. Others were exposed to tear gas, beatings with batons, punches, and kicks, with the goal of forcing them to stop their demands for southern independence and the release of their families from prison.<sup>66</sup> In a number of cases, torture has led to death. On June 25, 2010, the political security apparatus detained Ahmed Darwish in his home in the Khor Maksar area and took him in for questioning at the headquarters in al-Tawahi, where Darwish died under torture. According to a statement from his brother, Darwish was injected with an unknown substance.<sup>67</sup> The Public Prosecutor ordered those suspected of Darwish's murder to appear for questioning, but the director of security in the province refrained from turning them over to the investigating authorities.

On September 4, 2009, detainee Bassam Abu Taleb died in a political security detention facility in Sana'a after being detained without trial for more than two and a half years in connection with the war in Saada. Human rights organizations had early on demanded his release on the grounds of his failing health, stressing the need to provide medical treatment, but these appeals went unanswered by the authorities.<sup>68</sup>

in November 2010, Yemeni rights reports documented the continuing abuse of those detained in connection with the Saada war, noting that they were brutally beaten in detention by elements accused of belonging to al-Qaeda, who used knives and clubs in the assault. The Yemeni Organization for Defending Rights and Democratic Freedoms accused the political security apparatus of inciting sectarian hatred to mobilize al-Qaeda detainees against Saada detainees by propagating the idea that the latter are Shiites or non-believers.<sup>69</sup>

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<sup>66</sup> "Yemen: Government Should Announce Commitment to Tackle 'Widespread' Torture," Amnesty International, Nov. 27, 2009, <<http://www.amnesty.org/ar/library/asset/MDE31/017/2009/ar/68c6eb41-7e67-4789-b8c9-bf40c854b043/mde310172009en.html>>.

<sup>67</sup> Periodic review of human rights abuses in southern Yemen issued by the Southern Observatory for Human Rights, June 2010.

<sup>68</sup> "al-Munazzama al-Yamaniya tutalib bi-lajna mustaqilla li-l-tahqiq al-fawri ba'd wafat Bassam Abu Talib," Sep. 5, 2009, <<http://www.anhri.net/yemen/yoddrf/2009/pr1005.shtml>>.

<sup>69</sup> "al-Munazzama al-Yamaniya tahdhar min al-i'tida'at al-mutakarrira dakhil al-amn al-siyasi," Nov. 22, 2010, <<http://www.anhri.net/?p=19265>>.

# Lebanon

The chronic political crisis that has afflicted Lebanon since the assassination of former Prime Minister Rafiq al-Hariri continued to have an impact on governance in the country. The cabinet remained split between the majority and the opposition, with the opposition maintaining its “weapons of resistance” -a military force whose capabilities exceed those of the country’s army. As such, it is able to impose its will on the ground with no consideration for the institutions of government and the rule of law to which all factions are ostensibly subordinate.

The crisis has been exacerbated by sectarian divisions in the country and foreign alliances and loyalties based on the political or sectarian interests of Lebanese factions at the expense of the general welfare of the Lebanese people. In this climate, Lebanon’s internal situation remained fragile constantly under threat from the parallel power structure in the country, represented by the official state institutions versus unofficial institutions in the form of Hizbullah’s military force, which obstructs the operation of the security and legal establishments, and under threats of the political developments and challenges in the Middle East. The regional and international developments seem to have postponed a new round of clashes between Israel and Hizbullah, tensions engendered by the Iranian nuclear issue and continued allegations that Syria is supplying Hizbullah with missiles, make the situation in Lebanon constantly volatile and create the potential for military confrontation between Israel and Hizbullah or Iran.

In light of this, the relative domestic calm that had followed Prime Minister Saad al-Hariri's arduous efforts to form a national unity government in November 2009 subsided. In the end, the cabinet was formed with 15 ministers from the parliamentary majority, 10 from the opposition, and 5 who are allies of the President.

The parallel power structure and Hizbullah's weapons continued to raise fears of a renewed civil war, particularly considering Hizbullah's stance toward the Special Tribunal for Lebanon set up to investigate the Hariri assassination, which may soon issue indictments implicating Hizbullah elements of complicity in the crime. In this context, the armed clashes in Burj Abi Haidar in Beirut in August 2010 were reminiscent of, even if on a smaller scale, Hizbullah's invasion of Beirut in May 2008, as did Hizbullah's show of military strength in September 2010, when its militias were deployed at the Beirut airport, ostensibly to protect a former official who was to appear before the court.

Under the looming threat of renewed conflict or civil war, achieving justice and preventing impunity for the assassination of al-Hariri and the assassinations and bombings that followed remain real challenges. Similarly, the impotence of government institutions was clearly illustrated by the failure to make any headway on efforts to discover the fate of those who went missing in the civil war and the years of Syrian tutelage over Lebanon.

Nevertheless, some aspects of human rights saw a modest improvement. The national plan to support human rights was elaborated more clearly and amendments were introduced to the labor law to reduce the hardship of Palestinian refugees. These developments were motivated by the need to improve the country's image in front of the UN Human Rights Council before Lebanon's Universal Periodic Review process (UPR), where the country's human rights records are put under review. At the same time, these attempts ran up against growing pressure on public liberties. Military intelligence in particular was involved in restricting human rights related activities and placed increasing pressure on freedom of expression, growing increasingly intolerant of opinions criticizing prominent government or army figures. Moreover, political calculations by Lebanese factions, including the majority, thwarted a government project for electoral reform before the municipal elections of May 2010.

### **The rule of force, not justice and law**

With the Special Tribunal on Lebanon widely expected to issue indictments in the Hariri assassination case allowing perpetrators to be put to

trial, a media campaign of intimidation was unleashed to counter the possible naming of Hizbullah agents in the indictments, particularly following leaks to that effect from the tribunal.<sup>1</sup> Hizbullah secretary-general Hassan Nasrallah confirmed that the tribunal had questioned several Hizbullah members, but stressed that they were summoned as witnesses.

Hizbullah hardened its stance toward the tribunal and those supporting it in a series of press conferences in which Nasrallah categorically denied accusations of the involvement of any Hizbullah agent in Hariri's assassination.<sup>2</sup> He stated that the tribunal was part of a larger project to target the resistance, Lebanon, and the entire region, and he cast doubts on the impartiality of the investigations, claiming they had not considered all assumptions<sup>3</sup> including evidences presented by Hizbullah suggesting Israel's responsibility of the assassination. Hizbullah officials also made incendiary statements against supporters of the court and those who would accept its possible ruling, approving of their killing. Hizbullah officials stated that they would consider with any group in Lebanon that complies with the court's indictment as "a tool of the American-Israeli invasion who will deserve what the invader deserves." The statement appeared directed largely at the Future movement and the Prime Minister, who continues to officially support the tribunal's efforts to find and punish the perpetrators of the crime. In an attempt to defuse the potentially explosive crisis, the President was forced to call on the tribunal to investigate other possibilities, including the evidence submitted by Hizbullah regarding Israeli involvement in the crime.<sup>4</sup> As such, Hizbullah's threats and brinkmanship, based on its military power, remains an obstacle to any possible settlement that could achieve justice and prevent impunity from the crime.

In connection with this, Hizbullah engaged in a show of force that displayed a flagrant disregard for constitutional, judicial, and security institutions, as well as the stature of the state, when armed Hizbullah agents entered Beirut airport without approval from airport administration or official security and political institutions. Hizbullah personnel forcibly entered the VIP arrivals hall, under the pretext of providing security protection for the former general director of public security, retired general Jamil al-Sayyed, upon his return from abroad, to prevent the execution of a summons requiring al-Sayyed to appear before the court for questioning,

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<sup>1</sup> Daily Star, May 17, 2010, <<http://www.dailystar.com.lb/article.asp?>>

<sup>2</sup> al-Akhbar, July 23, 2010, <<http://www.al-akhbar.com/ar/node/199210>>.

<sup>3</sup> "Nasr Allah yatawaqqa' ittiham 'anasir Hizb Allah fi qadiyat ighiyal al-Hariri," BBC, July 22, 2010,

<[http://www.bbc.co.uk/arabic/middleeast/2010/07/100722\\_nasrallah\\_hariri\\_tc2.shtml](http://www.bbc.co.uk/arabic/middleeast/2010/07/100722_nasrallah_hariri_tc2.shtml)>.

<sup>4</sup> "Tada'iyat isqat al-mahkama al-khassa bi-Lubnan," al-Hayat, Oct. 6, 2010.

following statements he made that constituted a threat to Prime Minister Saad al-Hariri and judicial and security authorities.<sup>5</sup>

On August 23, 2010, and amid these developments, armed clashes erupted in Burj Abi Haidar in Beirut between Hizbullah and the Association of Islamic Charitable Projects (known as al-Ahbash), although they are both allies in the March 8 Opposition Alliance. It was reported that the clashes erupted due to an individual dispute between a Hizbullah member and an al-Ahbash member, but the situation deteriorated dramatically when both parties called in military reinforcements, leading to clashes involving automatic weapons and rockets that left three dead among Hizbullah, a young man dead among al-Ahbash, and several others injured.<sup>6</sup> According to the same source, the clashes continued for more than three hours during which al-Ahbash agents were kidnapped. The Lebanese army was unable to immediately contain the situation after its units being met with gunfire during its first attempts to enter the area. The authorities' incapacity was clear, and the situation was ultimately defused through intensive talks between representatives of the two parties under the auspices of the vice-director of military intelligence. A joint statement was later released highlighting the individual nature of the clash and an agreement to contain it and address all the consequences, while Hizbullah released all al-Ahbash agents it had abducted during the battle to the al-Ahbash affiliated leaders in the Lebanese army. Nevertheless, armed clashes resumed at midnight in the quarters of al-Nuweira, al-Basta al-Fawqa, and Ras al-Naba in Beirut. Automatic weapons and rockets were again used, as a result of which shops and Sunni mosques were burnt down.

The events in Burj Abi Haidar, which divided the March 8 alliance along Sunni-Shiite lines, came after statements by the head of the Tawhid Movement and former minister Wiam Wahhab, who told the Kuwaiti newspaper *al-Jarida* in August that Syria will intervene militarily in Lebanon in the event of any strife between Sunnis and Shiites and if the indictment from the Special Tribunal on Lebanon charges Hizbullah with the assassination of former Lebanese prime minister Rafiq al-Hariri.<sup>7</sup>

Burj Abi Haidar was not the only site of security unrest last year. In mid-July 2010, a dispute between the Siblani and Assaf families in Ouzai quickly devolved into armed clashes that left one person dead and four others

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<sup>5</sup> "Quwa 14 Adhar: 'istibahat' Hizb Allah 'attar li-matar Bayrut nayl min haybat al-dawla bi-uslub al-'isabat," *Asharq Alawsat*, Sep. 23, 2010.

<sup>6</sup> Now Lebanon, Aug. 25, 2010,

<<http://www.nowlebanon.com/Arabic/NewsArchiveDetails.aspx?>>.

<sup>7</sup> Ibid.

injured.<sup>8</sup> The incident was later portrayed as a minor family dispute over the removal of a foreign flag of a country participating in the World Cup. However, in reality, the situation was different. During the clashes, shops closed and the army surrounded the area where the offices of the Amal Movement, a Hezbollah ally in the March 8 Alliance, were burning. Although the participants and shooters in the incident were known by name, the security forces detained no one.<sup>9</sup>

On April 28, 2010, and in another incident in which the rule of law was undermined, Youssef Abu Marai, his wife Kawthar, and their grandchildren, Amina, 9, and Zeina, 7, were found murdered in their home. Internal security forces arrested Egyptian national Mohammed Salem, who lives in the neighboring house, after finding a blood-soaked shirt and knife in his home. According to police leaks to the media, he confessed to the crime. The next day, a security force accompanied Salem to the Abu Marai home to reenact the crime. As they reached the village, local residents overwhelmed the seven security agents and beat and stabbed Salem. Security forces were able to save Salem and take him to the nearby Sablin hospital, but some locals followed them and lynched Salem after again overwhelming security. They then stripped Salem down to his underwear and hung his corpse on a light post in the village square.<sup>10</sup>

No progress was made in finding those abducted and disappeared during the civil war and the period of Syria's military and security presence in Lebanon, even after the rapprochement between Syria and Druze leader Walid Jumblat and Prime Minister Saad al-Hariri. On February 18, 2010, the president of the Committee of the Families of the Kidnapped and Disappeared in Lebanon (CFKDL) said that three years have passed since the Committee submitted a brief asking for the establishment of a national commission to address the issue of forced disappearance, but so far the competent authorities have taken not one practical step toward forming the commission.<sup>11</sup>

Although there were no new incidents of enforced disappearance last year, the fate of Joseph Sader remains unknown. Sader was abducted on his way to the Beirut airport on February 12, 2009, near the southern quarter

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<sup>8</sup> al-Akhbar, July 22, 2010, <<http://www.al-akhbar.com/ar/node/198953>>.

<sup>9</sup> Ibid.

<sup>10</sup> "Ahalin min Katarmaya yaqtulun al-muttaham wa yumaththilun bi-juththatih fi-l-shawari'," Assafir, Apr. 30, 2010, <<http://www.assafir.com/Article.aspx?EditionId=1528&ChannelId=35534&ArticleId=3306>>. The case received weeks-long coverage by the rest of the Lebanese press as well.

<sup>11</sup> "Lijan ahali al-makhtufin wa-l-mafqudin: al-jarima baqiya talama al-masir majhul," al-Hayat, Feb. 19, 2010, <<http://www.daralhayat.com/portalarticlendah/110563>>.

controlled by Hizbullah. Some 18 months after his abduction, on February 2, 2010, the Minister of Interior and Municipalities, Ziad Baroud, asked that efforts be intensified to discover the fate of Sader, indicating clearly that the issue is not in the hands of the official security authorities.<sup>12</sup>

## **Increasing pressure on freedom of expression**

Although the right to freedom of expression is relatively well-respected in Lebanon compared to other Arab countries, last year saw increased intolerance of free expression, and literary and artistic creativity. Reports noted an increase in the role played by Lebanese security and military intelligence in limiting these freedoms.

On August 11, 2010, army intelligence detained Hassan Alleik, a journalist with *al-Akhbar* newspaper, for six hours because of an article he wrote as part of a series on the Special Tribunal for Lebanon. Alleik suggested in the article that Defense Minister Elias Murr played a role in smuggling an Israeli agent out of the country.<sup>13</sup>

In a similar context, on August 18, 2010, Lebanese army intelligence detained engineer Ismail Al-Sheikh Hassan, a civil society activist and a volunteer in reconstruction efforts at the Nahr al-Barid refugee camp, because of an article he published on May 12, 2010, in *Assafir* newspaper criticizing military and political handling of the camp's reconstruction.<sup>14</sup> He was referred to a military court.<sup>15</sup>

In March 2010, Lebanese army intelligence summoned blogger Khodor Salameh for questioning regarding several political articles he had posted on

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<sup>12</sup> "Takthif al-juhud li-jala' masir Juzif Sader," Sada al-Balad, Feb. 3, 2010, <<http://www.albaladonline.com/html/story.php?sid=93043>>. See also *Bastion of Impunity, Mirage of Reform*, CIHRS 2009 annual report.

<sup>13</sup> *al-Akhbar*, Aug. 12, 2010, <<http://www.al-akhbar.com/ar/node/202009>>, and *Assafir*, <<http://www.assafir.com/Article.aspx?EditionId=1618&ChannelId=37813&ArticleId=1187&Author>>.

<sup>14</sup> *al-Akhbar*, Aug. 20, 2010, <<http://www.al-akhbar.com/ar/node/202919>>, and "'Skyz' yutalib bi-waqf al-ta'aqqub al-qada'iya bi-haqq al-nashit Isma'il al-Shaykh Hasan," Arabic Network for Human Rights Information (ANHRI), Aug. 31, 2010, <[www.anhri.net/?p=11393](http://www.anhri.net/?p=11393)>.

<sup>15</sup> According to the Lebanese Association for Education and Training (ALEF), in report titled *al-Mahkama al-'askariya: kharq li-nazahat al-nizam al-qada'i*, issued in July 2010, the military court in Lebanon is a judicial body administered by the Ministry of Defense and executive branch, which violates the principle of the separation of powers, the chain of civil regulations (Article 2 of the Lebanese Code of Civil Procedure), and the Lebanese constitution, which states in section e of the preamble that the system is based on the principle of the separation of powers. As such, the military court is unconstitutional.

his blog, called “Jou3an,”(hungry), in which he criticized the Lebanese army, the sectarian system of governance, and the heads of the three state institutions. He was released after questioning.<sup>16</sup>

From June 22 to 28, security forces detained three internet activists (Naim Hanna, Antoine Ramia, and Shibel Kassab) for posting comments online criticizing the Lebanese President. They were charged with libel, slander, and defamation of the President, which carries a punishment of up to two years in prison.<sup>17</sup>

In March 2010, a Lebanese court fined Dr. Samah Idriss, the editor-in-chief of *al-Adab* journal, and Aida Matraji, the manager of the journal, \$4,000 following a lawsuit filed by the advisor to the Iraqi President because of a critical article published in Spring 2007.<sup>18</sup>

Journalists also received explicit death threats warning them against publishing material related to the international investigation into the Hariri assassination, particularly any possible indictment of Hizbullah agents. *Al-Akhbar* newspaper published the threats quoting an anonymous security source.<sup>19</sup>

Additionally, hundreds of journalists and workers at Lebanese media institutions were laid off, especially in the second half of 2009, and four unlicensed radio stations were closed in Tripoli in northern Lebanon. Rights reports indicated that cultural censorship continued with seminars and films banned or censored. Censorship in the political arena in Lebanon is overseen by the Lebanese General Security Office, which cooperates with the spiritual authorities on religious or ethical material, in addition to the censorship imposed by Lebanese political forces through various channels.<sup>20</sup>

On June 17, 2010, an armed, uniformed security force raided the Medina Theater in Beirut, prohibiting a Belgian troupe from performing a play based on three texts by Lebanese novelist Rachid El-Daif. It was reported that security had approved the play under a particular name, but since the title was similar to that of another play, it had to be changed. The security force

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<sup>16</sup> “Lebanon: Critic of Nahr al-Bared Reconstruction Efforts Detained,” Human Rights Watch, Aug. 20, 2010, <<http://www.hrw.org/en/news/2010/08/20/lebanon-critic-nahr-al-bared-reconstruction-efforts-detained>>.

<sup>17</sup> “Lebanon: Drop Charges Against Facebook Critics of the President,” Human Rights Watch, July 8, 2010, <<http://www.hrw.org/en/news/2010/07/07/lebanon-drop-charges-against-facebook-critics-president>>.

<sup>18</sup> “al-Quyud al-sarima ‘ala hurriyat al-ta’bir tasil ila Lubnan,” ANHRI, Mar. 21, 2010, <<http://www.anhri.net/?p=2900>>.

<sup>19</sup> “Markaz ‘Skyz’ yad’u al-niyaba al-‘amma ila-l-taharruk li-l-tahqiq fima sadar min tahdid li-l-sahafiyin fi jaridat al-akhbar,” Aug. 24, 2010, <[www.anhri.net/?p=11100](http://www.anhri.net/?p=11100)>.

<sup>20</sup> See the series of SKEYES reports from Sep. 2009 to Aug. 2010.

threatened to shut down the theater if the management did not stop the show.<sup>21</sup>

Similarly, General Security banned a screening of the documentary film “Shu Sar” at the Lebanese film festival. They gave no cause for the ban of the film, which is based on the personal experience of the director during the massacres of the Lebanese civil war in the 1980s.<sup>22</sup> Security also prohibited the distribution of *La Liste Hariri*, by French writer Gérard de Villiers, because some passages indirectly point to Hizbullah’s involvement in the Hariri assassination.

The authorities submitted a new law on information and communications to the parliament. The bill contains several provisions that could be used to violate the right to privacy and restrict internet use. The law gives the communications agency the right to conduct financial, administrative, and electronic audits, and access and obtain information from any data processing systems. The law also provides for a special oversight commission to grant licenses, and the commission would also enjoy broad authority to suspend or revoke licenses.<sup>23</sup>

## Status of human rights defenders

Human rights organizations and several human rights defenders came under security pressure, most worryingly in October 2010, when Ghassan Abdallah, the president of the Palestinian Human Rights Organization was questioned by military intelligence and threatened with torture. He was accused of dealing with Israeli organizations that are part of the Euro-Mediterranean Human Rights Network. He was also asked about a seminar his association had organized on government policies toward the Nahr al-Barid Palestinian refugee camp. During the interrogation, Abdallah was left alone in a room for some time, where he heard screams coming from a neighboring room and orders to bring in the *falaqa*, a device used in torture. When Abdallah asked about the reasons for his questioning, his interrogators told him they were awaiting directives from the leadership. After three hours

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<sup>21</sup> “al-Raqaba tukarrir nafsaha wa ‘masrah Bayrut’ yaftah abwabah mujaddidan al-yawm,” SKEYES, June 19, 2010, <<http://www.anhri.net/?p=7746>>.

<sup>22</sup> “Maharat, al-amn al-‘amm yamna’ film watha’iqi,” Sep. 20, 2010, <[http://www.ifex.org/lebanon/2010/09/13/chou\\_sar\\_banned/ar/](http://www.ifex.org/lebanon/2010/09/13/chou_sar_banned/ar/)>.

<sup>23</sup> “al-Barlaman al-Lubnani yasawwit al-yawm ‘ala qanun mu’ib li-tanzim al-ittisalat,” ANHRI, June 15, 2010, <<http://www.anhri.net/?p=7590>>, and “Qanun muqtarah li-taknulujiya al-ma’lumat fi Lubnan yahudd min hurriyat tadawul al-ma’lumat ‘abr al-intarnat,” June 20, 2010, <<http://www.anhri.net/?p=7810>>.

of questioning, Abdallah was told that he would need to visit the intelligence administration every time he needed to renew his permit to enter the camp.<sup>24</sup>

On March 2, 2010, security authorities confiscated the British passport of Lebanese attorney and human rights defender Dr. Nizar Saghieh. It was only returned a month later following the direct intervention of the Interior Minister.<sup>25</sup>

In a similar incident, in February 2010, security had impeded the renewal of travel documents for Palestinian human rights defender Rola Badran as she was heading to Geneva to take part in Lebanon's Universal Periodic Review (UPR) sessions before the UN Human Rights Council.

Several human rights organizations and lawyers launched a movement to protest a court ruling denying Lebanese national Samira Soueidan the right to pass on her citizenship to her daughters after the death of her Egyptian husband.<sup>26</sup> In the wake of the campaign, the Bar Association in Beirut ordered members not to make any statement of legal opinion to the media, whether on current cases or human rights in general, except with prior approval from the association.<sup>27</sup>

## **Municipal elections: reform deferred**

In May 2010, municipal elections took place under election law 118/1977 and Law 665/1997. Parliamentary blocs, among them the parliamentary majority, had thwarted an attempt to reform the electoral system with a bill submitted to the cabinet by the Ministry of Interior and Municipalities. The parliamentary committees with oversight over the bill argued that the reforms in the bill were unclear and there was inadequate time to debate the bill before the elections.

In fact, the bill constituted a challenge to most parliamentary factions and political forces as it would have approved the principle of proportional representation on closed electoral lists, established a 20 percent quota for women, and opened up the councils to membership by university professors and third-class civil servants. Observers believe that the bill would have

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<sup>24</sup> "Lubnan: munazzamat dawliya ghayr hukumiya tusdir bayan mushtarak bi-sha'n khatar ta'arrad lahu al-mudafi' 'an huquq al-insan Ghassan 'Abd Allah ila-l-ta'dhib," Oct. 15, 2010.

<sup>25</sup> "Munazzamat huquqiya tutalib bi-l-tahqiq fi ihtijaz jawaz safar al-muhami Saghia," al-Mustaqbal, Mar. 9, 2010, <<http://www.almustaqbal.com/stories.aspx?StoryID=397279>>.

<sup>26</sup> For more on the case, see "Mimma ja' fi matn al-hukm al-sabiqa li-l-qadi Jun al-Qazzi," Sada al-Balad, July 16, 2009, <<http://www.albaladonline.com/html/story.php?sid=70084>>, and al-Akhbar, May 18, 2010, <<http://www.al-akhbar.com/ar/node/190260>>.

<sup>27</sup> Private statements from the Beirut Bar Association.

allowed better representation of political forces and social groups, particularly by giving parties a basic role in organizing electoral competition.

The failure of MPs to pass the bill reflects the lack of internal cohesion and party discipline based on concrete political platforms in Lebanese political parties. The failure also illustrates the refusal of traditional family fiefdoms to fundamentally change the rules of politics on which traditional networks of patronage are based.<sup>28</sup> As such, the municipal elections continued to be largely family-based, focused on local development and services. There is little political or partisan substance to the elections, as was illustrated by the electoral coalitions that were formed in the most recent vote.. Hizbullah and Amal allied in the areas under their influence in the south, the southern suburbs of Beirut, and the Beqaa Valley, while the Progressive Socialist Party won majorities in Mount Lebanon.

Election results in many regions reflected the influence of family affiliation over party affiliation. Amal and Hizbullah lost some towns in the Beqaa and the South due to family interests, while the March 14 alliance lost Zahla to a family that had allied with other families.

Clans also showed their ability to weather partisan and sectarian coalitions: the family list in Baalbek won 40 percent of votes against an Amal-Hizbullah coalition. Family lists also proved able to compete in areas under the influence of the Future Movement, in the face of lists featuring the movement's candidates or supporters.<sup>29</sup>

## **UPR and attempts at improving image**

Lebanon showed interest in engaging with the UPR process before the UN Human Rights Council in the run-up to the discussion of the government's report in November 2010. Before discussing its report, the government took some steps to improve the human rights situation in some fields. It also amended the labor law to partially reduce the restrictions on the right of Palestinian refugees to work, as will be discussed below..

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<sup>28</sup> Karam Karam, "Lebanese Municipal Elections on Time, But Reform Delayed, Arab Reform Bulletin, Apr. 28, 2010, <<http://www.carnegieendowment.org/arb/?fa=show&article=40704>>.

<sup>29</sup> "Awsat Shi'ya mustaqilla: al-tayyar al-mu'tarid fi Ba'labakk al-Harmal bat ladayhi mawta' qadam bi-mu'zam al-baladat," Now Lebanon, <<http://www.nowlebanon.com/arabic/NewsArchiveDetails.aspx?ID=169530> , and "Skaf yu'id i'tibarah fi Zahla wa Tarabulus," al-Diyar, May 19, 2010, <<http://loubnanioun.org/content/2757?page=16> >.

In addition, after a delay of more than three years, allegedly due to the lack of political and security stability, and the difficulties of reaching a political consensus, preliminary discussions were held on the rights of non-Palestinian and Palestinian refugees in the national human rights plan. The debates were held in March 2010 between the parliament's Human Rights Committee and representatives of international agencies and civil society institutions. Initially written in 2006, the drafts of this national plan came in for numerous comments given the changes seen in the intervening four years, particularly regarding the status of the Nahr al-Barid refugee camp, developments in negotiation process on the Palestinian issue and its effect on the status of refugees, the increasing numbers of non-Palestinian refugees and rising rates of detention and deportation among them on the background of entering the country illegally. Because of these issues, approval of the two sections was postponed until the required amendments could be made.

The cabinet also approved a bill for the protection of women from domestic violence, referring it to the parliament and the joint parliamentary committees. Also, on the initiative of MP Ghassan Moukheiber, who sits on the parliament's human rights committee, and several human rights activists, an unofficial working committee was formed to draft an integrated law that would create a national mechanism to protect against torture as part of the creation of the national human rights commission. The bill will be referred to the competent ministries and civil society institutions for consultation before it is submitted to the legislature.

## **Palestinian refugees**

Despite official promises to improve the lives of Palestinian refugees in Lebanon, many security procedures have become more complicated.<sup>30</sup> Although some searches at checkpoints to the entrance of refugee camps in the north and south have become less severe after civil society organizations demanded the issue be addressed, some civil society groups and their leaderships are finding it harder to move, particularly when it comes to obtaining permits to enter the Nahr al-Barid camp.<sup>31</sup>

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<sup>30</sup> See the official site of the Lebanese Prime Minister, <<http://www.pcm.gov.lb/Cultures/ar-LB/Pages/default.aspx>>.

<sup>31</sup> The Palestinian Human Rights Organization applied in Aug. 2010 to renew permits for its members to enter the camp. As this report went to press, the permits had not been issued, for no clear cause. The renewal of permits usually takes a maximum of three days.

On February 15, 2010, the Ministry of Interior and Municipalities issued a directive requiring humanitarian and social organizations working in the Nahr al-Barid camp, most of them Palestinian, to obtain legal permits, although Lebanese law does not allow Palestinians to establish associations. This opens these associations to legal action if they do not receive the required licenses.

Until the release of this report, residents of Nahr al-Barid continued to require permits from military intelligence to enter their homes. Visitors require temporary entry permits or telegrams. Reconstruction is proceeding slowly, as is reconstruction at the Ain al-Hilweh camp, which is under a strict blockade by the army, although foreigners do not need a permit to enter. Moreover, in the Tyre area in the south, the site of three Palestinian refugee camps, the camps can only be accessed through special entrances under army guard.

One manifestation of discrimination against Palestinians remains the failure to pass a law allowing Lebanese women married to non-nationals to pass their citizenship on to their husbands and children. The failure is linked to fears of Palestinians settling permanently in Lebanon, as many Lebanese women are married to Palestinian men.

Economically, Palestinians' standard of living is below that of Lebanese citizens. Although Palestinians operate some small family or commercial businesses inside the camps, along with medical clinics, particularly dentistry and pharmacies, this is officially illegal, which puts them at risk of legal action.<sup>32</sup>

On August 17, 2010, in the first move of its kind since Palestinians sought refuge in Lebanon in 1948, the Lebanese parliament passed amendments to the Lebanese labor law permitting Palestinian refugees registered on the rolls of the Department for Political and Refugee Affairs in the Ministry of Interior and Municipalities to work after obtaining a permit. The amendments exempted them from work permit fees and conditioned treatment for them equivalent to that given to foreign workers. The law also

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<sup>32</sup>According to a report issued by the Palestinian Human Rights Organization on July 10, 2010, on July 6 and 8 the investigations office in Tripoli, subordinate to the internal security forces, summoned the 18 pharmacy owners in the Badawi camp in northern Lebanon for questioning about the status of their businesses (the source of drugs, receipts for drug purchases, date the pharmacy was opened). They were told to settle the legal status of pharmacies in the Badawi camp within 21 days or they would be shut down. The grace period was later reduced to only three days. The pharmacies are not only the source of income for their owners, but they also help meet camp residents' need for medicine. Rights organizations, Palestinian factions, and media outlets took action to help the pharmacy owners, and the owners hired a lawyer to follow their case.

provided for severance pay for Palestinian workers, mandating a separate, independent account in the National Social Security Fund for premiums from Palestinian workers, provided that the treasury or fund would bear no financial obligation for it. Those covered by the amendments are not eligible for sick pay, maternity leave, or family benefits under the National Social Security Fund.

Although seen as a positive development, the amendments still deny Palestinian refugees the right to work in many professions, including medicine, engineering, pharmacy, and law, as well as all trades that require membership in unions. Moreover, requirement for a work permit gives discretion to administrative employees and opens the door to delays and bureaucratic red tape.

To enter into effect, the amendments require government decrees issued by the cabinet and implementing regulations from the Ministry of Labor; these regulations should be clear and not open to interpretation. The Lebanese government should issue regulations giving Palestinians the right to obtain a one-time, all-purpose work permit with the identity card they carry from the Department for Political and Refugee Affairs, explicitly abolishing the need for a sponsor to obtain the permit, given that Palestinians are long-term residents. The Ministry of Labor regulations should also conform to this general framework, to avoid weighing the employer with additional administrative and non-administrative burdens that may make him wary of hiring Palestinians. Finally, the government must address the issue of independent professions that remain closed to Palestinians.<sup>33</sup>

## **Non-Palestinian refugees**

There are an estimated 10,000 non-Palestinian refugees in Lebanon, according to the UN High Commissioner for Refugees (UNHCR), and 90 percent of them Iraqis. They live under harsh conditions, particularly if detained by the Lebanese security branch responsible for foreigner affairs, non-Palestinian refugees, and illegal immigrants.

According to UNHCR representatives in Lebanon, Lebanese legislation does not specifically recognize the status of refugees who have fled their countries out of fear for their lives or liberties thereby denying refugees the right to work and putting them at the risk of detention and deportation.<sup>34</sup> In

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<sup>33</sup> See statements made by the Palestinian Human Rights Organization, <<http://www.palhumanrights.org/index.html>>.

<sup>34</sup> UN radio, <<http://www.unmultimedia.org/radio/english/>>.

late February 2010, 8,748 Iraqis were registered with the UNHCR in Beirut, one-fourth of them registered in 2009 alone.<sup>35</sup>

Human rights organizations say that the detention of foreigners in Lebanon after the completion of their sentences is a long-standing problem. According to a report issued by internal security services on August 24, 2010, 13 percent of detainees in Lebanese prisons are foreigners who have completed their terms but are still detained without legal justification. These include asylum seekers who cannot return safely to their countries. The organizations noted that the detention of foreigners after the completion of their sentences is a widespread practice in Lebanon to which all foreigners are subject, including Palestinian refugees.<sup>36</sup>

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<sup>35</sup> “al-Laji’un al-‘Iraqiyun ‘marfudun’ qanuniyan fi Lubnan,” al-Hayat, May 9, 2010, <<http://www.daralhayat.com/portalarticlendam/139136>>.

<sup>36</sup> Assafir, Apr. 2, 2010. See also the report from the Lebanese Center for Human Rights, covered by al-Akhbar on May 17, 2010, and “Atlaqu sarah al-sujana’ al-ajanib ba’d an yanhu mahkumiyatahum,” joint statement issued by 14 Lebanese and international rights groups, Feb. 28, 2010, <[http://ar.alkarama.org/index.php?option=com\\_content&view=article&id=3753:2010-02-26-16-02-54&catid=108:-&Itemid=120](http://ar.alkarama.org/index.php?option=com_content&view=article&id=3753:2010-02-26-16-02-54&catid=108:-&Itemid=120)>.

Chapter II  
The Dilemma of Human  
Rights and Democracy



# Egypt

## **Preface**

As this report was being readied for publication—specifically from January 25 to February 11, 2011—the Egyptian people were busy writing a new page in their history. The revolution sparked by Egypt’s youth on January 25 proved capable of inspiring Egyptians across the country, who took to the streets in the millions to oust the regime of Hosni Mubarak, proclaiming their hopes for change and the restoration of their right to freedom and human dignity.

As is the case in Tunisia, the Egyptian popular revolution aspires to build a radically new system following the removal of a dictator. As such, great challenges persist in efforts to fully uproot the remnants of Mubarak’s regime- his party, his institutions- as and to forge a new social contract that will establish a democratic relationship between the government and Egyptian people in which no authority is immune from accountability.

It is beyond the scope of this preface to assess the revolution’s achievements or the performance of the army, which is currently managing the country’s affairs during this momentous transitional period. Nor is it possible here to document the abuses and crimes committed by the police apparatus in Egypt in an attempt to suppress and extinguish the revolution in its early days.

However, what happened in Egypt in early 2011 is inseparable from the terrible erosion of human rights seen in 2010. It was clear in early 2010 that the state was preparing to ratchet up police repression with the approach of the parliamentary elections, whose outcome would determine the course of the 2011 presidential elections. With the regime’s legitimacy at an all-time low, regime factions had clearly not yet settled on a choice for the

presidency, with the options ranging from a sixth term for Mubarak, to the transfer of power to his son Gamal, to an as-yet unknown candidate from within the army or intelligence apparatus.

These inter-regime struggles over the seat of power perhaps help to explain the escalating suppression of popular and youth movements. The movements in turn, had begun to mature and increased their ability to organize grassroots movements, devoted either to stopping the perpetuation or inheritance of power, or supporting independent figures like Dr. Mohamed ElBaradei<sup>1</sup> as a worthy alternative to the ruling party within an acceptable program for change. It was thus no surprise that these movements comprised the backbone of the youth alliances that sparked the revolution. Nor was it surprising that the revolutionary youth, who had been involved in the preceding months in protests against police repression and torture practiced by state security apparatuses, would choose the Egyptian National Police Day as the day on which to express their “rage” and rejection of the police state.

Given the fervor of the uprising, it is no wonder that the revolution did not fade with the removal of the dictator. Indeed, demonstrations continued in various governorates and a sit-in by millions in Tahrir persisted until the Supreme Council of the Armed Forces announced the dissolution of the People’s Assembly and Shura Council. This measure complied with one of the central demands of the revolution, in view of the fact that the two houses of parliament were formed in an environment of unprecedented levels of political corruption, led by the ruling party, which, in turn, paved the way for the widespread election rigging documented in the following report.

## **Introduction**

The Egyptian government continued to consistently disregard human rights. Abuses and violations became increasingly prominent in the run-up to parliamentary elections in the second half of 2010, as the authorities launched a broad assault on media freedoms, and intimidated political

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<sup>1</sup> ElBaradie is the previous head of the International Atomic Energy Agency (IAEA). In February 2010, he returned to Egypt and decided to participate in local politics, where he adopted a set of reformist demands, which resulted in a number of political groups, most notably from the youth, declaring their support for him. He was seen by some as a potential candidate for the 2011 presidential elections-despite the constitutional and legal impediments, which prevent independent candidates from running for the office without gaining the support of the ruling party.

activists demanding electoral reform and supporters of Dr. Mohamed ElBaradei. The heightened tenor of oppression was keenly felt in light of the ambiguity surrounding the future of the regime, with possible scenarios ranging from the transfer of power to Mubarak's son, to power passing to an as-yet unknown alternative who might be able to preserve the remains of the regime's tattered legitimacy if President Mubarak proved unable to run for a sixth term. Amid this repressive environment, MPs with the ruling National Democratic Party (NDP) called on the interior minister to open fire on demonstrators.

At the same time, statutory amendments were introduced expanding the jurisdiction of the military judiciary over broad civilian sectors, even if the emergency law was to be lifted. These amendments granted additional authority to the military courts to preside over cases involving crimes elaborated in the Penal Code if committed by or against workers in military production sites, including civilian workers, as well as all crimes that take place on land or in facilities used in military production. The amendments also expanded the territory of so-called "border areas," simultaneously expanding the military judiciary's purview to cover various crimes committed in these areas, even by civilians.<sup>2</sup>

The exceptional state of emergency was extended for an additional two years. Although the government promised, as it has several times, to limit the use of the law to cases involving terrorism or drug trafficking, this promise has not been kept in the last three decades of emergency rule.

Last year, the authorities released hundreds of detainees held under the emergency law without charge or trial, among them three bloggers, in an attempt to limit the criticism it faced following the renewal of the emergency law. However, the government has still not officially announced the number of detainees it is holding, estimated at 5,000 –10,000 detainees by human

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\* ElBaradie is the previous head of the International Atomic Energy Agency (IAEA). In February 2010, he returned to Egypt and decided to participate in local politics, where he adopted a set of reformist demands, which resulted in a number of political groups, most notably from the youth, declaring their support for him. He was seen by some as a potential candidate for the 2011 presidential elections-despite the constitutional and legal impediments, which prevent independent candidates from running for the office without gaining the support of the ruling party.

<sup>2</sup>“Wathiqat ta'dilat qanun al-qada' al-'askari bi-mujib al-qanun 138 sanat 2010,” Egyptian Center for Economic and Social Rights, Aug. 30, 2010, <<http://ecesr.com/?p=1048>>, and “Qarar ra'is al-jumhuriya raqam 204 li-sanat 2010 bi-sha'n tahdid al-manatiq al-mutakhima li-hudud jumhuriyat Misr al-'Arabiya wa-l-qawa'id al-munazzima laha,” Egyptian Center for Economic and Social Rights, Aug. 30, 2010, <<http://ecesr.com/?p=1054>>.

rights organizations.<sup>3</sup> Nor did the authorities give the reason behind not bringing these detainees to trial, not even before exceptional courts; assuming that all of them are suspects in drug-trafficking or terrorism cases. Among the detainees are some 3,000 Sinai Bedouins, only 200 of whom had been released as of late July as part of an agreement between tribal Bedouin sheikhs in Sinai and Interior Ministry officials to stop the escalating clashes between the two parties.<sup>4</sup>

The ongoing state of emergency allowed for the spread of rampant torture and the excessive use of force in apprehending suspects or lawbreakers. As a result, many were killed in detention facilities or during apprehension by the authorities; while a number of African migrants were also killed while trying to cross the Egyptian border into Israel. Additionally, unfair trials continued before emergency courts, and political activists were abducted and forcibly disappeared by unidentified security agents.

Despite official pledges to the UN to reduce restrictions on NGOs and human rights groups, the assault on these institutions escalated as the government prepared to pass a new law to throttle civic activity. The bill not only preserves the control of the Social Solidarity and Interior Ministries over civic action, but adds a new tool for oversight in the form of a semi-governmental General Federation of Civic Associations and its subsidiary regional federations.<sup>5</sup>

The crackdown that accompanied the parliamentary elections in November 2010 was manifested in successive blows targeting the private press and satellite talk shows. Some satellite channels were warned of possible closure, while other stations were shut down based on arbitrary administrative decrees. Some journalists were prosecuted in criminal courts, members of the banned Muslim Brotherhood were targeted in a broad arrest campaign, and independent civil society groups were denied the right of monitoring the People's Assembly as well as the Shura Council elections.

The People's Assembly elections saw widespread violence, fraud, and an unprecedented disregard for court orders, ultimately ensuring that the ruling

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<sup>3</sup> On June 11, Mufid Shehab, minister of state for legal affairs and parliamentary councils, said that 453 detainees had been released recently. For more information about detainees, see "Keep Promise to Free Detainees by End of June," Human Rights Watch, June 29, 2010, <<http://www.hrw.org/en/news/2010/06/29/egypt-keep-promise-free-detainees-end-june>>.

<sup>4</sup> "al-Dakhiliya tufrij 'an al-duf' a al-khamisa min mu'taqali Sina'," al-Shorouk, July 18, 2010, <<http://www.shorouknews.com/ContentData.aspx?id=268520>>.

<sup>5</sup> "Towards the 'Militarization' of NGOs: A 'Fascist' Law to Strangle Civil Society," CIHRS, Mar. 22, 2010, <<http://www.cihrs.org/English/NewsSystem/Articles/2584.aspx>>, and 'Isam al-Din Muhammad Hasan, "al-Qam' wa-l-hurriya: muqarana li-qawanin al-jam'iyat fi Misr wa-l-'Iraq," Riwaq 'Arabi, no. 54, CIHRS, 2010, pp. 15-33.

NDP secured a near total monopoly on the assembly. Indeed, in some run-off races, the NDP rigged elections in favor of its opponents to ensure seats for a handful of opposition party candidates. Meanwhile, the Muslim Brotherhood did not win a single seat in parliament. The new parliament faced an enormous number of constitutional and legal challenges, with hundreds of final court rulings suspending elections in some districts, while the suspension or voiding of the official results went unheeded.

Religion continued to be manipulated to strengthen the regime's eroded legitimacy, furthering the process of infusing the police state with theocratic features. As part of this policy, state religious institutions expanded their control over freedom of thought and religious belief, and social prejudice increased. Muslim-Copt sectarian violence and resentment became more pronounced, and social and administrative interference in the rights of Copts to freely practice their religion continued. Pressure and police harassment also continued to target Muslim citizens who don't prescribe to the prophetic *Sunni* believes, Shiites, or those who eat publicly in Ramadan.

## **Freedom of opinion and expression**

Penal provisions mandating prison terms for publication offenses continued to pose a threat for journalists and media workers, and were used to refer journalists to trial for their opinions. Pressure by religious institutions and censorship bodies continued, while political Islam and the social *milieu* placed additional constraints on literary and artistic freedoms.

The crisis of bloggers being detained under the emergency law without charge or trial was defused to some extent. Two bloggers from Sinai, Musaad Abu Fagr and Yehya Abu Nasira, were released. . The two had been detained for nearly three years without charge or trial, despite dozens of court orders for their release, including 21 orders for Musaad Abu Fagr alone. Coptic blogger Hani Nazir, the operator of the *Karuz al-Hub* blog, was also released after nearly 21 months in detention without charge or trial, despite no less than 12 court orders for his release.<sup>6</sup>

Although by early November blogger Karim Amer had completed his four-year prison term on charges of insulting the president and defaming

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<sup>6</sup> "CIHRS yurahhib bi-inha' asr al-mudawwin Mus'ad Abu Fajr," CIHRS, <<http://www.cihrs.org/Arabic/NewsSystem/Articles/2645.aspx>>; "al-Ifraj 'an Yahya Husayn Sulayman Salim wa-l-shahir bi-Yahya Abu Nasira, Hisham Mubarak Law Center, July 19, 2010, <<http://www.anhri.net/?p=9320>>; and "Egypt: Egyptian Blogger Released after 21 Months Illegal Detention," Alkarama for Human Rights, July 29, 2010, <[http://en.alkarama.org/index.php?option=com\\_content&view=article&id=560:egypt-egyptian-blogger-released-after-21-months-illegal-detention&catid=22:communiqu&Itemid=102](http://en.alkarama.org/index.php?option=com_content&view=article&id=560:egypt-egyptian-blogger-released-after-21-months-illegal-detention&catid=22:communiqu&Itemid=102)>.

Islam and the al-Azhar institution, he spent an additional 12 days in arbitrary detention before he was released from a State Security Investigations (SSI) facility in Alexandria. There were reports that Amer was beaten and subjected to ill treatment by SSI officers in the days of his illegal detention.<sup>7</sup>

July 2010 witnessed the beginning of the trial of journalist Wael al-Ibrashi, the editor-in-chief of *Sawt al-Umma*, and Samar al-Dawi, a journalist at the paper. They were charged under Article 177 of the Penal Code with inciting others to disobey the law, a crime punishable by five years in prison. Having been used in the past against those accused of membership in armed or extremist groups, this was the first time this penal provision was cited against journalists. The lawsuit was filed by the Finance Minister after the newspaper launched a campaign critical of the property-tax law.<sup>8</sup>

While Magdy Ahmed Hussein, the secretary-general of the frozen opposition Labor Party, was serving a two-year sentence handed down by a military tribunal on charges of illegally crossing the Egyptian border to Gaza, he was convicted in absentia by the Cairo Appeals Court in June 2010 and sentenced to another year in prison for a case filed against him 14 years earlier. His defense counsel had previously appealed the original sentence, a fine of LE 15,000, before the Court of Cassation. The Court of Cassation ordered a retrial, which ended with the prison sentence.<sup>9</sup>

Journalist Sherif Abd al-Hamid, the editor-in-chief of an online site, also faced liberty-depriving penalties. A court sentenced him to six months in prison, setting bail at LE 200, after an MP filed a complaint against him for articles critical of the MP's performance and his failure to offer services to his constituents.<sup>10</sup>

In the first week of September 2010, the Public Prosecutor referred well-known media figure Hamdi Qandil to criminal trial on libel charges in a suit filed against him by the Egyptian Foreign Minister, after Qandil published

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<sup>7</sup> "Egypt Must Investigate Torture Allegations Made by Freed Blogger," Amnesty International, Nov. 18, 2010, <<http://www.amnesty.org/en/news-and-updates/egypt-must-investigate-torture-allegations-released-blogger-2010-11-18>>.

<sup>8</sup> "Egyptian Journalists on Trial over Criticism of Tax Law," Committee to Protect Journalists, June 23, 2010, <<http://cpj.org/2010/06/egyptian-journalists-on-trial-over-criticism-of-ta.php>>.

<sup>9</sup> "Fines for El-Wafd Journalists and a Judgment in Absentia for Magdy Hessien," Egyptian Organization for Human Rights, June 29, 2010, <<http://en.eohr.org/2010/06/29/fines-for-el-wafd-journalists-and-a-judgment-in-absentia-for-madgy-hessien/>>.

<sup>10</sup> "A New Violation for Freedom of Opinion and Expression," Egyptian Organization for Human Rights, Aug. 3, 2010, <<http://en.eohr.org/2010/08/03/a-new-violation-for-freedom-of-opinion-and-expression-6-months-imprisonment-for-editor-in-chief-of-a-website/>>.

an article in *al-Shorouk* criticizing the Foreign Ministry's stance on the humiliations faced by Egyptians abroad.<sup>11</sup> Kuwaiti journalist Mohammed Alwashaihi and journalist Ibrahim Eissa are also facing trial following a libel suit filed by attorneys on behalf of the Kuwaiti prime minister after *al-Dostour*, which Eissa was the editor in chief before his dismissal, published a series of articles by Alwashaihi that included criticisms of the prime minister.<sup>12</sup>

With the approach of parliamentary elections, the private and independent media came under heightened pressure. *Al Qahira Al Youm* (Cairo Today) a program hosted by Amr Adib on the Orbit Channel, was cancelled, along with Ibrahim Eissa's hugely popular show *Baladna bel Masri* (Our Country in our Egyptian Language) on ON TV.

Media figure Dr. Alaa Sadeq was banned from Egyptian television screens after he asked the interior minister to publicly apologize for the Egyptian police's failure to protect Egyptian citizens from an assault by Tunisian soccer fans during a match in Cairo.

A concerted attempt was also made to silence the most prominent and oldest independent newspaper, *al-Dostour*, by removing editor-in-chief Ibrahim Eissa after ownership of the paper was transferred to the leadership of the Wafd Party.

At the same time, the National Telecom Regulatory Authority imposed new restrictions for news or advertising sent via SMS messages. The new rules prohibited SMS service providers from offering the service without a permit from the Ministry of Information and the Supreme Press Council. ON TV and al-Farain satellite channels also received warnings from NileSat that they were in breach of their contracts because of their news tickers or certain news programs. All satellite channels received directives requiring them to obtain a permit from the Ministry of Information before airing any live coverage of events.

In an attempt to further intimidate the media, several satellite channels that had been operating for years in spheres for which they were unlicensed,

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<sup>11</sup> "Misr: al-muhakamat al-jina'iya fi qadaya al-nashr ma zalat mustamirra," Arabic Network for Human Rights Information (ANHRI), Sep. 6, 2010, <<http://www.anhri.net/?p=11746>>.

<sup>12</sup> "Kuwait: ba'd muhawalatih al-muta'addida li-iskat al-sahafiyin al-Kuwaytiyin ra'is al-wuzara' al-Kuwayti yuhawil iskat ra'is tahrir jaridat al-dustur wa sahafi Kuwayti fi Misr," ANHRI, July 27, 2010, <<http://www.anhri.net/?p=9778>>.

had their transmission suspended, including some private religious channels and those broadcasting pharmaceutical infomercials.<sup>13</sup>

Last year also marked the first time bloggers referred to military trials. Ahmed Mustafa, the operator of the *Maza Asabuka Ya Wattan* (What had befallen you, my homeland) blog was referred to a military court for covering the suspension of a student from the Military Academy the year before. Following international and local solidarity campaigns, the court suspended the trial and released him on March 7.<sup>14</sup>

In November 2010, blogger Ahmed Hassan Bassyouni was also referred to military trial on charges of disseminating secrets and information connected to the armed forces over the internet. Bassyouni had established a page on Facebook to respond to questions by Egyptian youth about mandatory military service procedures.<sup>15</sup> He was sentenced to six months in prison.<sup>16</sup>

At the same time, security harassment, censorship, and pressure from religious institutions and religiously conservative or extremist individuals, worked together to impose further restrictions on publications, freedom of thought, and literary and artistic freedom.

The home of publisher Ahmed Mahni was raided and he was detained for one day after his publishing house released a book about Dr. Mohamed ElBaradei and his dream of peaceful change. Security agents also raided Waad Publishers, arresting owner Gumeili Ahmed Shehata and confiscating copies of the novel *al-Zaeim Yahlaq Sha 'aro* (The Leader Gets a Haircut), by Idris Ali, which offers a critical take on political life in Libya and Egypt. Shehata was later released by the prosecutor.

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<sup>13</sup> For the increasing pressure on the media, see “‘Iqalat Ibrahim ‘Isa ra’ is tahrir jaridat al-dustur wa ittijah li-hirman al-Misriyin min ajra’ jarida tu’abbir ‘anhum,” ANHRI, Oct. 5, 2010, <<http://www.anhri.net/?p=13278>>; “Human Rights Organizations Consolidate with the Journalists of Al Dostour Newspaper,” CIHRS, Oct. 13, 2010, <<http://www.cihrs.org/English/NewsSystem/Articles/2700.aspx>>; “Ighlaq 4 fada’iyat wa taqyid irsal al-rasa’il al-ilaktruniya khatawat jadida li-taqyid hurriyat al-ta’bir,” Arab Foundation for Civil Society and Human Rights Support, Oct. 14, 2010, <<http://www.anhri.net/?p=13891>>; and “Ta’til al-hurriyat al-i’lamiya li-ajl ghayr musamma,” ANHRI, Oct. 13, 2010, <<http://www.anhri.net/?p=13813>>.

<sup>14</sup> “Misr: najah hamlat al-difa’ ‘an al-mudawwin Ahmad Mustafa,” ANHRI, Mar. 8, 2010, <<http://www.anhri.net/?p=2401>>

<sup>15</sup> “Muhakama ‘askariya li-nashit ‘ala-l-Fays Buk,” ANHRI, Nov. 19, 2010, <<http://www.anhri.net/?p=19071>>.

<sup>16</sup> “Habs nashit al-Fays Buk Ahmad Basyuni 6 ashhur wa gharama 500 junayh,” ANHRI, Nov. 30, 2010, <<http://www.anhri.net/?p=19812>>.

Several attorneys filed a request for the confiscation of the medieval work *One Thousand and One Nights*, on the grounds that its contents incite to moral depravity and blasphemy. In June 2010, the Public Prosecutor referred Dr. Youssef Ziedan, the author of the award-winning novel *Azazel*, to the Supreme State Security Prosecutor on charges of mocking and deriding Christianity. In a detailed brief filed with the Administrative Court, Azhar's Islamic Research Council asked that several works by prominent intellectuals Sayyed al-Qimni and Dr. Hassan Hanafi be confiscated on the grounds that they distort or denigrate the prophet's companions and scholars, or harm Islam. The Islamic Research Council also refused to grant Ibrahim Tawfiq al-Khawlani, a researcher on the Muslim Brotherhood, permission to register his work *Shahid Ala al-Ikhwani* (A Witness to the Brotherhood) with the copyright protection department. The council withheld the permit not because of the book's contents, but because SSI objected to the idea of the book, claiming it would create "confusion" among the citizenry.<sup>17</sup>

### **Suppression of peaceful assembly and protest**

The authorities showed increasing hostility to any form of demonstration, protest, or sit-in, with MPs from the ruling party demanding that the interior minister shoot protestors and others describing them as "lawbreakers." The People's Assembly chose merely to reprimand members who made such statements.<sup>18</sup> Egyptian workers were also referred to a military tribunal for exercising their right to protest, in a move unseen since the infamous military trial of Khamis and al-Baqari in 1952 following the Free Officers revolution.

The public incitement to murdering protestors came only a few days after Cairo had witnessed a fierce crackdown by the security apparatus. On April 6, 2010, the capital was transformed into a military barrack to contain peaceful assemblies demanding the end of the state of emergency, guarantees for clean parliamentary and presidential elections, and constitutional amendments upholding these guarantees. More than 100 demonstrators were arrested, many of whom were held in Central Reserve Police Forces' camps. A number of protestors were also assaulted by militia-like elements wearing civilian garb, while girls and women were sexually harassed and beaten by female police. Journalists and correspondents for

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<sup>17</sup> "Mujamma' al-buhuth al-Islamiya wa mabahith amn al-dawla yatahalafan li-man' tasjil kitab 'shahid 'ala-l-ikhwan," ANHRI, Sep. 28, 2010, <<http://www.anhri.net/?p=12885>>.

<sup>18</sup> "Misr: 'aqubat al-lawm al-hazila li-na'ib al-rasas," ANHRI, <<http://www.anhri.net/?p=5445>>.

satellite channels were also attacked and had their cameras and films confiscated.<sup>19</sup>

Menoufiya University saw assaults by security agents and university guards on electrical engineering students during the annual Islamic art festival. Central Security trucks surrounded the campus, and students were beaten with clubs and batons. 11 students were arrested and jailed pending investigation by the prosecutor's office, which summoned 12 more students for questioning.<sup>20</sup>

In an attempt to put an end to the daily sit-ins in front of the People's Assembly, security forces used excessive force against workers from the Amnesto factory, who had camped out in front of the parliament for 15 days to protest the government's failure to keep its promises and the reduction of their agreed upon severance packages. Several workers were critically injured, and six were arrested and referred to interrogation. At the same time, security forces dispersed all the sit-ins in front of the walls of the People's Assembly, using force, threatening to arrest protestors, and chasing them through the streets of the capital.<sup>21</sup>

Following the death of Alexandrian youth Khaled Said, beaten to death by police, the security apparatus used excessive force to suppress all collective peaceful protests organized to condemn the crime. In June 2010 alone, there were at least three incidents in which protests were forcibly suppressed. The first took place in front of the Sidi Gaber police station in Alexandria, where security agents arrested ten people, among them the lawyer of Said's family. Five of them were referred to the Public Prosecutor for questioning on charges of disturbing the peace and participating in an illegal demonstration. The second incident targeted demonstrators who attempted to assemble and protest in front of the Interior Ministry. A heavy security presence cut off entrances to the protest site, while protestors were surrounded and beaten. Around 36 demonstrators were arrested and released later that day; some of them were slapped and kicked inside police vehicles. In a third demonstration, planned to start from Tahrir Square in Cairo, a heavy security presence prevented access to the public, and 55 protestors were arrested in areas around the square. The riot police and individuals in civilian clothes also attacked and beat people in some scattered gatherings.

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<sup>19</sup> "Crackdown on April 6 Protests," Forum of Independent Human Rights Organizations, Apr. 8, 2010, <<http://www.cihrs.org/English/NewsSystem/Articles/2596.aspx>>.

<sup>20</sup> "Munazzamat huquqiya tatalib al-na'ib al-'amm bi-muqadat al-mas'ulin 'an al-i'tida'at 'ala tullab kulliyat al-handasa al-ilaktruniya," ANHRI, Apr. 7, 2010, <<http://www.anhri.net/?p=3728>>.

<sup>21</sup> "I'tida' al-amn 'ala 'ummal Amunsitu wa fadd jami' al-i'tisamat," al-Hilali Foundation for Liberties, May 24, 2010, <<http://www.anhri.net/?p=6512>>.

Those arrested included human rights defenders, among them Emad Mubarak, the director of the Association for Freedom of Thought and Expression, and Sayed Torky, an advisor for Human Rights Watch. Those detained were held in police vehicles for several hours before being released on the expressway around Cairo.<sup>22</sup>

In an extremely unusual move, several workers at the Helwan Engineering Industries Factory, formerly Military Factory 99, were referred to a military trial on charges of striking, attacking the CEO, and divulging military secrets. The court acquitted the workers on the charges of assault and striking, but sentenced two workers to one year in prison (suspended) on charges of harming public assets, while three other workers were sentenced to six months in prison (suspended). The civilian workers were tried in a military court pursuant to the statutory changes discussed above that expanded the jurisdiction of the military judiciary.<sup>23</sup>

In August 2010, security forces also forcibly broke up a peaceful sit-in by teachers who are part of the first independent teachers syndicate, attacking them in front of the Ministry of Education.<sup>24</sup>

### **Pressure on civil society and human rights organizations**

Civil society groups, particularly human rights groups, continued to come under legal, administrative, and security pressure, and human rights organizations were the target for smear campaigns by the government press, a number of ministers, and elements close to the ruling party.

Last year the Ministry of Social Solidarity used the prerogatives granted to it by the NGO law to target the activities and programs of NGOs by withholding approval for funding for certain activities and projects. The targeted groups included the Egyptian Organization for Human Rights (EOHR), the Center for Egyptian Women's Legal Assistance (CEWLA), and the Association for Human Rights Legal Aid (AHRLA). As a result, these groups suspended some programs or reduced their activities, and AHRLA

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<sup>22</sup> "Egypt: Investigate Officers Who Attacked Peaceful Protestors," Human Rights Watch, June 28, 2010, <<http://www.hrw.org/en/news/2010/06/28/egypt-investigate-officers-who-attacked-peaceful-protestors>>.

<sup>23</sup> "al-Mahkama al-'askariya tusdir hukman bi-bara'a thalathat 'ummal wa habs khamsa ma' iqaf al-tanfidh," ANHRI, Aug. 30, 2010, <<http://www.anhri.net/?p=11337>>.

<sup>24</sup> "al-Amn ya'tadi 'ala a'da' niqabat al-mu'allimin al-mustaqilla," Egyptian Center for the Right to Education, Aug. 10, 2010, <<http://www.anhri.net/?p=10495>>.

was nearly forced to close its offices to cut costs.<sup>25</sup> Arbitrary interference by district social solidarity offices also obstructed the convening of the general assembly's of some rights groups, among them AHRLA.<sup>26</sup>

After the Center for Trade Union and Workers' Services (CTUWS) participated in the 99th session of the international labor conference of the International Labor Organization, exposing the legal and practical restrictions on trade-union freedoms in Egypt, government pressure on the group increased, as did hostile media campaigns with the complicity of the Minister of Manpower and the chair of the Egyptian Trade Union Federation (ETUF). On April 20, 2010, the CTUWS offices were subjected to a surprise inspection by a committee from the Ministry of Social Solidarity, pursuant to a decree issued by the minister. Although the committee gave no reason for the measure, the CTUWS later learnt that it was taken based on a complaint filed by the chair of the ETUF, asking the minister to put an end to the center's trade-union activities.<sup>27</sup>

The Ministry of Social Solidarity continued to function as a cover for security and police interference in the establishment of NGOs. The ministry refused to license One Nation for Development and Freedoms, citing the objection of State Security, although the NGO law contains no article granting security officials authority over NGO affairs.<sup>28</sup>

In contrast, the Administrative Court supported the right of "Egyptians in One Nation" organization for a license under the NGO law, overturning an order from the Ministry of Social Solidarity denying the group a license based on unspecified security concerns.<sup>29</sup>

The authorities denied entry for Jordanian national Sameer Jarrah, the regional coordinator for Freedom House, who attempted to enter Egypt to prepare for a visit by a Freedom House delegation to meet with civil society organizations and government representatives. Jarrah was detained by

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<sup>25</sup> "Multaqā munazzamat huquq al-insan al-mustaqilla yutalib al-na'ib al-'amm bi-ijra' tahqiqat jiddiya fi shakwa intihak qadi li-huquq al-milkiya al-fikriya," Forum of Independent Human Rights Organizations, Sep. 2, 2010, <<http://www.anhri.net/?p=11476>>.

<sup>26</sup> "Wizarat al-tadamun tasatmirr fi ightiyal al-'amal al-ahli," AHRLA, Mar. 21, 2010, <<http://www.anhri.net/?p=2910>>.

<sup>27</sup> "Dar al-khidmat tata'arrad li-taharrushat idariya bi-sabab tahrid ra'is ittihad niqabat al-'ummal," CTUWS, May 27, 2010, <<http://www.ctuws.com/default.aspx?item=490>>, and "Bi-l-tazamun ma' mu'tamar al-'amal al-dawli al-tasi' wa-l-tisa'in tasa'ud al-hujum 'ala dar al-khidmat," CTUWS, June 14, 2010, <<http://www.ctuws.com/default.aspx?item=494>>.

<sup>28</sup> "Istimrar al-hisar al-bulisi li-l-mujtama' al-madani," ANHRI, Sep. 5, 2010, <<http://www.anhri.net/?p=11682>>.

<sup>29</sup> "Da'wa Misriyun fi watan wahid," ANHRI, June 30, 2010, <<http://www.anhri.net/?p=8385>>.

security upon arrival at the airport in September 2010 and informed that he was not permitted to enter the country. He was held for 12 hours before being placed on a return flight to Jordan the next morning.<sup>30</sup>

## **Exceptional trials**

Last year, individuals were again referred to emergency State Security courts, established pursuant to the emergency law. These courts do not have many basic due-process guarantees.

In April 2010, an emergency State Security court in Cairo issued its verdict in the so-called Hizbullah cell case, sentencing three defendants to 25 years imprisonment, three others to 15 years, and handing down sentences ranging from six months to ten years in prison for the remaining defendants. The defense counsel raised questions about the confessions obtained from the defendants, arguing that they were extracted under physical and psychological torture.<sup>31</sup>

Another 24 people were tried before a State Security court in Cairo in the Zeitoun cell case. Charged with armed robbery of several jewelry shops and planning terrorist operations, the defendants were arrested in June and July 2009 and detained incommunicado for several weeks. Although their attorneys filed requests with the Public Prosecutor to disclose the place of their detention and refer them to forensic examinations, the investigating authorities informed them that they were unable to reveal the location of the detainees. Some of the defendants told the prosecutor that they had been tortured and their confessions extracted under duress. While some of the defendants were referred to a forensic examination, this was only after three months had passed. As a result, the medical reports were unable to document material evidence of torture.<sup>32</sup>

The three defendants in the Naga Hamadi massacre were also tried before an emergency court. The massacre, which took place on Christmas Eve, left six Coptic Christian citizens and one Muslim police officer dead.<sup>33</sup>

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<sup>30</sup> "Man' al-munassiq al-iqlimi li-Fridum Haws min dukhul Misr," al-Shorouk, Sep. 16, 2010, <<http://www.shorouknews.com/print.aspx?id=296886>>.

<sup>31</sup> "al-Zayyat yattahim amn al-dawla bi-ta'dhib fi tanzim hizb allah, al-Masry al-Youm, Feb. 23, 2010, <<http://www.almasry-alyoum.com/article2.aspx?ArticleID=245079&IssueID=1690>>.

<sup>32</sup> "Egypt: Transfer Zeitoun Trial to Criminal Court," Human Rights Watch, Feb. 14, 2010, <<http://www.hrw.org/en/news/2010/02/14/egypt-transfer-zeitoun-trial-criminal-court>>.

<sup>33</sup> Report on the state of democracy in Egypt in January 2010, Egyptian Association for Community Participation Enhancement, Feb. 2010, pp. 20-22.

Despite official pledges to refrain from using the provisions of the emergency law except in cases of terrorism or drug trafficking, five people were brought before an emergency State Security court for their involvement in the so-called international Muslim Brotherhood organizations case. All but one of the defendants, Osama Mohammed Suleiman, were outside the country and tried in absentia. They were charged with membership in the banned Muslim Brotherhood and money laundering. The indictment named Islamic preacher Wagdi Ghoneim, who resides in Yemen, and Saudi preacher Awad Mohammed al-Qarni, who lives in Saudi Arabia. SSI arrested 28 people in connection with the case, among them Dr. Abd al-Moneim Abu al-Futouh, but the Supreme State Security Prosecutor released all of them four months before the five defendants were referred to trial in June 2010.<sup>34</sup>

### **Torture, extrajudicial killing, and involuntary disappearance**

Torture continued in light of the immunity enjoyed by the security apparatus under the state of emergency, and due to the government's failure to introduce fundamental legal changes to guarantee accountability and stiff penalties for torturers. More people died last year as a result of torture and the excessive use of force in the pursuit of criminal suspects, and more African migrants were also killed by the Border Guard as they attempted to cross the border illegally into Israel.

In March 2010, Fadl Abdullah Hussein was killed in the Deir Mawas police station in Minya after being arrested inside a coffee shop. According to human rights reports, an officer struck him when he was asking why he was being arrested. He fell to the ground bleeding and died.<sup>35</sup>

The family of Mohammed Reda Anis held the security establishment responsible for his death after he was tortured in the Zarqa police station. His family was forced to bury him without a funeral. Later police forces fired tear gas canisters and rubber bullets at groups of citizens who were showing their sympathy for the victim's family, and detained some in the police

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<sup>34</sup> "Misr: 'awdat al-muhakamat al-istithna'iya mujaddadan," Alkarama, June 16, 2010, [http://www.alkarama.org/ar/index.php?option=com\\_content&view=article&id=3874:2010-06-15-13-34-01&catid=113:-&Itemid=130](http://www.alkarama.org/ar/index.php?option=com_content&view=article&id=3874:2010-06-15-13-34-01&catid=113:-&Itemid=130)

<sup>35</sup> "Egypt: Fadel Abdullah Hussein Murdered at Deir Mawas Police Station," Alkarama, Apr. 14, 2010, [http://en.alkarama.org/index.php?option=com\\_content&view=article&id=475:egypt-fadel-abdullah-hussein-murdered-at-dier-mawas-police-station&catid=22:communiqu&Itemid=102](http://en.alkarama.org/index.php?option=com_content&view=article&id=475:egypt-fadel-abdullah-hussein-murdered-at-dier-mawas-police-station&catid=22:communiqu&Itemid=102).

station. The prosecutor ordered several of them detained pending investigation on charges of assembly and resisting the authorities.<sup>36</sup>

The most brutal case of the use of force by security last year was the murder of 28-year-old Khaled Said, who was beaten to death by two police informers from the Sidi Gaber station in Alexandria after they attempted to search him in an internet cafe. The Interior Ministry initially attempted to clear the perpetrators, saying that the victim had swallowed a package of marijuana that was in his possession when the policemen stopped him, which caused his death according to the medical report commissioned by the ministry of interior. The ministry ignored another medical report that found various bruises and fractures on the victim, including several fractures to the skull. This version of events was confirmed by eyewitnesses, who saw the victim undergo a brutal beating during which his head was smashed against a wall and stairs, causing him to fall to the ground unconscious. Witnesses added that the victim was taken away in a police car after which his body was returned to the site of the beating. It was reported that police pressured eyewitnesses to remain silent or change their testimony, but the authorities were forced to investigate following local and international outrage. Another autopsy was also ordered in response to the family's doubts about the initial reported cause of death. The two police informers were referred to trial on charges of false arrest, physical torture, and the use of force. Since the charges did not include murder or lethal torture, the defendants would face only three years in prison if convicted.<sup>37</sup>

Only a few days after the murder of Khaled Said, reports circulated that the chief of investigations at the Beni Ebeid police station in Mansoura, and a policeman at the same station, were accused of beating and torturing a rickshaw driver and throwing him out of the station from the third floor. The man sustained fractures in the knee, thigh, hip, and skull as a result, and fell into a coma.<sup>38</sup>

Political activists were also kidnapped and forcibly disappeared last year, taken to undisclosed locations and questioned by unidentified security agents. One such case involved student Mohammed Saad Turk, who

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<sup>36</sup> "Ta'dhib shabb fi Dumyat hatta al-mawt," AHRILA, Feb. 15, 2010, <<http://www.anhri.net/?p=286>>.

<sup>37</sup> "Aakhir dahaya siyasat al-iflat min al-'iqab," ANHRI, June 11, 2010, <<http://www.anhri.net/?p=7340>>; "Muhakamat al-muttahamayn fi qadiyat Khalid Sa'id," al-Ahram, July 4, 2010; and "Expert Evaluation of the Forensic Reports Issued in the Khaled Mohamed Said Sobhi Case," Nadim Center for the Rehabilitation of Victims of Violence, July 27, 2010, <<http://www.alnadeem.org/en/node/306>>.

<sup>38</sup> "Khaled Said jadid fi-l-Mansura," Nadim Center for the Rehabilitation of Victims of Violence, July 4, 2010, <<http://www.alnadeem.org/en/node/299>>.

disappeared in July 2009 amid indications that he had been detained by the security apparatus. The SSI had summoned him for questioning in April 2009 regarding his university activities and his participation in a student demonstration during the Gaza war. He disappeared in Rosetta, located in the Beheira governorate, while the president was visiting the city. Although his family and human rights organizations filed complaints with the Public Prosecutor, the complaints were still under investigation as of late August 2010.<sup>39</sup>

Three activists involved in political movements demanding reform and change were also abducted and disappeared in three separate incidents in the span of less than a week. They were questioned by unknown security bodies and then released. Amr Salah, a political activist and researcher with CIHRS, and political activist Ahmed Eid, both of them members in the opposition Democratic Front Party, were abducted from the streets of Cairo on September 9, 2010. Their fate remained unknown for nearly 40 hours before they were released. Similarly, Dr. Shadi Tareq al-Ghazali, also a political activist with the Democratic Front Party and an assistant professor at the Faculty of Medicine, disappeared from Cairo airport while preparing to travel on September 14. He was arrested by security agents who did not identify themselves and taken to an undisclosed location, where he was detained for two days before being returned to the airport. According to all three activists, they were questioned about politics and their involvement in the petition drive for reform adopted by Dr. Mohamed ElBaradei.<sup>40</sup>

During the first three months of 2010, 12 African migrants were reportedly shot and killed by the Border Guard as they attempted to illegally cross the border into Israel. A total of 69 migrants have been killed since 2007.<sup>41</sup> The authorities conducted no investigation into any of these cases. Indeed, in responding to criticism from the UN High Commissioner for Human Rights, the Egyptian Foreign Ministry minimized the enormity of these incidents, arguing that the victims comprise only 2 percent in 2008,

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<sup>39</sup> “Egypt: Disclose Fate of ‘Disappeared’ Student,” Human Rights Watch, Sep. 3, 2010, <<http://www.hrw.org/en/news/2010/09/03/egypt-disclose-fate-disappeared-student>>.

<sup>40</sup> “Misr: tiktat zahirat ikhtitaf al-nushata’ yunabbi’ ‘an wujud jiha akbar min jihaz amn al-dawla,” ANHRI, <<http://www.anhri.net/?p=12078>>, and “Life of Egyptian Rights Defender in Danger after Abduction by Security Forces,” CIHRS, Sep. 10, 2010, <<http://www.cihrs.org/English/NewsSystem/Articles/2669.aspx>>.

<sup>41</sup> “Egypt: Guards Kill 3 Migrants on Border with Israel,” Human Rights Watch, Mar. 31, 2010, <<http://www.hrw.org/en/news/2010/03/31/egypt-guards-kill-3-migrants-border-israel>>.

and 4 percent in 2009, of all those who attempted to illegally cross the border.<sup>42</sup>

## **Freedom of belief and sectarian violence**

The authorities continued to enforce police oversight on the freedom of religious belief, including over Muslims who hold to beliefs or schools of jurisprudence at odds with the orthodox Sunni official interpretation of Islam. In October 2010, 24 Egyptian and non-national Shiites were arrested and referred to questioning before the prosecutor, who ordered 12 of them detained pending further investigation. The charges were closely linked to their religious ideas and beliefs, particularly regarding their stance on the first four caliphs, certain sayings of the prophet, and their lack of recognition of al-Bukhari's collection of prophetic sayings and deeds.<sup>43</sup>

The security apparatus also ordered the detention of Mohammed Farouq for the sixth time under the emergency law because of his affiliation to Shiism. The new detention order was issued within days of the fifth court order for his release handed down by an emergency State Security court. The Interior Ministry circumvented the court ruling by temporarily transferring Farouq to the SSI headquarters in the Sixth of October governorate, before returning him to the Damanhour prison under the new detention order.<sup>44</sup> In April and May 2009, Mohammed Farouq and 11 others were detained by SSI in connection with what was known in the media as the Hassan Shehata case and charged with forming an organization to spread Shiite ideas disparaging Islam. Although the Supreme State Security Prosecutor ordered all defendants released in October 2009, the Interior Ministry released only five in the year after the release order, while Farouq and the other defendants remained in custody.<sup>45</sup>

In March 2010, SSI detained nine members of the Ahmadi sect and held them in SSI headquarters for nearly six weeks without bringing them before any judicial body or filing formal charges. During the investigation, which began in April 2010, they were charged with denigrating the Islamic

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<sup>42</sup> "Following the Statement of the UN High Commissioner of Human Rights: 14 Egyptian NGOs Demand a Halt of Migrant Killings on Israel Border," CIHRS, Mar. 9, 2010, <<http://www.cihrs.org/English/NewsSystem/Articles/2574.aspx>>.

<sup>43</sup> "EIPR Calls upon the Public Prosecutor to Immediately Release all Shi'ite Suspects," Egyptian Initiative for Personal Rights (EIPR), Oct. 14, 2010, <<http://eipr.org/en/pressrelease/2010/10/14/980>>.

<sup>44</sup> "State Security Court Rejects Interior Ministry Appeal of Release Order for Shi'ite Detainees," EIPR, Aug. 23, 2010, <<http://eipr.org/en/pressrelease/2010/08/23/964>>.

<sup>45</sup> Ibid.

religion. Some of the detainees told the prosecutor that they had been tortured by SSI officers and forced to confess to the charges against them. In June 2010, eighty days after they were detained, the investigating authorities ordered all defendants released.<sup>46</sup>

In November 2009, Abd al-Latif Mohammed Said was arrested and arbitrarily detained in Cairo airport and transferred to the SSI headquarters in Shubra al-Khieima, where he was held for one week. Two years ago, Said was detained on charges of holding Quranist beliefs and was prohibited from travel in a similar incident in April 2009.<sup>47</sup>

On October 24, 2009, Cairo security authorities detained Shiite writer Dr. Ahmed Rassem al-Nafis for several hours, preventing him from traveling to a conference in the Iranian capital. He was permitted to travel on October 26 after undergoing a thorough search.<sup>48</sup>

Sectarian violence also continued, illustrating the erosion of the rule of law under the shadow of the authorities' long-standing policy of setting the law aside when addressing sectarian crimes and forcing the parties involved to accept customary reconciliation, often through the use of coercive methods such as administrative detention or the collective punishment of villages where such incidents occur. Incidents of collective retribution and faith-based murder were also more prominent last year. From January 2008 to January 2010, there were at least 53 incidents of sectarian violence in 17 of Egypt's 29 governorates.<sup>49</sup>

In October 2009, the city of Dayrut, in the Assyout governorate, was the scene of widespread sectarian attacks that targeted three churches, the Coptic bishopric, and Coptic pharmacies, shops, cars, and homes. The attacks by Muslims erupted when a court order was issued renewing the detention of four Muslims suspected of killing a Copt after rumors spread that the man's son was involved in a romantic relationship with a female Muslim relative of the four suspects. The security apparatus arrested 30 people in connection with the attacks, referring 19 to trial. They were all acquitted in December

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<sup>46</sup> "After 80 Days of Detention State Security Prosecutor Releases all Ahmadi Detainees," EIPR, June 8, 2010, <<http://eipr.org/en/pressrelease/2010/06/08/903>>.

<sup>47</sup> "al-Mubadara al-Misriya tutalib al-na'ib al-'amm bi-l-tahqiq fi-l-qabd 'ala ahad al-Qur'aniyin bi-matar al-Qahira," EIPR, Nov. 29, 2009, <<http://eipr.org/pressrelease/2009/11/19/215>>.

<sup>48</sup> "Freedom of Religion and Belief in Egypt: Quarterly Report Oct-Dec 2009," EIPR, <<http://eipr.org/en/report/2010/01/01/935>>.

<sup>49</sup> "EIPR Issues Analytic Study of Sectarian Violence over Last Two Years," EIPR, Apr. 15, 2010, <<http://eipr.org/en/pressrelease/2010/04/15/791>>.

2009 due to inconsistencies in the statements of the defendants and victims, and the lack of eyewitnesses.<sup>50</sup>

In November, the districts of Farshout and Tisht in the governorate of Qena saw widespread sectarian violence, which paved the way for the Christmas Eve massacre in Naga Hamadi. Muslim assailants inflicted grave damage on Copts' property, estimated at more than LE 4 million. The violence exploded after a Muslim family accused a Christian youth of raping their daughter. During the events, the security apparatus ordered 15 Christians families to leave their homes, while thousands of Muslims gathered in front of the Farshout police station, demanding that the rapist be turned over to them. Security arrested some 70 people, most of whom were later released. In the days following the attacks, security asked the church to arrange for an inclusive reconciliation meeting, but the church refused and demanded compensation for the victims first. The compensation was only paid after the Naga Hamadi massacre.<sup>51</sup>

Naga Hamadi was the site of the most serious case of sectarian violence when on January 6, 2010, Coptic Christmas Eve, assailants opened fire on groups of Copts in various parts of the city following mass, killing six Copts, injuring nine more, and killing a Muslim policeman. Three people were arrested and are currently standing trial before an exceptional emergency court. During the funeral processions for the victims, and until January 9, there were other waves of sectarian attacks in Naga Hamadi and the nearby Bahgoura village targeting Copts' property and their homes.

The Christmas Eve attack in particular highlighted the failure of the state apparatus to protect Coptic citizens and their property, especially in areas where such events were expected. In its usual response, security arrested dozens of Muslims and Copts. Reports from human rights groups documented testimonies that some of the detainees, at least among the Copts, were tortured and subjected to ill treatment in the SSI headquarters in Naga Hamadi, including beatings, forced stripping, blindfolding, and humiliation.<sup>52</sup>

Sectarian tensions surged yet again, threatening broader civil conflict, when Kamilia Shehata, the wife of a priest at the Deir Mawas church, was turned over to the church after rumors spread that she had converted to Islam. The case recalled a similar incident six years ago, when Wafa Qastantin, the wife of the priest of Beheira, was rumored to have converted

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<sup>50</sup> "Freedom of Religion and Belief in Egypt: Quarterly Report Oct-Dec 2009."

<sup>51</sup> Ibid.

<sup>52</sup> "Naga Hammadi: Witnesses to the Strife," EIPR, Jan. 21, 2010, <<http://eipr.org/en/report/2010/01/21/1070>>.

to Islam. Since they were turned over to the church, the fate of both women is unclear. Shehata is rumored to have undergone rehabilitation in the church.

The incident led to demonstrations by Salafi groups in Cairo, Alexandria, and several other governorates demanding that Shehata be liberated from the church's grasp and brought before the media, amid accusations that the church was strong-arming the state. This view gained wider currency after the church declared its rejection of court orders from the High Administrative Court regarding second marriages for Copts.

Amid these sectarian tensions and the Coptic community's increasing resentment of the state's failure to establish fair laws that uphold the equal right of citizens of all faiths to build houses of worship and practice their faith, violent clashes took place between several thousand Copts and security forces in Giza in November 2010, after the governorate issued administrative orders suspending construction of a services building for Copts. Coptic protestors, who were staging a sit-in on the building site, clashed with security forces who had set up a security cordon around the building to prevent the entry of construction material. Some groups of Coptic protestors also went to the governorate building, where they broke windows and vandalized some private cars.

Security forces used excessive force to quell the rioting that accompanied these protests, including the use of live ammunition, which led to the death of at least one Coptic protestors and the injury of 67 others. Security sources said that they had arrested 93 rioters, while church sources estimated the number of the detained at around 200.<sup>53</sup>

More than a year after the violent sectarian attacks in April 2009 that saw the torching of Egyptian Bahais' homes in a village in Sohag and their forced expulsion from the village, the perpetrators of the attacks, and those who incited them, have not been brought to trial, and the victims have not been compensated or allowed to return to their homes.<sup>54</sup>

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<sup>53</sup> "EIPR Condemns Security Violence against Coptic Demonstrators," EIPR, Nov. 24, 2010, <<http://www.eipr.org/en/pressrelease/2010/11/24/1017>>.

<sup>54</sup> "One Year after Sectarian Attacks on Baha'is in Shuraniya: No Accountability for Inciters or Assailants," EIPR, Mar. 31, 2010, <<http://eipr.org/en/pressrelease/2010/03/31/712>>.

## **Illusion of political participation dispelled**

The authorities maintained their refusal to introduce any genuine reforms that would guarantee fair representative elections or open the door to competitive presidential elections in 2011, rather than a cosmetically competitive race between the ruling party candidate and the few opposition figures who would agree to participate.

The Shura Council mid-term elections in June 2010 saw flagrant rigging and fraud, despite the absence of any real competition. Elections were conducted without judicial supervision at polling stations, pursuant to constitutional amendments introduced in 2007. The High Commission overseeing the elections and the National Council for Human Rights, both effectively obstructed the right of human rights organizations and civil society groups to officially monitor the elections. Out of 4,815 requests for monitors from these institutions, only 1,400 permits were issued, pursuant to court orders obtained after some organizations filed suits against the Commission and the Council.

The Shura elections witnessed blatant security interference, and Muslim Brotherhood candidates and police accused one another of opening fire in a district in Beheira. Acts of violence and thuggery took place in most districts, where competition was largely limited to official NDP candidates and NDP affiliated independents. The traditional opposition parties maintained only a symbolic presence, while several Muslim Brotherhood candidates withdrew in protest against the rigging, arrests, and detention of their supporters and official representatives. Measures were also taken to obstruct the media coverage of elections, as some districts were turned into quasi military barracks to prevent voters from reaching the polls where Muslim Brotherhood candidates were competing. There was widespread ballot stuffing, whether to facilitate rigging, not only for NDP candidates, but on behalf of candidates for some official opposition parties as well or to artificially increase voter turnout, which did not exceed 2 to 7 percent according to monitors,

Opposition parties won a total of four seats. While NDP officials considered this an unprecedented victory for the opposition and a testament to the integrity of the elections, the Tagammu and Nasserist Party attested to the flagrant rigging conducted on behalf of their candidates. Some regional committees of the parties condemned the rigging for their candidates and

rejected the deal that had allegedly been made between the NDP and their leadership.<sup>55</sup>

The People's Assembly elections of November 2010 were the worst polls since the 1995 elections. In addition the draconian measures taken in the run-up to elections, the High Elections Commission appeared to lack even a minimum of prerogatives and capacities, and functioned purely to legitimize widespread security and administrative interventions in the entire electoral process. This fact was explicitly recognized shortly before the elections by the chair of the Commission in press statements that justified the various roles played by the Interior Ministry and government agencies due to the Commission's limited capacities. Indeed, the chair of the commission found nothing wrong with the government granting oversight of polling stations to civil servants who were members of the ruling party.<sup>56</sup>

Once more, civil society groups seeking to monitor the elections faced numerous obstacles. The High Elections Commission denied permits to some institutions, citing security reasons, and even those organizations that obtained official permits found that accessing the polling stations also required approval from the head of the station. Most monitors were expelled from polling stations during the vote and ballot counting, along with the official representatives of candidates competing against the NDP.<sup>57</sup>

Even before the vote, there were clear attempts by the authorities to wholly exclude the Muslim Brotherhood, which won 88 seats in the 2005 parliamentary elections. Reports in late June 2010 estimated that some 200 members of the Brotherhood remained in detention under the emergency law without trial. In October 2010, the security apparatus also launched a wide-sale arrest campaign targeting the group, detaining some 70 members within one week of the Brotherhood announcing their intention to take part in the

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<sup>55</sup> See the full media file on election monitoring for the Shura Council elections at the website of the Egyptian Association for Community Participation Enhancement, <[www.mosharka.org](http://www.mosharka.org)>; "Mahkamat al-qada' al-idari tantasir li-l-munazzama al-Misriya fi muraqabat intikhabat al-shura," Egyptian Organization for Human Rights, June 1, 2010, <<http://ar.eohr.org/?p=1045>>; "Bayan hizb al-tajammu' 'an intikhabat majlis al-sha'b," July 8, 2010, <<http://madanya.net/?p=2296>>; "Hizb al-tajammu' bi-Dumyat yudin fawz murashshahih bi-intikhabat al-shura," al-Shorouk, June 5, 2010, <<http://www.shorouknews.com/contentData.aspx?id=241590>>; and "Hizb al-tajammu' wa-l-Nasiri yarfudan tazwir al-intikhabat li-salihihima fi intikhabat al-shura," <[www.forum.alnel.com/Ehread-6553-pot-1050](http://www.forum.alnel.com/Ehread-6553-pot-1050)>.

<sup>56</sup> See the interview conducted with the chair of the commission in *al-Shorouk*, no. 637, Oct. 30, 2010, pp. 1 and 5. Following the interview, the chair was prohibited from making statements or granting television interviews, and a spokesman was appointed.

<sup>57</sup> "al-Amn al-ra'i al-rasmi li-l-lajna al-'ulya," Egyptian Association for Community Participation Enhancement, <[www.mosharka.org.index.php?newsid=325](http://www.mosharka.org.index.php?newsid=325)>.

elections.<sup>58</sup> Eventually, hundreds of the group's supporters were detained prior to the elections.

The vote itself saw the widespread manipulation of the voters' will, and many citizens were prohibited from voting. There was widespread rigging, and violence and thuggery by the supporters of some candidates left several dead. Vote buying was also rampant. The High Elections Commission totally disregarded compulsory court rulings, whether those overturning the disqualification of candidates, altering the status of candidates, suspending the vote in certain districts, or suspending the declaration of election results.<sup>59</sup> Up until the run-offs on December 5, 2010, some 3,700 cases had been filed before the Administrative Court. Some 1,000 court orders were issued, among them 350 upheld by final rulings from the Supreme Administrative Court; the High Elections Commission only implemented 15 of these rulings.<sup>60</sup>

After the NDP scored an overwhelming victory in the first round of voting and the Wafd and Muslim Brotherhood withdrew from the second round protesting the results of the first round, the government was forced to engage in rigging in the second round on behalf of some opposition candidates. In the final count, the ruling NDP took 419 out of 504 seats that would elevate to 474 if we add those party members who ran as independents after they were excluded from the official party slate, or 93 percent . 15 seats (3 percent) were distributed among 6 official parties, with the remainder going to independents affiliated with no political group, save for one Muslim Brotherhood members who ignored the group's decision to withdraw from the second round of voting.<sup>61</sup>

If there was one positive aspect of the parliamentary elections, it was the allotment of 64 additional seats for women. Nevertheless, in practice these seats comprised a guaranteed bloc for the NDP. Most of the districts for the women-only seats were so large, often comprising entire governorates, that the only candidates able to campaign effectively were those who received support from the ruling party. In the end, it was not at all surprising that NDP candidates took 55 of the women's seats.

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<sup>58</sup> "Misr: al-tadyiq 'ala hurriyat al-ta'bir fi tasa'ud mustamirr," ANHRI, Oct. 16, 2010, <<http://www.anhri.net/?p=13935>>.

<sup>59</sup> "3700 da'wa intikhabiya amam al-qada' al-idari," al-Shorouk, no. 676, Dec. 8, 2010.

<sup>60</sup> "al-Natija al-niha'iya li-l-watani 474 maq'adan," al-Shorouk.

<sup>61</sup> For details on the violations that accompanied the parliamentary elections, see the reports and data of the Independent Coalition of Election Monitors on the website of the Egyptian Association for Community Participation Enhancement, <[www.mosharaka.org/index.php](http://www.mosharaka.org/index.php)>.



# Tunisia

## **Preface**

As this report was going to press, a new series of social protests erupted in Tunisia, this time starting in Sidi Bouzid, located in the central part of the country. Although these protests were not the first of their kind in Tunisia, the Sidi Bouzid uprising differed from those seen around the country over the last three years. When university graduate and itinerant vegetable peddler Mohammed Bouazizi set fire to himself in front of the Sidi Bouzid municipal building in mid-December 2010, in protest at the confiscation of his vegetable cart and ill treatment, his act stoked the anger of all Tunisians. People in Sidi Bouzid took to the streets in protests against repression, corruption, and social and economic marginalization. The protests soon escalated and spread to other cities until they reached the capital. The Tunisian uprising became a revolution that brought down now former president Zine el-Abidine Ben Ali, who had been in power for 23 years. After Ben Ali fled the country on January 14, 2011, Tunisia has embarked on a new stage in its history the transition to a democratic state that respects human rights.

Despite the violence faced by protestors in Sidi Bouzid, Thala, Kasserine, and other cities where thousands of Tunisians turned out in the streets, Tunisians evinced an unprecedented, unyielding insistence on changing conditions in the country. As protests spread, the protestors' demands expanded to include political and civic demands for guarantees of liberties until finally they began to demand the end of the regime and Ben Ali as ruler.

It was not surprising that the protests began in the poor regions of the country. These were the areas most marginalized and deprived of economic development; where the population suffered from high unemployment, severe poverty, and felt a keen sense of oppression at the hands of a despotic police state that quashed every attempt to peacefully change the inhumane conditions and rampant corruption they struggled to survive within.

## **Introduction**

The human rights situation in Tunisia continued to deteriorate as the country remained in the grip of a police state intent on controlling every aspect of life.

The Tunisian authorities continued to restrict every platform for freedom of opinion and expression. In addition to maintaining their tight control over the press, the authorities took increasingly repressive technical measures to restrict the internet more thoroughly. They also maintained their stranglehold over civil society institutions, particularly human rights organizations, blockading their offices and maintaining close surveillance of these groups' members, including over their homes and places of work. Orchestrated media campaigns were unleashed describing human rights workers as traitors and foreign agents. In June 2010, the Tunisian parliament approved a new law to prevent the international exposure of the widespread abuses committed by the regime.

The authorities responded to social and syndical protests that began in Ben Guerdane, on the border with Libya, with excessive violence and mass arrests, which led to violent clashes claiming victims on both sides. The authorities also continued to harass trade union activists, repress student movements, and met peaceful protests organized by trade unionists with brutality, bringing some before unfair trials.

In an attempt to monopolize power and install Zine el-Abidine Ben Ali as president for life, press campaigns were launched to prepare the way for constitutional amendments that would remove obstacles preventing him for running for a sixth term of office.

Under the counterterrorism law, the Tunisian authorities also continued to target and persecute young people, pious Tunisians, and university students. The authorities carried out acts of abduction and arbitrary detention, denying Tunisian citizens legal and procedural guarantees, torturing some of them, and prosecuting them in unfair trials lacking due process.

## Perpetual monopolization of power

Although the 74-year-old Ben Ali was close to completing his 23rd year as Tunisia's president, calls began last year from within the regime demanding that he nominate himself for a new presidential term in 2014, when his fifth term of office was set to expire. On July 17, 2010, the central committee of the ruling Constitutional Democratic Rally party (RCD) issued a statement urging President Ben Ali to "continue to lead Tunisia in the coming phase," giving a clear signal to the cadres of the ruling party, and the organizations in its orbit, to launch an appeal to that effect through the local press and official media.<sup>1</sup> This was followed by another statement signed by 65 prominent politicians, artists, journalists, singers, athletes, university professors, and businessmen, calling on Ben Ali to accept nomination for another presidential term. Observers believe the campaign was designed as a prelude to the introduction of amendments to constitutional provisions that limit presidential candidacy to those under 75 years of age.<sup>2</sup>

On July 16, 2010, the Tunisian authorities confiscated the weekly *al-Mawqif*, the mouthpiece of the opposition Progressive Democratic Party, without explanation and without a court order,<sup>3</sup> after the paper reported that the constitution might be amended to allow Ben Ali to nominate himself for a new term in 2014.<sup>4</sup>

## The stifling of civil society activists and institutions

The authorities continued their stranglehold on human rights organizations and other civil society institutions and persisted in obstructing their operations and harassing those involved in them, either through security authorities or orchestrated smear campaigns in the loyalist Tunisian press. On June 15 2010, the Tunisian parliament passed a law mandating prison terms for any Tunisian who intentionally maintains foreign contacts for the

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<sup>1</sup> "Khilaf hawl al-tamdid li-Zayn al-'Abidin wa tahdir min al-ri'asa mada al-haya," Elaph, Aug. 18, 2010, <<http://www.elaph.com/Web/news/2010/8/589445.html>>.

<sup>2</sup> "Tunis: 'awdat tuqus al-munashada li-tamlik Bin 'Ali al-hukm mada al-haya," Assabil Online, Aug. 19, 2010, <[http://www.assabilonline.net/index.php?option=com\\_content&task=view&id=8169&Itemid=26](http://www.assabilonline.net/index.php?option=com_content&task=view&id=8169&Itemid=26)>.

<sup>3</sup> "La'nat tamdid al-sulta tufattik bi-hurriyat al-sahafa fi Tunis," Arabic Network for Human Rights Information, July 18, 2010, <<http://www.anhri.net/?p=9208>>.

<sup>4</sup> "Opposition Newspaper Confiscated in Tunisia," Committee to Protect Journalists, July 19, 2010, <<http://cpj.org/2010/07/opposition-newspaper-confiscated-in-tunisia.php>>. On March 7, 2010, the authorities had confiscated an issue of the same paper that contained news coverage of a report issued by Human Rights Watch on human rights abuses in Tunisia.

purpose of inciting harm to Tunisia's vital interests. The passing of this law was considered to be the first shot in a fierce battle to limit the ability of human rights groups to expose human rights abuses in Tunisia to the international community. According to Section 61 (*bis*) of the Penal Code, the crime is punishable by 5 to 20 years in prison. The Tunisian Minister of Justice and Human Rights explained that damage to vital interests included inciting foreign bodies to refrain from granting loans to the Tunisian state or investing in the country, encouraging a tourism boycott, and obstructing Tunisia's efforts to attain advanced partner status with the European Union. Thus, this amendment aimed to target and imprison human rights defenders, particularly in light of the human rights criticisms they raise before international and regional forums, and their repeated demands that the European Union link its partnership with the Tunisian government to its respect for human rights<sup>5</sup>.

Since October 2009, the security apparatus imposed a tight siege on the Tunisian Association of Democratic Women, deploying massive numbers of security personnel at the association's doors, who determine who enters and who is denied access, and using violence against "unwanted" young women.<sup>6</sup>

In February 2010, the central office of the Tunisian League for the Defense of Human Rights (LTDH) was broken into and many items stolen, most significantly the computer containing the organization's documents. LTDH expressed surprise at how the thieves managed to carry out the crime, since the offices are under constant security surveillance.<sup>7</sup>

On May 21, 2010, a large number of security personnel surrounded the offices of LTDH to prevent a celebration of the organization's 33rd year in existence, closing all roads leading to the office to stop invitees from reaching the offices.<sup>8</sup> The government explained that the organization does not have the right to engage in any activity except the preparation of its fifth

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<sup>5</sup> "Tunisia: A Move Against Human Rights Defenders," Human Rights Watch, June 17, 2010, <<http://www.hrw.org/en/news/2010/06/18/tunisia-move-against-human-rights-defenders>>.

<sup>6</sup> "Li-madha hadha al-hisar hawl al-jam'iya al-Tunisiya li-l-nisa' al-dimuqratiyat?" Tunisian Association for Democratic Women, Nov. 15, 2010, <<http://www.anhri.net/?p=1013>>.

<sup>7</sup> "Maqarr al-rabita yata'arrad li-l-khal' wa-l-sariqa," Tunisian League for the Defense of Human Rights, Feb. 8, 2010, <<http://www.anhri.net/?p=880>>.

<sup>8</sup> "Fi tanaqud sarikh ma' masar al-hiwar al-rabiti, a sulta tamna' al-ihthafal bi-dhikra ta'sis al-rabita," Tunisian League for the Defense of Human Rights, May 21, 2010, <<http://www.anhri.net/?p=6523>>.

general conference, pursuant to an Appeals Court ruling issued in May 2001.<sup>9</sup>

In addition, the security blockade on the Freedom and Equity Organization continued, along with the close surveillance of its chair Mohamed Nouri, members of the group's executive bureau, and the group's secretary. Their homes were closely monitored, and staff at the organization was prevented from contacting victims of human rights abuses.<sup>10</sup> Human rights defender Mohamed Gueloui, a member of the organization's executive bureau, remained under police surveillance, which escalated into a blatant intervention in his right to work. Political security agents were stationed near his place of work, causing him undue hardship, and the agents pressured employers not to have any dealings with him.<sup>11</sup>

The offices of the League of Free Writers and the Tunisian Pen Center were also subjected to surveillance, ongoing pressure, and the obstruction of their activities and meetings by police.<sup>12</sup>

The authorities continued to run smear campaigns in the state-controlled press, targeting a large group of human rights defenders including Kamal Jendoubi, the chair of the Euro-Mediterranean Human Rights Network; Sihem Bensedrine, the spokeswoman for the National Council for Liberties; Mokhtar Trifi, the president of the Tunisian League for the Defense of Human Rights; and Khamis Chamari, the former secretary general of the LTDH and a founding member of the October 18 Movement for Rights and Liberties. The smear campaigns went so far as to accuse human rights defenders and opposition journalists in Tunisia of espionage and collaboration with Israel, inciting their murder with the use of phrases such as "foreign agents," which gives false legitimacy to potential crimes against them.

Slim Bagga, a dissident Tunisian journalist living in France, received a death threat signed by an anonymous Palestinian in Lebanon, calling him a traitor and agent for Israel, after he contributed to a book exposing the

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<sup>9</sup> "al-Sultat al-Tunisiya tahzur nashat rabita huquqiya bi-qarar qada'i," Assabil Online, May 24, 2010,

<[http://www.assabilonline.net/index.php?option=com\\_content&task=view&id=7396&Itemid=1](http://www.assabilonline.net/index.php?option=com_content&task=view&id=7396&Itemid=1)>.

<sup>10</sup> Monthly report on liberties and human rights in Tunisia issued by Freedom and Equity, Apr. 2010, <<http://assabilonline.net/PDFs/rapport-Mensuel-L.E-Avril2010.pdf>>.

<sup>11</sup> "al-Nashit al-huquqi Muhammad al-Qalwi taht al-hisar wa-l-bulis al-siyasi ya'tadi 'ala haqqih fi-l-shughl," Freedom and Equity, June 11, 2010, <<http://www.anhri.net/?p=7400>>.

<sup>12</sup> Ibid.

growing political influence of President Ben Ali's wife and her increasing involvement with state financial and economic affairs.<sup>13</sup>

The authorities persisted in their harassment of human rights activists and defenders, spying on them and bringing them before unfair trials. On January 4, 2010, a Tunisian court convicted Lotfi Dassi, Mohsen al-Jendoubi, Abd al-Karim Aziza, Mohammed Ghallab, Sami al-Zaabouti, and Mohammed Khelifi, on charges of collecting funds without a permit. The court sentenced Dassi to one month in prison and the remaining defendants to three months in prison, while appropriating the funds in question (6,000 dinars) for the state treasury. Dassi was arrested after he distributed aid to victims of the floods in Redeyef.<sup>14</sup>

On January 11, 2010, the primary court in Tunis also convicted Maatouq al-Eir, Abd al-Raziq al-Wanifi, al-Asaad al-Jawhari, Abd al-Wahed al-Sayeh, Ibrahim al-Amouri, Mohammed al-Habib Farah, and Omar al-Makni on charges of collecting funds without a permit. Maatouq was sentenced to one month in prison, while the court refused to hear al-Wanifi's case. The remaining defendants were sentenced *in absentia* to three months in prison.<sup>15</sup>

Furthermore, activist Radhia Nasraoui, the president of the Association Against Torture in Tunisia, continued to face harassment. On February 14, 2010, Tunisian security agents surrounded her house and office and prevented her clients from reaching her office; her telephone and email were also put under surveillance.<sup>16</sup>

International expert and human rights activist Khamis Chamari, a member of the October 18 Movement for Rights and Freedoms, faced ongoing harassment and assault from the security apparatus. In February 2010, he was denied entry to the offices of the Movement for Renewal and the Progressive Democratic Party, while on February 12, 2010, his friends were prevented from visiting him in his home, which was blockaded. Chamari received oral directives from the political police to not receive

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<sup>13</sup> "Grave Developments in Tunisia Threaten the Lives of Human Rights Defenders," CIHRS, Jan. 11, 2010, <<http://www.cihrs.org/english/newssystem/details.aspx?id=2528>>.

<sup>14</sup> "Shahr sajanan li-Lutfi al-Dasi 'uqubat al-tadamun," International Association for the Support of Political Prisoners, Jan. 5, 2010, <<http://www.anhri.net/?p=910>>.

<sup>15</sup> "Shahr sajanan li-Ma'tuq al-'Ir wa 'adam sam' al-da'wa li-'Abd al-Raziq al-Wanifi," International Association for the Support of Political Prisoners, Jan. 12, 2010, <<http://www.anhri.net/?p=912>>.

<sup>16</sup> "Bayan 'ajil Tunis mu'amala la insaniya wa hatta bi-l-karama li-difa'iha 'an huquq al-insan," Arab Program for Human Rights Activists, Feb. 25, 2010, <<http://www.anhri.net/?p=2167>>.

visits in his home except by members of his family. He staged a two-day hunger strike to protest the ongoing harassment by Tunisian security.<sup>17</sup>

On February 27, 2010, security agents at the Tunis-Carthage Airport threatened to again imprison lawyer Mohammed Abbou and verbally assaulted him when he reached the airport returning from Morocco. Abbou, a human rights defender and former prisoner of conscience, was also subjected to an invasive body search. Airport authorities confiscated several copies of the annual report issued by the Committee to Protect Journalists. Four additional copies of the report and other publications were also confiscated from journalist Lutfi al-Haidouri, who was returning from Morocco with Abbou. In the wake of the incident, Abbou was placed under strict security surveillance, and his friends and colleagues were prohibited from entering his home.<sup>18</sup>

On May 14, 2010, Samir al-Nefzi, an activist with the General Union of Tunisian Students, was prohibited from entering Libyan territory at a border checkpoint and was forcibly placed in a taxi and returned to Tunis. Al-Nefzi was on his way to take an exam at a Libyan university.<sup>19</sup>

On May 29, 2010, the home of trade unionist and human rights activist al-Zaher al-Masaadi was pelted with stones for three hours by unknown assailants suspected of being part of the ruling party militias. The attackers also chanted accusations of treason, a charge often leveled by the authorities at their critics, forcing al-Masaadi and his wife and children to leave the house through the back door in fear for their physical safety.<sup>20</sup>

As part of the pressure against lawyer Abd al-Raouf al-Ayari, the authorities subjected him to security harassment to obstruct the publication of campaign literature he was circulating as a candidate for the National Council of Lawyers in Tunisia. Al-Ayari was also threatened with expulsion

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<sup>17</sup> “Tunis: idrab nashit huquqi ‘an al-ta’am ihtijajan ‘ala-l-muraqaba al-amniya al-mustamirra ‘ala baytih,” Arab Program for Human Rights Activists, Feb. 25, 2010, <<http://www.anhri.net/?p=2169>>.

<sup>18</sup> “T’tida’ amni ‘ala-l-muhami Muhammad ‘Abbu wa musadarat kutub bi-matar Tunis Qurtaj,” Observatory for Freedom of Press, Publishing, and Creation, Feb. 27, 2010, <<http://www.anhri.net/?p=2183>>.

<sup>19</sup> “al-Sahafi wa-l-nashit al-niqabi al-tullabi Samir al-Nafzi yumna’ min mughadarat al-bilad,” Tunisian Observatory for Union Rights and Freedoms, May 14, 2010, <[http://www.assabilonline.net/index.php?option=com\\_content&task=view&id=7299&Itemid=55](http://www.assabilonline.net/index.php?option=com_content&task=view&id=7299&Itemid=55)>.

<sup>20</sup> “Milishiyat al-hizb al-hakim tuhajim bi-l-hijara bayt al-Zahir al-Mas’adi,” Assabil Online, May 30, 2010, <[http://www.assabilonline.net/index.php?option=com\\_content&task=view&id=7471&Itemid=1](http://www.assabilonline.net/index.php?option=com_content&task=view&id=7471&Itemid=1)>.

from his home after the authorities mobilized the judiciary to penalize him for payments allegedly owed to the state.<sup>21</sup>

On March 21, security personnel stopped journalists and human rights defenders who were on their way to a press conference to launch a report prepared by the International Association for the Support of Political Prisoners on former political prisoners in Tunisia.<sup>22</sup> Similarly, on March 24, the Tunisian authorities prohibited a delegation from Human Rights Watch from holding a press conference in a hotel in Tunis to launch its report on the state of former political prisoners. The delegation was forced to hold the conference in a law firm, but the authorities prevented several journalists and civil society activists from reaching the office. The movements of the Human Rights Watch members were also put under close police surveillance.<sup>23</sup>

The Justice Ministry placed increasing pressure on several activists with the Association of Tunisian Judges, including arbitrarily deducting sums from the wages of female judges who are members of the association's legitimate agency, collectively transferring them to new posts far from their original posts, and preventing them from exercising their right to freely move among the circuits of Tunisia's higher courts.<sup>24</sup> Judge Ahmed al-Rahmouni, the legitimate chair of the Association, continued to come under pressure as well, as arbitrary deductions were taken from his monthly salary because of his demands for an independent judiciary.<sup>25</sup>

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<sup>21</sup> Freedom and Equity monthly report, June 2010, <<http://bit.ly/9o3epd>>.

<sup>22</sup> "Tunisia Attempts Media Black-Out on Human Rights Violations," Amnesty International, Mar. 24, 2010, <<http://www.amnesty.org/en/news-and-updates/tunisia-attempts-media-black-out-human-rights-violations-2010-03-24>>.

<sup>23</sup> "Tunisia Tries to Silence Human Rights Watch," Human Rights Watch, Mar. 24, 2010, <<http://www.hrw.org/ar/news/2010/03/24/tunisia-tries-silence-human-rights-watch>>, and "al-Sultat al-Tunisiya lam taktafi bi-man' al-mudafi' in dakhiliyan," Arabic Network for Human Rights Information, Mar. 29, 2010, <<http://www.anhri.net/?p=3216>>.

<sup>24</sup> "Tadamunan ma' al-qudah wa-l-qadiyat a'da' al-hay'a al-shar'iya li-jam'iyat al-qudah wa rafdan li-kull al-tadyiqat 'alayhim," Tunisian Observatory for Union Rights and Freedoms, June 27, 2010, <<http://www.anhri.net/?p=8269>>, and "Qadiyat al-tahqiq wa-l-katiba al-'amma," Tunisian League for the Defense of Human Rights, Aug. 9, 2010, <<http://www.anhri.net/?p=10550>>.

<sup>25</sup> "Tawasul al-tadyiqat 'ala-l-qadi Ahmad al-Rahmuni al-ra'is al-shar'i," Tunisian Observatory for Union Rights and Freedoms," Aug. 25, 2010, <[http://www.assabilonline.net/index.php?option=com\\_content&task=view&id=8311&Itemid=55](http://www.assabilonline.net/index.php?option=com_content&task=view&id=8311&Itemid=55)>.

## Freedom of expression

Press and media freedoms continued to be wholly quashed in Tunisia. Since Ben Ali assumed power, no publication license was granted to any independent media outlet with the exception of one newspaper in 2007, *Muwatinun*.

Although the Tunisian regime attempts to advertise the existence of a free and pluralistic media to its Western partners, in fact only three of the 265 newspapers in Tunisia speak for opposition parties (all three papers are subjected to harassment), and there is not a single independent newspaper. All private television and radio stations are owned by figures close to Ben Ali and received their licenses in what remains an opaque process.

Tunisia is one of the world's worst offenders when it comes to systematic electronic censorship, and the Tunisian authorities have deployed massive resources for internet censorship. It is common for human rights defenders and independent journalists to experience cuts or suspension of their internet access, the disappearance of their emails, or problems with downloads.

Starting in early 2009, the Tunisian authorities resumed requiring the identification of internet users before going online. The Tunisian Internet Agency has also deployed technology that allows it to directly monitor the internet activities of users, enabling state agencies to identify the sites visited by every user and immediately identifying the user.<sup>26</sup>

Adding to the ever-expanding list of blocked websites, the authorities blocked the website, *Keffah Neqqabi* (Trade Union Struggle)<sup>27</sup> and the site of the Tunisian Observatory of Union Rights and Freedoms only few hours after it was launched in October 2010.<sup>28</sup> On June 3, 2010, the authorities hacked the website for *Congrès pour la République* (the Conference for the Republic), and blocked the website of the Spanish Confederation of Labor. The same day, police arrested a cafe owner in Redeyef on charges of disseminating material harmful to the state and its symbols on the internet.<sup>29</sup>

There have also been reports that the authorities disabled Skype since exiled opposition groups were using the program to maintain contact with

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<sup>26</sup> "Tunisia: Internet Censorship, a Rearguard Battle," Observatory for Freedom of Press, Publishing, and Creation, Dec. 30, 2009, <<http://www.olpec-marsed.org/fr/Content-pid-5.html>>.

<sup>27</sup> "al-Sultat al-Tunisiya tahjub mawqa' kifah niqabi wa-l-marsad al-niqabi al-Tunisi yatadaman," Kifah Niqabi website, June 7, 2010, <<http://www.anhri.net/?p=7329>>.

<sup>28</sup> "Hajb mawqa' al-marsad ba'd sa'at min itlaqih," Tunisian Observatory for Union Rights and Freedoms," Oct. 23, 2010, <<http://www.alfajrnews.net/modules.php?name=News&file=article&sid=41696>>.

<sup>29</sup> Freedom and Equity monthly report, June 2010.

the opposition in Tunisia in an attempt to avoid the surveillance of telephone conversations by the government..<sup>30</sup>

On October 30, 2010, the Tunisian authorities released Dr. Sadok Chourou,<sup>31</sup> the former chair of the Nahda movement who spent 18 years in prison before being conditionally released in November 2008; he had been re-detained only one month after his initial release following a sentence of one year in prison on charges of giving interviews with the press during which he discussed his prison experience and his view of political conditions in Tunisia.<sup>32</sup>

At the same time, the authorities continued to harass journalists. On October 28, 2009, journalist Slim Boukhdar, a correspondent with *al-Quds al-Arabi*, was assaulted and kidnapped in front of his home in a suburb of Tunis only hours after he gave a statement to the BBC about a book published in France about Leila Trabelsi, the wife of President Ben Ali. He was taken to an isolated spot in a wooded area close to the center of the capital, where he was beaten and kicked by a group of people. All his belongings, including his clothes and shoes, were taken, and he was left there bleeding.<sup>33</sup>

On October 29, 2009, journalist Taoufik Ben Brik was arrested, prosecuted in an unfair trial, and sentenced to six months in prison only days after he published articles criticizing President Ben Ali in the foreign press; the Appeals Court upheld the sentence in January 2010. Ben Brik's health deteriorated severely while in detention due to poor prison conditions and the disregard shown to his health by the administration of the Siliana Prison, to which he was illegally transferred. Visits by his lawyer were also met with

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<sup>30</sup> "al-Tunisiyun bi-l-kharij yatadhammarun min qat' khidmat 'Skyb'," France 24, June 20, 2010, <<http://www.france24.com/ar/20100616-tunisia-freedom-speech-skype-service-cut-opposition>>.

<sup>31</sup> "Tunisia: Dr. Sadek Chourou Released," Alkarama for Human Rights, Nov. 1, 2010, <[http://en.alkarama.org/index.php?option=com\\_content&view=article&id=635:tunisia-dr-sadek-chourou-released&catid=37:communiqu&Itemid=204](http://en.alkarama.org/index.php?option=com_content&view=article&id=635:tunisia-dr-sadek-chourou-released&catid=37:communiqu&Itemid=204)>.

<sup>32</sup> See the CIHRS 2009 annual report, *Bastion of Impunity, Mirage of Reform*, <<http://www.cihrs.org/English/NewsSystem/Articles/2539.aspx>>.

<sup>33</sup> "al-Ra'is al-Tunisi yafi bi-ula wu'udih al-intikhabiya," Arab Commission for Human Rights, Oct. 29, 2009, <<http://www.anhri.net/?p=1265>>.

security harassment.<sup>34</sup> Upon his release in late April 2010, Ben Brik was placed under heavy security surveillance.<sup>35</sup>

On December 1, 2009, a Tunisian court, sentenced Zouhir Makhlouf, a correspondent with Assabil Online, to three months in prison and fined him 6,000 dinars after he published a story on environmental conditions in the Nabel industrial zone. Makhlouf was imprisoned in severe conditions. He was assaulted and denied visits more than once, and his wife was also placed under heavy surveillance. Although he was set to be released on January 18, 2010, he remained in prison past this date. In February 2010, the Appeals Court in Tunisia upheld his conviction on charges of damaging the communications network and extended his sentence by an additional month.<sup>36</sup> Even after his release, the authorities continued to harass him. On April 24, 2010, eight plainclothes policemen raided his home, beat him up in front of his wife and children, and arrested him while refusing to present an arrest warrant, forcibly taking him to a police station where he was questioned regarding two videos he had made about a Tunisian student who was assaulted by the police.<sup>37</sup> Amid allegations that the authorities were attempting to kill Makhlouf, he was in a suspicious accident on March 19, 2010. While driving his car, he suddenly discovered the brakes were not working; a subsequent examination revealed that there was no fluid in the brake pump.<sup>38</sup>

Over the past year, the authorities used various forms of pressure and harassment against several correspondents and journalists, including hours-long arrests, obstruction of their professional duties, confiscation of identification papers, verbal and physical assaults, confiscation of passports, and in some cases attempts to frame them on false charges. Journalists who faced such harassment include Muizz Lajmai, a correspondent for Radio Kalima; Naji Baghouri, the chair of the National Syndicate for Tunisian Journalists; Mohammed al-Hamrouni, a journalist with the opposition *al-Mawqif*; Zakia Dhifaoui, a well-known human rights defender and

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<sup>34</sup> “Tasa’ud watirat al-intihakat didd al-sahafiyin,” Observatory for Freedom of Press, Publishing, and Creation, Oct. 8, 2009, <<http://www.anhri.net/?p=1026>>; “Hayat Tawfiq Bin Burayk fi khatar,” Tunisian League for the Defense of Human Rights, Jan. 16, 2010, <<http://www.anhri.net/?p=876>>; and “Mahkamat al-isti’naf bi-Tunis tuqirr al-hukm al-ibtida’i al-sadir didd al-katib Tawfiq Bin Burayk,” Tunisian League for the Defense of Human Rights, Jan. 30, 2010, <<http://www.anhri.net/?p=878>>.

<sup>35</sup> “Tawfiq Bin Burayk taht al-raqaba al-mushaddada fi Tunis,” Reporters Without Borders, May 21, 2010, <[http://arabia.reporters-sans-frontieres.org/article.php3?id\\_article=31779](http://arabia.reporters-sans-frontieres.org/article.php3?id_article=31779)>.

<sup>36</sup> “al-Ifraj ‘an Zuhayr Makhluuf ba’d 4 ashhur min al-ihitjaz,” IFEX and Reporters Without Borders, Feb. 17, 2010, <[http://www.ifex.org/tunisia/2010/02/16/makhluuf\\_released/ar/](http://www.ifex.org/tunisia/2010/02/16/makhluuf_released/ar/)>.

<sup>37</sup> “Zuhayr Makhluuf dahiyat ‘unf al-shurta,” Reporters Without Borders, Apr. 26, 2010, <[http://arabia.reporters-sans-frontieres.org/article.php3?id\\_article=31717](http://arabia.reporters-sans-frontieres.org/article.php3?id_article=31717)>.

<sup>38</sup> Freedom and Equity monthly report, April 2010.

correspondent with *Muwatinun*; as well as journalists Fatin Hamdi and Slim Boukhdar.

Zakia Dhifaoui launched a one-day hunger strike on March 8, 2010, to protest attempts by Tunisian authorities to unjustly and permanently bar her from teaching at secondary schools. This came after she was sentenced to four and a half months in prison for her coverage of a peaceful women's protest organized to demand the release of detainees from the mining basin region.<sup>39</sup> Ahmed Néjib Chebbi, the director of *al-Mawqif*, also launched a hunger strike in protest against the persistent government harassment of his newspaper and the ban on issue no. 561 of the paper<sup>40</sup> in August 2010.<sup>41</sup>

On January 28, 2010, the Tunisian authorities arbitrarily detained Mouldi Zouabi, a correspondent with Radio Kalima, for eight hours at a police station in the capital. Zouabi was also the target of a violent assault on April 1, 2010, by a person known for his security connections. The assailant stole his identity card, several personal documents, and a tape recorder, before fleeing.<sup>42</sup> After the incident, the assailant filed a complaint with the authorities accusing Zouabi of assaulting him, even as Zouabi's own complaint was closed for lack of evidence.<sup>43</sup> Zouabi appeared before court on July 14, 2010, on charges of assault and libel.<sup>44</sup> The trial clearly violated the right to defense and showed obvious bias against the defendant, leading Zouabi's defense counsel to withdraw from the trial in protest.<sup>45</sup>

The Ministry of Interior summoned Zied El Hani, a member of the executive bureau of the National Syndicate of Tunisian Journalists, for

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<sup>39</sup> "Min ajl haqq al-zamila Zakiya al-Dayfawi fi-l-'amal," Tunisian Committee to Protect Journalists, Mar. 2, 2010, <<http://www.anhri.net/?p=2310>>.

<sup>40</sup> "Mu'arid Tunisi bariz yadrib 'an al-ta'am ihtijajan 'ala hajb sahafatih," Reuters, Sep. 24, 2010, <<http://ara.reuters.com/article/topNews/idARACAE68N08K20100924>>, and "Ta'til sudur al-'adad 561 min jaridat al-mawqif," Freedom and Equity, Sep. 25, 2010, <<http://www.anhri.net/?p=12671>>.

<sup>41</sup> "al-Sultat al-amniya ta'tadi 'ala-l-zamil al-Mawladi al-Zawabi," Tunisian Committee to Protect Journalists, Jan. 29, 2010, <<http://www.anhri.net/?p=1063>>.

<sup>42</sup> "I'tida' bi-l-darb 'ala-l-sahafi Mawladi al-Zawabi wa satw 'ala watha'iqih al-shakhsiya," Observatory for Freedom of Press, Publishing, and Creation, Apr. 2, 2010, <<http://www.anhri.net/?p=3469>>.

<sup>43</sup> "al-Sahafi al-Mawladi al-Zawabi yumaththil al-yawm amam al-mahkama," Assabil Online, July 14, 2010, <[http://www.assabilonline.net/index.php?option=com\\_content&task=view&id=7912&Itemid=26](http://www.assabilonline.net/index.php?option=com_content&task=view&id=7912&Itemid=26)>.

<sup>44</sup> "Muhakamat al-sahafi al-sayyid al-Mawladi al-Zawabi," Tunisian League for the Defense of Human Rights, July 14, 2010, <<http://www.anhri.net/?p=9162>>.

<sup>45</sup> "Muhakamat al-sahafi al-Mawladi al-Zawabi: al-muhamun yafdahun al-mahzala al-qada'iya," Observatory for Freedom of Press, Publishing, and Creation, Oct. 9, 2010, <<http://www.anhri.net/?p=13519>>.

questioning after he published an article on his blog, “A Tunisian Journalist,” on the case of imprisoned journalist Fahem Boukadous, entitled “The Imprisonment of Fahem Boukadous: A Sad Day in the History of Tunisian Journalism.” He was charged with libeling the judiciary and showing contempt for an official institution. The Tunisian authorities also blocked his blog after the article, making it the 64th blog to be blocked by the authorities.<sup>46</sup>

On the morning of May 22, 2010, security forces closed off all roads leading to the Ministry of Communications Technology in the capital to prevent several bloggers, political activists, human rights defenders, and media workers from protesting strict measures taken by the Tunisian authorities to repress freedom of expression. Yassine Ayari and Slim Amamou, who had applied for a permit for the demonstration, were arrested. Student Wissem Sghaier, a member of the Democratic Youth, and Farahat Hamoudi, a member of the central bureau of the Progressive Democratic Party, were also arrested and only released late the same day. Ismail Dbara, a correspondent with *al-Mawqif*, Elaph, and international Dutch radio; and journalist Soufiane Chourabi, were verbally abused, while journalist Lutfi al-Haidouri was prohibited from leaving his home that morning and warned not to disobey these directives.<sup>47</sup>

## Suppression of trade unionism and social action

Tunisian security forces arrested more than 150 people in the wake of widespread protests in the city of Ben Guerdane on the Libyan border from August 9 to 19, 2010, following the closure of the Ras Ajdir border post. Violent clashes occurred during the protests that left many injured among both demonstrators and security forces, and dozens of people were arrested.<sup>48</sup>

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<sup>46</sup> “al-Dakhiliya tastad’i al-sahafi Ziyad al-Hani wa hunak khashiya min i’ tiqalih,” Assabil Online, July 27, 2010,

<[http://www.assabilonline.net/index.php?option=com\\_content&task=view&id=8044&Itemid=1](http://www.assabilonline.net/index.php?option=com_content&task=view&id=8044&Itemid=1)>.

<sup>47</sup> “Man’ wa i’ tiqal wa i’ tida’ bi-l-’unf al-lafzi wa-l-maddi didd’ adad min al-nashitin,” Freedom and Equity, May 22, 2010,

<[http://www.assabilonline.net/index.php?option=com\\_content&task=view&id=7382&Itemid=55](http://www.assabilonline.net/index.php?option=com_content&task=view&id=7382&Itemid=55)>.

<sup>48</sup> “al-Sultat al-Tunisiya tufrij ‘an jami’ mu’ taqali ahdath Bin Qardan al-hududiya ma’ Libya,”

Asharq Alawsat, Aug. 23, 2010,

<<http://aawsat.com/details.asp?section=4&issueno=11591&article=583548&feature=>>, and “‘Ajil: muwajahat damiya bayn al-bulis wa-l-muwatinin fi Bin Qardan,” Assabil Online, Aug. 11, 2010,

<[http://www.assabilonline.net/index.php?option=com\\_content&task=view&id=8185&Itemid=26](http://www.assabilonline.net/index.php?option=com_content&task=view&id=8185&Itemid=26)>.

Despite a presidential amnesty in November 2009 that saw the release of most of those convicted and imprisoned following the protests in the mining region of Gafsa in 2008, the year 2010 saw a retrial for Hassan bin Abdullah, a member of a regional alliance of unemployed university graduates, and journalist Fahem Boukadous, for their solidarity with, and participation in, the protests and their publication of information about them.<sup>49</sup>

Ultimately, both men were sentenced to four years in prison on charges of disseminating information liable to disturb public security and holding membership in a criminal organization established to prepare or commit assault on people or property. On appeal, the sentence against Hassan bin Abdullah was upheld,<sup>50</sup> while Boukadous was sentenced to four years in prison in absentia. On July 15, 2010, he was arrested to serve the sentence in front of the hospital where he was receiving treatment.<sup>51</sup> Boukadous suffers from chronic asthma and bronchitis, which has led to a serious deterioration of his health, especially after he launched a hunger strike to protest his prison conditions and demand his release.<sup>52</sup>

Adnan Hajji, a trade unionist covered by the presidential amnesty, remained under strict security surveillance following his release in November 2009.<sup>53</sup> The security harassment of trade unionist Bechir Laabidi, also covered by the amnesty, was increased as well.<sup>54</sup> Tunisian activist Ghazala Mohammedi launched an open-ended hunger strike on October 14, 2010, to protest her dismissal from her job at the development association in al-Qasr-Gafsa due to her political activities with the Progressive Democratic

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<sup>49</sup> Several trials were convened for trade unionists and others involved in the peaceful protest movement in the mining region that erupted in January 2008 and reached its peak in June of the same year. In the most infamous of these cases, harsh prison terms were handed down to 38 people after their conviction on charges of belonging to a gang with the intent to attack the public order, taking part in disobedience, and obstructing traffic on public roads. The trials were marred by many irregularities, and confessions were extracted from the defendants under torture. Although the court was made aware of this, it refused to refer the defendants to a forensic physician or hear defense witnesses. The trial was also conducted in virtual secrecy with a heavy security presence, and citizens were prohibited from attending court sessions. For more information, see the CIHRS 2009 annual report, *Bastion of Impunity, Mirage of Reform*.

<sup>50</sup> "Tunisia: Quash Unfair Convictions," Human Rights Watch, Apr. 26, 2010, <<http://www.hrw.org/en/news/2010/04/26/tunisia-quash-unfair-convictions>>.

<sup>51</sup> "I'tiqal al-sahafi al-Fahim Bukaddus fi Tunis," France 24, July 15, 2010, <<http://www.france24.com/ar/node/605155>>.

<sup>52</sup> "al-Hala al-sihhiya li-l-Fahim Bukaddus tazdad su'an fi-l-yawm 18 min idrabih 'an al-ta'am," al-Badil, Oct. 25, 2010, <<http://www.albadil.org/spip.php?breve2563>>.

<sup>53</sup> "Tunis: al-bulis al-siyasi yuhasir al-nashit al-niqabi 'Adnan al-Hajji," Assabil Online, June 16, 2010, <[http://www.assabilonline.net/index.php?option=com\\_content&task=view&id=7654&Itemid=1](http://www.assabilonline.net/index.php?option=com_content&task=view&id=7654&Itemid=1)>.

<sup>54</sup> Freedom and Equity monthly report, June 2010.

Party and her support for the protest movement in the mining basin region.<sup>55</sup> Tight security surveillance was also imposed on other trade unionists, among them Masoud Ramadani, a secondary education trade unionist in Kairouan; Abd al-Rahman al-Hudheili, a member of the General Trade Union for Secondary Education; and Hatem al-Faqih, a secondary education trade unionist.<sup>56</sup>

In early November 2009, militias with the ruling party stormed a dormitory at the University of Manouba, located west of the capital, beating and threatening activists with the General Union of Tunisian Students to force them to break up their sit-in in the dorm. Many students were arrested. On December 21, 2009, a Manouba court sentenced 17 of the students with prison terms,<sup>57</sup> on charges including intentionally damaging public property and creating turmoil and disturbances.<sup>58</sup> Hundreds of activists with the student movement had organized a sit-in in the dorm in early October 2009 to protest arbitrary restrictions on student housing in the university dorms. In April 2010, while the case was on appeal, and amid a sizable security presence, the families of some defendants were prohibited from attending the trial, along with dozens of students who wanted to support their imprisoned peers; they were assaulted by security forces who removed them from the courthouse environs.<sup>59</sup>

In January 2010, the security apparatus responded with force to a student march organized by students from the April 9 Faculty of Arts in Tunis in solidarity with those jailed for their student activities. Security forces raided the college, attacking students with clubs and arresting several of them. Security forces in the city of Jabaniana, located in the Sfax province, also used extreme violence against students, professors, and staff at the January 18 Institute who were demonstrating in solidarity with the imprisoned students, dispersing them with tear gas and injuring several.<sup>60</sup>

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<sup>55</sup> “Hal yastahiqq al-haya man la yudafi’ ‘an karamatih?” Committee Monitoring the Hunger Strike of Ghazala al-Muhammadi, Oct. 23, 2010, <[http://www.tunisawasat.com/wesima\\_articles/index-20101023-15746.html](http://www.tunisawasat.com/wesima_articles/index-20101023-15746.html)>.

<sup>56</sup> “Muraqaba lasiqa li-‘adad min al-niqabiyin,” Tunisian Observatory for Union Rights and Freedoms,” Feb. 23, 2010, <<http://www.anhri.net/?p=1076>>.

<sup>57</sup> “Qadiyat Mubit al-Basatin bi-Manuba: al-qa’ima al-kamila li-l-talaba al-muhakamin,” Hiwar Net, Jan. 8, 2010, <<http://www.alhiwar.net/ShowNews.php?Tnd=3414>>.

<sup>58</sup> “Nidal iftiradi fi Tunis li-l-ifraj ‘an tullab,” al-Hayat, Jan. 11, 2010, <<http://www.daralhayat.com/portalarticlendam/96031>>.

<sup>59</sup> Report on the appeals trial for Apr. 21, 2010, from <<http://freejailedtunisianstudents3.blogspot.com/>>.

<sup>60</sup> Freedom and Equity monthly report, Jan. 2010, <<http://www.tunisnews.net/16fevrier10a.htm>>.

In February, security forces in Skhira, located in the Sfax province, intervened to break up a protest by young people looking for work, using tear gas canisters and arresting several people.<sup>61</sup>

On May 20, 2010, student activist Anis Riahi was arrested on charges of assaulting a civil servant. He was beaten and tortured by the security apparatus and forced to sign a police report without reading it. Riahi told his lawyer that the entire time of his detention he was forced to kneel with his hands tied behind his back and a plastic bottle on his head; every time he moved and the bottle fell off his head, the security agents would beat him.<sup>62</sup> Security forces also brutally attacked members of the General Union of Tunisian Students to prevent them from attending Riahi's trial, held on June 3, 2010.<sup>63</sup>

During May and June 2010, the security apparatus forcibly prohibited trade unionists from Gabès, Chebba, and Jelma from engaging in peaceful marches called by the local and sector labor unions to denounce the attack on the Freedom Flotilla, which aimed to break the blockade on the Gaza Strip.<sup>64</sup> Security forces surrounded the labor unions in these areas, violently assaulting trade unionists to prevent them from marching.<sup>65</sup> At the same time, the central office of the Progressive Democratic Party in Tunis was surrounded, where a seminar was being convened to denounce the Israeli aggression on the Freedom flotilla, in order to prevent several political and rights activists from attending.<sup>66</sup>

On July 30, 2010, Ezzedine Zaatour, the secretary-general of the General Union of Tunisian Students, was dismissed from his position as professor of history. On January 14, 2010, he had already been sentenced to seven months in prison on fabricated charges due to his trade union activities.<sup>67</sup>

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<sup>61</sup> Freedom and Equity monthly report, Feb. 2010, <<http://www.alhiwar.net/ShowNews.php?Tnd=5091>>.

<sup>62</sup> "Ta'dhib Anis al-Riyahi fi maqarr al-bulis wa matalib bi-l-tahqiq," Assabil Online, June 1, 2010, <[http://www.assabilonline.net/index.php?option=com\\_content&task=view&id=7492&Itemid=1](http://www.assabilonline.net/index.php?option=com_content&task=view&id=7492&Itemid=1)>.

<sup>63</sup> "al-Bulis al-Tunisi yaqma' bi-'unf shadid waqfa musanida amam al-mahkama al-ibtida'iya Tunis 2," al-Fajr News, June 30, 2010, <<http://www.alfajrnews.net/News-sid--a-ai-a-ae-i-i-a-ae-i--a-ae-a-a-aa-ssa-a-i-ae-2-34050.html>>.

<sup>64</sup> "Man' masira silmiya tadamunan ma' al-sha'b al-Filistini," Freedom and Equity, June 1, 2010, <<http://www.anhri.net/?p=6881>>.

<sup>65</sup> "Ba'd Qabis wa Tunis 'unf didd al-niqabiyin fi-l-Shabba wa Jalma," Tunisian Observatory for Union Rights and Freedoms, June 6, 2010, <<http://www.anhri.net/?p=7107>>.

<sup>66</sup> "Akhbar al-hurriyat fi Tunis li-yawm 31 Mayu 2010," Freedom and Equity, May 31, 2010, <<http://www.alfajrnews.net/News-sid--a-i-i-ae-ai-a-31-a-i-2010-33885.html>>.

<sup>67</sup> "Akhbar al-hurriyat fi Tunis fi 20 Yulyu 2010," Freedom and Equity, July 31, 2010, <<http://www.anhri.net/?p=9968>>.

## **Abuses in connection with counterterrorism efforts**

Anti-terrorism policies and the counterterrorism law continued to be manipulated to abduct and arbitrarily detain people, deny them procedural and legal safeguards, torture them, and prosecute them in unfair trials lacking guarantees of due process. There are no official statistics for the number of people detained and prosecuted under the counterterrorism law, but last year the Tunisian Minister of Justice stated that no more than 300 people had been convicted in such cases.<sup>68</sup> According to the UN Special Rapporteur on the Promotion and Protection of Human Rights while Countering Terrorism,—whose repeated requests to visit investigation facilities maintained by the judicial police during his visit to Tunisia in January 2010 were denied, the application of the counterterrorism law allows people to be punished simply for their intentions. He stated that the principal crime of many who had been prosecuted was to have watched or downloaded programs on the internet, or met with others to discuss religious issues.

The Special Rapporteur noted that the repeated reliance on confessions for the conviction of defendants is extremely grave, especially considering the failure to conduct serious investigations into allegations by defendants that their confessions were obtained under torture.<sup>69</sup>

During 2010, a court convicted Mabrouk Chafroud and sentenced him to four years in prison on charges of joining a terrorist organization and receiving military training to engage in acts of terrorism.<sup>70</sup>

In late April 2010, a primary court issued prison terms of five to six years for five university students in Tunisia under the counterterrorism law. They were charged with holding illegal meetings, joining a terrorist organization, urging membership in a terrorist organization, and failing to inform the authorities immediately about information they obtained regarding terrorist crimes. The same court sentenced a sixth student to three years in prison on charges of inciting to terrorist acts and urging membership in a terrorist organization. The student had been detained since the previous October for

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<sup>68</sup> *Bastion of Impunity, Mirage of Reform.*

<sup>69</sup> “UN Expert on Human Rights and Counter Terrorism Concludes Visit to Tunisia,” Jan. 26, 2010, <<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=9772&LangID=E%22>>.

<sup>70</sup> Freedom and Equity monthly report, Jan. 2010.

participating in online forums banned in Tunisia under the name Abu al-Wafa al-Tunisi, and criticizing the ruling regime<sup>71</sup>

At the same time, a group of citizens from Nabel were banned from travel after the authorities refused to issue them passports on the grounds that their children had beards. As a result of these unjust restrictions, several were unable to perform the lesser or greater pilgrimage to Mecca under the same illegitimate pretext.<sup>72</sup>

On June 3, 2010, the Appeals Court heard a case involving charges of joining a terrorist organization abroad. The defendants were Mahmoud Turkman Mohammed Ben Hamouda, Hamza al-Tawali, al-Taher al-Tarhouni, and Bilal al-Dridi. The court upheld the primary court sentence of 12 years in prison handed down to the first defendant.<sup>73</sup> Several cases being prosecuted under the counterterrorism law are still pending before the courts.

In August, September, and October of 2010, based on the few cases that were possible to document, dozens of people were referred to courts in Tunisia on terrorism-related charges.<sup>74</sup>

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<sup>71</sup> “al-Sajn li-6 tullab uдинu bi-l-irhab fi Tunis,” al-Ittihad, May 1, 2010, <<http://www.alittihad.ae/details.php?id=24971&y=2010>>.

<sup>72</sup> “Taqaarir amniya kaydiya tuharrim muwatinin fi Nabil min jawazat safarihim,” Assabil Online, June 12, 2010, <[http://www.assabilonline.net/index.php?option=com\\_content&task=view&id=7576&Itemid=0](http://www.assabilonline.net/index.php?option=com_content&task=view&id=7576&Itemid=0)>.

<sup>73</sup> Freedom and Equity monthly report, June 2010.

<sup>74</sup> Ibid; “Kashf al-hisab li-qada’ ‘yukafih al-irhab’: muthul majmu’a ukhra min al-shubban amam al-tahqiq,” International Association for the Support of Political Prisoners, Sep. 1, 2010, <<http://www.anhri.net/?p=11420>>; and “Kashf al-hisab li-qada’ ‘yukafih al-irhab’ fi 6 Uktubar,” International Association for the Support of Political Prisoners, Oct. 9, 2010, <<http://www.anhri.net/?p=13535>>.

# Algeria

In the period under review, Algeria did not witness any positive developments that would potentially improve its human rights situation. The state of emergency, declared on February 9, 1992, remains in effect, providing a quasi-legal cover for human rights violations and restrictions of public liberties.

Despite the obvious decline of threats of terrorism and armed violence, the authorities continue to use them as a pretext to maintain the state of emergency. The state of emergency continues in the country even after the adoption of the Charter for Peace and National Reconciliation, which claimed to restore civic peace by granting immunity for crimes committed during the 1990s by the Algerian police and army, as well as armed Islamists.

Consequently, discovering the fate of those disappeared or missing from this period continues to be considerably difficult and those who insist on keeping the issue alive face constant repression. The most prominent manifestation of restrictions on public liberty is the ban on several peaceful public assemblies and gatherings, as does the policy of blocking websites and confiscating publications and intellectual works.. Additionally, the application of liberty-depriving penalties in publication cases continues to threaten journalists.

Furthermore, authorities maintain their refusal to legalize new political parties established since President Bouteflika came to office in 1999. Parties denied licenses include Al-Wafa; the \Democratic Front; al-Sabil; and Liberty and Justice party, which was established in January 2009.

In addition, one of the most serious relapses in the period under review has been the repression of various forms of social and trade-union activities, and the use of the judiciary, as controlled by the executive, to contain the strike movement.

As for freedom of belief, the Algerian authorities' attempts to control growing religious bigotry have in fact caused increasing violations in this regard, with worrying signs of potential escalation to sectarian violence.

### **Quashing the right to strike and trade-union freedoms**

Several trade unions have faced barriers aimed at preventing them from engaging in labor activities and defending their members' interests. The authorities have repeatedly instrumentalized the judiciary to break strikes organized by trade unions and to obstruct peaceful protests by workers in front of various ministries.

On February 28, 2010, as a teachers strike entered its second week, the Ministry of National Education filed an urgent suit against the teachers, accusing them of disobeying orders to show up for work and of obstructing the function of a public facility.<sup>1</sup> The judiciary complied with the ministry's request and ordered an end to the strike and a resumption of studies furthermore they denied the unions' right to appeal the ruling. The Ministry of Education had used the same method to break a nearly three-week long teachers strike by the Independent National Council of Secondary and Technical School Teachers and the National Federation of Education Workers in November 2009. On November 10, 2009, security forces arrested approximately 50 members of the National Council of Education, which is part of the Independent Union of Public Administration Personnel. They were detained for staging a sit-in in front of the Prime Minister's office that demanded the administrative status related issues of retired teachers be resolved and they be kept in their positions.<sup>2</sup> The authorities took them to police stations after subjecting them to violence and beatings, and they were released a few hours later.

The Minister of Health also turned to the judiciary to halt a doctors and public health care worker strike. The strike lasted for over three months, during which the minister refused to negotiate with the unions and threatened to dock doctors' salaries and even fire them. In early February 2010, security forces broke up several gatherings organized by doctors and

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<sup>1</sup> See the archive of press clippings and statements issued by the Independent National Council of Secondary and Technical School Teachers, <http://www.cnapest.com/>

<sup>2</sup> *ibid*

health workers in front of the Ministry of Health and the Prime Minister's office.<sup>3</sup> On February 3, 2010, security forces also suppressed a demonstration by doctors who tried to march to the President's office. The police used batons to prevent the doctors from leaving the gates of the Mustapha Pacha University Hospital.<sup>4</sup>

In May 2010, railway workers launched an open-ended strike that halted all train services for a week. In response, the Railway Agency filed an urgent suit to end the strike. The strike had been called by the National Federation of Railway Workers, part of the Public Union of Algerian Workers, to demand wage increases.<sup>5</sup>

### **Pressure on civil society and human rights defenders**

The Algerian authorities continue to arbitrarily intervene and obstruct the activities of civil society groups, particularly those active in defending human rights and trade-union freedoms. These interventions reached their peak on May 12, 2010, when the authorities in Algiers issued an administrative decree to shut down the Center of Independent Trade Unions in the capital, the permanent headquarters of the Independent National Union of Public Administration Personnel in Algeria. The authorities issued the decree only two days before a scheduled meeting of the North African Trade Union Forum. The closure is especially significant since the office is virtually the sole venue to host meetings and activities by independent trade unions and civil society groups that are not allowed to use any public facilities.<sup>6</sup> In March 2010, the Center had hosted the third conference of the Algerian League for the Defense of Human Rights (LADDH) after the authorities refused to give the organization permission to hold their conference at the family center of the Construction Workers' Cooperative, which is located in a suburb in the capital.<sup>7</sup> The authorities justified their decision to close the Union on the grounds that public meetings were being

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<sup>3</sup> See <<http://www.elwatan.com/les-sydicats-dennoncent-les>> and "al-Idrab yushill al-tarbiya wa-l-sihha wa-l-sina'a bi-l-Jaza'ir," <<http://www.mutwassetonline.com/news/2058-2010-02-19-0042-10.html>>.

<sup>4</sup> Algerian League for the Defense of Human Rights, <<http://www.la-laddh.org/spip.php?article267>>.

<sup>5</sup> "Ummal al-sikak al-hadidiya yushillun mahattat al-'asima," <<http://www.djazairnews.info/affaire/41-2009-03-26-18-30-29/14266-2010-05-09-21-15-15.html>>.

<sup>6</sup> "al-Sultat al-Jaza'iriya tughliq maqarr dar al-niqabat," Center for Trade Union and Worker Services, May 26, 2010, <<http://www.ctuws.com/default.aspx?item=488>>.

<sup>7</sup> "al-Rabita ta'qid mu'tamaraha al-thalith fi dar al-niqabat," Mar. 14, 2010, <<http://www.la-laddh.org/spip.php?article339>>.

organized without the prior issuance of permits; inviting foreigners to participate in non-licensed meetings; the office had been turned into a center offering refuge for young men and women from the provinces; and, disrupting the normal life and disturbing neighbors.<sup>8</sup> Additionally, authorities in the Algiers province refused to grant a permit to the LADDH to hold a seminar on death penalty abolition in a hotel in the capital. No explanation was given for the refusal.

In August 2010, in an attempt to silence the families of victims of enforced disappearances, authorities violently dispersed two of the weekly peaceful protests organized for several years by the families in front of the headquarters of the National Advisory Commission for the Protection and Promotion of Human Rights. On August 4, 2010, the authorities refused to allow the families to organize the first protest. On August 11, during the second protest, many elderly mothers and grandmothers were caught up in a security crackdown. In addition, security forces also attacked lawyers and human rights defenders who showed solidarity with, and tried to protect, the families. The police arrested four demonstrators, among them two members of the LADDH as well as an 82-year-old man. All protestors were released several hours after their arrest without charges.

On August 18, the families of the disappeared attempted to assemble for a third time, but they were unable to do so after security blockaded all the roads leading to the meeting point. As is widely known, the Algerian authorities refuse to license associations that represent the victims of enforced disappearance, which leaves them vulnerable to legal harassment and intimidation.<sup>9</sup>

## **Violations of freedom of expression and the press**

Algerian authorities continue to exercise a monopoly on the oral and visual media and refuse to restructure the sector to allow the establishment of independent media.

In May 2010, security forces surrounded the entrances to the offices of the state television to prevent the organization of a peaceful assembly in front of the building. This peaceful protest would have called for an end to public media censorship and demanded that Algerians be allowed to establish media capable of representing them and reflecting Algeria's

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<sup>8</sup> For a copy of the closure order, see <<http://ffs1963.unblog.fr/2010/05/15/decision-de-fermeture-de-la-maison-des-syndicats>>.

<sup>9</sup> "Algeria: Don't Silence Families of the Disappeared Calling for the Truth," Amnesty International, Aug. 13, 2010, <<http://www.amnesty.org/en/library/info/MDE28/007/2010/en>>.

political and social heterogeneity. Four of the protest organizers, who approached the television building carrying signs, were arrested. They were: Adlène Meddi and Moustapha Ben Fodhil, journalists with the private French-language *Watan*; Saïd Khatibi, a journalist with the daily *al-Khabar*; and, Hakim Addad, the chair of Rassemblement-Actions-Jeunesse (RAJ), a youth movement advocating human rights and democratization. All four were interrogated at a police station and later released. It is worth noting that the Facebook group which issued the call to protest described Algerian television as “a fearsome propaganda machine at the service of [President] Bouteflika.”<sup>10</sup>

Newspapers continue to engage in self-censorship in light of broad provisions in the Penal Code criminalizing the publication of certain opinions or information, as well as the penalties imposed by the Charter for Peace and National Reconciliation. Under the Charter, writers and journalists are banned from writing about “the wounds of the national tragedy” that Algeria witnessed in the 1990s in the bloody clashes between the government and armed Islamist groups. In addition, Algerian courts regularly convict journalists on libel charges, which are punishable by prison terms, particularly if the case is connected to government corruption or the military establishment.

Rights groups have expressed concerns about measures targeting Djilani Hadjadj, the chair of the Algerian Association to Fight against Corruption and a member of Transparency International (TI) in Algeria, viewing them as an attempt to silence his outspoken stance against corruption. On September 7, 2010, Hadjadj was arrested before being tried with his wife following a complaint from the General Directorate of the National Social Solidarity Fund accusing him of granting three medical certificates, in his capacity as a doctor, to a patient who turned out to be his wife. Hadjadj was given a suspended sentence of six months in prison, while his wife was given a two-month suspended sentence. Hoping to drop the charges against them, the couple has decided to appeal.<sup>11</sup>

The period under review witnessed greater internet censorship, particularly after the parliament passed a law regulating crimes associated with information and communications technology in July 2009.<sup>12</sup> Authorities

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<sup>10</sup> “Algeria: Stop Suppressing Protests,” Human Rights Watch, May 3, 2010, <<http://www.hrw.org/en/news/2010/05/03/algeria-stop-suppressing-protests>>.

<sup>11</sup> “Da’ wa qada’ iya: ‘uqubat ramziya bi-haqq Jilali Hajjaj wa zawjatihî,” Reporters Without Borders, Sep. 14, 2010, <[http://arabia.reporters-sans-frontieres.org/article.php3?id\\_article=31847](http://arabia.reporters-sans-frontieres.org/article.php3?id_article=31847)>.

<sup>12</sup> The law can be found at <[http://www.joradp.dz/JO2000/2009/047/A\\_Pag.htm](http://www.joradp.dz/JO2000/2009/047/A_Pag.htm)>.

blocked Radio *Kalima*, the first national independent online radio station addressing political and human rights issues in Algeria.<sup>13</sup> Additionally, the government blocked rachad.org earlier in 2010. The Swiss based website is known for disseminating materials linked with the political Islamic opposition.<sup>14</sup> In April 2010, some Facebook pages connected to activists with the Bezef electronic piracy movement were also blocked. Involved in this movement is a group of journalists aiming to foster the exchange of ideas and launch a free online debate on current issues.<sup>15</sup>

Political tension between Algeria and Morocco over the Western Sahara dispute became yet another element that cast its shadow over journalists and other media workers. On September 18, 2010, the Algerian authorities arrested two Moroccan journalists, Lahcen Tigbadar and Mohamed Slimani of the weekly *Alsahra*, as soon as they arrived in the Tindouf region of Southern Algeria. They were questioned at the police station for two days, detained in their hotel, prohibited from leaving their rooms except for meals, and finally deported back to Morocco on September 22, 2010.<sup>16</sup>

## Torture

Torture allegations continue in Algeria, particularly in cases involving suspected terrorists. Algerian courts regularly refuse to hear these allegations, despite defendants' claims that they were tortured during interrogations. The Public Prosecutor also generally fails to investigate these allegations. In addition, long-term incommunicado detention is routinely deployed against terrorism suspects, which makes it more likely that they will be subjected to torture and various types of inhumane treatment.

As a result of this state of affairs, on December 3, 2009, the European Court of Human Rights issued a ruling against the deportation from France of Algerian national Kamel Daoudi. They noted that the inhumane or

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<sup>13</sup> Reporters Without Borders, <<http://en.rsf.org/algeria-does-blocking-of-independent-radio-19-03-2010,36790.html>>.

<sup>14</sup> "Hajb mawqa' harakat rashad: darba jadida li-hurriyat al-ra'i wa-l-ta'bir fi-l-Jaza'ir," <[http://www.rachad.org/index.php?option=com\\_content&view=article&id=449:2010-01-06-16-13-23&catid=71:editoriauxar&Itemid=98](http://www.rachad.org/index.php?option=com_content&view=article&id=449:2010-01-06-16-13-23&catid=71:editoriauxar&Itemid=98)>.

<sup>15</sup> "Harakat bizaf al-ihitijajiya tatalib bi-hurriyat al-ta'bir," <[www.france24.com/ar/20100504-algeria-press-freedom-demonstration-bezef-group-protestion-police-arrestation](http://www.france24.com/ar/20100504-algeria-press-freedom-demonstration-bezef-group-protestion-police-arrestation)>.

<sup>16</sup> "al-Ifraj 'an sahafiyin," Reporters Without Borders, Sep. 22, 2010, <[http://arabia.reporters-sans-frontieres.org/article.php3?id\\_article=31853](http://arabia.reporters-sans-frontieres.org/article.php3?id_article=31853)>.

degrading treatment he was likely to face in Algeria would clearly violate international law and the European Convention on Human Rights.<sup>17</sup>

It must be noted that the impunity enjoyed by members of the security apparatus for abusing terrorism suspects fosters police torture and arbitrary practices also in cases unrelated to terrorism. Such practices caused the death of Nadri Nor Eldine on June 2, 2010. Nor Eldine died while in police custody in the province of Saïda, Western Algeria, after being arrested following a fight with another citizen. According to statements from his family, there were traces of torture clearly visible on his body, in addition to marks showing that he had been subjected to electric shocks.<sup>18</sup>

## **Religious freedoms and minority rights**

Ordinance 06-03 on the exercise of non-Islamic religious rites has been a source of pressure on the freedom of belief and worship of non-Muslims since its implementation in 2006. Its application has indicated a possible increase in bigotry, extremism, and sectarian violence. On January 9, 2010, a group of citizens in Tizi Ouzou vandalized and set fire to a house supposedly used by Protestant Christians for prayer and worship. Surprisingly, the Ministry of Religious Affairs proceeded to justify this criminal behavior, saying that the house was not licensed under the 2006 law.<sup>19</sup> Only three weeks after this incident, another group of citizens torched a mosque that was under construction in the town of Aghrib, located in the Tizi Ouzou province. Some Islamist parties considered this crime to be an extension of what they described as a Christian missionary campaign and part of a foreign agenda to undermine national unity and peace. These parties pledged to defend Islamic holy places and principles to the death.<sup>20</sup>

In August 2010, in the same town, unknown assailants torched parts of a mosque under construction. Some local residents had initially opposed the building of the mosque, claiming that it endangered the mausoleum of a cleric. These tensions rose after those in charge of the mosque accused a

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<sup>17</sup> "France Must Not Deport Terror Suspect to Algeria," Amnesty International, Dec. 4, 2009, <<http://www.amnesty.org/en/news-and-updates/news/france-must-not-deport-terror-suspect-algeria-20091204>>.

<sup>18</sup> Saïda branch of the Algerian League for the Defense of Human Rights, <<http://www.la-laddh.org/spip.php?article396>>.

<sup>19</sup> "Sahifat al-'Arab al-qutriya al-Jaza'ir: al-ahzab al-Islamiya tashjub ihraq masjid fi-l-Qaba'il, [http://www.elkhabar.com/quotidien/?idc=55&ida=195528&date\\_insert=20100204](http://www.elkhabar.com/quotidien/?idc=55&ida=195528&date_insert=20100204).

<sup>20</sup> <<http://www.alarab.com.qa/details.php?docId=115994>>.

secular party, the Rally for Culture and Democracy, of planning to build a church in the area. The party, which enjoys a majority in the town, then opposed the mosque construction and claimed it would become a den for Salafists and extremists.<sup>21</sup>

In August 2010, four Protestant Christians were taken to trial on charges of engaging in religious rites without government permission under Ordinance 06/03practice. The defendants face up to three years in prison if convicted. The law criminalizes religious activities that are unregulated by the state and it restricts non-Muslim religious practices to state-licensed sites. The law also regulates the registration of religious associations. Rights groups say that the government is using this element of the law to repress Protestant churches, which are accused by the media of engaging in missionary activities. The Catholic archbishop of Algiers has criticized the continued application of the law, saying that it prohibits Christians from exercising their beliefs in a normal fashion. He added that in practice it might take years for the government to issue permits for the construction of new churches. The law also prescribes up to five years in prison for anyone who encourages, entices, or compels a Muslim to convert to another religion. Under this prohibition, Christians and Christian converts have been subjected to prosecution, trial, and imprisonment since the law was issued.<sup>22</sup>

Additionally, for the second consecutive year, as part of its attempt to control religious zealotry, the authorities prosecuted people for eating in public during the fast of Ramadan. According to some reports, ten people were arrested in the towns of Béjaïa and Nisa, east of the capital. An unspecified number of people were also arrested in a number of towns in the Tizi Ouzou province. While authorities offered no legal justification for the prosecution of these people, officials in the Ministry of Religious Affairs and Endowments said that they did not have the authority to punish people who eat during the fast, and that they assume it is left to society to punish these sins.<sup>23</sup>

Furthermore, on April 24, 2010, authorities banned a demonstration in Aïn Benian, a small town in the Algiers province. It had been organized to

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<sup>21</sup> “Lajnat al-jami’ tattahim hizban ‘ilmaniyan bi-muhawalat bina’ kanisa bi-l-mintaqa; indila’ fitna bi-mintaqat al-Qaba’il al-Jaza’iriya jara’ kharq masjid bi-ihda al-qura,” *Asharq Alawsat*, Aug. 23, 2010.

<sup>22</sup> “Algeria: Respect the Right of Religious Minorities to Worship,” Amnesty International, Aug. 6, 2010, <<http://www.amnesty.org/en/library/info/MDE28/006/2010/en>>.

<sup>23</sup> “al-Jaza’ir: barlamaniyun yusa’ilun al-hukuma hawl al-mawqufin bi-tuhmat intihak hurmat Ramadan,” *Asharq Alawsat*.

commemorate the thirtieth anniversary of the Berber Spring, the first collective protest since independence organized by the Amazigh to demand recognition of their language and culture. The demonstration attempted to deal with the social tension caused by the marginalization of the cultural rights of the Amazigh population. Yet, the police intervened to break up the demonstration after only a few dozen people had assembled. Most were arrested and interrogated for several hours in a police station before being released.<sup>24</sup>

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<sup>24</sup> “Letter to Minister of Interior Zerhouni on the Right to Freedom of Assembly,” Human Rights Watch, May 3, 2010, <<http://www.hrw.org/en/news/2010/05/03/letter-minister-interior-zerhouni>>.



# Morocco

The relatively good human rights record established by Morocco in the first half of the decade declined as the decade came to a close amid a regressive official stance on human rights in the Western Sahara, and the systematic crackdown on all forms of peaceful protest in the provinces. For the first time in 14 years, several Sahrawi activists were referred to a military trial. They were held and interrogated by the military judiciary for nearly 11 months before the case was referred to the Casablanca Primary Court.

Freedom of the press and expression continued to be targeted, particularly when the subject matter was related to the king or the royal family. Increased grievances continue to be heard regarding cases of arbitrary detention, enforced disappearance, and torture, and there has been a noticeable deterioration in the conditions in penal facilities. Meanwhile, the recommendations of the Equity and Reconciliation Commission related to institutional and legal reforms in the judiciary, security, and penal institutions, remained unimplemented.<sup>1</sup> The failure to adopt these recommendations was accompanied by the escalation of grave abuses committed by the security apparatus, which included the sexual assault of several detainees with the Justice and Charity group. The security apparatus is also responsible for widespread torture of Western Sahara detainees, in addition to threatening some women with rape, just before the end of 2010.

Additionally, human rights defenders in the Western Sahara, along with members of rights organizations who are active in social protests or in exposing corruption, have come under particular pressure. The right to

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<sup>1</sup> On October 31, 2010, several Moroccan rights organizations organized a protest march urging the state to implement the recommendations.

association and protest in Western Sahara is still denied. The Collective of Sahrawi Human Rights Defenders (CODESA), the Sahrawi Association of Victims of Grave Violations of Human Rights Committed by the Moroccan State (ASVDH), and the branches of the Moroccan Association for Human Rights (MAHR) in Tan-Tan and Smara are still denied legal registration papers, which puts them at risk of engaging in activities in contravention of the NGO law.

### **Ongoing pressure on freedom of opinion and expression**

Freedom of the press and freedom of expression in general, has been increasingly targeted<sup>2</sup> as penal provisions which allow prison time for publication cases are deployed. There is a particular lack of tolerance for any writing, opinions, or expressions dealing with the monarchy, king, members of the royal family, Islam, or the unity of the Moroccan territory.

In November 2009, the Salé Appeals Court upheld a one-year prison term and a fine for journalist Idriss Chahtan, the managing editor of the weekly *al-Michael*. The court also upheld a three-month prison sentence and fine against two journalists with the same paper, Mustapha Hirane and Rachid Mhamid. The sentences were issued after the paper and several others printed stories about the king's health that the investigating authority considered to be malicious publication of allegations and falsities.<sup>3</sup> On June 11, 2010, Chahtan was released as part of a royal amnesty. However, the royal prosecution with the Casablanca Primary Court had suspended publication of *al-Michael* on the grounds that its managing editor was in prison, even after the paper's editorial board decided to appoint a new managing editor who would be legally responsible for the content.<sup>4</sup>

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<sup>2</sup> Over the last two years, the Moroccan regime has been waging a bitter battle against the independent press, seeing it as the last critical voice in the country after political parties lost their credibility. In this battle the regime is using the Tunisian recipe: "roundabout means to portray targeted newspapers or journalists as having violated the law, morals, sacred taboos, or national values. Once such a smear campaign has been launched, the government can claim that prosecution is a routine legal matter entirely unrelated to the defendant's political stance or editorial line". See Maati Monjib, "Moroccan Methods to Silence Press", *Arab Reform Bulletin*, Nov. 17, 2010, <<http://www.carnegieendowment.org/arb/?fa=show&article=41955>>.

<sup>3</sup> "Hay'at tahrir al-mish'al tastankir al-hukm al-qasi 'ala-l-zumala' Shahtan, Hiran, wa Mahamid", statement issued by the editors of *al-Michael*, Nov. 12, 2009, <<http://www.anhri.net/morocco/makal/2009/pr1112.shtml>>.

<sup>4</sup> "Usbu'iyah al-mish'al mamnu'a min al-sudur bi-ta'limat shafawiya", statement issued by the editors of *al-Michael*, Nov. 25, 2009, <<http://www.anhri.net/morocco/makal/2009/pr1125.shtml>>.

In December 2009, after *al-Jarida al-Oula* published news of the king's health, the Rabat Appeals Court upheld a primary ruling against managing editor Ali Anouzla and sentenced him to one year in prison (suspended) and a 10,000 Dirhams fine. The Court also sentenced Bochra Daou, a journalist at the same paper, to three-month prison sentence (suspended) and a 5,000 Dirhams fine for the same reasons..<sup>5</sup>

the Casablanca Appeals Court upheld a ruling issued on October 30, 2009, sentencing Taoufik Bouachrine, the managing editor of *Akhbar al-Youm*, and Khalid Gueddar, a cartoonist at the paper, to three years in prison (suspended) and 3 million Dirhams in compensation, payable to Prince Moulay Ismail, the king's cousin, even after the prince had withdrawn his suit.<sup>6</sup> The Moroccan authorities had closed down the independent *Akhbar al-Youm* in September 2009, frozen its accounts, and prohibited journalists and staff from entering the offices after the paper covered the prince's wedding in a way that allegedly constituted a flagrant breach of the respect of a member of the royal family.<sup>7</sup>

It became clear this year that the Moroccan authorities attempted to mimic the Tunisian regime, which regularly brought politically motivated criminal charges against its critics. Similarly, the Moroccan authorities brought charges to rein in journalists who crossed the red lines with regards to the king and the royal family.

In this regard, Taoufik Bouachrine, who was given a suspended prison sentence after his paper covered the wedding of the king's cousin, was again referred to trial. In June 2010 he received a six month prison sentence on a criminal charge related to property fraud. The suit had already been adjudicated twice in favor of the journalist.

Similarly, journalist Ali Amar has been a target of harassment by the authorities following the release of his book "*Mohammed VI, Le Grand Malentendu*" (Mohamed VI, The Great Misunderstanding) in April 2009 in France, criticizing the king. As part of this harassment, security personnel raided the home of journalist Zinab al-Rhazoui al-Ghazawi, who lives with Amar, claiming that they suspected him of stealing a laptop computer. In a blatant violation of their right to privacy, the house was illegally searched

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<sup>5</sup> "Ta'yid al-'uqubat al-sadira didd al-jarida al-ula wa akhbar al-yawm bi-mahkamat al-isti'naf", Working Group for the Defense of Freedom of the Press and Expression in North Africa, Dec. 31, 2009, <<http://www.anhri.net/mena/wgfena/2009/pr1231.shtml>>.

<sup>6</sup> "Istimrar al-darabat al-muji'a li-l-sahafa al-Maghribiya: gharamat qasiya wa ahkam bi-l-sajn tuhaddid bi-ghiyab sahafa jari'a", Arabic Network for Human Rights Information, Dec. 30, 2009, <<http://www.anhri.net/press/2009/pr1230.shtml>>.

<sup>7</sup> *Bastion of Impunity, Mirage of Reform*, CIHRS 2009 Annual Report, p. 154.

and the two were questioned in a humiliating manner. The interrogation included questioning on the writings by both Amar and al-Ghazawi. They were detained for 12 hours, after which Amar was held for an additional 24 hours, before being referred to trial on charges of theft.<sup>8</sup>

On July 29, 2010, the security apparatus raided the offices of the newspaper *Assabah* in Casablanca and arrested journalist Khalid al-Attaoui. Al-Attaoui was arrested following a report published on transfers within the judiciary and new regulations concerning the transfer, dismissal, or reprimand of judges. He was questioned about the sources he used for the story.<sup>9</sup> In connection with the same case, the Minister of Justice used his prerogatives, inimical to the independence of the judiciary, to suspend two judges and members of the Supreme Judicial Council, Jaafar Hassoune and Mohammed Amghar. They were brought before the council for disciplinary measures after they were accused of leaking information from a previous council meeting to *Assabah*.<sup>10</sup>

Another journalist, Ali Al-Murabet, remains prohibited from writing as under the terms of a sentence handed down to him following an article he wrote. The article had challenged Morocco's official discourse on Sahrawi citizens in camps in Tindouf, Algeria, as detainees of the Polisario Front.

Moreover, *Nichane* magazine permanently shut down due to the lack of financial resources following an advertising boycott that companies close to the Moroccan government launched against the magazine because of its anti-corruption, pro-liberties editorial line. The magazine sustained losses of more than 10 million Dirhams during the boycott, which had begun 14 months earlier as a result of the publication of an opinion poll occasioned by ten years of rule by Mohammed VI. Moreover, additional censorship were imposed on the magazine since that time.<sup>11</sup>

In January 2010, another independent newspaper, *Le Journal*, was closed by judicial order. The newspaper's offices were seized and the paper was suspended due to debts and financial hardship of the company that issued it.

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<sup>8</sup> Joint statement issued by 70 rights organizations urging the Moroccan court to stop politically motivated prosecutions of journalists, June 28, 2010, <<http://www.anhri.net/?p=8312>>.

<sup>9</sup> "Istinkar i'lami wa huquqi li-iqtiham al-shurta maqarr sahitat al-sabah", Aug. 4, 2010, <<http://www.marayapress.net/index.php?act=press&id=4197>> and <<http://www.alfajrnews.net/modules.php?name=News&file=article&sid=37429>>.

<sup>10</sup> "Jam'iyat 'adala: tawqif al-qadiyayn huwwa naw' min al-tarhib fi haqq a'da' mu'assasa dusturiya", Aug. 28, 2010, <<http://www.marayapress.net/index.php?act=press&id=4566>>.

<sup>11</sup> "al-Dughut wa-l-hisar al-mali yadfa'an majalla jadda li-l-tawaqquf 'an al-sudur", Oct. 3, 2010, <<http://www.anhri.net/?p=13175>>.

For years, the newspaper had been pressured and prosecuted due to its independent editorial stance.<sup>12</sup>

Similarly, several bloggers received prison sentences after covering the state crackdown on student demonstrations in Taghjiyt, south of Agadir. On December 15, 2009, the Guelmim Primary Court sentenced blogger Bachir Hazzam to four months in prison on charges of publishing information that tarnished Morocco's human rights record. Additionally, Abdullah Boukfou was arrested from his internet café and sentenced to one year in prison after being accused of publishing information about the student protests and possession of flyers allegedly inciting to racist hatred and violence. It is worth noting that authorities had found in his possession a data CD issued by an Amazigh organization.<sup>13</sup>

On February 2, a Guelmim court also handed down a six-month prison sentence to blogger Boubaker al-Yadib. He was issued a cease and desist order because of his coverage of the Taghjiyt protests, and was convicted of participation in an illegal demonstration and damaging state property. Al-Yadib was also previously arrested and interrogated on January 25, after he published a statement from the Association of Moroccan Bloggers declaring a bloggers' strike to protest the erosion of freedom of expression in Morocco.<sup>14</sup> Al-Yadib was released in early April 2010 after the appeals court reduced his sentence to two months in prison.

In March 2010, the Association of Moroccan Bloggers received information that the Ministry of Interior had refused to grant it a receipt acknowledging the submission of all necessary documents for legal recognition under the NGO law, although the group had filed its papers more than a year earlier. As such the association's founders are unable to contest the arbitrary measure which prevents the association from operating legally.<sup>15</sup>

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<sup>12</sup> Mustafa Hiran, "Lujurnal Ibdumadir: qissat ighiyal ahamm sahafi mustaqill fi-l-Maghrib", Feb. 3, 2010, <<http://www.hespress.com/?browser=view&EgyxpID=18430>>.

<sup>13</sup> "al-Hukm bi-l-sajn 'ala mudawwin fi-l-Maghrib", Working Group for Freedom of the Press and Expression in North Africa, Dec. 17, 2009,

<<http://www.anhri.net/mena/wgjena/2009/pr1217-2.shtml>>. See also, "Idanat mudawwin wa sahib maqha ilaktruni bi-l-sajn", Reporters Without Borders, Dec. 16, 2009, <[http://arabia.reporters-sans-frontieres.org/article.php3?id\\_article=31611](http://arabia.reporters-sans-frontieres.org/article.php3?id_article=31611)>.

<sup>14</sup> "al-Maghrib: sittat ashhur min al-sajn li-Bu Bakr al-Yadib", Reporters Without Borders, Feb. 2, 2010, <<http://www.anhri.net/mena/rsf/2010/pr0202.shtml>>. See also "T'iqal mudawwin adrab 'an al-tadwin fi-l-usbu' al-hidad", Association of Moroccan Bloggers, Jan. 27, 2010, <<http://www.anhri.net/morocco/makal/2010/pr0127.shtml>>.

<sup>15</sup> "Jam'iya al-mudawwinin al-Maghariba tatalib bi-haqiqiha fi-l-wujud al-qanuni", <<http://smehdi.maktoobblog.com/1606586>>.

On March 27, security personnel raided the home of blogger Ouais Abdellatif, confiscating his computer and taking him to a police station where he was subjected to a lengthy interrogation. According to his family, he was forced to sign the interrogation report without reading it. He was summoned the next day to sign new reports. He was later taken in for a third time and was held on remand pending trial. Abdellatif is the designer of several websites, one of which is a site listing the best rulers in the world, on which the US president occupies the number one position.<sup>16</sup>

Human rights sources accused the authorities of trumping up extortion charges against Mohammed Attaoui, a correspondent with the Arabic *al-Monataf* and the chair of the Association for the Preservation of the Cedar and the Bighorn Sheep, located in Tounfite. Charges against Attaoui were brought after he published several articles decrying what he called the “cedar mafia,” accusing officials of involvement in illegal logging and trade of cedars, which is a protected species in Morocco. On March 22, a court sentenced Attaoui to two years in prison on charges of extortion for an amount less than 100 dirhams. He was released on April 15 after paying 10,000 dirhams in bail.<sup>17</sup>

Violations of freedom of expression and pressures placed on the media reached their peak in early November 2010 with a decision issued by the Moroccan authorities to suspend the Qatari al-Jazeera news channel until further notice and revoke the government permits given to the channel’s crew in Morocco. The authorities claimed that al-Jazeera did not comply with professional standards and was not objective and fair. They further asserted that the channel’s coverage had harmed Morocco’s reputation and constituted a flagrant breach of its higher interests.<sup>18</sup>

## **Human rights violations in the Western Sahara conflict**

Human rights abuses against political activists and human rights defenders in the Western Sahara continued in the period under review. In October 2009, for the first time in 14 years, seven Sahrawi activists, Ali Salem Tamek, Brahim Dahane, Dakja Lashgar, Ahmad Nasiri, Yahdih Ettarouzi, Saleh Labihi, and Rachid al-Sghir, were referred to a military

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<sup>16</sup> “T’tiqal jadid li-muwatin raqami bi-l-Maghrib, musammim mawqa’ afdal hakim dawla fi-l-‘alam, yantazir hukman bi-l-sajn”, Association of Moroccan Bloggers, Mar. 31, 2010, <<http://www.anhri.net/?p=3337>>.

<sup>17</sup> “T’lan mahkamat Miknas ta’jil da’wa al-isti’naf fi qadiyat Muhammad al-‘Attawi”, Reporters Without Borders, Apr. 20, 2010, <<http://www.anhri.net/?p=4618>>.

<sup>18</sup> “al-Maghrib yu’allic ‘amaliyat qanat al-jazira ila ajal ghayr musamma”, Committee to Protect Journalists, Nov. 3, 2010, <<http://www.anhri.net/?p=18469>>.

tribunal in Rabat following their arrest for visiting the Sahrawi refugee camps in Tindouf, Algeria.<sup>19</sup> However, in a subsequent unexpected development in October 2010, the investigating judge with the military tribunal in Rabat ruled that the military judiciary had no jurisdiction over the case. As such, the judge referred the seven defendants for a civilian trial in the Casablanca Primary Court. The trial commenced in mid-October 2010.<sup>20</sup> It is worth noting that the last time Sahrawi activists were tried before a military tribunal was in 1996.

In January 2010, the Laayoune Appeals Court in Western Sahara sentenced Sahrawi political prisoner Kamal al-Dulaimi to six months in prison. The charges stemmed from his stance on the Western Sahara conflict and his participation in peaceful demonstrations demanding self-determination for the Sahrawi people. Al-Dulaimi had received a one year sentence by the primary court.<sup>21</sup> Furthermore, the Laayoune Appeals Court recently upheld a five-year prison sentence handed down by the primary court to Sahrawi political detainee Sheikh Amidan.<sup>22</sup>

On February 8, the Tiznit Appeals Court sentenced ten Sahrawi political prisoners to prison terms ranging from two to 18 months; the original sentences ranged from one to three years in prison. During the trial, the counsel for the defendants documented several irregularities in the arrest reports and noted that the defendants had been intimidated and tortured to extract confessions and compel them to sign incriminating reports.<sup>23</sup>

Additionally, Sahrawi political prisoner Hoda Ahmed Mahmoud al-Kinan was also referred to trial. He was kidnapped in October 2009 and remained in incommunicado detention for six weeks before he was transferred to Okasha Prison in Casablanca. According to reports from rights organizations, he was tortured repeatedly while in a Tamara secret detention

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<sup>19</sup> “‘Awdat al-dawla al-Maghribiya li-l-muhakamat al-‘askariya mu’ashshir khatir wa kharq safir li-wad’iyat huquq al-insan bi-l-Sahra’ al-Gharbiya”, CODESA executive bureau, Oct. 17, 2009, <<http://www.anhri.net/morocco/makal/2009/pr1017-2.shtml>>.

<sup>20</sup> “Ba’d akthar min 11 shahran min al-i’tiqal al-ihdiyati wa-l-tahqiq min taraf al-qada’ al-‘askari al-dawla al-Maghribiya tutabi’ 7 mudafi’in Sahrawiyin ‘an huquq al-insan amam al-mahkama al-ibtida’iya bi-l-Dar al-Bayda’”, CODESA executive bureau, Oct. 4, 2010.

<sup>21</sup> “Sittat ashhur sajnana nafidhan didd mu’taqal siyasi Sahrawi bi-l-‘Uyun al-Sahra’ al-Gharbiya”, CODESA executive bureau, Jan. 7, 2010, <<http://www.anhri.net/morocco/makal/2010/pr0107.shtml>>.

<sup>22</sup> “Ta’yid hukm ibtida’i didd mu’taqal siyasi Sahrawi bi-l-‘Uyun al-Sahra’ al-Gharbiya”, CODESA executive bureau, Jan. 26, 2010, <<http://www.anhri.net/morocco/makal/2010/pr0126.shtml>>.

<sup>23</sup> “Ahkam qasiya wa ja’ira didd mu’taqalin siyasiyin Sahrawiyin yudafi’un ‘an haqq al-sha’b al-Sahrawi fi taqir al-masir”, CODESA executive bureau, Feb. 8, 2010, <<http://www.anhri.net/?p=864>>.

facility. It is likely that he was a target for abuse because of his public stance on the Western Sahara conflict and his renunciation of Moroccan citizenship and subsequent adoption of Sahrawi identity documents.<sup>24</sup>

In November 2009, the Moroccan authorities expelled Sahrawi human rights defender Aminatou Haidar, the chair of CODESA, from Morocco when she tried to return from Spain to her family. Her passport was confiscated and she was sent back to Spain.<sup>25</sup> However, Moroccan authorities were forced to admit Haidar back into the country the month after, as she started a more than four weeks long hunger strike and rising international protest. Yet, Haidar's movements remain subject to close police surveillance and those who attempt to visit her are mistreated at given the police blockade imposed on her home.<sup>26</sup> Some visitors were assaulted and then taken to undisclosed locations by the security apparatus. This was the case with Bija al-Karhi and Sidi Ahmed al-Karhi, who were arrested on January 6. The security apparatus also broke up a demonstration protesting Haidar's treatment.<sup>27</sup>

In connection with the severe restrictions on freedom of movement for Sahrawi political activists and rights defenders, the authorities continued to impose travel bans and tight surveillance on all actions and movements of Sahrawi activists, both within the Western Sahara region and in southern Moroccan cities. They have also issued strict directives banning foreigners from meeting with Sahrawi activists without prior state consent. In this context, the security apparatus stopped five members of Sahrawi rights groups on the border with Mauritania and confiscated their passports and cell phones. The five human rights defenders, Sidi Mohamed Daddach, chair of the Committee for the Defense of Self-Determination for the People of Western Sahara; Ahmed al-Sbai, member of ASVDH; Larbi Messaoud, secretary-general of CODESA; Brahim Ismaïli, chair of the Forum for the Memory of the Sahrawi People; and, Atik Brai, member of the Committee Against Torture in Dakhla, were prevented from participating in a meeting

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<sup>24</sup> "Ta'jil muhakamat al-mu'taqal al-siyasi al-Sahrawi Huda Mahmud al-Kinan ila ghayat 29 Sabtambar al-jari", <<http://www.upes.org/bodyindex.asp?field=terre&id=143>>.

<sup>25</sup> "Morocco: Aminatou Haidar Must Be Allowed To Go Home," Euro-Mediterranean Human Rights Network", Dec. 8, 2009, <<http://www.euromedrights.org/en/news-en/emhrn-releases/emhrn-statements-2009/4005.html>>. See also, "Morocco: Reverse Expulsion of Sahrawi Activist", Human Rights Watch, Nov. 19, 2009, <<http://www.hrw.org/en/news/2009/11/19/morocco-reverse-expulsion-sahrawi-activist>>.

<sup>26</sup> "Aminatu Haydar shahr kamil min al-hisar min al-mudayaqat", CODESA executive bureau, Jan. 17, 2010, <<http://www.anhri.net/morocco/makal/2010/pr0117-2.shtml>>.

<sup>27</sup> "I'tiqal wa ta'dhib muwatinin Sahrawiyin min baynahum darir bi-shari' al-bir al-jadid bi-l-'Uyun al-Sahra' al-Gharbiya", CODESA executive bureau, Jan. 6, 2010, <<http://www.anhri.net/morocco/makal/2010/pr0106.shtml>>.

for the Polisario Front in Mauritania. Their passports were not returned until three months later. In the same context, Sultana Khaya, vice-president of the Forum for the Future of Sahrawi Women, was prohibited from traveling to Spain.<sup>28</sup>

In April 2010, the authorities released Spanish observers Berta Herranz and Rafael Antorrena after detaining them due to their support of a group of human rights defenders and Sahrawi citizens who had been assaulted by members of the police and dozens of people southwest of Laayoune. Security forces confiscated the video cameras used to film these assaults, which had taken place after the authorities mobilized hundreds of people carrying Moroccan flags and pictures of the Moroccan monarch. The cameras were returned to the observers after all the footage had been erased.<sup>29</sup>

On September 29, the Moroccan authorities used force against international monitors and Sahrawi human rights defenders in front of the Laayoune airport. The airport was placed under a strict police cordon as a group of Sahrawi defenders returned from an international seminar held in Algeria on resistance and self-determination for Western Sahara. Several international observers, Sahrawi human rights defenders, and journalists were violently assaulted, and Sahrawi activist Sultana Khaya was stabbed.<sup>30</sup>

In April 2010, police attempted to abduct rights activist Ahmed al-Sbai, of the Association for the Protection of Sahrawi Prisoners. Police chased him through the streets before he was picked up in a car driven by Sahrawi citizens and taken to safety away from the police.<sup>31</sup>

In the last months of 2010, violent clashes between military and security forces and Sahrawi protestors increased. In October, a 14-year old boy died after he was shot by members of the Moroccan army at a checkpoint. The boy was with six other people in a car carrying aid to a camp set up by thousands of Sahrawi protestors demanding an end to economic

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<sup>28</sup> “Morocco: Lift Travel Restrictions on Sahrawi Activists”, Human Rights Watch, Jan. 26, 2010, <<http://www.hrw.org/en/news/2010/01/26/morocco-lift-travel-restrictions-sahrawi-activists>>. See also “Morocco: Sahrawi Activists’ Passports Returned”, Human Rights Watch, Feb. 16, 2010, <<http://www.hrw.org/en/news/2010/02/16/morocco-sahrawi-activists-passports-returned>>.

<sup>29</sup> “Itlaq sarah muraqibin isbaniyin bi-l-‘Uyun al-Sahra’ al-Gharbiya”, CODESA executive bureau, Apr. 9, 2010, <<http://www.anhri.net/?p=3831>>.

<sup>30</sup> “‘Itida’ ‘ala muraqibin wa mudafi’ in ‘an huquq al-insan bi-l-‘Uyun’”, CODESA executive bureau, Sep. 30, 2010.

<sup>31</sup> “Najat al-nashit al-huquqi Ahmad al-Siba’i min muhawalat al-ikhtitaf min taraf quwat al-qam’ al-Maghribi”, Association for the Protection of Sahrawi Prisoners in Moroccan Prisons,” Apr. 18, 2010, <<http://www.anhri.net/?p=4307>>.

marginalization, as well as better housing and employment. The Interior Ministry explained the incident saying that the car had attacked the checkpoint at the same time that another car had opened fire on it. According to some reports, the remaining passengers were injured, which did not prevent police from beating them before they were taken to a military hospital where they were shackled to their beds.<sup>32</sup>

On November 8, violent clashes occurred when authorities attempted to evacuate and dismantle the protest camp. According to some reports, Molotov cocktails, swords, and knives were used to confront security forces, who used tear gas canisters, water hoses, and batons. Those same reports stated that over 120 people were arrested and 12 people were killed, amongst whom ten were security personnel. The bodies of six of these ten were mutilated. The clashes spread to the city of Laayoune, accompanied by widespread attacks on public facilities, government cars, and private businesses. The radio and television building in the city was also attacked, a security guard kidnapped, and journalists and staff intimidated. On November 14, 2010, seven people detained in connection to the events were referred to a military tribunal in Rabat.<sup>33</sup> Moreover, approximately 80 detainees were also referred to the investigating judge at the Laayoune Appeals Court on several charges, including premeditated murder, destruction of property, and insurrection. Official reports indicate that two Sahrawis died in the clashes, but Sahrawi sources accused the Moroccan authorities of killing dozens, injuring another 1,500 and arresting nearly 2,000 people.<sup>34</sup> According to other reports, security forces opened fire in the camp and razed it with bulldozers to force the residents to leave.<sup>35</sup> Residents

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<sup>32</sup> “Morocco Must Investigate Killing of 14-Year Old Sahrawi at Protest Site”, Amnesty International, Oct. 26, 2010, <<http://www.amnesty.org/en/for-media/press-releases/morocco-must-investigate-killing-14-year-old-sahrawi-protest-site-2010-10-2>>.

<sup>33</sup> Moroccan Organization for Human Rights, Report on the events in Laayoune and the aftermath, <<http://www.anhri.net/?p=19196>>.

<sup>34</sup> “al-Rabat tuhakim ‘asharat al-Sahrawiyyin bi-tuham baynuha al-qatl al-‘amd wa-l-‘isyan”, *al-Hayat*, Nov. 14, 2010.

<sup>35</sup> “Morocco Urged to Investigate Deaths in Western Sahara Protest Camp”, Amnesty International, Nov. 11, 2010, <<http://www.amnesty.org/en/news-and-updates/morocco-urged-investigate-deaths-western-sahara-protest-camp-2010-11-11>>.

As this report went to press, on December 24, 2010, the Moroccan Association for Human Rights released a detailed report on the events in Laayoune, including documentation and analysis of the grave abuses that accompanied the events. The report placed full responsibility for the events on the Moroccan authorities in light of discriminatory policies in addressing the region’s economic and social conditions. The report stated that the authorities raided the camp without warning and used force, without giving sufficient notice to the protestors inside. According to statements taken from eyewitnesses and field observers, the Moroccan General Forces fired tear gas canisters and used stones and hot water hoses to evacuate the camp, as well as rubber bullets; according to some statements, they also set fire to the camp. Some

of the camp were only informed of the raid a few minutes before the evacuation orders were issued and security forces stormed the site.

Following the clashes, the authorities imposed an information blackout on foreign journalists. The permit of one Spanish correspondent was revoked, and three Spanish journalists were expelled after they managed to enter Laayoune. The authorities also prevented several other Spanish journalists from reaching the city.<sup>36</sup>

In the meantime, it does not appear that the Polisario Front has not halted its crackdown on dissidents, both among Sahrawi refugees living in the Polisario-run Tindouf camps on the Algerian border, and in the 15 percent of the territory it controls in the Western Sahara.<sup>37</sup> The Polisario Front considers itself the sole representative of the Sahrawi people and unilaterally declared the establishment of the Sahrawi Arab Democratic Republic in 1976.

On September 21, 2010, Polisario security forces arrested Mostapha Selma Sidi Mouloud while on his way to the Sahrawi refugee camps in Tindouf. His arrest came after he visited Western Sahara and declared his support for the Moroccan autonomy proposal and proclaimed that he would defend it upon his return to Tindouf. According to the Interior Ministry of the Sahrawi Arab Democratic Republic, Selma was arrested on charges of spying for the “enemy” and revealing secrets about Sahrawi institutions. A statement from the ministry said that Selma would be referred to “Sahrawi

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protestors responded with violence, using knives, Molotov cocktails, and gas bottles to face down the attempt to dismantle the camp by force. According to the report, nearly 240 people were arrested, some of whom were later released. Others were referred to trial, among them 16 who were referred to a military tribunal. The report documented that most of the detainees were subjected to various forms of torture and inhumane treatment, including beatings, curses, blindfolding, and sleep deprivation; they were also urinated on and threatened with rape. The report stated that women inside the camp and those participating in the demonstrations in Laayoune were assaulted, being beaten with iron batons and cursed. In one documented incident, a victim was threatened that a knife would be put in her vagina. She also had cigarettes extinguished on her body and water mixed with urine poured on her, and she was repeatedly raped in a police car. Such serious abuses expose the farce of the Moroccan authorities’ official stance on the recommendations of the Equity and Reconciliation Commission, which aim, first and foremost, at making a decisive break with the grave violations against Moroccans in the period known as the Years of Lead. For more information see the report from the Moroccan Association for Human Rights on the events in the Gadaym Izik camp, Nov. 8, 2010, released at a press conference on Dec. 24, 2010.

<sup>36</sup> “Iqfal al-Sahra’: da’wa ila waqf ‘amaliyat al-ikhla’ al-qasri wa sahb i’timadat al-sahafiyin al-ajanib”, Reporters Without Borders, Nov. 12, 2010, <[http://arabia.reporters-sans-frontieres.org/article.php3?id\\_article=31892](http://arabia.reporters-sans-frontieres.org/article.php3?id_article=31892)>.

<sup>37</sup> *Human Rights in the Western Sahara and in the Tindouf Refugee Camps*, Human Rights Watch, Dec. 19, 2008, <<http://www.hrw.org/en/reports/2008/12/19/human-rights-western-sahara-and-tindouf-refugee-camps-0>>.

justice” on charges of espionage and treason. Reports indicated that Selma was detained in an undisclosed location in the Polisario-controlled Western Sahara; his family, which lives in the Tindouf camps, has not been permitted to visit him.<sup>38</sup>

Although the Polisario Front announced that it had released Selma on November 6 2010, it continued to hold him in almost complete isolation in the remote Mehriz region, allowing only officials from the UN High Commissioner for Refugees (UNHCR) to telephone him. His family remained unable to contact him.<sup>39</sup> According to the most recent reports, on December 3, the UNHCR moved Selma to Mauritania prior to finding a permanent residence for him. He had been held for over 10 weeks in detention in an undisclosed location by the Polisario Front.<sup>40</sup>

### **Pressure on the freedom to peaceful assembly**

While the authorities continue to deal sternly with any form of demonstration or collective protest in the Western Sahara, they demonstrate greater tolerance for sit-ins as well as demands oriented protests in major Moroccan cities. Nevertheless, force is still employed to break up some protests. Additionally, the authorities continue their routine harassment of hundreds of members of the banned Justice and Charity Islamist group, on the grounds that they hold meetings without prior state consent.

On March 9, 2010, the Moroccan police intervened to forcibly disperse a peaceful demonstration organized by political activists and human rights defenders in Laayoune in Western Sahara to decry the abuses against Sahrawis and demand their right to self-determination. Several of the demonstration organizers were injured in the clashes, among them Brahim Sabbar, the secretary-general of the ASVDH; Ennaama Asfari, the president of the French Committee for the Respect of Liberties and Human Rights in the Western Sahara; and, Ahmed Hammia, a member of the Committee Against Torture in Dakhla. Several other demonstrators were also injured,

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<sup>38</sup> “Western Sahara: Polisario Arrests Rare Dissenter”, Human Rights Watch, Sep. 23, 2010, <<http://www.hrw.org/en/news/2010/09/22/algeria-polisario-arrests-rare-dissenter-refugee-camps>>.

<sup>39</sup> “Western Sahara: ‘Freed’ Dissident Kept in Near-Isolation”, Human Rights Watch, Nov. 3, 2010, <<http://www.hrw.org/en/news/2010/11/03/western-sahara-freed-dissident-kept-near-isolation>>.

<sup>40</sup> “Mustafa Salma Walad Sidi Mawlud: min al-i’tiqal al-ta’assufi ila-l-tarhil al-qasri”, joint statement from several Moroccan human rights groups, Dec. 8, 2010, <<http://www.anhri.net/?p=20242>>.

among them Izzana Amidan, Mariam Mghaizlat, and Dagna Mohamed Fadel Lahbib.<sup>41</sup>

On January 13, 2010, outside Western Sahara, the security apparatus attacked unemployed demonstrators in the northern city of Taouinate who had organized a protest demanding the right to work. The assault led to the injury of several protestors. It was reported that officials in the Taouinate District Hospital refused to provide medical reports about the injuries sustained by the protestors.<sup>42</sup>

In December 2009, students protested in the Taghjiit area demanding security for university student transportation. Following the protests there were clashes with the police, after which several students and bloggers were arrested and referred to trial. Three of the students were sentenced to six months in prison after being convicted on charges of disturbing the public order, using violence, and insulting public servants. Blogger Abd al-Aziz al-Salami, an activist with the Attac network, received a similar sentence.<sup>43</sup>

In February 2010, the authorities prohibited a protest organized by the National Union of Moroccan Students at Fez University, the families of detained students, and the National Agency for Solidarity with Political Prisoners. Security forces closed the roads leading to the protest in front of the appeals court and brutally assaulted and cursed the detainees' families.<sup>44</sup>

Hundreds of members of Justice and Charity were also harassed in their homes, where they would meet in what are known as "advice councils" According to the group, in the first week of March 2010, 103 of its members were arrested in either the four homes hosting the advice councils, or while celebrating the Prophet's birthday. They were released after several hours of detention and questioning.<sup>45</sup> According to the group, on May 29, 2010,

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<sup>41</sup> "Tadakhkhul 'anif didd muwatinin wa mudafi'in Sahrawiyyin 'an huquq al-insan bi-l-'Uyun al-Sahra' al-Gharbiya", CODESA executive bureau, Mar. 10, 2010, <<http://www.anhri.net/?p=2530>>. See also "Morocco Must End Harassment of Sahrawi Activists", Amnesty International, Apr. 8, 2010, <<http://www.amnesty.org/en/news-and-updates/morocco-must-end-harassment-sahrawi-activists-2010-04-09>>.

<sup>42</sup> "Furu' al-jam'iya al-Maghribiya li-huquq al-insan bi-iqlim Tawnat tudin bi-shadda al-i'tida' al-shani' alladhi ta'arrad lahu al-mu'attalin bi-Tawnat", Moroccan Association for Human Rights, Jan. 16, 2010, <<http://www.anhri.net/morocco/amdh/2010/pr0116.shtml>>.

<sup>43</sup> "Jail sentence for blogger and internet café owner", Reporters Without Borders, December 17, 2009, <[http://www.ifex.org/morocco/2009/12/17/blogger\\_jailed/](http://www.ifex.org/morocco/2009/12/17/blogger_jailed/)>.

<sup>44</sup> "al-Maktab al-jihawi li-l-jam'iya al-Maghribiya li-huquq al-insan bi-jihat Faz yudin bi-shidda musadarat haqqiha fi-l-ta'bir wa-l-tazahur min taraf al-sultat al-amniya bi-Fas", Moroccan Association for Human Rights, Feb. 16, 2010, <<http://www.anhri.net/?o=854>>.

<sup>45</sup> Statement from Justice and Charity, Mar. 7, 2010, <<http://www.paldf.net/forum/showthread.php?t=581890>>.

similar measures lead to the arrests of 342 members in Tangiers, Oujda, and Zayou, among them were 123 women.<sup>46</sup>

In June, violence by security forces in Missouri against members of the Soulaliya Ikli group injured at least 30 people, some seriously, and dozens were arrested. Members of the group were staging an open-ended sit-in that had lasted more than 100 days to protest discriminatory land confiscation plans by the authorities. Approximately 14 people were referred to trial in connection to the events. Some were sentenced to four months in prison while others received suspended sentences of two months. During the trial, the court rejected several requests from the defense, including requests to examine the signs of beating and torture on the defendants' bodies, hear eyewitnesses, and exclude the police reports on the grounds that they were not seen, read, or signed by the defendants.<sup>47</sup>

### **Status of human rights defenders**

In addition to the enormous pressure faced by human rights defenders in Western Sahara, members of the Moroccan Association for Human Rights continued to be the targets of various forms of harassment due to their direct involvement in collective and labor protests.

Al-Hussein Harchi, the president of the Beni Mellal branch of the Moroccan Association for Human Rights, was arbitrarily arrested in November 2009 and physically assaulted inside the judicial police headquarters in Beni Mellal, where his clothes were reportedly torn and wounds were visible on his neck. This came after he intervened with the judicial police following their arrest of a member of the association, Nasr al-Din al-Mukhtar. Both men and a third member of the association were charged with insulting public servants in the course of their work.<sup>48</sup> Harchi and his two colleagues were sentenced to one month in prison (suspended)

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<sup>46</sup> Statement from Justice and Charity, May 31, 2010, <<http://www.maghress.com/rifpost/822;jsessionid=6AAE8B45EC5B58422142B0FFF81FB98C>>.

<sup>47</sup> Report on the trial of the detainees issued by the local office of the Moroccan Association for Human Rights in Missouri, <<http://www.moroccanbridge.com/missour/?p=1996>>.

<sup>48</sup> "I'tiqal ra'is far' al-jam'iya bi-Bani Malal", Moroccan Association for Human Rights, Nov. 12, 2009, <<http://www.anhri.net/morocco/amdh/2009/pr1112.shtml>>; see also "al-Ibqa' 'ala i'tiqal ra'is far' Bani Malal li-l-jam'iya al-Maghribiya li-huquq al-insan wa munadil akhar bi-l-far'", <<http://azeroual.jeeran.com/23/archive/2009/11/970797.html>>.

and a fine. The appeals court in Beni Mellal is currently hearing an appeal of the sentences.<sup>49</sup>

In connection with the Moroccan Association for Human Rights' solidarity with the protests organized by the National Association of Unemployed Graduates of Morocco, Abd al-Khaliq Hamdouchi, a member of the association's branch in Larache, was arrested after the police forcibly broke up an open-ended sit-in by the unemployed in March 2010 that had lasted over 20 days.<sup>50</sup>

In May 2010, after the Moroccan Association for Human Rights' ninth general conference which saw disputes and schisms within the association, government parties, including the First Minister, began to incite public opinion against the group and defame it. The smear campaign went so far as to demand the dissolution of the association, presented it as a gang of Western Sahara separatists, and accused it of loyalty to foreign parties, specifically Algeria. This was simply in response to the association having invited diplomats, including from Algeria, to attend the inauguration of the conference. The association was also accused of supporting terrorism.<sup>51</sup>

Chekib el-Khayari, the president of the Association for Human Rights in the Rif, which defends Amazigh rights, remained in prison during the period under review. He is serving a three-year sentence on charges of insulting official government institutions, and the sentence was upheld by the appeals court in November 2009. El-Khayari had made statements accusing senior officials of involvement in a drug-smuggling network and was convicted in June 2009.<sup>52</sup>

On September 30, 2009, in a measure that raises suspicion on the high level security coordination amongst Arab governments against human rights defenders, the Moroccan authorities banned prominent Tunisian human rights defender Kamel Jendoubi, the president of the Euro-Mediterranean Human Rights Network, from entering the country. They offered no explanation for these actions. Jendoubi reached Rabat airport to take part in

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<sup>49</sup> "Muhakamat al-Husayn Harshi ra'is far' al-jam'iya al-Maghribiya li-huquq al-insan bi-Bani Malal wa 'udway al-far'", Moroccan Association for Human Rights, Sep. 28, 2010, <<http://anhri.net/?p=12919>>.

<sup>50</sup> "Balagh hawl i'tiqal al-rafiq 'Abd al-Khaliq al-Hamad Washi 'udw maktab far' al-jam'iya al-Maghribiya li-huquq al-insan far' al-'Ara'ish bi-bab baladiyat al-'Ara'ish", Moroccan Association for Human Rights, Mar. 10, 2010, <<http://www.anhri.net/?p=2528>>.

<sup>51</sup> "al-Jam'iya al-Maghribiya li-huquq al-insan tudin al-hamla al-'udwaniya wa-l-tadliliya diddaha", July 11, 2010, <<http://www.anhri.net/?=8830>>.

<sup>52</sup> "al-Maghrib: tasa'ud watirat talfiq al-qadaya al-jina'iya didd muqawimi al-fasad", Arabic Network for Human Rights Information, Nov. 25, 2009, <<http://www.anhri.net/press/2009/pr1125.shtml>>.

a public meeting organized by the Moroccan Organization for Human Rights on human rights defenders in the Middle East and North Africa. He and others were to be honored at the meeting. It is believed that the Moroccan authorities, who had prior knowledge of the meeting and the names of invitees, took this measure following a request from the Tunisian authorities. Jendoubi was forced to spend a full night on the plane before returning to Paris the next morning.<sup>53</sup>

## **Grave police abuses: the other face of counterterrorism measures and stalled reforms**

Counterterrorism measures and the failure to implement the most significant recommendations of the Equity and Reconciliation Commission – particularly those calling for institutional and legal reforms in the security, judicial, and penal sectors – led to growing complaints of poor conditions in prisons and detention facilities, the spread of torture, and more abductions, enforced disappearances, and arbitrary arrests. Only rarely are the police held accountable for human rights violations, especially in political cases. Hundreds of people suspected of belonging to radical Islamist groups continue to serve prison terms after unfair trials following their arrests in connection with the Casablanca bombings of May 2003.<sup>54</sup>

According to the UN Working Group on Enforced or Involuntary Disappearances, arrests, abductions, and long-term detentions often take place on the pretext of fighting terrorism as victims are denied their right to contact an attorney and the authorities refrain from telling the detainees' families of their whereabouts. On March 19, 2010, Mahdi Maliani, a student at the al-Mohammediya School for Engineers, disappeared while he was on his way to the Friday prayers at a mosque in the capital. Other students at the same school have disappeared in the same manner, among them Zouhair Benkassou and Mohamed Boutarfas, both of whom disappeared on May 1, 2010.<sup>55</sup> There were also reports that on March 29, 2010, plainclothes security personnel abducted Adnan Zakhbat from the entrance to a mosque in

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<sup>53</sup> "al-'Ar 'ala-l-sultat al-Magharibiya", joint statement by seven rights organizations, Oct. 2, 2010, <<http://www.anhri.net/?p=13092>>.

<sup>54</sup> Human Rights Watch 2009 Annual Report, <<http://www.hrw.org/ar/world-report-2010/morocco-western-sahara>>.

<sup>55</sup> "Morocco: Mahdi Maliani Is Kidnapped, Missing for Almost Three Months", Alkarama for Human Rights, May 5, 2010, <[http://en.alkarama.org/index.php?option=com\\_content&view=article&id=510:morocco-mahdi-maliani-is-kidnapped-missing-for-almost-three-months&catid=29:communiqu&Itemid=150](http://en.alkarama.org/index.php?option=com_content&view=article&id=510:morocco-mahdi-maliani-is-kidnapped-missing-for-almost-three-months&catid=29:communiqu&Itemid=150)>.

Berrechid. His fate remains unknown and his family has not been able to find out the reason for his disappearance or the site of his detention.<sup>56</sup>

In July 2010, the Salé Appeals Court upheld a life sentence for Belgian-Moroccan Abdelkader Belliraj after his conviction on charges of forming a terrorist cell and murder in Belgium in the late 1980s and early 1990s. The case involved 35 defendants, among them five senior leaders of recognized political parties and a television correspondent. Convicted last year, they received heavy prison terms of up to 25 years. The appeals court reduced the sentences to ten years.<sup>57</sup> During the trial, the defense counsel withdrew from one session to protest what it described as the absence standards of due process.<sup>58</sup> The trial of the defendants, known in the media as “the Belliraj case”, was accompanied by several irregularities. The defendants were abducted or subjected to arbitrary arrest and their lawyers were prohibited from attending the preliminary interrogations. Moreover, the court also ignored torture allegations made by the defendants and refused to grant the defense’s request to call witnesses.<sup>59</sup>

In February 2010, the authorities arrested Khalid Etefia, who resides in France, after he entered Morocco to visit his wife, Doha Abouthabit. She had been incarcerated at the Salé prison since she was arrested in December 2009 on charges of funding terrorism. Etefia, who was also placed in the Salé prison, was charged with the possession of a joint bank account with his wife, which she used to send money to her brother.<sup>60</sup>

Complaints of torture and poor conditions in Moroccan prisons have occasioned long, life-threatening hunger strikes by prisoners. In June 2010, prisoner Ahmad al-Barkani died in the Qanaitara District Prison because of a hunger strike and poor healthcare. Another inmate at the same facility was

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<sup>56</sup> “Morocco: Resurgence of Disappearances”, Alkarama for Human Rights, Apr. 16, 2010, <[http://en.alkarama.org/index.php?option=com\\_content&view=article&id=494:morocco-resurgence-of-disappearances-adnan-kakhbat-is-the-latest-victim-&catid=29:communiqu&Itemid=150](http://en.alkarama.org/index.php?option=com_content&view=article&id=494:morocco-resurgence-of-disappearances-adnan-kakhbat-is-the-latest-victim-&catid=29:communiqu&Itemid=150)>.

<sup>57</sup> “Morocco: Terror Convictions Upheld for 35, Including Political Figures”, Human Rights Watch, July 28, 2010, <<http://www.hrw.org/en/news/2010/07/28/morocco-terror-convictions-upheld-35-including-political-figures>>.

<sup>58</sup> “al-Maghrib: nida’ min ajl inqadh al-mu’tasim wa rifaqihi”, Arab Reform Initiative, Apr. 8, 2010, <<http://arab-reform.net/spip.php?article3029>>.

<sup>59</sup> *Bastion of Impunity*, p. 156. See also “Tasrih bi-khusus al-mu’taqalin al-siyasiyin al-sitta wa man ma’hum”, al-Wasit for Democracy and Human Rights, Aug. 18, 2010.

<sup>60</sup> “Morocco: Khalid Etefia Arrested after Trying to Visit His Wife in Jail”, Alkarama for Human Rights, May 4, 2010, <[http://en.alkarama.org/index.php?option=com\\_content&view=article&id=499:morocco-khalid-etefia-arrested-after-trying-to-visit-his-wife-in-jail&catid=29:communiqu&Itemid=150](http://en.alkarama.org/index.php?option=com_content&view=article&id=499:morocco-khalid-etefia-arrested-after-trying-to-visit-his-wife-in-jail&catid=29:communiqu&Itemid=150)>.

taken to intensive care in critical condition. The two men, with 15 others, had been on a hunger strike for more than two months to protest searches in which prison guards confiscated some of their belongings.<sup>61</sup>

Furthermore, suspicions were raised around the death of prisoner Said al-Taqi in the local prison in Sefrou due to the absence of healthcare required by his condition and increased complaints of torture inside the prison.<sup>62</sup>

Shortly before his amnesty, Idriss Chahtan, the managing editor of *al-Michaal*, came under strong pressure inside prison. He was moved to the Okasha Prison in Casablanca, where he was placed in a narrow cell with 11 other inmates. He was forced to wear prison clothes, stripped of his shoes, and placed in shackles after he asked to be taken to a doctor for care.

According to field observers, conditions for Sahrawi political prisoners detained in Moroccan jails are extremely poor. They face occasional periods of abuse, particularly in the Lakhhal Prison in Laayoune, prisons in Tiznit, Ait Melloul, Inezgane, the Boudha Roz Prison in Marrakech, and the local prisons in Taroudant, Benslimane, Salé, and Qanaitara. Conditions in these facilities have sparked several hunger strikes. The seven Sahrawi activists who were referred to a military tribunal, staged a 41-day hunger strike seeking a speedier trial or a release, improved prison conditions and treatment as prisoners of conscience.

Reports indicate that upon his arrest in December 2009, Sahrawi activist Kamal al-Dulaymi was blindfolded with his hands cuffed behind his back for five days, during which time he was tortured and mistreated under interrogation, before being referred to trial. Authorities at the Lakhhal Prison in Laayoune repeatedly placed him in solitary confinement, where he was subjected to physical and psychological abuse. He was also denied contact with his family after he appealed the one-year prison term he had received.<sup>63</sup>

One of the most serious cases of torture this year involved the seven detainees belonging to Justice and Charity group. They were arrested on June 28, 2010, and placed in solitary confinement. According to reports from rights groups, they were stripped completely naked and left handcuffed and blindfolded for three days. They were also denied food, and five were

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<sup>61</sup> “Wafat sajin mudrib ‘an al-ta’am fi-l-Maghrib wa tadahwur sihhat akhar”, June 26, 2010, <<http://www.marayapress.net/index.php?act=press&id=3584>>.

<sup>62</sup> “Hatta la yatahawwal al-sijn al-mahali bi-madinat Safru ila fada’ li-l-mass bi-l-haqq fi-l-haya”, Moroccan Association for Human Rights, Sefrou branch, <<http://www.anhri.net/morocco/amdh/2009/pr1227.shtml>>.

<sup>63</sup> “Mu’taqal al-ra’i al-Sahrawi Kamal al-Dulaymi yu’akkid ta’arrudihi li-l-ta’dhib wa su’ al-mu’amala ithna’ i’tiqalihu wa sajnihi bi-l-sijn al-mahali”, CODESA executive bureau, Aug. 5, 2010, <<http://www.anhri.net/?p=10291>>.

coerced, through sexual assault, into signing reports or confessions that they were not allowed to read.<sup>64</sup>

News stories citing US intelligence sources reported that there are secret detention centers in Morocco which are run for the benefits of American intelligence. The facilities allegedly house detainees accused of belonging to al-Qaeda, who have been moved from Guantanamo and interrogated in Morocco with the use of torture. The reports reveal the existence of videotapes showing Ramzi Binalshibah, accused of involvement in the 9/11 attacks, undergoing interrogation in a secret prison near the Moroccan capital. According to these reports, Benalshibah and several other foreign detainees were subjected to various forms of physical and psychological torture.<sup>65</sup> Many human rights defenders in Morocco believe that the Tamara facility near Rabat is the secret prison discussed in these reports.<sup>66</sup>

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<sup>64</sup> “Morocco: Seven Detainees Allege Torture in Morocco”, Amnesty International, July 20, 2010, <<http://www.amnesty.org/en/library/info/MDE29/015/2010/en>>.

<sup>65</sup> “Qalaq bi-l-Rabat ‘uqb taqarir ‘an istidafat al-Maghrib li-mu’taqalin awfadathum Amrika”, Aug. 30, 2010, <<http://www.marayapress.net/index.php?act=press&id=4594>>. See also <<http://www.hibapress.com/news7911.html>>.

<sup>66</sup> See also the series of stories published in *Nichane* from July 9 to 15, 2010, titled “Nahnu al-mukhtatafun.”



# Syria

The human rights situation in Syria continues to deteriorate in the context of the ongoing state of emergency, the deployment of a broad array of laws inimical to human rights, and the increasing referral of political activists and human rights defenders to exceptional trials lacking any semblance of due process.

The Syrian security apparatus continues to abuse the absolute authority it enjoys, and arbitrary detention, abduction, extrajudicial killings, and death under torture, remain widespread.

Although the Syrian government and the European Union are on the verge of signing a partnership agreement, the move has not been accompanied by any political or human rights reforms<sup>1</sup>. Oppressive restrictions remain on freedom of opinion and expression, and the Syrian authorities have not taken any steps towards reforming the arsenal of despotic laws that govern its citizens. Instead, the state introduced a new repressive law on the electronic media, which mandates prison terms for journalists and bloggers. The state also continues to discriminate against the Kurdish minority, to impose arbitrary restrictions on citizens' travel and movement, and to deny Syrians in exile the right to return to their country.

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<sup>1</sup> "Suriya taqtarib min tawqi' al-sharaka al-Urubiya bi-sifat muraqib," Damascus Declaration for National Democratic Change, June 16, 2010, <<http://www.annidaa.org/modules/news/article.php?storyid=5453>>.

## **Escalating repression of human rights defenders**

The Syrian authorities continued to crack down on political activists and human rights defenders, subjecting them to arbitrary arrest and unfair trials, and referring some of them to State Security courts and exceptional military tribunals, thus denying them their right to appear before a natural judge.

On June 23, 2010, the Second Criminal Court in Damascus sentenced lawyer and human rights defender Muhannad al-Hassani, the president of the Syrian Human Rights Organization (Sawasiyah), to three years in prison on charges of harming the stature of the state, weakening national sentiment, and disseminating false news liable to weaken the national morale. These charges are commonly used by the Syrian authorities against critics of the government, whether writers and journalists, or political activists and human rights defenders.<sup>2</sup>

In November 2009, Mr. al-Hassani, who received the Martin Ennals Award in 2010 in recognition of his prominent human rights work, was referred to an investigating judge because of his activities, particularly due to his reports on exceptional trials before the High State Security Court and the attention he drew to a case of a detainee who died as a result of torture. The court's bias against Mr. al-Hassani was clear, and in one session it denied requests to hear witnesses on the grounds that it was irrelevant, although the prosecution brought no clear evidence to convict him. On August 4, 2009, following the directives of the authorities, the Bar Association filed an ethics petition against Mr. al-Hassani, referring him to the disciplinary council of the Damascus branch on the grounds that he headed an unlicensed rights organization without the approval of the Bar Association, and engaged in activities that were harmful to Syria. He was permanently disbarred as a result.<sup>3</sup>

In February 2010, human rights activist and lawyer Haitham al-Maleh, the former chair of the Syrian Human Rights Association, was brought before the first military investigating judge in Damascus for trial on several charges. The charges included disparaging a public authority, disseminating false news liable to weaken national morale, and harming the stature of the state. Al-Maleh was arrested on October 14, 2009, and referred to the military prosecutor, where he was questioned about several media

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<sup>2</sup> "Dimashq: mahkamat al-jinayat al-thaniya tusdir hukman bi-l-sajn thalath sanawat 'ala-l-muhami Muhannad al-Hassani," joint statement issued by several Syrian rights organizations, June 23, 2010, <<http://www.annidaa.org/modules/news/article.php?storyid=5528>>.

<sup>3</sup> "Jalasad istijwab sirriya li-l-muhami wa-l-nashit al-huquqi," Committees for the Defense of Democratic Freedoms and Human Rights in Syria (CDF), Feb. 18, 2010, <<http://www.cdf-sy.org/statement/statement2009/mohanad5.htm>>.

appearances and articles he had written.<sup>4</sup> On July 4, 2010, after a number of sessions, the military court sentenced al-Maleh to three years in prison. The trial lacked any semblance of due process and impartiality, and showed no regard for al-Maleh's deteriorating health.<sup>5</sup>

The fate of human rights defender Nizar Rastanawi, incarcerated in the Sednaya Prison, remains unclear. It is feared that he was killed during the massacre in the prison in the summer of 2008.<sup>6</sup> 50-year-old Rastanawi was arrested on April 18, 2005. He was sentenced to four years in prison on April 18, 2006, on charges of disseminating false news and showing contempt for the president, after which he was imprisoned in Sednaya. Although he has completed his sentence, he has not been released, and his fate remains unknown.

Ismail Abdi, who sits on the board of trustees of the Committees for the Defense of Democratic Freedoms and Human Rights, disappeared on August 23, 2010, and is currently being detained at the Adra Prison in Damascus. In October 2010, he was referred to the second investigating judge in Damascus, who questioned him on charges of disseminating false news, belonging to a banned political association, and harming the stature of the state.<sup>7</sup>

On October 20, 2010, State Security in Latakia summoned Mustafa Badie Hajj Bakri, a member of the Arab Organization for Human Rights in Syria. He and his only daughter were arrested and sent to Damascus a week later.

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<sup>4</sup> "al-Qada' al-'askari al-Suri yuhakim al-nashit al-huquqi Haytham al-Malih," Syrian Observatory for Human Rights, Feb. 22, 2010, <<http://www.syriahr.com/22-2-2010-syrian%20observatory22.htm>>.

<sup>5</sup> "al-Hukm bi-l-i'tiqal al-mu'qqat thalath sanawat 'ala-l-muhami al-ustadh Haytham al-Malih min mahkamat al-jinayat al-'askariya al-thaniya bi-Dimashq," Kurdish Organization for the Defense of Human Rights and Public Freedoms in Syria (DAD), July 4, 2010, <<http://www.shril-sy.info/modules/news/article.php?storyid=5478/DAD:%20C7%E1%CD%DF%E3%20%C8%C7%E1%C7%DA%CA%DE%C7%E1%20%C7%E1%E3%C4%DE%CA%20%CB%E1%C7%CB%20%D3%E4%E6%C7%CA%20%DA%E1%EC%20%C7%E1%E3%CD%C7%E3%ED%20%C7%E1%C3%D3%CA%C7%D0%20%E5%ED%CB%E3%20%C7%E1%E3%C7%E1%CD%20%E3%E4%20%E3%CD%DF%E3%C9%20%C7%E1%CC%E4%C7%ED%C7%CA%20%C7%E1%DA%D3%DF%D1%ED%C9%20%C7%E1%CB%C7%E4%ED%C9%20%C8%CF%E3%D4%DE>>.

<sup>6</sup> "Nida' 'ajil li-l-kashf 'an masir al-nashit al-huquqi Nizar Rastawani," Syrian Human Rights Committee (SHRC), Feb. 24, 2010, <<http://www.shrc.org/data/asp/d12/4082.aspx>>.

<sup>7</sup> "Ma zal masir al-zamil Isma'il 'Abdi majhulan," CDF," Sep. 19, 2010, <<http://www.anhri.net/?p=12342>>.

As this report went to press, the authorities had given no reason for their arrest and they had not been brought before a judge.<sup>8</sup>

On March 2, 2010, a security patrol in Aleppo raided the home of Abed al-Hafiz Abed al-Rahman, who sits on the board of trustees of the Human Rights Organization in Syria (MAF). Naderah Abdo, a trustee with the same organization, was also arrested<sup>9</sup> While the authorities released Naderah on March 6, 2010,<sup>10</sup> Abed al-Rahman was brought before the military investigating judge on June 22, 2010, on charges of belonging to an international political or social association and inflaming sectarian tension due to his activities as a Kurdish advocate.<sup>11</sup> On September 29, 2010, he was sentenced to one year in prison.<sup>12</sup>

On June 17, 2010, the prominent activist Ali al-Abdullah completed a 30-month sentence issued against him for his involvement in the Damascus Declaration for National Democratic Change. Despite this, and although the authorities released 11 other imprisoned leaders of the movement after they completed their sentences, al-Abdullah was not released. On the contrary, the authorities brought new charges against him, including upsetting Syria's relations with a foreign state, likely because of an article he wrote in prison criticizing the divine providence of the jurist system in Iran.<sup>13</sup> He was referred to the military criminal court.<sup>14</sup>

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<sup>8</sup> "al-Nashit al-huquqi Mustafa Badi' Hajj Bakri wa ibnatuhu rahn al-i'tiqal al-ta'assufi," CDF, Nov. 28, 2010, <[http://www.cdf-sy.org/content/index.php?option=com\\_content&view=article&id=469:2010-11-28-13-09-23&catid=23:-2010&Itemid=24](http://www.cdf-sy.org/content/index.php?option=com_content&view=article&id=469:2010-11-28-13-09-23&catid=23:-2010&Itemid=24)>.

<sup>9</sup> "al-Sultat al-Suriya ta'taqil nashitayn huquqiyayn," joint statement from several Syrian rights groups, Mar. 5, 2010, <<http://www.anhri.net/syria/nohrs/2010/pr0305.shtml>>.

<sup>10</sup> "Syria: Repression Grows as Europe, US Avoid Discussing Rights," Human Rights Watch, Mar. 11, 2010, <<http://www.hrw.org/en/news/2010/03/11/syria-repression-grows-europe-us-avoid-discussing-rights>>.

<sup>11</sup> "Min ajl waqf muhakamat al-nashit al-huquqi 'Abd al-Hafiz 'Abd al-Rahman amam al-qada' al-'askari bi-Halab," CDF, July 3, 2010, <<http://www.cdf-sy.org/statement/statement2010/AbdAlahafiz.htm>>.

<sup>12</sup> "al-Sajj li-muddat 'am bi-haqq al-nashit al-huquqi al-Suri 'Abd al-Hafiz 'Abd al-Rahman," joint statement issued by several rights organizations, Sep. 30, 2010, <<http://www.syriahr.com/30-9-2010-syrian%20observatory5.htm>>.

<sup>13</sup> "Syria: Political Detainee, Sentence Ended, Held on New Charges," Human Rights Watch, June 19, 2010, <<http://www.hrw.org/en/news/2010/06/19/syria-political-detainee-sentence-ended-held-new-charges/>>.

<sup>14</sup> "Ihalat al-katib wa-l-mu'arid al-Suri 'Ali al-'Abd Allah ila mahkamat al-jinayat al-'askariya," Syrian Observatory for Human Rights, Sep. 20, 2010, <<http://www.anhri.net/?p=12394>>.

## Violations of freedom of expression

The Syrian authorities continue to exercise absolute control over all forms of media, including the press and visual media, and the electronic and alternative media. The state employs various penal provisions in order to harass and arbitrary imprison its critics, and it continues to confiscate publications and block websites.

On September 29, 2009, the Syrian Ministry of Information banned the distribution of issues 138 and 139 of the weekly *Buqaat Daw*,<sup>15</sup> due to an article entitled “Execution by the Electric Chair” by Firas Kalousa. It is important to note that issues 65, 66, and 107 of the same journal had previously been banned as well. In October 2009, the Ministry banned the distribution of issue 943 of the Lebanese *al-Akhbar* inside Syria, likely because of an article on the Syrian-Lebanese summit by Jean Aziz. It took similar measures in August, banning issues of *al-Azmina* and *al-Bahithun*, two magazines published by Dar al-Sharq in Damascus.<sup>15</sup> The two magazines faced distribution bans in May 2010 as well.<sup>16</sup> Additionally, in September, the Ministry of Information also banned issue 52 of *Shabablak*.<sup>17</sup>

In July 2010, it was reported that the Arab Writers Union in Syria had banned a novel by Syrian writer Abd al-Nasser al-Ayed, *Sayed al- Hawma*, after reading committees found it contained “incitement to civil strife and a glorification of the Persian race and a disparagement of other races,” and because of “the racist spirit in the novel.”<sup>18</sup>

Journalists in Syria are also a target for repression. On November 22, 2009, the authorities arrested journalist Maan Aqil from his place of work in the government-run *al-Thawra* newspaper. He was detained for three months without charge before being released by Damascus intelligence in late February 2010. Aqil is known for his bold investigative pieces in the

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<sup>15</sup> “Wizarat al-i’lam al-Suriya ‘awd ‘ala bad’ man’ tawzi’ majallat buq’at daw’ wa jaridat al-akhbar al-Lubnaniya,” Syrian Center for Media and Freedom of Expression, Oct. 12, 2009, <<http://www.anhri.net/syria/scm/2009/pr1012.shtml>>.

<sup>16</sup> “Man’ tawzi’ al-‘adadayn 206 wa 36 min majallatay al-azmina al-iqtisadiya wa-l-bahithun,” joint statement from DAD and the Human Rights Organization in Syria (MAF), May 5, 2010, <<http://www.shril-sy.info/modules/news/article.php?storyid=5339>>.

<sup>17</sup> “Fi muhawala ba’isa li-ikhfa’ al-haqiqa wizarat al-i’lam tamna’ tawzi’ al-‘adad 52 min majallat shabablak,” Syrian Center for Media and Freedom of Expression, Oct. 26, 2009, <<http://www.anhri.net/syria/scm/2009/pr1026.shtml>>.

<sup>18</sup> “Man’ riwaya fi Suriya ‘an mu’assis firqat al-hashshashin,” Damascus Declaration, citing *al-Qabas*, July 20, 2010, <<http://www.nidaasyria.org/ar/news/2347>>.

government press, particularly those dealing with the administrative corruption rampant in Syria.<sup>19</sup>

In January 2010, security forces arrested journalist Ali Taha and photographer Ali Ahmed, while the latter was taking photos next to the mausoleum of al-Sayyida Zeinab. Both Taha and Ahmed are with the Rotana T.V. network. The two were detained for more than a month without charge before being released.<sup>20</sup>

In July 2010, the Syrian authorities arbitrarily closed the offices of the Italian news agency, ANSA, after the agency covered some cases of arrests in Syria. The same month, the Court of Appeals referred the case of journalists Souhayla Ismail and Bassem Ali to a military court after the two journalists were convicted of resisting the socialist order on April 13, 2010.<sup>21</sup> The conviction came after they did a story on corruption and the misappropriation of public funds in a publicly owned company.<sup>22</sup>

On February 10, 2010, the First Criminal Court in Damascus sentenced Syrian preacher Sheikh Abdulrahman Koki to two years in prison on charges of inflaming sectarian and racial tension following his appearance on a satellite talk show. The penalty was reduced to one year in prison,<sup>23</sup> and he was later released as part of a presidential amnesty.<sup>24</sup>

On November 24, 2010, a criminal court sentenced Syrian opposition figure Khalaf Jarbou, a member of the banned Syrian Democratic People's Party, to two years in prison on charges of harming the stature of the state.<sup>25</sup>

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<sup>19</sup> "Munazzamat huquqiya Suriya tutalib bi-itlaq sarah al-sahafi al-Suri Ma'an 'Aqil," Syrian Observatory for Human Rights, Feb. 20, 2010, <<http://www.syriahr.com/20-2-2010-syrian%20observatory15.htm>>.

<sup>20</sup> "al-Ifraj 'an sahafiyayn Suriyayn ba'd akthar min shahr min al-ihitjaz al-waqa'i," Reporters Without Borders, Feb. 19, 2010, <[http://arabia.reporters-sans-frontieres.org/article.php3?id\\_article=31680](http://arabia.reporters-sans-frontieres.org/article.php3?id_article=31680)>.

<sup>21</sup> "Ba'd murur 'asharat a'wam 'ala tasallum Bashshar al-Asad zimam al-sulta ma zal al-bu's taw'am hurriyat al-sahafa," Reporters Without Borders, July 15, 2010, <[http://arabia.reporters-sans-frontieres.org/article.php3?id\\_article=31808](http://arabia.reporters-sans-frontieres.org/article.php3?id_article=31808)>.

<sup>22</sup> "Idanat ihalat al-sahafiyayn Bassam 'Ali wa Suhayla Isma'il ila-l-mahkhama," SHRC, Apr. 17, 2010, <<http://www.anhri.net/?p=4654>>.

<sup>23</sup> "Mahkamat al-jinayat tusdir hukman bi-l-sajn li-muddat 'am bi-haqq al-da'iya al-Suri 'Abd al-Rahman Kuki," Syrian Observatory for Human Rights, Feb. 10, 2010, <<http://www.syriahr.com/10-2-2010-syrian%20observatory.htm>>.

<sup>24</sup> "Bitaqat tarhib bi-l-ifraj 'an al-da'iya al-Suri al-shaykh 'Abd al-Rahman al-Kuki," CDF, Feb. 18, 2010, <<http://www.cdf-sy.org/statement/statement2009/Koki3.htm>>.

<sup>25</sup> "al-Sajn li-muddat sanatayn bi-haqq al-mu'arid al-Suri Khalaf al-Jarbu'," Syrian Observatory for Human Rights, Feb. 24, 2010, <<http://www.syriahr.com/24-11-2010-syrian%20observatory1.htm>>.

Jarbou had previously been detained on charges of belonging to the Syrian communist party.<sup>26</sup>

In February 2010, political activist and former political prisoner Raghda Said Hassan was once again arrested by the security apparatus in Tartous near the Syrian-Lebanon border.<sup>27</sup> Raghda was tortured and beaten, and in April 2010 she was charged with weakening national sentiment and disseminating false news liable to weaken national morale. The reason behind the charges is believed to be that she conducted studies on human rights, corruption, and democracy in Syria.<sup>28</sup>

As for the alternative media, Syria is known as one of the most repressive countries when it comes to online activity, and the authorities continue to restrict and filter the internet. This year, several additional websites were blocked.

On October 26, 2010, the Syrian cabinet approved a new electronic media law, ostensibly to regulate the internet. The provisions of the law provide further means to harass writers, journalists, and internet activists and impose additional liberty-depriving penalties for online content.<sup>29</sup> The law requires Syrians who run websites to reveal their identity and bans the publication of anonymous articles. It also establishes a set of administrative and penal provisions for violators.<sup>30</sup>

In December 2009, the number of blocked sites rose to 244. This constitutes an increase of 19 websites in only seven months. Leading the list of banned sites are Kurdish websites, followed by opposition political sites, electronic forums, and media sites, as well as websites for human rights organizations, most of which are subjected to continuous blocks.<sup>31</sup>

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<sup>26</sup> Ibid.

<sup>27</sup> "Jihaz amni Suri ta'taqil al-sajina al-siyasiya al-sabiqa Raghda al-Hasan," Syrian Observatory for Human Rights, Feb. 15, 2010, <<http://www.syriaohr.com/15-2-2010-syrian%20observatory22.htm>>.

<sup>28</sup> "Katiba Suriya tuqaddam li-l-mahkama," Syrian Human Rights Information Link, Nov. 26, 2010, <<http://www.shril-sy.info/modules/news/article.php?storyid=5765/AI:%20DF%C7%CA%C8%C9%20D3%E6%D1%ED%C9%20CA%F5%DE%CF%F8%E3%20E1%E1%E3%CD%C7%DF%E3%C9>>.

<sup>29</sup> "Taqrir 'Skyz' hawl intihak al-hurriyat al-i'lamiya wa-l-thaqafiya fi shahr Tishrin al-awwal/Uktubar 2010," Nov. 6, 2010, <<http://www.anhri.net/?p=18668>>.

<sup>30</sup> "Huquqi Suri: qanun al-i'lam al-ilaktruni ashbah bi-muharabat tawahin al-hawa'," *Deutsche Welle*, Oct. 27, 2010, <<http://www.dw-world.de/dw/article/0,,6160417,00.html>>.

<sup>31</sup> "Hajb mawqa' 'Skyz' ('uyun Samir Qasir) yarfa' 'adad al-mawaqi' al-mahjuba fi Suriya ila 241 mawqa'an," Syrian Center for Media and Freedom of Expression, Sept. 16, 2009, <<http://www.anhri.net/syria/scm/2009/pr0916.shtml>>.

Concerns still linger about the fate of blogger Tal Bint Dawsar al-Mallouhi after State Security summoned her on December 27, 2009, to question her about an article she wrote and distributed online. A few days later, several State Security personnel came to her home and confiscated her computer.<sup>32</sup> Rights groups reported that she was questioned again on November 10, 2010, and was then returned to prison, where she has been held in solitary confinement since late September. Her family has only been able to visit her once, on September 30, 2010.<sup>33</sup>

Syrian activist and opposition leader Suhair al-Atassi came under severe pressure to close down a group page that she had recently established on Facebook. She was summoned three times by State Security, her personal identity card was confiscated, and she was threatened with at least 2 and a half years in prison, according to Syrian press and human rights sources. Together with a group of young Syrian activists, al-Atassi created the group “Jamal al-Atassi Forum for National Dialogue” on Facebook after the Syrian authorities shut down an office where this group of activists used to physically gather in 2005.<sup>34</sup>

In April 2010, the official site of the Modernity and Democracy Party in Syria, established in Germany in 1996, was hacked and vandalized by the Syrian security apparatus, according to the website. The site operators stated that the sabotage was aimed specifically at content covering Syrian opposition movements and abuses by the security establishment.<sup>35</sup>

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<sup>32</sup> “Tal al-Malluhi,” Arab Organization for Human Rights in Syria (AOHRS), Mar. 2, 2010, <<http://www.aohrs.org/modules.php?name=News&file=article&sid=1952>>.

<sup>33</sup> “Istijwab al-mudawwin Tal al-Malluhi amam al-niyaba al-‘amma li-mahkamat amn dawla al-‘ulya bi-Dimashq,” joint statement issued by several rights organizations, Nov. 24, 2010, <<http://www.shril-sy.info/modules/news/article.php?storyid=5755/%C8%ED%C7%E4%20%E3%D4%CA%D1%DF:%20C7%D3%CA%CC%E6%C7%20C7%E1%E3%CF%E6%E4%20C9%20D8%E1%20C7%E1%E3%E1%E6%CD%ED%20C3%E3%20C7%E3%20C7%E1%E4%ED%20C7%20C9%20C7%E1%DA%20C7%E3%20C9%20E1%E3%CD%DF%20C9%20C3%E3%20C7%E1%CF%E6%20C9%20C7%E1%DA%20E1%ED%20C8%CF%E3%D4%DE>>.

<sup>34</sup> “al-Nashita wa-l-mu’arida al-Suriya Suhayr al-Atasi tuwajih khatar al-i’tiqal,” Center for the Defense of Media Freedoms in the Middle East (SKEYES), Mar. 8, 2010, <<http://www.skeyesmedia.org/?mode=newsdetails&id=1120>>.

<sup>35</sup> “Ajhiza amniya Suriya takhtariq mawqa’ hizb al-hadatha,” SKEYES, Apr. 16, 2010, <<http://www.skeyesmedia.org/?mode=newsdetails&id=1285>>.

## **Confiscating the right to movement and denying the right of return**

Many Syrian citizens cannot obtain passports because the authorities refuse to grant them for unstated reasons. Thousands of citizens are banned from travel because of their activities in public affairs in general or because they are classified as dissidents. Additionally, former detainees find it difficult to travel before a certain time has elapsed after their release,<sup>36</sup> and leaders of most Syrian human rights groups are also banned from travel.

This year, several leaders and members of human rights organizations were prohibited from travel, among them Radif Mustafa, chair of the Kurdish Committee for Human Rights in Syria (Al-Rased); Nada Louay al-Atassi, a member of the Arab Organization for Human Rights and human rights defenders Ghaleb Amer, along with dozens of others. Dr. Burhan Zureiq, and other members of the Arab National Congress, were also banned from travel in order to prevent them from taking part in a conference in Lebanon held in April 2010.<sup>37</sup>

In addition, tens of thousands of Syrians who have been forced into exile are unable to return to their country. If they do, they face arrest or interrogation and unfair trials under the provisions of Law 49/1980, which was passed to punish and try those suspected of membership in the banned Muslim Brothers.<sup>38</sup>

In the latter part of February 2010, Nadir al-Duweiri was arrested on the Syrian border returning from Saudi Arabia, where he had worked and lived since the early 1980s.<sup>39</sup>

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<sup>36</sup> SHRC 2010 annual report, Feb. 16, 2010, <<http://www.shrc.org/data/pdf/ANNUALREPORT2010.pdf>>.

<sup>37</sup> “Man’ safar li-l-sayyida Nada Lu’ay al-Atasi ‘udwat al-munazzama al-‘Arabiya li-huquq al-insan fi Suriya,” AOHRs, Oct. 29, 2009, <<http://www.anhri.net/syria/aohrs/2009/pr1029.shtml>>; “al-Nashit al-huquqi al-muhami Radif Mustafa muni’ min al-safar kharij al-bilad,” CDF, Feb. 25, 2010, <<http://www.anhri.net/syria/cdf/2010/pr0225.shtml>>; “Man’ musharaka fi-l-mu’tamar al-qawmi al-‘Arabi,” AOHRs, Apr. 16, 2010, <<http://www.aohrs.org/modules.php?name=News&file=article&sid=1967>>; and “Man’ safar al-zamil al-ustadh Ghalib ‘Amir,” AOHRs, May 28, 2010, <<http://www.aohrs.org/modules.php?name=News&file=article&sid=1976>>.

<sup>38</sup> SHRC, 2010 annual report.

<sup>39</sup> “Nida’ ‘ajil li-l-ifraj ‘an al-muwatin Nadi al-Duwayri,” SHRC, Apr. 7, 2010, <<http://www.shrc.org/data/asp/d16/4116.aspx>>.

## Repression of the Kurdish minority

The Syrian authorities continued to systematically repress and discriminate against the country's Kurdish minority. This was manifested in the systematic crackdown on celebrations of Kurdish holidays, the arrest and torture of political activists and defenders of Kurdish identity, and their referral to exceptional trials that lacked procedures for due process.

In September 2008, a presidential decree was issued imposing more severe restrictions on the sale and purchase of property in some border areas. The Kurdish minority, which is largely centered in these areas, suffers the most from such regulations.<sup>40</sup>

On March 17, 2010, the district Agriculture and Agricultural Reform Office in Hasaka issued Decree 2707 imposing severe economic restrictions in Kurdish areas, which some believe are meant to force the Kurdish population to migrate. The decree denied 381 Kurdish farmers in 78 villages, access to their farmlands on the grounds that they had not obtained the relevant legal permits.<sup>41</sup>

There were reports that at least 18 Kurdish conscripts were killed in 2009 in mysterious circumstances while performing their military service. This brings the total number of deaths of Kurdish conscripts over the last five years to at least 36. The authorities commonly attribute these cases to suicide or accidents, but rights sources and the victims' families suspect that the deaths are the result of intentional killings by the authorities and have demanded investigations. In many cases, the security apparatus strictly supervises the victims' burial and prohibits autopsies. In one case, a family was warned against asking questions about the circumstances of the death of their family member and from discussing it publicly. At the same time, the authorities have been unable to provide any documented evidence of suicide to the families of the victims.<sup>42</sup>

In August 2010, human rights reports exposed the deaths, under mysterious circumstances, of two Kurdish conscripts in the Syrian army,

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<sup>40</sup> *Group Denial: Repression of Kurdish Political and Cultural Rights in Syria*, Human Rights Watch, Nov. 26, 2009, <<http://www.hrw.org/en/node/86737>>.

<sup>41</sup> "al-Majlis al-siyasi al-Kurdi fi Suriya: bayan hawl shatb asma' 381 fallahan jami'ahum min al-Kurd min 78 qarya," Kurdish Political Council in Syria, Apr. 14, 2010, <<http://www.syriahr.com/15-4-2010-syrian%20observatory17.htm>>.

<sup>42</sup> US State Department, Human Rights Report: Syria 2009, Mar. 11, 2010, <<http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136080.htm>>.

placing full responsibility on the Syrian authorities.<sup>43</sup> Other reports have documented the deaths of 25 Kurds resulting from the use of excessive force to repress Kurdish protests since 2004.<sup>44</sup>

In March 2010, the security apparatus clashed with groups of Kurds who were celebrating Nayrouz in the Sawamie area in the city of Raqqa; at least one person was killed and several injured. The clashes erupted after security forces ordered the celebrants to remove pictures of Kurdish leader Abdullah Oglan and the Kurdish flag. During these clashes Syrian security forces used live ammunition.<sup>45</sup> Dozens of demonstrators were arrested, and 23 of them, including 4 minors, were brought before a court on charges of inciting sectarian strife, assaulting public servants, and inciting riots.<sup>46</sup>

On November 15, 2009, in the context of unfair trials against Kurdish political opponents and activists, the Second Criminal Court in Damascus sentenced three Kurdish activists to three years in prison. Mustafa Jumaa Bakr, Mohammed Said Hassan al-Omar, and Saadun Mahmoud Sheikhu, leaders of the Kurdish Azadi Party, were convicted on charges of harming the stature of the state, weakening national sentiment, and inflaming racist and sectarian tension.<sup>47</sup>

On December 26, 2009, the political security apparatus arrested three members of the political bureau of the Kurdish Yekiti Party in Syria: Hassan Saleh, Maarouf Mala Ahmed, Mohammed Mustafa, and Kurdish artist and

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<sup>43</sup> "al-Mujannad al-'askari Shayyar 'Uthman 'Uthman dahiya jadida min dahaya hawadith al-qatl fi zuruf ghamida fi-l-jaysh al-Suri," DAD, Aug. 22, 2010, <<http://www.shril-sy.info/modules/news/article.php?storyid=5574>> and "al-Raqib al-mujannad Mustafa Sa'id 'Abdu dahiya jadida min dahaya hawadith al-qatl fi zuruf ghamida fi-l-jaysh al-Suri," DAD, Aug. 16, 2010, <<http://www.shril-sy.info/modules/news/article.php?storyid=5564>>.

<sup>44</sup> "Syria: 25 Kurds Die under Mysterious Circumstances While on Military Duty," Alkarama, June 10, 2010, <[http://en.alkarama.org/index.php?option=com\\_content&view=article&id=530:syria-25-kurds-die-under-mysterious-circumstances-while-on-military-duty-&catid=36:communiqu&Itemid=198](http://en.alkarama.org/index.php?option=com_content&view=article&id=530:syria-25-kurds-die-under-mysterious-circumstances-while-on-military-duty-&catid=36:communiqu&Itemid=198)>.

<sup>45</sup> "Anba' 'an maqal muwatinin Kurdiy in khilal al-ihthafat bi-'id al-Nawruz fi Suriya," Syrian Observatory for Human Rights, Mar. 21, 2010, <<http://www.syriahr.com/21-3-2010-syrian%20observatory18.htm>>. A similar incident had taken place in the past. In March 2008, Syrian internal security forces opened fire on Kurds celebrating the Kurdish new year in Qamishli in northeast Syria, leaving three people dead and five others wounded. The authorities never investigated the shooting. See the statement from Human Rights Watch, Mar. 23, 2008, <<http://www.hrw.org/en/news/2008/03/23/syria-investigate-killing-kurds>>.

<sup>46</sup> "Syria: Investigate Security Force Shooting of Kurds," Human Rights Watch, Mar. 26, 2010, <<http://www.hrw.org/en/news/2010/03/26/syria-investigate-security-force-shooting-kurds>>.

<sup>47</sup> "al-Hukm bi-l-sajn thalath sanawat bi-haqq a'da' fi-l-hay'a al-qiyadiya li-hizb Azadi al-Kurdi," Syrian Observatory for Human Rights, Nov. 15, 2009, <<http://www.anhri.net/syria/shro/2009/pr1115.shtml>>.

activist Anwar Naso. The latter was released in April 2010,<sup>48</sup> while the three others were referred to trial before the High State Security Court in Damascus on June 6, 2010.<sup>49</sup>

On January 17, 2010, a military judge in Qamishli sentenced four Kurdish detainees to prison terms ranging from one to six months. They were arrested for commemorating the victims of the Halabja massacre in Iraqi Kurdistan, in 1988.<sup>50</sup> On February 18, a military judge in Qamishli further sentenced four Kurdish citizens to six months in prison and fined them 100 liras on charges of inflaming sectarian tension.<sup>51</sup>

In April 2010, the High State Security Court in Damascus sentenced four Syrian Kurdish dissidents to prison terms of five years on charges of belonging to the Yekiti Party a banned political association accused of seeking to annex a piece of Syrian territory to a foreign state. The authorities had arrested the four dissidents, Nazmi Abd al-Hanan Mohammed, Ahmed Khalil Darwish, Dalkash Shammo Mammo, and Yasha Khaled Qader, in January 2007.<sup>52</sup>

On May 4, 2010, the High State Security Court in Damascus sentenced Kurdish citizen Hafez Majoul Shendi, from the Hasaka province, to four years in prison. Shendi had been detained since early June 2008 pursuant to Article 278 of the Syrian Penal Code. This article mandates limited-term imprisonment for anyone who violates measures taken by the state to preserve its neutrality in war, or engages in acts, writing, or speech unauthorized by the government that exposes Syria to hostile acts, disturbs

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<sup>48</sup> “al-Amn al-siyasi al-Suri ya’ taqil qiyadiyin min hizb Yakiti al-Kurdi,” Syrian Observatory for Human Rights, Dec. 28, 2009, <<http://www.anhri.net/syria/shro/2009/pr1228.shtml>>. The Yekiti Party concluded its sixth normal congress on December 8, 2009. One of the most important concluding resolutions was the adoption of autonomous rule of Syrian Kurdistan as a solution to the Kurdish issue.

<sup>49</sup> “Mahkamat amn al-dawla al-’ulya bi-Dimashq ta’qid al-jalasa al-ula li-muhakamat a’da’ qiyadat hizb Yakiti al-Kurdi fi Suriya,” joint statement issued by MAF, DAD, and the Kurdish Committee for Human Rights in Syria (Rasid), June 6, 2010.

<sup>50</sup> “Waqa’i’ jalasat muhakamat yawm al-ahad 17 yanayir 2010 amam al-qadi al-fard al-’askari bi-l-Qamishli,” DAD, Jan. 18, 2010, <<http://www.syriahr.com/18-1-2010-syrian%20observatory11.htm>>.

<sup>51</sup> “al-Qada’ al-’askari al-Suri yusdir hukman bi-l-sajn bi-haqq arba’at muwatinin Akrad,” Syrian Observatory for Human Rights, Feb. 18, 2010, <<http://www.syriahr.com/18-2-2010-syrian%20observatory12.htm>>.

<sup>52</sup> “Mahkamat amn al-dawla bi-Dimashq tusdir ahkaman bi-l-sajn bi-haqq arba’at mu’aridin Akrad,” Syrian Observatory for Human Rights, Apr. 19, 2010, <<http://www.syriahr.com/19-4-2010-syrian%20observatory18.htm>>.

its relations with a foreign state, or exposes Syrians to retribution against themselves or their property.<sup>53</sup>

On June 20, 2010, a military judge in Qamishli sentenced Mahmoud Saffo, a member of the political bureau of the Kurdish Left Party in Syria, to one year in prison on charges of inflaming racial and sectarian tensions, belonging to an unlicensed secret association, and assuming a leadership position in it.<sup>54</sup>

On June 14, 2010, Suleiman Oso, a member of the politburo of the Yekiti Party, and 15 other Kurdish citizens from all over the Hasaka province, appeared before a military judge in Qamishli after being arbitrarily arrested without a warrant or an order issued by the competent court. For breaching prohibitions against celebrating Nowroz, they were all charged with inflaming sectarian tensions. Oso faced the additional charge of belonging to an unlicensed secret association.<sup>55</sup>

On July 11, 2010, Mohammed Saadun, a member of the Azadi Party's political bureau, was brought before the military investigating judge. He was charged with involvement in a political or social association of an international nature and engaging in acts, writings, or speeches unauthorized by the government that exposes Syria to hostile acts, disturbs its relations with a foreign state, or exposes Syrians to retribution against themselves or their property. In October 2010, he was sentenced to one year in prison.<sup>56</sup>

On November 12, 2009, the Syrian authorities arrested Mohammed Saleh Khalil, a member of the Kurdish Democratic Party in Syria, because of his

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<sup>53</sup> "al-Mushkila laysat fi-l-qanun innama fi jiddiyat al-tatbiq," monthly report on the state of human rights in Syria, Rasid, May 2010, <<http://www.shril-sy.info/modules/news/article.php?storyid=5402>>.

<sup>54</sup> "al-Qadi al-fard al-'askari bi-l-Qamishli yusdir hukman ja'iran 'ala-l-ustadh Mahmud Saffu 'udw al-maktab al-siyasi li-l-hizb al-yasari al-Kurdi fi Suriya," DAD, June 21, 2010, <<http://www.shril-sy.info/modules/news/article.php?storyid=5446/DAD:%20C7%E1%DE%C7%D6%ED%20%C7%E1%DD%D1%CF%20%C7%E1%DA%D3%DF%D1%ED%20%C8%C7%E1%DE%C7%E3%D4%E1%ED%20%ED%D5%CF%D1%20%CD%DF%E3%C7%F0%20%CC%C7%6%D1%C7%F0%20%DA%E1%EC%20%C7%E1%C3%D3%CA%C7%D0%20%E3%CD%E3%E6%CF%20%D5%DD%E6%20%DA%D6%E6%20%C7%E1%E3%DF%CA%C8%20%C7%E1%D3%ED%C7%D3%ED%20%E1%E1%CD%D2%C8%20%C7%E1%ED%D3%C7%D1%ED%20%C7%E1%DF%D1%CF%ED%20%DD%ED%20%D3%E6%D1%ED%C7>>.

<sup>55</sup> "al-Qadi al-fard al-'askari bi-l-Qamishli yaqarrir raf' milaff muhakamat al-ustadh Sulayman Usu wa rufa'ah li-l-hukm," DAD, June 14, 2010.

<sup>56</sup> "al-Qadi al-fard al-'askari bi-l-Qamishli yuhaddid maw'id jalasat muhakamat al-ustadh Muhammad Sa'dun," DAD, Aug. 4, 2010, <<http://www.shril-sy.info/modules/news/article.php?storyid=5559>> and field statements to the CIHRS.

political activities.<sup>57</sup> He was brought before a military judge on February 18, 2010, after which he was incarcerated in the Aleppo District Prison. He was released under an amnesty in February 2010.<sup>58</sup>

On December 12, 2009, security personnel arrested Kurdish human rights defender and lawyer Mustafa Othman Ismail in Ain al-Arab, a city located on the Turkish border. Although the authorities gave no reason for the arrest, several activists noted that he was arrested after he discussed issues connected to the status of the Kurdish minority in Syria.<sup>59</sup>

In October 2010, a military judge in Qamishli issued an arrest order for Kurdish writer Siamand Hajji Ibrahim. He was incarcerated in the Qamishli District Prison on charges of engaging in acts intended to, or resulting in, the inflaming of racial tensions.<sup>60</sup>

There were also reports on the disappearance of several Kurdish citizens who were arbitrarily detained and held in complete isolation. Authorities refused to reveal their whereabouts. One example is the case of Hassan Hussein Ali, a member of the Azadi Party, detained since December 2008 and denied contact with his family. His whereabouts have not been revealed, though some reports surmised that he is being held in a military intelligence facility.<sup>61</sup> Another case is that of Nouri Ibrahim Sheikho who has been detained since November 2009,<sup>62</sup> and Fatma Ahmed Hawoul, an activist with the Kurdish Sittar Federation Women's organization.<sup>63</sup> In addition, Muntasir Ahmed Khalaf and Ahmed Hussein were both arrested in February

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<sup>57</sup> "T'iqal Muhammad Salih (Abu Ruhlat) 'udw al-maktab al-siyasi li-l-hizb al-dimuqrati al-Kurdi fi Suriya," Rasid, Nov. 12, 2009, <<http://www.anhri.net/syria/makal/2009/pr1112.shtml>>.

<sup>58</sup> "Muhakamat al-ustadh Muhammad Salih Khalil (Abu Ruhlat) amam al-qada' al-'askari bi-Halab," CDF, Feb. 22, 2010, <<http://www.anhri.net/syria/cdf/2010/pr0222.shtml>> and field statements to the CIHRS.

<sup>59</sup> US State Department, Human Rights Report: Syria 2009.

<sup>60</sup> "al-Qada' al-'askari al-Suri yuqarrir tawqif al-katib al-Kurdi Siyamad Ibrahim," Syrian Observatory for Human Rights, Oct. 29, 2010, <<http://www.syriahr.com/29-11-2010-syrian%20observatory13.htm>>.

<sup>61</sup> Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Manfred Nowak: addendum: summary of information, including individual cases, transmitted to governments and replies received, UN Human Rights Council, Feb. 25, 2010, <[http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A.HRC.13.39.Add.1\\_EFS.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A.HRC.13.39.Add.1_EFS.pdf)>.

<sup>62</sup> US State Department, Human Rights Report: Syria 2009, Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Manfred Nowak: addendum: summary of information, including individual cases, transmitted to governments and replies received, UN Human Rights Council, Feb. 25, 2010, <[http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A.HRC.13.39.Add.1\\_EFS.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A.HRC.13.39.Add.1_EFS.pdf)>.

<sup>63</sup> "al-Amn al-Suri ya'taqil al-i'lamiya wa-l-nashita al-Kurdiya Fatima Ahmad Hawul," Syrian Observatory for Human Rights, Apr. 8, 2010, <<http://www.syriahr.com/8-4-2010-syrian%20observatory19.htm>>.

2010 for using Kurdish on a holiday greeting card. Their fate remains unknown.<sup>64</sup>

Other Kurds were also subjected to temporary disappearances, among them Ahmed Mustafa Bin Mohammed, known as Pir Rostom, whose fate was unknown since his arrest in November 2009 until he was released on bail in April 2010. He is reportedly awaiting trial on charges connected to writings published online.<sup>65</sup> Similarly, the fate of activist and writer Kamal Sheikho remains unknown. He was arrested on June 23, 2010, but no reason was given.<sup>66</sup>

Kurdish refugee Khaled Kenjo disappeared for nearly three weeks after he was summoned for questioning by the security authorities in September 2009. Kenjo was deported back to Syria after the German authorities refused to grant him political asylum.<sup>67</sup>

## **Torture and grave police abuses**

Torture and ill-treatment of prisoners continued, and the legal safeguards for persons arbitrarily denied of their liberties further eroded. The UN Committee Against Torture, which discussed the Syrian government's report on its compliance with the UN Convention Against Torture, strongly criticized the ongoing state of emergency and the broad prerogatives enjoyed by the security apparatus, which has been accompanied by torture, incommunicado detention, forced disappearance, the use of secret detention facilities subordinate to the intelligence services, the absence of legal deterrents to torture, and the deterioration of living and health conditions inside detention centers.<sup>68</sup>

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<sup>64</sup> "Rasid: taqirir 'an halat huquq al-insan khilal shahr shabat," Mar. 2, 2010,

<[<http://www.shril-sy.info/modules/news/article.php?storyid=5201/%D1%C7%D5%CF:%20CA%DE%D1%ED%D1%20DA%E4%20CD%C7%E1%C9%20CD%DE%E6%DE%20C7%E1%C5%E4%D3%C7%E4%20CE%E1%C7%E1%20D4%E5%D1%20D4%C8%C7%D8>>.](http://www.shril-</a></p></div><div data-bbox=)

<sup>65</sup> "Syria: Pir Rostom Released on Bail," Alkarama, May 10, 2010,

<[http://en.alkarama.org/index.php?option=com\\_content&view=article&id=487:syria-pir-rostom-released-on-bail&catid=36:communiqu&Itemid=198](http://en.alkarama.org/index.php?option=com_content&view=article&id=487:syria-pir-rostom-released-on-bail&catid=36:communiqu&Itemid=198)>.

<sup>66</sup> "Istimrar al-ikhtifa' al-qasri bi-haqq al-nashit wa-l-katib Kamal Shaykhu," CDF, Sep. 19, 2010, <<http://www.anhri.net/?p=12335>>.

<sup>67</sup> US State Department, Human Rights Report: Syria 2009, Ahmed Mamo Kenjo, Khaled's brother, died of a brain hemorrhage in 2004 only a few months after security forces beat and tortured him while he was held in solitary confinement.

<sup>68</sup> Concluding Observations of the Committee against Torture, Committee against Torture Forty-fourth Session, May 14, 2010,

<<http://www.unhcr.org/refworld/docid/4c207312.html>>.

Several cases of death under torture were reported. In September 2009, the military solicitor gave the family of Khoshnaf Suleiman his death certificate, dated March 3, 2003. The Syrian authorities had arrested Suleiman in 1998 and incarcerated him in the Sednaya Prison on charges of belonging to the Kurdistan Workers Party (PKK). However, prison officials and the government refused to give his family any information about the causes of death or the location of his body.<sup>69</sup>

On January 19, 2010, a Kurdish Syrian citizen died as a result of torture in the Aleppo District Prison. He was taken to Aleppo fever hospital after he was tortured. He remained there for four days before he was returned to prison, where he was pronounced dead.<sup>70</sup>

On February 25, 2010, Mutasim Billah Shafie al-Hariri died one month after the Syrian authorities turned him over to his family in poor health. The authorities had detained him for one month after he reached a border checkpoint coming from the United Arab Emirates. It is likely that he died as a result of torture.<sup>71</sup>

On May 31, 2010, Syrian citizen Jalal Huran al-Kubaisi died after his arrest by Damascus criminal security. A criminal security bureau patrol arrested him for an administrative violation punishable by a fine of 250 liras. A few days later, a patrol of the same bureau informed his family that he was ill, but they later informed them that he had died as a result of a fall after which he had gone into severe convulsions and they were unable to revive him.<sup>72</sup>

On June 21, 2010, the body of Mohammed Ali Rahmun was turned over to his family by air force intelligence. His body showed several injuries in a clear sign of severe torture. He was arrested after criticizing the government in a fight with the finance committee about increased taxes on his shop.<sup>73</sup>

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<sup>69</sup> US State Department, Human Rights Report: Syria 2009.

<sup>70</sup> "Munazzama huquqiya: wafat mu'taqal Kurdi taht al-ta'dhib fi sijn Suriya," Syrian Observatory for Human Rights, Feb. 13, 2010, <<http://www.syriahr.com/13-2-2010-syrian%20observatory4.htm>>.

<sup>71</sup> "Mawt al-shabb al-Mu'tasim bi-Allah Shafi' Dhubyan al-Hariri natijat al-ta'dhib," SHRC, Mar. 1, 2010, <<http://www.shrc.org/data/aspx/d15/4085.aspx>>.

<sup>72</sup> "Balagh 'ajil ila al-sayyid wazir al-dakhiliya al-Suri," joint statement issued by several Syrian rights organizations," June 13, 2010, <<http://www.shril-sy.info/modules/news/article.php?storyid=5424>>.

<sup>73</sup> "Mohammed Ali Rahmoon Killed under Torture," SHRC, Aug. 2, 2010, <<http://www.shrc.org/data/aspx/d16/4196.aspx>>.

On July 13, 2010, criminal security in Aleppo attacked Ali Wadie Shaabouq causing a lethal heart attack.<sup>74</sup>

On January 22, 2010, Iraqi national Ilham Mohammed Hussein al-Mousawi was arrested at the Damascus airport where she was tortured. She was ultimately taken to the hospital before being deported to Iraq.<sup>75</sup>

Abdelbaqi Khalaf, a Kurdish political activist, has been detained for two years without any charges. He continues to be subjected to torture during interrogation by State Security, with the purpose of forcing him to confess to the murder of two Syrian security personnel in Qamishli in early 2008.<sup>76</sup>

In addition to the routine disappearance of Kurdish activists, reports noted that this practice is extended to other Syrians as well. On March 17, 2010, Qutayba al-Issa, who holds a doctorate in international politics from the Faculty of Islamic Law, disappeared. Al-Issa disappeared at the Damascus airport upon returning from travel. No information was given about who arrested him or about his whereabouts, despite his family's inquiries to all the security services.<sup>77</sup>

The fate of Mustafa Setmariam, known as Abu Musaab al-Suri, is also still unknown. The Pakistani authorities arrested him in 2005 in connection with his involvement in several terrorist attacks, among them 9/11. Some believe that he is being held at a secret Syrian prison.<sup>78</sup>

On October 18, 2009, the political security apparatus in Damascus arrested university student Ayat Issam Ahmed after summoning her for questioning following security reports that she had adopted Salafi thought.<sup>79</sup> Sources confirmed that Ayat was subjected to repeated torture, the traces of

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<sup>74</sup> "Anasir min al-amn al-jina'i tuda bi-hayat muwatin," AOHRs, July 28, 2010, <<http://www.anhri.net/?p=9844>>.

<sup>75</sup> "Suriya: ta'dhib sayyidatayn 'Iraqiyatayn fi far' al-amn al-siyasi bi-l-Fayha," Alkarama, June 4, 2010, <[http://ar.alkarama.org/index.php?option=com\\_content&view=article&id=3915:2010-08-05-13-14-56&catid=155:-&Itemid=100](http://ar.alkarama.org/index.php?option=com_content&view=article&id=3915:2010-08-05-13-14-56&catid=155:-&Itemid=100)>.

<sup>76</sup> "Fears Grow for Kurdish Man Held in Syrian Custody," Amnesty International, Aug. 16, 2010, <<http://www.amnesty.org/en/news-and-updates/fears-grow-kurdish-man-held-syrian-custody-2010-08-06>>.

<sup>77</sup> "Ikhtifa' al-duktur Qutayba al-'Isa," AOHRs, Mar. 26, 2010, <<http://www.aohrs.org/modules.php?name=News&file=article&sid=1961>>.

<sup>78</sup> Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Manfred Nowak, addendum: summary of information, including individual cases, transmitted to governments and replies received, UN Human Rights Council, Feb. 25, 2010.

<sup>79</sup> "al-Amn al-siyasi al-Suri ya'taqil al-taliba al-jami'iya Ayyat 'Isam Ahmad," Syrian Observatory for Human Rights, Apr. 1, 2010, <<http://www.syriahr.com/1-4-2010-syrian%20observatory25.htm>>.

which were clearly visible on her head and face. The sources also said that she was taken to hospital several times after the torture sessions due to repeated nervous breakdowns.<sup>80</sup> On September 22, 2010, her mother told an international news agency that Syrian security had released her daughter on July 1, but her family had refrained from announcing the news of her release or contacting the media and human rights organizations.<sup>81</sup>

On November 15, 2009, the Syrian authorities arrested Islamist dissident Yousef Abdullah Dheeb, a member of the Damascus Declaration for National Democratic Change. The arresting agency refused to identify itself to his family or give the reason for his arrest.<sup>82</sup> Also, on February 7, 2010, Dr. Tohama Maarouf was arrested by Aleppo security due to an outstanding verdict against her, issued in 1995 on charges of belonging to the Communist Labor Party in Syria.<sup>83</sup>

Furthermore, the Syrian authorities continued to abuse political prisoners and prisoners of conscience held in the Adra Prison. The prison administration in Adra Prison imposes special punitive measures on these classes of prisoners that are in violation of the Syrian prison code itself. Information obtained from inside the prison indicates that the general conditions of political prisoners and prisoners of conscience are dire. Political prisoners are placed in extremely crowded cells with criminal inmates, which put many of them in a permanent state of anxiety, particularly since some criminal inmates intentionally insult and harass them. The criminal inmates may also bring false charges against them, which have been used in several cases by the prison administration to prosecute them with new charges.<sup>84</sup>

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<sup>80</sup> "Syria: Ayat 'Isam Ahmed Is Disappeared and Tortured by Political Security Agents in Damascus," Alkarama, June 3, 2010, <[http://en.alkarama.org/index.php?option=com\\_content&view=article&id=519:syria-ayat-issam-ahmed-is-disappeared-and-tortured-by-political-security-agents-in-damascus&catid=36:communiqu&Itemid=198](http://en.alkarama.org/index.php?option=com_content&view=article&id=519:syria-ayat-issam-ahmed-is-disappeared-and-tortured-by-political-security-agents-in-damascus&catid=36:communiqu&Itemid=198)>.

<sup>81</sup> "Suriya: al-ifraj 'an al-taliba Ayyat wa-l-sayyida al-'Iraqiya Ikhlas," Alkarama, Sep. 22, 2010, <[http://ar.alkarama.org/index.php?option=com\\_content&view=article&id=3965:2010-10-18-09-10-37&catid=155:-&Itemid=100](http://ar.alkarama.org/index.php?option=com_content&view=article&id=3965:2010-10-18-09-10-37&catid=155:-&Itemid=100)>.

<sup>82</sup> "al-Amn al-Suri ya'taqil al-mu'arid al-Islami Yusuf al-Dhib," Syrian Observatory for Human Rights, Nov. 23, 2009, <<http://www.syriahr.com/23-11-2009-syrian%20observatory14.htm>>.

<sup>83</sup> "I'tiqal al-duktura Tuhama Ma'ruf," CDF, Feb. 15, 2010, <<http://www.cdf-sy.org/statement/statement2009/tohama.htm>>.

<sup>84</sup> "Awda' insaniya say'a li-l-sujana' al-siyasiyin wa mu'taqali al-ra'i fi sijn Dimashq al-markazi ('Adra)," joint statement issued by several Syrian rights organizations, Mar. 15, 2010, <<http://www.anhri.net/?p=2701>>.

Several human rights organizations are still doing their utmost to discover the fate of the disappeared or missing detainees in Syrian prisons since the 1980s. By some estimates, they are as many as 17,000, but the Syrian authorities continue to impose a strict ban on all discussion of the subject, and anyone who raises it is subject to detention and harsh penalties. Rights organizations in Syria must also deal with the fear the families of the missing feel at discussing such a dangerous topic. It is believed that many of the missing were killed by Syrian authorities under torture, or died due to the lethal illnesses widespread in Syrian prisons, natural deaths as a result of their old age, or malnutrition.<sup>85</sup>

On March 23, 2010, a military judge sentenced detained university student Walid Mohammed Ali Hassan to one year in prison on charges of inflaming sectarian tension. Hassan was arbitrarily arrested on April 7, 2008, and referred to a military investigating judge, who dropped charges of showing contempt for the president and slandering public administrations, but upheld the charge of inflaming sectarian tension.<sup>86</sup>

It is also believed that more than 600 Lebanese nationals are still detained in Syrian prisons. Lebanese Minister of Justice Ibrahim Najjar said in a televised interview in 2008 that 745 Lebanese citizens were still missing in Syria.<sup>87</sup>

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<sup>85</sup> SHRC 2010 annual report.

<sup>86</sup> "Istimrar muhakamat al-talib al-jami'i Walid Muhammad 'Ali Husayn amam al-qada' al-'askari bi-l-Qamishli," CDF, Feb. 22, 2010, <<http://www.cdf-sy.org/statement/statement2009/walid2.htm>>.

<sup>87</sup> US State Department, Human Rights Report: Syria 2009.



# The Kingdom of Saudi Arabia

The human rights situation in the Kingdom of Saudi Arabia continues to be marred by the same violations that have blackened the country's record in recent years. Systematic discrimination against Shiites remains a source of many violations as Shiite nationals are denied their right to worship publicly and exercise their religious beliefs. The authorities continue to clamp down on human rights defenders and advocates of constitutional and democratic reform. Pressures remain on freedom of expression, especially in the electronic media in a country that has no independent press. Numerous bloggers, human rights defenders, and reformists have been arbitrarily arrested and tortured or mistreated.

Corporal punishment in Saudi Arabia remains an important marker of the lack of compliance with international commitments under the UN Convention Against Torture. One such example is that the Saudi authorities are examining the possibility of severing a citizen's spinal cord to induce permanent paralysis. This punishment would implement a court ruling calling for retribution after claims that the citizen in question inflicted a similar injury on another person during a quarrel.<sup>1</sup>

In addition, the authorities continue to maintain a strict information blackout on the fate of thousands of people detained in connection with counterterrorism measures. Many of these people have been detained without charge or trial for nearly seven years. In a rare statement, the Minister of Interior said that some 7,000 people are being held. However,

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<sup>1</sup> "Saudi Arabia Urged Not to Deliberately Paralyze Man as Retribution Punishment," Amnesty International, Aug. 20, 2010, <<http://www.amnesty.org/en/news-and-updates/saudi-arabia-urged-not-deliberately-paralyze-man-retribution-punishment-2010-08-20>>.

Human Rights First Society in Saudi Arabia (HRFS) puts the number at closer to 12,000, and reports that most of the detainees have no right to receive family visits and have no access to a lawyer or any sort of legal advice.<sup>2</sup>

Furthermore, Saudi Arabia has experienced a qualitative decline in its human rights situation since the Kingdom became a direct party to the war in Yemen's Saada province. In their military operations, Saudi Arabian armed forces have been involved in violations of international humanitarian law.

### **Ongoing pressure on human rights defenders and reform advocates**

Severe restrictions still prevent the free establishment of any non-governmental organizations, particularly those working in the field of human rights. Human rights defenders and advocates of constitutional and democratic reform remain targets for long-term detention, and some have been subjected to torture and ill-treatment. Although HRFS was established eight years ago and continues its work, it has so far been unable to obtain an official license for its activities.

The Saudi Civil and Political Rights Association (ACPRA) has been similarly unable to receive a license and its website was shut down in late 2009. The Interior Ministry has given official sanction to only one human rights organization, the National Society for Human Rights, which started operations with an endowment from the late Saudi king Fahd Bin Abdul Aziz estimated at 100 million riyals.

Several Saudi reformists have been detained Dhahban Prison in Jeddah since February 2, 2007, including Dr. Saud Mukhtar al-Hashimi, Sulaiman al-Rashoudi, Essam Basrawy, Dr. Abdulrahman al-Shumairi, Dr. Abdulaziz al-Khurairji, Dr. Abdulrahman Sadeeq Khan, al-Sharif Seif al-Dine Shahine, Fahd al-Sakhri al-Qurashi, Dr. Moussa al-Garni, and Dr. Ali al-Garni. The Saudi authorities arrested them in a home where they were discussing the establishment of a committee to defend civil and political liberties and the need for political reform in the country. Last year the detainees were moved to Riyadh, in a move that was thought to presage release, but they were again returned to the Dhahban Prison.<sup>3</sup> According to field statements from

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<sup>2</sup> Human Rights First Society, <<http://hrfssaudiArabia.org>>.

<sup>3</sup> Committee for the Defense of Human Rights in the Arabian Peninsula (CDHRAP), 2009 annual report, Jan. 2, 2010, <<http://cdhrap.net/defaa/upl/msc/1001020920381262413238.pdf>>.

HRFS received by CIHRS in September 2010, three of the detainees were released: Essam Basrawy, Abdulaziz al-Khuraiji, and Fahd al-Qurashi.

The security forces tortured Sheikh Sulaiman Bin Ibrahim al-Rashoudi, an attorney, former judge, and civil society and human rights leader. Among other things, his feet were restrained with two chains, one binding them together and the other binding him to the bed. During the day, he was restrained in a sitting position to deny him sleep and comfort, while at night his feet were bound to the top of the bed to deny him sleep. Some rights sources say al-Rashoudi was subjected to more torture after he declared his affiliation with ACPRA while in detention.<sup>4</sup>

Khaled al-Omair and Mohammed al-Otaibi were arrested more than a year ago after they attempted to protest the massacre in Gaza. Months ago, they were informed of a release order from the Public Prosecutor due to insufficient evidence, but the two prisoners of conscience remain in detention without charge. When al-Omair and al-Otaibi tried to protest the torture that is practiced on prisoners in the Hair Prison, al-Omair was moved to solitary confinement for 13 days after which he was transferred to the Alisha Prison for a renewed interrogation.<sup>5</sup>

In March 2010, the Qassim police arrested human rights defender Thamer Bin Abd al-Karim al-Khodr works on prisoners' issues and is member of a youth faction of a group advocating a constitutional system.<sup>6</sup>

Security authorities also detained and questioned several Saudi activists following their meetings with a Dutch diplomatic mission that visited the Kingdom in February 2010 to monitor human rights issues. Some 50 people were arrested, among them Khaled al-Suweid, Sheikh Ali Bin Abd al-Rahman al-Qaffari, and Suleiman bin Ahmad al-Ayyaf. The conduct of the Security authorities was especially odd given that the meetings were on the mission's agenda and known by them in advance.<sup>7</sup>

According to HRFS, two of its leaders, Ibrahim alMugaiteeb (the president of HRFS) and Saleh Ali al-Yami were, in addition to being

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<sup>4</sup> "al-Ajhiza al-qam'iya tuda'if ta'dhib 'udw jam'iyat al-huquq al-madaniya wa-l-siyasiya wa da'iyat huquq al-insan al-shaykh Sulayman al-Rashudi," ACPRA, Dec. 28, 2009, <<http://www.anhri.net/saudi/makal/2009/pr1228.shtml>>.

<sup>5</sup> "Li-madha yasatamirr sajn al-'Utaybi wa-l-'Umayr li-sab'at ashhur ba'd ifraj al-id'a' 'anhuma?" Human Rights First Society, Jan. 2, 2010, <<http://www.anhri.net/saudi/spdhr/2010/pr0102-2.shtml>>.

<sup>6</sup> "T'itiqal al-nashit al-huquqi Thamir ibn 'Abd al-Karim al-Khudr," CDHRAP, Mar. 7, 2010, <<http://www.anhri.net/saudi/makal/2010/pr0307.shtml>>.

<sup>7</sup> "Saudi Activists in Custody after Meeting EU Diplomats," Rasid news site, Mar. 2, 2010, <<http://www.rasid.com/english/index.php?act=artc&id=247&hl=dutch>>.

subjected to harassment while leaving and entering the Kingdom, again summoned for questioning at the General Investigation Administration due to their human rights activities.<sup>8</sup>

## Freedom of expression

In November 2009, young blogger and writer Munir Baqir Ibrahim al-Jassas was arrested from his place of employment in Dammam. An armed security force searched his home in al-Awwamiya and confiscated two computers. Jassas was held in solitary confinement for four months. Two months prior to his arrest, the police had summoned him and asked him to sign a pledge to stop posting his critical writings online. Jassas writes about the systematic abuses faced by Shiite citizens. As this report went to press, Jassas remained detained without charge.<sup>9</sup>

On December 6, 2009, human rights defender and blogger Raif Badawi was stopped at the Jeddah airport and banned from traveling to Beirut. No official explanation was given for the arbitrary measure, but it is thought to be linked to material published on his website, which contains criticism of human rights violations committed by the religious police. In May 2008 the Jeddah Prosecutor's Office had charged Badawi with establishing a website that denigrates Islam and referred him to trial, asking for a sentence of five years in prison and a fine of 3 million riyals. Badawi and his wife's bank accounts were also frozen. The legal status of his case is still pending, as he is still banned from travel and his accounts remain frozen.<sup>10</sup>

At the same time, the Saudi authorities refuse to release Syrian blogger Raafat al-Ghanim, proprietor of the *Defaf* blog. Al-Ghanim was arrested by Saudi General Investigations on July 29, 2009, and held in total isolation in solitary confinement for 50 days. He was later transferred to the al-Hair Prison. The arrest came after he signed a statement demanding the release of

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<sup>8</sup> “Ala-l-hukuma al-Sa’udiya waqf mulahaqatiha li-’udw al-jam’iya Salih al-Yami,” Human Rights First Society, Sep. 7, 2010, <<http://www.anhri.net/?p=11807>>.

<sup>9</sup> “I’tiqal Munir Baqir al-Jassas wa taftish manzilihi bi-l-’Awwamiya,” Human Rights First Society, Nov. 13, 2009, <<http://www.anhri.net/saudi/spdhr/2009/pr1113.shtml>>; “al-’Arabiya al-Sa’udiya tuwasil tawqif al-mudafi’ ‘an huquq al-insan al-sayyid Munir Baqir Ibrahim al-Jassas dun tawjih ittihamat ilayhi,” Front Line Defenders, April 24, 2010 <<http://www.frontlinedefenders.org/node/10558>>; “al-Sa’udiya: ba’d murur akthar min 7 ashhur ‘ala i’tiqalihi dun tuhma, al-shabaka al-’Arabiya tastankir istimrar ihtijaz al-nashit wa-l-mudawwin Munir al-Jassas,” Arabic Network for Human Rights Information (ANHRI), June 21, 2010, <<http://www.anhri.net/?p=7871>>.

<sup>10</sup> “al-’Arabiya al-Sa’udiya: fard hazr al-safar ‘ala-l-mudawwin al-sayyid Ra’if Badawi li-intiqadihi al-shurta al-diniya,” Front Line Defenders, Dec. 10, 2009, <<http://www.humanrightsdefenders.com/es/node/10721>>.

Khaled al-Omair and Mohammed Bin Abdullah al-Otaibi, both detained since the beginning of last year.<sup>11</sup>

On September 3, Hadi al-Mutif was given an additional five-year prison sentence after he criticized the Kingdom's judicial system and human rights record in a videotape smuggled out of his detention cell and broadcasted on al-Hurra satellite channel in 2007. al-Mutif is one of the longest-held prisoners of conscience in the world, having spent nearly 17 years in Saudi prisons after he was convicted of insulting the prophet. During which he was given a death sentence for what was believed to be a slip of the tongue interpreted as a denigration of the prophet. While in prison he has been subjected to torture. Mutif has spent most of his term in solitary confinement. He has tried to commit suicide and his psychological and health condition remains a source of deep concern.<sup>12</sup>

The Communications and Information Technology Commission continues to monitor email and internet chat rooms. The Commission also blocks websites it deems antithetical to Islamic law or the national regime (including websites dealing with Christianity, Hinduism, and radical Islam), along with political and human rights websites, and sites that criticize the royal family. In this context, the Saudi authorities blocked the Twitter feed of blogger Waleed Abulkhair and businessman Khaled Nasser, both of which contained material on the human rights situation and the ruling regime in the Kingdom. The Commission also blocked the liberal "*Muntdiatna*" (Our Forums) site, while the Arabic site for HRFS remains blocked for the fifth year running. On December 28, ACPRA's site was also blocked after it published an open letter to King Abdullah accusing the authorities of torturing activist Sulaiman al-Rashoudi.<sup>13</sup> As for the website of the Egyptian Association for Change, it was blocked just 15 hours after its launch on April 25, 2010. Internet users in Saudi Arabia trying to access the page, set up by Egyptian activists in the US, found a notice informing them they were unable to visit the site.<sup>14</sup>

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<sup>11</sup> "Mi' at al-kuttab wa-l-nashitin wa-l-mudawwinin yutalibun al-sultat al-Sa'udiya bi-l-ifraj 'an al-mudawwin Ra'fat al-Ghanim," Ain Ali Organization, Jan. 5, 2010, <<http://www.anhri.net/?p=834>>; Reporters Without Borders describes Saudi Arabia as one of the countries most repressive of the internet in a report it issued on World Day Against Cyber Censorship, Mar. 12, 2010, <[http://arabia.reporters-sans-frontieres.org/IMG/pdf/Ennemis\\_Internet\\_2010\\_AR.pdf](http://arabia.reporters-sans-frontieres.org/IMG/pdf/Ennemis_Internet_2010_AR.pdf)>.

<sup>12</sup> Bureau of Democracy, Human Rights, and Labor, 2009 Human Rights Report on Saudi Arabia, Mar. 11, 2010, <<http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136079.htm>>.

<sup>13</sup> Ibid.

<sup>14</sup> "al-Sa'udiya tatafawwaq 'ala Tunis fi sur'at hajb mawaqi' al-intarnat," ANHRI, Apr. 27, 2010, <<http://www.anhri.net/?p=4946>>.

In connection with this, in November 2010, Saudi authorities arrested Egyptian national Osama Meshref after he posted a video on YouTube urging Egyptians to support the demands for democratic reform adopted by the National Association for Change.<sup>15</sup> Meshref was released six days later. According to a field statement obtained by CIHRS, he was questioned by Egyptian interrogators and was beaten during his detention. Meshref faces difficulties in finding work and staying in Saudi Arabia after he was fired from his job at a hotel following the arrest.

Saudi authorities banned the sale of any book on the history or status of Shiites in the country at the Riyadh International Book Fair, which opened in March 2010. The banned books included *Shiites in Saudi Arabia*, written by Dr. Fuad Ibrahim and published by Al-Saqi publishing house, and *Saudi Shiites*, written by Ibrahim al-Hatlani and published by Riad El-Rayyes publishing house.<sup>16</sup> The book fair's administrators also banned and confiscated several other books, including *Politics and Tribalism*, by Mohammed Bin Sunaytan; *Introduction to the Quran*, by Mohammed Abed al-Jabri; and *Spewing Sparks As Big As Castles*, an Arabic Booker Prize winning novel by Abdo Khal.<sup>17</sup>

Egyptian academic and journalist Dr. Abd al-Aziz Kamel has been detained without charge or trial since his arrest on June 13, 2009, when he was incarcerated in al-Hair Prison without an investigation or trial. This is a grave breach of Saudi law, which bans detention without trial for more than six months. Shortly before his arrest, Kamel wrote for several newspapers and magazines and managed the website "*Luwa'a Al-Sharia*" (Banner of Islamic Jurisprudence).<sup>18</sup>

On December 6, 2010, security arrested Dr. Mohammed Abd al-Karim, a university professor at the Faculty of Islamic Jurisprudence and the editor of *Mutamar al-Umma* magazine. He was detained in al-Hair Prison only a week after he published an posted a note on Facebook entitled "Crisis of the

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<sup>15</sup> "Fi waqi'a tu'akkid an al-watan al-'Arabi huwwa akbar buq'a qam'iya muttasila fi-l-'alam, al-shabaka al-'Arabiya tudin i'tiqal al-Misri Usama Mushrif munassiq al-wataniya li-l-taghayyur fi-l-Sa'udiya," ANHRI, Nov. 14, 2010, <<http://www.anhri.net/?p=19037>>.

<sup>16</sup> "Ma'rad al-Riyad al-dawli li-l-kitab yahzur tadawul al-kutub 'an al-Shi'a fi-l-Sa'udiya," CDHRAP, Mar. 16, 2010, <<http://www.cdhrap.net/defaa/index.php?sec=V1d4a1IySm5QVDA9&sub=V1cweFYwMH1Uak5RVkRBOQ==&r={0004F7C3E0DACC2EF490A7A723236F2BDA2C4FCD75C}&id=3816&act=show&Sectyp=147>>.

<sup>17</sup> "al-Sa'udiya: mazid min al-tasamuh ma' al-karahiya," ANHRI, Mar. 25, 2010, <<http://www.anhri.net/?p=3049>>.

<sup>18</sup> "Dun tahqiq aw muhakama al-Sa'udiya ta'taqil sahafii wa akadimi Misri mundh ahad 'ashar shahran," ANHRI, May 8, 2010, <<http://www.anhri.net/?p=5600>>.

Political Struggle between Ruling Factions in Saudi Arabia.” He was also summoned by officials at his college for questioning because of this note.<sup>19</sup>

In December the authorities also blocked the news website "*Elaph*" a short time after it released several Wikileaks documents, among them documents which revealed that Saudi Arabia and other Gulf states had urged the US to strike the Iranian nuclear reactor.<sup>20</sup>

Turning to the visual media, in September 2009, MBC 1 satellite channel was forced to cancel two episodes of a well-known satiric series that mocks both conservative and liberal attitudes. One of the episodes dealt with the growing number of microphones used in the call to prayer and the other portrayed Barack Obama growing up in the Kingdom.<sup>21</sup>

In June 2010, the Commission for the Promotion of Virtue and the Prevention of Vice questioned three young Saudi nationals after they appeared on a program on MTV talking about their desire to change the Islamic religious Jurisprudence in force in the country.<sup>22</sup>

## **Systematic discrimination against Shiites**

Systematic discrimination continued against religious minorities, particularly Shiites, and the restrictions and pressures on Shiite citizens and their activities increased over the year. Platforms for the public expression of Shiite opinions have been shut down, and there is an increasing tendency to deny them their right to worship publicly.<sup>23</sup>

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<sup>19</sup> "al-Sa'udiya: al-shabaka al-'Arabiya tudin i'tiqal ustadh jami'i wa sahafi islami bi-sabab maqal 'ala-l-fays buk," ANHRI, Dec. 12, 2010, <<http://www.anhri.net/?p=20438>>.

<sup>20</sup> "Ba'd hajb al-Sa'udiya li-mawqa' ilaf 'uqb nashrihi li-maqala 'an i'sar Wikiliks makhawif min tazayud al-tadyiq 'ala haqq istikhdam al-intarnat fi-l-'alam al-'Arabi," ANHRI, Dec. 9, 2010, <<http://www.anhri.net/?p=20298>>.

<sup>21</sup> Human Rights Watch, 2010 annual report, chapter on Saudi Arabia, <<http://www.hrw.org/en/node/87732>>.

<sup>22</sup> "Saudi Religious Police Probe MTV Programme for 'Sin'," BBC, June 2, 2010, <<http://www.bbc.co.uk/news/10216116>>.

<sup>23</sup> *Denied Dignity*, Human Rights Watch, Sep. 3, 2009, <<http://www.hrw.org/en/reports/2009/09/03/denied-dignity-0>>. The report documents the following incident: "A pilgrimage of Saudi Shia to Medina in February 2009 to observe the anniversary of the Prophet Muhammad's death led to clashes between the pilgrims and Saudi security forces. Those forces included the non-uniformed religious police, which is staunchly Sunni and opposed to what they consider the idolatrous innovations of Shia rituals of commemorating special holidays and making visits to graves. The immediate cause of the Medina clashes was the filming on February 20 of Shia women pilgrims by a man believed to belong to the religious police. The clashes continued in the area of the Baqi' cemetery in Medina over a five-day period, and resulted in the arrest of tens of pilgrims. The Medina clashes and subsequent events in the Eastern Province stoked the sharpest manifestation of long-standing sectarian tensions that the kingdom has experienced in years."

The Saudi authorities further continued to shut down Ismaili mosques in the Eastern Province (Khobar, Dammam, Ras Tanura, al-Jubail, al-Khafji, and Abqaiq) on the grounds that the mosques were not licensed.<sup>24</sup> In April 2010, the Saudi Minister of Interior refused to reopen the mosques that had been closed down in the Eastern Province, citing unspecified security and sectarian considerations.<sup>25</sup>

The closures came as the authorities refused to grant Shiite citizens official permits for the construction of mosques outside heavily Shiite areas in al-Ahsa, al-Qatif, and Najran. Authorities continue to arrest Shiites in al-Ahsa and the surrounding towns for engaging in their religious rites.<sup>26</sup>

In January 2010, the Saudi authorities removed dozens of Ashoura-related posters in several Shiite cities and towns in the Qatif province. Locals took this as an intentional provocation. Several municipal vehicles and cranes, under the guard of police and investigation security, removed posters and flyers from light posts and the walls of houses on public streets. Dozens of the confiscated posters were burnt in full view of passers-by in northern al-Awwamiya town. Security authorities had carried out a similar campaign in December 2009, removing dozens of Ashoura-related posters from the streets of al-Rumaila in al-Ahsa, a similar incident was reported in 2008. .<sup>27</sup>

On January 31, 2010, Saudi security forces arrested Hussein Youssef al-Harbi in the town of al-Rumaila, where he was reportedly tortured in al-Ahsa Prison. The security authorities accused al-Harbi of inciting others to hang Ashoura-related black posters and flyers around the town.<sup>28</sup>

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<sup>24</sup> “La li-ighlaq al-masajid al-Isma’iliya kharij Najran,” Human Rights First Society, Nov. 15, 2009, <<http://www.anhri.net/saudi/spdhr/2009/pr1115.shtml>>.

<sup>25</sup> “Saudi Interior Minister Says No to Shia Mosques,” CDHRAP, Apr. 18, 2010, <<http://www.cdhrap.net/english/index.php?sec=V1d4a1IySm5QVDA9&sub=V1cweFYwMH1Uak5RVkrBOQ==&r={000C6F655D34075932B50E2FD11FBBAFCD5D6DD0/000042964D3404EFCC3A6/000000EE}&id=2572&act=show&Sectyp=146>>. Tens of thousands of Shiites have lived in Dammam and Khobar since the cities were established in the mid-20th century. See <<http://www.rasid.com/artc.php?id=32794>>.

<sup>26</sup> “Yajib waqf al-hamla al-amniya ‘ala-l-Shi’a bi-l-Ahsa’,” Human Rights First Society, Nov. 15, 2009, <<http://www.anhri.net/saudi/spdhr/2009/pr1115-2.shtml>>.

<sup>27</sup> “‘Ala-l-hukuma al-Sa’udiya waqf istifzaz masha’ir al-Shi’a fi mudun wa qura al-Qatif,” Human Rights First Society, Jan. 3, 2010, <<http://www.anhri.net/saudi/spdhr/2010/pr0103.shtml>>.

<sup>28</sup> “Hussain Yousif al-Harbi at Risk of Torture and Ill Treatment,” CDHRAP, Mar. 11, 2010, <<http://www.cdhrap.net/english/index.php?sec=V1d4a1IySm5QVDA9&sub=V1cweFYwMH1Uak5RVkrBOQ==&r={000C9779B76FE/000064994D3404FBC30F4/0000000B9AA3/000064994D3404FBC30F4/00000009B52B7EBB153AEA53A7D9A4}&id=2561&act=show&Sectyp=149>>.

In Qatif, writer and social activist Lamia al-Shuyoukh was repeatedly summoned for questioning by security authorities for overseeing a new husseiniya that opened in August 2009. The interrogations began as soon as she opened the husseiniya, called *Diwanyat al-Shuyoukh*, established with her own private funds in the al-Shuwiika neighborhood of al-Qatif. The site was called a diwaniya instead of a husseiniya in light of the Saudi authorities refusal to grant official permits for the construction of husseiniyas. Instead, she received a permit for the establishment of family centers. The site remains liable to be shut down at any time.<sup>29</sup>

Shiite students at the Institute of Public Administration in Riyadh were surprised by directives requiring them to attend Friday prayers with their Sunni colleagues, and those who refused were threatened with “severe measures”. On March 9, 2010, a large poster hung in the halls of the Institute decreeing that all students must attend the Friday prayers and “refrain from making any contrary gestures, such as prostrating on paper,” a clear reference to Shiite students, who pray on earth or paper instead of carpets, in accordance with Shiite juridical opinion. Informed sources at al-Rasid news website said that the new directives revealed that a committee had been charged with monitoring the some 150 Shiite students at the institute and informing the competent authorities of any stragglers so that appropriate measures could be taken.<sup>30</sup>

On March 29, 2010, the security authorities in Khobar arrested several Shiites after they were summoned by the criminal police for overseeing the husseiniya Shiite rites and holding the Friday prayer in their homes, after the authorities had banned them from holding services in mosques and husseiniyas and shut them down. Those arrested included Hassan Saleh al-Muhanna, Mahdi Ahmed al-Khudayr, and Abdullah Fahd al-Makki, all of whom were transferred to the Khobar General Prison.<sup>31</sup> They were released after serving one month in prison in administrative detention.<sup>32</sup> In the same

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<sup>29</sup> “al-Mabahith al-Sa’udiya tulahi qatiba wa nashita ijtimaiya fi-l-Qatif,” CDHRAP, Feb. 7, 2010, <<http://www.cdhrap.net/defaa/index.php?sec=V1d4a1IySm5QVDA9&sub=V1cweFYwMHIUak5RVkRBOQ==&r={000EE/000089384B964745EABC2/00000003E261FEC60B4411035269A207244BCA69591E}&id=3799&act=show&Sectyp=147>>.

<sup>30</sup> “Ma’had al-idara al-‘amma yujbir al-tullab al-Shi’a ‘ala-l-salah jama’atan ma’ al-Sunna,” CDHRAP, Mar. 16, 2010, <<http://www.cdhrap.net/defaa/index.php?sec=V1d4a1IySm5QVDA9&sub=V1cweFYwMHIUak5RVkRBOQ==&r={0004F7C3E0DACC2EF490A7A723236F2BDA2C4FCD75C}&id=3814&act=show&Sectyp=147>>.

<sup>31</sup> “Sultat al-kayan al-Sa’udi ta’taqil shakhsiyat Shi’iyya bariza fi madinat al-Khubar,” CDHRAP, Mar. 31, 2010, <<http://www.anhri.net/?p=3327>>.

<sup>32</sup> “al-Sultat al-Sa’udiya tutliq sarah thalatha min sujana’ al-sha’a’ir al-diniya fi-l-Khubar,” CDHRAP, Apr. 29, 2010, <<http://www.anhri.net/?p=5102>>.

vein, on April 5, 2010, Hassan Ali al-Makki was arrested for holding Friday prayers in his home.<sup>33</sup>

On April 14, 2010, security authorities also arrested teacher Mohammed Baqir al-Shorafaa at the Dammam airport as he was traveling abroad with his family. He was taken to the police prison in al-Qatif. The authorities gave no reason for his detention and he was denied contact with a lawyer and family visits.<sup>34</sup>

On June 15, 2010, authorities arrested Mekhleef al-Shammari, charging him with disturbance of the peace. Al-Shammari, who is known for his activities to bring Sunnis and Shiites together, had previously been arrested on May 15, detained for several hours, and questioned about articles in which he had criticized anti-Shiite statements and the policies of the Kingdom. Al-Shammari was reportedly incarcerated in the Dammam prison after his second arrest.<sup>35</sup>

On August 2, 2010, police in Medina raided the home and farm of prominent Shiite cleric Mohammed Ali al-Omri, breaking down his doors and tearing up several Shiite posters and paintings. His son, Kazem Mohammed al-Omri, was arrested, but later released.<sup>36</sup>

On August 20, 2010, security patrol cars surrounded a Shiite mosque in Khobar and prevented worshippers from reaching it for Friday prayers. It was reported that shortly before noon more than ten security vehicles surrounded the home of prominent Shiite and former mayor of Khobar Hajj Abdullah al-Muhanna in the Jisr area, where the mosque is, and prohibited worshippers from reaching it. Several days before the incident, the authorities had prohibited Shiites from holding Friday prayers in a rented site outside the city. For weeks afterwards, security authorities summoned several prominent Shiite figures in the city to stress the prohibition of Shiite prayers, without giving any clear reason.<sup>37</sup>

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<sup>33</sup> “‘Ajil: ‘ala-l-hukuma al-Sa’udiya iqaf kull anwa’ al-qahr al-dini li-Shi’at al-Khubar,” Human Rights First Society, Apr. 6, 2010, <<http://www.anhri.net/?p=3565>>.

<sup>34</sup> “al-Sa’udiya: hamlat tamyiz zalima didd al-Shi’a,” ANHRI, Apr. 22, 2010, <<http://www.anhri.net/?p=4718>>.

<sup>35</sup> “Saudi Arabia: Community Mediator Charged with ‘Disturbing the Peace,’” Alkarama for Human Rights, July 28, 2010, <[http://en.alkarama.org/index.php?option=com\\_content&view=article&id=565:saudi-arabia-community-mediator-charged-with-disturbing-the-peace&catid=33:communiqu&Itemid=180](http://en.alkarama.org/index.php?option=com_content&view=article&id=565:saudi-arabia-community-mediator-charged-with-disturbing-the-peace&catid=33:communiqu&Itemid=180)>.

<sup>36</sup> “Tasa’ud hamlat iddtihad al-Shi’a fi-l-Sa’udiya,” ANHRI, Aug. 12, 2010, <<http://www.anhri.net/?p=10595>>.

<sup>37</sup> “Bayan ‘ajil: yajib i’adat fath jami’ al-masajid al-Shi’iya wa-l-Isma’iliya sharq al-Sa’udiya,” Human Rights First Society, Aug. 21, 2010, <<http://www.anhri.net/?p=10972>>.

## **Human rights abuses against civilians in the Saada war**

Following reports in November 2009 that fighting had spread to Saudi territory; Saudi Arabia entered the armed conflict in the Saada region between Yemeni government forces and Houthi militants in northern Yemen as a direct party.

Several human rights organizations have asked the Saudi authorities to open an investigation into the death of seven civilians who perished in an air raid by Saudi planes in Saada. In what might be an intentional attack, the Saudi air forces dropped three bombs on the home of a family in Madhab without checking the presence of armed fighters in the home or the surroundings at the time. Three children and four women were killed in the bombing, and at least nine other civilians were injured.<sup>38</sup>

Saudi Arabia joined the war after claiming Houthi militants had attacked a Yemeni military location close to the Saudi border in a cross-border operation. Saudi forces then bombed Houthi positions inside Yemen.<sup>39</sup>

## **Discrimination against women**

Under the regime that imposes male guardianship over women and that sanctions the continued discrimination against them, Saudi women still do not have a full legal personality. Women are still denied equality with men in employment, and they are barred from driving or traveling alone without written permission from their legal male guardian. Saudi women married to

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<sup>38</sup> “Saudi Arabian Authorities Must Investigate Reported Killing of Civilians,” Amnesty International, Dec. 2, 2009, <<http://www.amnesty.org/en/news-and-updates/saudi-arabian-authorities-must-investigate-reported-killing-civilians-yemen-2009>>.

<sup>39</sup> “Yemen: Security and Human Rights,” Amnesty International, Jan. 25, 2010, <<http://www.amnesty.org/en/library/asset/MDE31/004/2010/ar/e84f29fb-38c6-4a5e-9901-d1fcb14855c5/mde310042010en.html>>. On November 5, 2009, the Saudi news agency reported that Saudi fighter jets had bombed Houthi fighters who had taken control of the Jebel Dukhan area two days earlier. On November 7, the Saudi Deputy Defense Minister said that Saudi forces had retaken the territory and that no civilians were in the bombed area. But on November 10, Houthis reported online that earlier the same day, Saudi air raids had killed two women and injured a child. On December 13, Houthis accused Saudi Arabia of carrying out several air raids that had hit a public market in Beni Muin and Razih, killing 70 people and injuring about 100. At the same time, Askar Zaabal, the spokesman for the Yemeni Ministry of Defense, said that a Yemeni force had carried out air raids on the Houthis. Clashes continued between Yemeni and Saudi forces and Houthis from December 2009 to January 26, 2010, when the Houthis announced they were withdrawing all their fighters from inside Saudi territory.

non-nationals cannot pass Saudi citizenship on to their children, unlike Saudi men who are married to non-nationals.<sup>40</sup>

During the Universal Periodic Review of its human rights record in June 2009, Saudi Arabia accepted the recommendation of the UN Human Rights Council to abolish the system of guardianship over women, but the government has still not taken any steps to keep its pledge. In January 2010, a Saudi court sentenced a woman to 300 lashes and 18 months in prison after she allegedly filed false complaints of sexual harassment by government officials. She was also convicted of going to government offices to file the complaints without her male guardian.<sup>41</sup>

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<sup>40</sup> Amnesty International, 2010 human rights report, chapter on Saudi Arabia, <<http://report2010.amnesty.org/regions/middle-east-north-africa>>.

<sup>41</sup> “Saudi Arabia: Free Woman Who Sought Court Aid,” Human Rights Watch, Mar. 2, 2010, <<http://www.hrw.org/en/news/2010/03/02/saudi-arabia-free-woman-who-sought-court-aid>>.

# Bahrain

The human rights situation in Bahrain deteriorated further during the past year, especially as the parliamentary and municipal elections on October 23, 2010 were approaching. The authorities launched a fierce campaign of repression against their opponents, arresting hundreds of political activists, Shiite clerics, and human rights defenders; torturing many of them, and blocking access to dozens of blogs and web forums. The security and media assault on human rights organizations, and attempts to stigmatize them as supporters of terrorism, led several prominent groups to temporarily relocate to European capitals.

The systematic discrimination and marginalization of Shiite citizens, who constitute 70 percent of the population, continues to be a source of tension and clashes, which are accompanied by the use of excessive force by the security apparatus. Limitations on freedom of expression and the media continued to be expanded considerably, with new limitations and taboos have been imposed and rigorous punishments enforced on those who attempt to defy them. Authorities also continued to exert various forms of pressure on human rights defenders, including arrest, detention, trials on trumped-up charges, broad smear campaigns, and bans on travel to participate in international activities. Reports and testimonies from former detainees showed that the practice of torture, which reappeared three years ago, has now become systematic.

On the legal and institutional front, there were no developments conducive to strengthening human rights in the Kingdom. Although Bahrain promised the UN Human Rights Council in 2008 to “establish a national independent human rights commission in accordance with the standards of the Paris Principles,” the creation of this institution by two royal decrees

(46/2009<sup>1</sup> and 16/2010<sup>2</sup>) was not in keeping with these principles. The mostly government or loyalist appointments cast doubts on the commission's credibility and the degree of political will in Bahrain to respect human rights, leading Bahraini rights groups to label the commission a government institution.<sup>3</sup>

## **Escalating repression in the run-up to parliamentary elections**

With the approaching parliamentary elections, the human rights situation took a sharp downward turn as the authorities, following royal directives, launched a wide-ranging arrest campaign targeting the Shiite opposition, activists, clerics, and human rights defenders. Among them were Dr. Abduljalil Alsingace, the official spokesperson and director of the human rights office of the Movement for Civil Liberties and Democracy (HAQ); Abdulghani al-Khanjar, the official spokesperson of the National Committee for Martyrs and Victims of Torture; Jaffar al-Hessabi, a human rights defender; Mohammed Saeed, a member of the Bahrain Center for Human Rights (BCHR)<sup>4</sup>; and Abdulhadi al-Saffar,<sup>5</sup> a human rights defender. Alsingace, Khanjar, and al-Saffar were ruthlessly tortured, leading to the hospitalization of the latter two.<sup>6</sup> The aim of the detentions and the accompanying media smear campaign against the individuals was to stifle the Shiite majority and the liberal front in order to limit their chances in the parliamentary and municipal elections.

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<sup>1</sup> "al-'Ahil ya'mur bi-insha' al-mu'assasa al-wataniya li-huquq al-insan," al-Wasat, Nov. 12, 2009, <<http://www.alwasatnews.com/2624/news/read/335588/1.html>>.

<sup>2</sup> "Amr maliki bi-ta'yin a'da' al-mu'assasa al-wataniya li-huquq al-insan, al-Wasat, Apr. 26, 2010, <<http://www.alwasatnews.com/2789/news/read/405171/1.html>>.

<sup>3</sup> "Malik al-Bahrain yushakkil hay'a hukumiya taht musamma al-mu'assasa al-wataniya li-huquq al-insan," Bahrain Center for Human Rights (BCHR), May 2, 2010, <<http://bahrainrights.no-ip.info/ar/node/3083>>.

<sup>4</sup> "Nashitun fi khatar: i'tiqalat ghayr maqbula li-nashitin huquqiyin," Reporters Without Borders, Aug. 19, 2010, <[http://arabia.reporters-sans-frontieres.org/article.php?id\\_article=31837](http://arabia.reporters-sans-frontieres.org/article.php?id_article=31837)>.

<sup>5</sup> "Hasilat al-ahad: i'tiqal al-Saffar wa Mal Allah wa-l-'Aradi wa-l-Banay," Manama Voice, Aug. 22, 2010, <[http://www.manamavoice.com/index.php?plugin=news&act=news\\_read&id=455](http://www.manamavoice.com/index.php?plugin=news&act=news_read&id=455)>.

<sup>6</sup> "al-Duktur al-Sinkis yashku li-l-niyaba ta'arrudih li-l-ta'dhib," BCHR, Aug. 28, 2010, <<http://www.bchr.net/ar/node/3272>>. See also the section on torture in this chapter.

23 citizens were charged with joining a terrorist organization aiming to overthrow the regime, based on the infamous Law 58/ 2006 (officially titled as “Protecting Society from Terrorist Acts”), a law that has been broadly criticized by several human rights groups.<sup>7</sup>

Media outlets close to the monarchy also targeted human rights defenders. They published stories containing the names and photos of prominent political figures and human rights defenders, such as Nabeel Rajab, the director of the BCHR, and Abdul Hadi al-Khawaja, the former director of the center, claiming they were involved in terrorist organizations and tarnishing the country’s reputation abroad.<sup>8</sup>

In August 2010, the authorities shut down several websites on the grounds that they were “inciting to the spread of toxic ideas and harming national unity,” charges often used by authorities against websites that monitor abuses of citizens in Bahraini villages by security personnel and their militias.<sup>9</sup> This coincided with a decision from the Public Prosecutor prohibiting all media from publishing information about the government crackdown.<sup>10</sup> The Bahraini Media Affairs Agency also ordered the Bahraini *al-Wasat* newspaper to cease its audio reporting services.<sup>11</sup>

As part of the crackdown, the authorities detained journalist and blogger Ali Abdulemam on charges of disseminating “false information.”<sup>12</sup> Abdulemam was brought before the Public Prosecutor in secrecy without an attorney present.<sup>13</sup> On October 28, 2010, Abdulemam appeared before the

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<sup>7</sup> “Bahrain: As Elections Approach, the Crackdown on the Opposition and Rights Advocates Reaches Its Peak,” CIHRS, Sep. 8, 2010, <<http://www.cihrs.org/english/newssystem/details.aspx?id=2668>>.

<sup>8</sup> “Kayf ya’ mal al-muharridun? Min ayna yatahassalun ‘ala tamwilihim? Ma hiya haqiqat wala’ihim wa ahdafihim?” *al-Watan*, Sep. 1, 2010, <<http://www.alwatannews.net/archive/index.php?m=newsDetail&newsID=89545&section=4&issueDate=2010-09-01>>.

<sup>9</sup> “Hajb ‘asharat al-mawaqi’ wa-l-muntadayat al-ilaktruni fi-l-Bahrayn,” BCHR, Sep. 4, 2010, <<http://www.bchr.net/ar/node/3288>>.

<sup>10</sup> “Bahrain Gags Press As It Cracks Down on Opposition,” Committee to Protect Journalists (CPJ), September., 2010, <<http://cpj.org/2010/08/bahrain-gags-press-as-it-cracks-down-on-opposition.php>>.

<sup>11</sup> “Hay’at shu’un al-i’lam tatlub min ‘al-wasat’ iqaf khidmat al-taqarir al-sawtiya,” *al-Wasat*, Aug. 16, 2010, <<http://www.alwasatnews.com/2901/news/read/465767/1.html>>.

<sup>12</sup> “Prominent Online Journalist Arrested in Bahrain,” CPJ, Sep. 7, 2010, <<http://cpj.org/2010/09/prominent-online-journalist-arrested-in-bahrain.php>>.

<sup>13</sup> “al-Bahrayn: intihakat mustamirra, tuham ghayr thabita wa tadyiq mutazayida ‘ala-l-hurriyat,” BCHR, Sep. 20, 2010, <<http://www.bchr.net/ar/node/3369>>.

court and said that he had been tortured, beaten, and degraded. He also said threats were made to have his wife and family fired from their jobs.<sup>14</sup>

To complete the assault, the Ministry of Social Development dissolved the board of the Bahrain Human Rights Association. The Ministry removed the elected president and turned over management of the association to a ministry employee in preparation for elections designed to take control of the group after the introduction of new pro-government members. The measure was taken on the grounds that the association was coordinating its activities with illegal entities, meaning unregistered associations and committees. The authorities also accused the association of operating for the benefit of one class of citizens because it had organized solidarity activities with the victims of the government crackdown, most of whom were Shiites.<sup>15</sup> As a result of these pressures, BCHR and the Bahrain Youth Society for Human Rights (BYSHR) announced that they were relocating their staff to European capitals.<sup>16</sup>

Furthermore, authorities suspended periodicals produced by the Islamic National Accord Association (INAA), the largest political association in Bahrain, and the National Democratic Action Society, which is part of the liberal opposition. They also shut down dozens of websites, most significantly those run by the INAA, the Islamic Action Society, and the site of well-known political opposition figure Abdul Wahab Hussain. This move stripped several political associations of their media tools right before the election campaign.<sup>17</sup>

To prevent human rights defenders from reaching out to the international community, the authorities prohibited rights activist Laila Dashti, Nabeel

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<sup>14</sup> “Waqa’i’ al-jalasa al-ula li-muhakamat al-muttahimin bi-insha’ ‘al-shabaka al-irhabiya’ wa shahadatuhum ‘an al-ta’dhib,” BCHR, Oct. 28, 2010, <<http://bahrainrights.org/ar/node/3541>>.

<sup>15</sup> “CIHRS Sets a Precedent, Human Rights Defender Speaks Via Skype at UN Side Event,” CIHRS, Sep. 21, 2010, <<http://www.cihrs.org/english/newssystem/details.aspx?id=2682>>.

<sup>16</sup> “Idara li-jam’iyat shabab huquq al-insan fi Uruba mu’aqqatan,” Bahrain Youth Society for Human Rights (BYSHR), Sep. 15, 2010, and “Man’ Nabil Rajab wa-l-Khawaja min mughadarat al-bilad,” Manama Voice, Sep. 27, 2010, <[http://manamavoice.com/news-news\\_read-5032-0.html](http://manamavoice.com/news-news_read-5032-0.html)>.

<sup>17</sup> “To the International Community: Your Silence over Rising Repression in Bahrain Encourages Oppression and Fosters Political Violence,” CIHRS, Sep. 22, 2010, <<http://www.cihrs.org/english/newssystem/details.aspx?id=2684>>.

Rajab, and Abdul Hadi al-Khawaja from traveling abroad to take part in international activities.<sup>18</sup>

Voter turnout for the parliamentary and municipal elections was 5 percent lower than in 2006. This was a result of the executive power's dominance and its control over the formation of the Supreme Elections Committee, the drawing of electoral districts on the basis of sectarian and political loyalties, and the granting of the right to vote to thousands of naturalized citizens. The executive power further possesses control over voter rolls and addresses and voting directives for members of the security forces and the army. It has the power to censor the media and to refuse international election monitors.<sup>19</sup> Some 1,000 voters were also reportedly prevented from casting their ballots because their names had disappeared from the voter rolls. The riot police were deployed in districts before and during the vote, particularly in those areas where opposition candidates were running.<sup>20</sup> These measures prevented the Shiite opposition from winning a majority; eventually taking only 18 out of 40 seats.<sup>21</sup>

## **Discrimination against Shiites**

Although Shiites comprise 70 percent of Muslims in Bahrain, they also account for the majority of the poor, with unemployment rates higher among Shiites than Sunnis. As a result of the reduced socioeconomic status of Shiites and the lower quality of public schools when compared to private institutions, poorer Shiites receive fewer opportunities for a good quality university or higher education.

Shiites have limited representation in important positions in defense and internal security, although they are more highly represented among military recruits. The private sector in Bahrain also tends to employ Shiites in jobs that require fewer skills for lower wages.<sup>22</sup>

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<sup>18</sup> "CIHRS Sets a Precedent, Human Rights Defender Speaks Via Skype at UN Side Event," and "Man' Nabil Rajab wa-l-Khawaja min mughadarat al-bilad".

<http://www.cihrs.org/English/NewsSystem/Printable/Articles/2682.aspx>

<sup>19</sup> "al-Bahrayn: intikhabat muzawwara bi-athar raj'i," BCHR, Oct. 19, 2010, <<http://www.bahrainrights.org/ar/node/3515>>.

<sup>20</sup> "Elections Go off Amid Unprecedented Crackdown," IFEX, Oct. 27, 2010, <[http://www.ifex.org/bahrain/2010/10/27/election\\_crackdown/](http://www.ifex.org/bahrain/2010/10/27/election_crackdown/)>.

<sup>21</sup> "al-Mu'arada al-Shi'iya tahsid 18 min asl 40 maq'adan fi majlis nuwwab al-Bahrayn," Aljarida, Oct. 24, 2010, <<http://aljaridaonline.com/2010/10/24/46331/>>.

<sup>22</sup> *International Religious Freedom Report 2009*, US Department of State, Oct. 26, 2009, <<http://www.state.gov/g/drl/rls/irf/2009/127345.htm>>.

It is estimated that some 50 percent of the 20,000 personnel with the security apparatus are Pakistanis, in addition to some Syrian and Jordanian nationals from certain tribes.<sup>23</sup> Furthermore, authorities maintain the policy of political naturalizations, granting citizenship to Sunni migrants in an attempt to change the demographics of Bahraini society to counter the Shiite majority.<sup>24</sup> According to official statistics, 5,000 citizens were naturalized in the five years up to 2008, but some say the real number is as high as 60,000.<sup>25</sup>

In May, in the authorities' attempts to contain the Shiite-majority Karzakan area, the most tense region on Bahrain's western strip, the Central Information Agency began listing addresses in Karzakan in other areas, detaching entire zones from the town and annexing them to a new area, al-Luzi, far from Karzakan.<sup>26</sup> It is believed that the aim of these efforts is to dismantle the town and alter its demographic structure for political and sectarian purposes.

Demonstrations and protests continued to be suppressed in Shiite-majority areas, accompanied by detentions and torture of the detained. In October 2009, the western area of Bahrain, particularly Karzakan, Damistan, and al-Hamla, witnessed near daily protests due to the continued detention of the Karzakan detainees, who had been held for 18 months. The protests stopped only after the remaining detainees were released, 19 of them having been acquitted of the murder of a member of the security forces in April 2008. The authorities intentionally used excessive force to suppress the protests, injuring many local youths with shotgun rounds.

On November 16, 2009, Special forces with the National Security Agency also opened fire on people taking part in the wave of demonstrations and protests in the town of al-Deir, located in the Muharraq province. Many were injured as a result, among them 15-year-old Kamil al-Ghanami, who

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<sup>23</sup> "al-Shi'a fi-l-Bahrayn yashkun bi-sha'n tawtin sunnat ajanib," BCHR, <<http://www.bchr.net/ar/node/2916>>.

<sup>24</sup> "al-Mu'arada al-Bahrayniya tahtajj 'ala qanun manh al-jinsiya al-jadid," al-Wasat, Jan. 14, 2010, <<http://www.alwasatnews.com/2687/news/read/360552/1.html>>.

<sup>25</sup> "al-Shi'a fi-l-Bahrayn yashkun bi-sha'n tawtin sunnat ajanib," BCHR, <<http://www.bchr.net/ar/node/2916>>.

<sup>26</sup> "Tamziq Karzakan sayaj' al al-umur akthar ta'qidan," al-Wasat, May 19, 2010, <<http://www.alwasatnews.com/2812/news/read/425634/1.html>>. Previously sections of Karzakan were annexed to the neighboring town of Damistan to the north. Vast tracts of southern Karzakan were also annexed to the town of al-Malikiya. See also, "al-Markazi li-l-ma'lumat yanqul 3 mujamma'at min Karzakan li-l-Luzi," al-Wasat, May 9, 2010, <<http://www.alwasatnews.com/2802/news/read/415829/1.html>>.

was arrested and detained despite his injuries. The successive days saw the arrest of nine children and young people from the town.

In the town of al-Sahla, the authorities broke up a peaceful sit-in after fierce clashes between special security forces and protestors. Many protestors were injured and treated in their homes for fear of arrest, since local hospitals have orders to inform security bodies before treating any person injured in a protest.<sup>27</sup>

On January 3 and 4, 2010, security forces in the al-Deir area randomly fired tear gas canisters and percussion grenades near residential homes to discipline the locals and warn them against repeating the demonstrations. Several citizens, among them children, were injured in the process, and some homes were damaged.<sup>28</sup>

On May 17, security forces fired shotgun rounds,<sup>29</sup> banned internationally, at Hassan Ali, a young man from Karzakan, injuring him with 12 pieces of shrapnel that lodged in various parts of his body and required his hospitalization in the intensive care unit. While the authorities claimed that Ali was part of a group of masked men who attacked a security patrol with Molotov cocktails, the young man denied the accusations, saying that he was fired on as he left his house to go on a shopping errand.<sup>30</sup> This incident came only one month after two young men from al-Malikiya were hit with shotgun pellets while walking, injuring them in various parts of their bodies. As soon as they reached the hospital, the security forces were

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<sup>27</sup> “al-Quwat al-khassa tufrit fi istikhdam al-dhakhira al-hayya li-qam’ al-mutazahirin,” BCHR, Nov. 25, 2009, <<http://www.bchr.net/ar/node/2982>>, and “Tazayud al-i’ tiqalat wa maza’im jadida bi-l-ta’dhib ma’ qurb usbu’ al-shuhada’ wa dahaya al-ta’dhib,” BCHR, Dec. 2009, <<http://www.bchr.net/ar/node/2990>>.

<sup>28</sup> “Quwat mukafahat al-shaghab i’ tida’ at mutwasila didd al-muwatinin,” BYSHR, Jan. 7, 2010, <<http://www.anhri.net/bahrain/byshr/2010/pr0107.shtml>>.

<sup>29</sup> Shotgun rounds explode immediately upon firing to release dozens of pellets that cover a broad area, with the goal of injuring as many targets as possible. These pellets pierce human skin and stop at bone, and are difficult to remove from the body.

<sup>30</sup> “al-Dakhiliya: al-musab mutawarrit bi-muhajamat dawriya amniya bi-l-mulutuf fi Karzakan,” al-Wasat, May 19, 2010, <<http://www.alwasatnews.com/2812/news/read/425580/1.html>>, and “Bahrain Authorities Must Investigate Shooting of Protestor,” Amnesty International, May 19, 2010, <<http://www.amnesty.org/en/news-and-updates/bahrain-authorities-must-investigate-shooting-protester-2010-05-20>>.

informed. Security questioned the injured men and forcibly transferred them from the hospital to prison, where they were charged with assembly.<sup>31</sup>

On March 14, security forces also opened fire on Hussein Ali Hassan al-Sahlawi after several Shiite protestors set fire to car tires in Karzakan to protest discriminatory policies against Shiites. Al-Sahlawi was injured and lost consciousness. The authorities later charged him with taking part in an illegal demonstration.<sup>32</sup>

## Freedom of expression

Freedom of the press and expression continued to deteriorate in Bahrain because of legislative, and administrative restrictions. Radio and television are still state owned and controlled, and most papers in the country come under the influence and direction of the authorities. The authorities continue to put off demands to amend the press law (47/2002), which contains several provisions mandating prison terms for press and publication crimes.<sup>33</sup>

Increasing pressure is being applied to the press and media. The limitations have expanded to include taboos on certain institutions and people. Based on this, *al-Bilad* newspaper sent out new directives to its writers and editors on their cell phones, ordering them not to criticize any project supervised by the King or the Crown Prince, as this was a red line.<sup>34</sup>

In the same context, members of the Shura Council reportedly adopted a request to establish an electronic security agency to monitor websites that tarnish Bahrain's reputation and threaten its security.<sup>35</sup> Likewise, the

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<sup>31</sup> "Min ajl waqf ihtijajatiha 'ala siyasat al-tamyiz wa-l-tajnis wa tazayud al-i'tiqalat 'unf mufrit didd qatini al-qura al-Bahrayniya," BCHR, May 30, 2010, <<http://www.bchr.net/ar/node/3113>>.

<sup>32</sup> "Bahrain Authorities Must Investigate Shooting of Protestor" May 20, 2010 <http://www.amnesty.org/en/news-and-updates/bahrain-authorities-must-investigate-shooting-protester-2010-05-20>

<sup>33</sup> Bahrain was ranked 119 out of 179 for freedom of the press in the annual report from Reporters Without Borders, <[http://arabia.reporters-sans-frontieres.org/article.php?id\\_article=31644](http://arabia.reporters-sans-frontieres.org/article.php?id_article=31644)>, and "al-Diwan al-maliki yahkum al-qabda 'ala-l-jism al-sahafi wa-l-suhuf," HAQ Center, May 2, 2010, <<http://www.anhri.net/?p=5274>>.

<sup>34</sup> "Ittisa' ruq'at al-mawadi' wa-l-ashkhas wa-l-mu'assasat al-muharrama 'ala-l-sahafa tadawuluha," BCHR, Dec. 13, 2009, <<http://www.bchr.net/ar/node/2997>>.

<sup>35</sup> "Bi-sabab fashal al-sulta fi hisar al-mawaqi' al-ilakturniya al-siyasiya wa-l-diniya wa-l-ijtima'iya al-mutalaba bi-insha' jihaz al-amn al-ilaktruni," BYSHR, Dec. 26, 2009, <<http://www.anhri.net/bahrain/byshr/2009/pr1226.shtml>>.

parliamentary Foreign Affairs, Defense, and Security Committees within the Council adopted amendments to the Penal Code criminalizing insults to the parliament. As stipulated in the law, any public insult of the Shura Council, Council of Representatives, the National Assembly, state agencies, the defense force, National Guard, courts, authorities, or a public institution, is punishable by imprisonment or a fine.<sup>36</sup>

The authorities also issued two decrees related to the internet. The first permits the closure of websites pursuant to a request from the Ministry of Culture without a court order, while the second requires internet service providers to block obscene sites or sites inciting violence and hatred.<sup>37</sup>

On October 15, 2009, well-known journalist and writer Ali Saleh was suspended from writing for *al-Bilad* newspaper following an order issued by higher bodies in the royal court because of a series of critical articles he wrote that focused on demands for real democratic reform and criticized the King's reform project put forth in 2001.<sup>38</sup>

In late June 2010, journalist Mohammed al-Sawad was brought before a court after being charged with violating a gag order on a corruption case involving a former Bahraini minister. It is worth noting that the case was referred to court after the investigation was completed and thus the gag order was no longer in effect.<sup>39</sup>

In January 2010, the Ministry of Culture and Media orally informed Mohammed Fadil, a correspondent with the Associated Foreign Press (AFP), and Mazen Mahdi, a correspondent with Deutsche Presse Agentur (DPA), that they had been barred from practicing their profession after the two reporters published a story about the imprisonment of two Bahraini citizens for five years on suspicion of weapons possession, joining al-Qaeda, and planning an attack on the US base in Bahrain. The ministry had issued strict oral directives to all reporters and correspondents with foreign news

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<sup>36</sup> “Kharijiyat al-nuwwab tuqirr ‘uquba didd ihanat al-majlis al-watani,” *al-Wasat*, Jan. 14, 2010, <<http://www.alwasatnews.com/2687/news/read/360445/1.html>>.

<sup>37</sup> Reporters Without Borders, list of internet enemies 2010, <<http://en.rsf.org/surveillance-bahrein,36665.html>>. Bahrain is classified as a country under surveillance.

<sup>38</sup> “Awamir ‘ulya tamna’ al-katib al-sahafi ‘Ali Salih min al-kitaba al-naqida li-l-sulta,” BCHR, Nov. 16, 2009, <<http://www.anhri.net/bahrain/bchr/2009/pr1116.shtml>>.

<sup>39</sup> “Bahraini Reporter Charged with Violating Gag Order,” CPJ, July 2, 2010, <<http://cpj.org/2010/07/bahraini-reporter-charged-with-violating-gag-order.php>>.

agencies not to publish any news related to al-Qaeda or allied groups in Bahrain. The two journalists were later allowed to resume their profession.<sup>40</sup>

In September 2009, Hassan Salman was unfairly sentenced to three years in prison on charges of publishing an online list of agents with the National Security Agency involved in human rights abuses. The trial was convened before the High Criminal Court, presided over by a member of the ruling family.<sup>41</sup>

In January 2010, the Bahrain authorities shut down the “Free Bahrain” Twitter feed, which published information and news related to the human rights situation in the country.<sup>42</sup> In late August 2010, the authorities also shut down *Bahrani*, a site covering news of clashes between demonstrators and Special Forces, which grew fiercer in the wake of the arrest of Bahraini opposition activists that month.<sup>43</sup>

These steps came amid an intense campaign by the Bahraini authorities to block access to political, advocacy, religious, and social websites. The Ministry of Information also launched a campaign against proxy sites in an attempt to control the free flow of information.

In April 2010, officials at the Ministry of Culture and Information vowed to take legal and criminal measures against individuals and bodies circulating news of events and incidents taking place around Bahrain over cell phones and some Bahraini papers, without having obtained an official license from the ministry.<sup>44</sup> Additionally, on April 7, 2010, the ministry banned the Blackberry Messenger (BBM) chats on Blackberry phones, threatening violators with legal action. Journalist Muhannad Sulaiman, whose Breaking News service relayed daily news from Bahrain’s top six

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<sup>40</sup> “al-Sultat al-Bahrayniya tujammid tasrih murasilay wikalatay al-anba’ al-Faransiya wa-l-Almaniya,” joint statement from BCHR and IFEX, Feb. 25, 2010, <<http://www.bchr.net/ar/node/3045>>.

<sup>41</sup> *Bastion of Impunity, Mirage of Reform*, CIHRS 2009 annual report, <[www.cihrs.org/Images/ArticleFiles/Original/485.pdf](http://www.cihrs.org/Images/ArticleFiles/Original/485.pdf)>, and “al-Hukm bi-sajn muwatin li-nashrih asma’ afrad al-jihaz al-mas’ul ‘an al-intihakat al-wasi’a li-huquq al-insan,” BCHR, Sep. 17, 2009, <<http://www.bchr.net/ar/node/2954>>.

<sup>42</sup> “al-Sultat al-Bahrayniya tughliq safha li-nashita huquqiya ‘ala mawqa’ al-Twitar,” BCHR, Jan. 4, 2010, <<http://www.bchr.net/ar/node/3013>>.

<sup>43</sup> Twitter feed of rights activist Nabeel Rajab, <<http://twitter.com/Nabeelrajab>>.

<sup>44</sup> “Man’ tanaqul al-anba’ bi-l-hawatif al-naqqala min dun tarkhis,” al-Wasat, Apr. 8, 2010, <<http://www.alwasatnews.com/2771/news/read/394269/1.html>>.

papers to Blackberry subscribers in the country, was forced to stop the service.<sup>45</sup>

On March 23, 2010, in an attempt to conceal the details of what was described as the biggest piece of corruption in Bahrain's history, official Bahrain radio cut direct transmission of proceedings in the parliament during debates on a report submitted by the parliamentary committee to investigate the misappropriation of state property. The report revealed the involvement of several government officials, members from the ruling family, and the royal court.<sup>46</sup>

On May 18, 2010, the Ministry of Culture and Information temporarily suspended al-Jazeera's operations in the kingdom.<sup>47</sup> The same day, the authorities prohibited a crew with al-Jazeera International from entering Manama to tape an interview with a UN official. The ban extended to the activities of Hassan Mahfoud, the correspondent for al-Jazeera online in Bahrain.<sup>48</sup> The move came following an episode of the channel's "Economy and People" program which addressed poverty in Bahrain.<sup>49</sup>

In late May, the Ministry of Culture and Information confiscated 20 copies of the book entitled "*Personal Diary of Charles D. Belgrave, British Advisor to the Ruler of Bahrain*."<sup>50</sup> The Ministry also delayed receipt of the publisher's shipment for one week.<sup>51</sup> In September, *Unbridled Hatreds*, a

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<sup>45</sup> "al-Bahrayn: man' ihda khidmat al-Blak Biri," Reporters Without Borders, Apr. 21, 2010, <[http://arabia.reporters-sans-frontieres.org/article.php3?id\\_article=31714](http://arabia.reporters-sans-frontieres.org/article.php3?id_article=31714)>.

<sup>46</sup> "Fi sabil ikhfa' tafasil akbar 'amaliyat nahb wa fasad tashhaduha al-Bahrayn fi tarikhiha," BCHR, Mar. 24, 2010, <<http://www.bchr.net/ar/node/3060>>.

<sup>47</sup> "al-Jazira ta'saf li-tajmid 'amaliha bi-l-Bahrayn," al-Jazeera, May 19, 2010, <<http://www.aljazeera.net/NR/exeres/B08E2106-3949-4188-97D1-881E5CB406E7.htm>>, and "Wazirat al-i'lam: tajmid nashat qanat al-Jazira fi-l-Bahrayn li-asbab mihniya bahta," al-Wasat, May 19, 2010, <<http://www.alwasatnews.com/2812/news/read/425705/1.html>>.

<sup>48</sup> "al-Jazira ta'saf li-tajmid 'amaliha bi-l-Bahrayn".

<sup>49</sup> "Ta'liq nashat maktab al-Jazira fi-l-Bahrayn," Reporters Without Borders, May 19, 2010, <[http://arabia.reporters-sans-frontieres.org/article.php3?id\\_article=31775](http://arabia.reporters-sans-frontieres.org/article.php3?id_article=31775)>.

<sup>50</sup> Charles Belgrave was appointed an advisor to the Bahraini government in 1926 in the reign of Sheikh Hamad Ibn Isa al-Khalifa. He began as a financial advisor but later offered political, military, and legal advice. His book deals with numerous important political events in Bahrain, of which Belgrave was a major party from 1926 to 1957.

<sup>51</sup> "'al-I'lam' tusadir 20 nuskha min 'yawmiyat Bilghrayf'," al-Wasat, May 25, 2010, <<http://www.alwasatnews.com/2818/news/read/431111/1.html>>.

book by well-known Bahraini academic Dr. Nader Kadim, was banned, along with a discussion panel to accompany the book launch. Authorities gave no reason for the ban.<sup>52</sup>

## Human rights defenders

The Bahraini regime continued its intensive assault on human rights defenders and activists in Bahrain using various tools, including smear campaigns and the referral of activists to trial on trumped-up charges. Newspapers close to the Prime Minister's office and the royal court, such as *Akhabar al-Khalij* and *al-Watan*, carried out organized smear campaigns targeting Bahraini human rights defenders such as Abdul Hadi al-Khawaja, the regional coordinator for Front Line Defenders; Nabeel Rajab, the president of the BCHR; Mohammed al-Maskati, the president of the BYSHR; and Abdulraoof al-Shayeb, the former president of the National Committee for Martyrs and Victims of Torture. The newspapers described them as foreign agents and traitors who had received foreign funding and were attempting to defame Bahrain abroad. One of the newspapers carried the demands of pro-government politicians and MPs that several human rights defenders be tried on charges of high treason.<sup>53</sup>

In February 2010, following the press conference held by Human Rights Watch in Bahrain to mark the release of its report on torture in the country, the local and pro-government media launched an organized campaign against human rights defenders and others who had contributed to the report.<sup>54</sup> Media close to the monarchy also targeted human rights defenders in stories that included the names and photos of prominent political figures and human rights defenders, such as Nabeel Rajab and Abdul Hadi al-Khawaja, claiming they were involved in terrorist organizations and defaming Bahrain abroad.<sup>55</sup>

On March 16, Abdul Hadi al-Khawaja was summoned to appear in court on charges of libeling a public servant. In February 2010, al-Khawaja was

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<sup>52</sup> "Man' kitab 'karaahiyat munfalita' wa-l-halaqa al-niqashiya al-musahiba li-tadshinih," BCHR, Oct. 24, 2010, <<http://www.bahrainrights.org/ar/node/3529>>.

<sup>53</sup> "Dimn hamla mutawasila didd al-mudafi' in 'an huquq al-insan fi-l-Bahrayn," BCHR, Dec. 25, 2009, <<http://www.bchr.net/ar/node/3009>>.

<sup>54</sup> "al-Bahrayn: hamla i'lamiya didd al-mudafi' in 'an huquq al-insan fi-l-Bahrayn," joint statement issued by 32 rights organizations in solidarity with human rights defenders in Bahrain, Feb. 27, 2010, <<http://www.anhri.net/egypt/cihrs/2010/pr0227.shtml>>.

<sup>55</sup> "Kayf ya'mal al-muharridun?"

temporarily detained at the Bahrain airport because an employee with a private company at the airport claimed that al-Khawaja, while preparing to travel to an international forum for human rights defenders in Ireland, had insulted him.<sup>56</sup>

On June 1, 2010, while on his way to London, human rights defender Abdul Redha Mohammed was also banned from travel. In order to force him to meet with the head of the National Security Agency, Mohammed had been harassed and pressured for months. This included monitoring telephone calls and constant tracking by several cars thought to be with the agency. His brother was also summoned for questioning and was threatened that all the members of his family would be set on fire.<sup>57</sup>

On August 25, 2009, Bahraini security forces arrested Nabeel Rajab during a sit-in in front of the Saudi embassy in Manama to show solidarity with the family of Abdulrahim al-Murbati, a Bahraini national detained in Saudi Arabia. Rajab was held at the police station for three hours, where he was told that any future sit-in in front of the Saudi embassy would be forcibly suppressed.<sup>58</sup>

In May 2010, Gulf Air dismissed the vice-president of its union, Ghazi al-Murbati, because of his advocacy activities on behalf of the rights of workers with the companies, on the grounds that he was inciting employees and leaking private information to the press.<sup>59</sup>

On April 5, 2010, a judge with the Lower Criminal Court fined Mohammed al-Maskati, the president of BYSHR, 500 dinars for establishing an association without a license from the Ministry of Social Development as required by law.<sup>60</sup>

On March 28, 2010, in what was described as a politically motivated sentence, the Bahraini Court of Appeals issued three-year prison terms for

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<sup>56</sup> “al-Nashit al-huquqi al-dawli al-Khawaja yata’arrad li-l-tawqif wa-l-tashhir wa-l-muhakama bi-dhari’at sabb muwazzaf,” BCHR, Mar. 28, 2010, <<http://www.bchr.net/ar/node/3062>>.

<sup>57</sup> “Tahdid ahad kibar al-mudafi’ in ‘an huquq al-insan wa man’uh min al-safar li-irghamih ‘ala muqabalat ra’is al-amn al-watani al-Bahrayni,” BCHR, June 6, 2010, <<http://www.bahrainrights.org/ar/node/3122>>.

<sup>58</sup> “‘Abd al-Rahim al-Murbati al-sajin al-mansi fi-l-sujun al-Sa’udiya,” BCHR, Aug. 25, 2009, <<http://www.bchr.net/ar/node/2945>>.

<sup>59</sup> “‘Iqaban lahu ‘ala nashatih al-niqabi wa-l-bi’i: fasl al-niqabi al-ma’ruf Ghazi al-Murbati,” BCHR, June 13, 2010, <<http://www.bchr.net/ar/node/3130>>.

<sup>60</sup> “Istimrar istihdaf al-mudafi’ in ‘an huquq al-insan taghrim al-Masqati 500 dinar bi-sabab ta’sis jam’iya huquqiya,” BYSHR, Apr. 5, 2010, <<http://www.anhri.net/?p=3558>>.

19 people, among them Sadeq Jawad Ahmed al-Fardan, a member of the Committee of the Unemployed; Sayed Omran Hameed Adnan, a member of the Committee Against Tax Deduction of One Percent; Fadhel Abbas Mohamed Ashoor, a member of the Committee Against High Prices; and Habib Mohamed Habib Ashoor, a member of the Committee for the Release of Political Detainees. The defendants were convicted of the premeditated murder of a policeman, the attempted murder of two of his colleagues, and rioting. They received such convictions although they had already been acquitted of the same charge on October 13, 2009, following a 15-month trial.<sup>61</sup> Special security forces had arrested the defendants in April 2008 on charges of torching a car owned by state civil militias, after they took part in peaceful demonstrations in Karzakan to condemn the arrest of human rights defenders in December 2007. During their detention they were repeatedly deprived of food and sleep and held in solitary confinement where they were beaten and tortured. They were released on October 13, 2009, following their acquittal.<sup>62</sup>

The authorities also denied Staci Haag, the resident director of the National Democratic Institute's Gulf office, and the official responsible for implementing the Institute's programs in Bahrain, entry to Bahrain. Activists said that the move aimed to prevent the institute from carrying out its work on training political and media associations before municipal and parliamentary elections.<sup>63</sup>

### **Suppression of peaceful assembly**

On December 17, 2009, the Bahraini authorities banned a march scheduled to commemorate the martyrs and victims of torture, called by the Committee for Martyrs and Victims of Torture. The committee complied

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<sup>61</sup> "Judicial Harassment Against Messrs. Sadeq Jawad Ahmed Al-Fardan, Sayed Omran Hameed Adnan, Fadhel Abbas Mohamed Ashoor, and Habib Mohamed Habib Ashoor," International Federation for Human Rights, Apr. 12, 2010, <<http://www.fidh.org/Judicial-harassment-against-Messrs-Sadeq-Jawad>>, and "Bahrain: Court Ruling Disregards Torture Evidence," Human Rights Watch, Apr. 30, 2010, <<http://www.hrw.org/en/news/2010/04/30/bahrain-court-ruling-disregards-torture-evidence>>.

<sup>62</sup> "Due to Releasing the International Report on Torture, the Court of Appeal Revokes the Acquittal," BYSHR, Apr. 5, 2010, <<http://byshr.org/?p=200>>.

<sup>63</sup> "Man' mudirat al-NDI fi-l-khalij min dukhul al-Bahrayn," al-Wasat, Apr. 21, 2010, <<http://www.alwasatnews.com/2784/news/read/404362/1.html>>, and "al-Dawsari yushid bi-wizarat al-dakhiliya fi man' mandubat ma'had (NDI) min dukhul al-mamlaka," al-Waqt, Apr. 22, 2010, <<http://alwaqt.com/art.php?aid=207286>>.

with all the legal conditions to hold the annual march, but the security authorities refused to allow it. Cities and towns across Bahrain, including the capital, were transformed into closed military barracks in preparation for the march and any protests. Most towns were surrounded by armed forces, while other forces were deployed around Manama's alleys and neighborhoods to prevent demonstrators from reaching the meeting point. All of Bahrain was under close helicopter surveillance. As a result of the ban, some areas saw protests and clashes between locals and Special Forces of the National Security Agency. Some protestors were arrested, among them minors.<sup>64</sup>

The Bahraini authorities continued the crackdown on civil society seminars and conferences. On March 23, 2010, the Ministry of Social Development, in coordination with the Ministries of Health and Interior, closed the offices of the Bahraini Nursing Society, surrounded it with security, and denied entry to members of the board and other members. This occurred after the group organized a party for board member Ibrahim al-Damistani, the association's secretary, to celebrate his release from detention in March 2010.<sup>65</sup> Al-Damistani had offered first aid to a demonstrator injured severely in Karzakan in a protest, after which he was detained on charges of offering shelter to a suspect wanted by the security forces.

On April 19, 2010, the Ministry of Social Development denied a request from the Bahrain Human Rights Society to convene a workshop on human rights capacity building. The request was turned down on the grounds that the workshop diverged from the association's stated goals and violated law 21/1989 on associations and social and cultural clubs.<sup>66</sup> The Ministry later retracted the decision, sending a letter to the Citizenship and Passports

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<sup>64</sup> Since the 1990s families of victims of torture have commemorated the victims on December 17, the day the first two victims died in 1994, Hani Ahmed al-Wasati, 22, and Hani Abbas Khamis, 24, after being shot in an uprising demanding the reinstatement of parliamentary and constitutional life. The death of a new victim on the same day in 2007, Ali Jassim, prompted the committee to hold a commemorative ceremony. See "Fi 'idiha al-watani tatahawwal al-Bahrayn lia thukna 'askariya," BCHR, Dec. 2009, <<http://www.bchr.net/ar/node/3008>>, and "Tawqif mu'aq 'aqliyan 'ala dhimmat ahdath amniya mundh 3 ayyam," al-Wasat, Dec. 20, 2009, <<http://www.alwasatnews.com/2662/news/read/347029/1.html>>.

<sup>65</sup> "Dramatic Shift in the Method of Dealing with Civil Society Institutions," BYSHR, Mar. 28, 2010, <<http://byshr.org/?p=199>>.

<sup>66</sup> "Bayan min al-jam'iya al-Bahrayniya li-huquq al-insan hawl man' warshat 'amal hawl bina' al-qudrat fi majal huquq al-insan," Bahrain Human Rights Society, Apr. 21, 2010, <<http://www.anhri.net/?p=4900>>.

Department declaring it had no objection to the workshop and permitting the issuance of visas for participants.<sup>67</sup>

## Escalating torture

Following the brutal crackdown on opponents of the regime in mid-August 2010, the authorities tortured those detained, estimated at 350 according to documentation and statements from the BCHR. Some detainees were harassed and sexually abused inside their cells, while others were left naked, handcuffed, and blindfolded the entire time of their detention. These include Mohammed Saeed al-Sahlawi, a member of the BCHR, who was stripped naked the entire time he was detained and tortured. Hassan al-Haddad, a detained activist with the Committee of the Unemployed, was seen in the emergency room of the military hospital under heavy guard. Unable to move from the many injuries he sustained, Shiite cleric Aqeel al-Sari was almost half carried into the interrogation room.<sup>68</sup> Abduljalil Alsingace, Sheikh Mohammed Habib al-Muqdad, Sheikh Saad al-Nouri, and Abdulghani al-Khanjar were among those subjected to brutal torture. They were blindfolded and placed in solitary confinement where they were denied food and drink for long periods. They were also suspended from their hands and feet and beaten, which caused injuries to various parts of their bodies. Additionally, they were denied sleep and forced to hear the screams of other detainees who were being tortured.<sup>69</sup>

Reports and testimonies from former prisoners and detainees indicate that torture has spread again since it reappeared in 2007. Methods of torture include electroshocks, suspension in painful positions, beatings on the soles of the feet with batons and rubber hoses, and threats of rape and murder. According to detainee statements, many of them were subjected to electroshocks using a special machine that induces paralysis if placed on a nerve cluster. If the machine is used professionally, it leaves only small burns or scratches and the traces thereof fade in two weeks, making it easier to conceal the crime of torture.

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<sup>67</sup> “‘al-Tanmiya’ tusarrih bi-iqamat warshat ‘al-Bahrayniya li-huquq al-insan’,” al-Wasat, May 24, 2010,

<<http://www.alwasatnews.com/2817/news/read/430933/1.html>>.

<sup>68</sup> “‘Ala a’tab intikhabat al-majlis al-niyabi: al-Bahrayn tadkhul ma’raka tasfiya ma’ al-mudafi’ in ‘an huquq al-insan,’” BCHR, Sep. 11, 2010,

<<http://www.bchr.net/ar/node/3347>>.

<sup>69</sup> “‘Nida’ min ajl al-tadakhkhul al-‘ajil, al-nushata’ yata’arradun li-l-ta’dhib ‘iqaban ‘ala ta’birihim ‘an ra’ihim,’” BCHR, Sep. 3, 2010,

<<http://www.bchr.net/ar/node/3291>>.

An evident observation is the authorities' unwillingness to fully investigate crimes of torture and punish the perpetrators, despite the fact that in many cases victims are able to identify their torturers. Nonetheless, there were some cases where official medical reports supported the allegations of torture, and in one case the court in a Karzakan case acquitted all defendants of all charges based on the fact that they were forced to confess under physical duress.<sup>70</sup>

A videotape exposed the torture of a Saudi national in Bahrain who had been charged in a criminal case. Information indicates that he was held in provisional detention, in what is called the Dry Dock Prison, for 45 days, during which he was severely tortured by security agents. He was sent later for hospitalization.<sup>71</sup>

On March 12, 2010, Hussein Ali Abdullah, Sayyed Mohammed Said Hashem, and Ali Eissa Ali, all from the Shiite-majority town of al-Deir, were getting out of their car when they were stopped by a Special Forces vehicle and forced to follow it to the entrance of the neighboring town. Upon reaching the designated area, they were removed from the car and surrounded by several Special Forces vehicles, beaten with batons, kicked, and slapped. They were also forced to insult and curse religious symbols, members of their families, and Shiite beliefs. After four hours of abuse, they were released with a warning not to speak of the incident or attempt to use the same road again.<sup>72</sup>

In mid-August 2010, Special Forces attacked a group of prisoners sentenced for security and political crimes at the Jaw District Prison, for the second time in a row following the prison administration's failure to end a prison strike to protest ill treatment and harsh prison conditions.<sup>73</sup>

On July 5, 2010, a court issued a ruling sentencing seven citizens from al-Maamir to life imprisonment on charges of killing Sheikh Mohammed Riyad in March 2009. The trial had garnered public attention in Bahrain since the

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<sup>70</sup> *Torture Redux: The Revival of Physical Coercion during Interrogations in Bahrain*, Human Rights Watch, Feb. 8, 2010, <<http://www.hrw.org/en/reports/2010/02/08/torture-redux-0>>.

<sup>71</sup> "Taswir fidyu yuwaddih athar ta'dhib muwatin Sa'udi min qibal al-sultat al-amniya al-Bahrayniya," BYSHR, Feb. 12, 2010, <<http://www.anhri.net/bahrain/byshr/2010/pr0212.shtml>>. The video was posted on YouTube at <<http://www.youtube.com/watch?v=gCDULPqXoz0>>.

<sup>72</sup> "Uqubat jama'iya didd al-qura wa-l-tankil bi-abna'iha," BCHR, Apr. 10, 2010, <<http://www.bchr.net/ar/node/3069>>.

<sup>73</sup> "Tawasul wa tazayud al-i'tida'at 'ala sujana' Jaw," BCHR, Aug. 12, 2010, <<http://www.bchr.net/ar/node/3211>>.

confessions were extracted from the defendants with the use of torture and ill treatment. Although evidence of the torture was submitted, the court ignored it and issued its ruling regardless. Riyad had died two weeks after his car was torched during security clashes in Maamir.<sup>74</sup> The Bahraini authorities also used excessive force against residents of Maamir who peacefully protested the verdict.<sup>75</sup> Security forces deployed tear gas canisters and rubber bullets to disperse the peaceful protestors.<sup>76</sup>

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<sup>74</sup> “al-Bahrain: hukm bi-l-mu’abbad didd sab’at muttahamin fi qadiyat al-Ma’amir,” BYSHR, July 13, 2010, <<http://www.anhri.net/?p=8958>>.

<sup>75</sup> Ibid.

<sup>76</sup> “Muraqib huquqi: quwat al-amn istakhdamat al-quwwa al-mufrita ma’ mahkumi al-Ma’amir,” al-Wasat, July 7, 2010, <<http://www.alwasatnews.com/2861/news/read/439146/1.html>>.

Part II

Arab States Performance at the  
Regional and International Mechanisms



# Ensuring Mutual Impunity.. The United Nations Human Rights System and Arab State Involvement

## **I. Introduction: Limited Progress but Long-Term Threats to United Nations Rights System Persist**

Arab states, individually and as a group, continued their efforts to shield themselves and allied states from international accountability for human rights violations. To accomplish this goal Arab states employ strategies designed to dismantle and impair the United Nations (UN) human rights system. These strategies include: (1) Undermining the independence and freedom of expression of human rights experts and civil society organizations, (2) Reinterpreting existing international standards to insert notions of relativism and conditionality, (3) Manipulating the institutional procedures, formation, and precedent setting of UN human rights mechanisms in order to weaken these institutions and/or the system as a whole.<sup>1</sup>

Attempts to undermine the UN human rights system, or aspects of this system, have been pursued by many states for one purpose or another over the last year. Highly repressive, non-democratic governments often carry out the strongest and most sustained attacks on the integrity of the UN human rights system. The League of Arab States (Arab Group in UN terminology) continues to represent the largest, most cohesive, and consistently engaged political grouping acting to, and/or providing direct support for attempts to, undermine the UN human rights system. All states within the Arab Group

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<sup>1</sup> For a detailed analysis of how this is carried out by Arab states within the United Nations human rights system, see the chapter entitled “The Uncertain Future of International Human Rights: Arab States within the United Nations Human Rights System,” in *Bastion of Impunity, Mirage of Reform: CIHRS Annual Report on Human Rights in the Arab Region 2009*, available at <http://www.cihrs.org/Images/ArticleFiles/Original/510.pdf>

adhere uniformly and consistently to positions and policies that weaken international forms of accountability for human rights violations by either adopting the group-determined defensive approach, or by demonstrating a passive complicity with those in the region most actively seeking to undermine the UN human rights system and standards. Often this pattern of behavior also applies to both the Organization of Islamic Conference (OIC) and the African Group, to which Arab states have committed a large amount of human and financial resources to influence group positions.

As pointed out in the 2008 and 2009 annual reports of CIHRS, the efforts described above do not appear to be ad hoc or temporary. Arab states and other governments hostile to the UN human rights system appear to be pursuing a long-term, systematic goal of weakening the entire UN rights system, both on a normative and institutional level. This long-term systematic threat to the international human rights system has increased over the last several years as attacks on the UN rights system have become more frequent, serious, and successful.

Many “Western” states, the United States, members of the European Union and others, also undermine the UN human rights system by propagating double-standards concerning particular human rights situations, most notably concerning the issue of Israel and Palestine. These states also employ obstructionist strategies regarding some rights they view as contradictory to their national interests, such as migrant rights and violations of rights by various types of military personnel, including mercenaries.

*Over the last year, the ability of member states of the Arab Group and the OIC to undermine UN human rights processes at the UN Human Rights Council (HRC) and to shield them selves from scrutiny has declined relative to the two preceding years.* Unfortunately, this weakening of the negative influence of some Arab states and the Arab Group as a whole within the UN HRC is a fragile and limited development that cannot yet be taken to indicate long-term progress, and may still prove short-lived. It is also not the case that the negative influence of all states, including the Arab Group, that seek to systematically undermine the entire UN human rights system has declined. As such, the future integrity of the entire international human rights system remains in jeopardy. None-the-less, the developments that have tempered the most egregious attempts to weaken the UN rights system by member states of the Arab Group and other states, provide hopeful and important lessons to build on.

## **II. Arab State Involvement in the United Nations Human Rights System: October 2009 – November 2010**

### **A. The United Nations Human Rights Council and Arab States: Mutually Ensured Impunity**

The Human Rights Council (HRC) is the central human rights institution of the UN. As a political body, its deliberations and outcomes constitute a strong indicator of the political will and influence of states within the UN human rights system. Almost all Arab states appear to primarily seek membership<sup>2</sup> and engage in the deliberations of the HRC not to contribute to the protection and promotion of human rights, but rather to impair the ability of the HRC to examine and/or raise awareness of rights violations carried out by their own and allied governments, including preventing the establishment, continuation, and strengthening of mechanisms that protect human rights. *Through (A) block voting (B) opposition to Country Mandates, (C) lack of cooperation with Special Procedures<sup>3</sup> (SP) and, (D) obstructionism during the Universal Periodic Review (UPR),<sup>4</sup> all Arab states demonstrate this collective and overriding goal of ensuring mutual impunity.*

#### ***1. Block Voting by the Arab Group and OIC at the HRC***

While differences exist concerning particular human rights issues between Arab states, this is almost never reflected within the formal processes of the HRC. Since the beginning of 2007, out of a total of 421 votes cast by 11 different members of the Arab Group on HRC resolutions, only two (0.5%) have been cast in opposition to the voting position of the Arab Group. On these two occasions, including at the 13th Session (March, 2010) of the HRC, Egypt voted in contradiction to all other members of the Arab Group when they voted against renewal of the country mandate on

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<sup>2</sup> Membership is obtained through a vote at the UN General Assembly. During the period under examination, the following Arab states have been members of the Human Rights Council: Bahrain, Jordan, Qatar, and Saudi Arabia (during entire period of examination); Egypt (since the beginning of period under examination until June 2010), and Libya (since June 2010).

<sup>3</sup> Special Procedures: The thematic and country specific system of human rights experts at the HRC, including Special Rapporteurs, Independent Experts, Working Groups, etc. These experts or “mandate holders” examine and expose instances of human rights violations/challenges and report to the HRC and other UN on their findings, including offering recommendations to improve the situation/issue.

<sup>4</sup> UPR: The Universal Periodic Review is a process through which the human rights record of each UN member state is reviewed every four years at the Human Rights Council. All UN member states must undergo this review.

North Korea, all other members abstained on the issue. However, these two votes do not reflect a genuine deviation from the Arab Group position; in fact, they indicate a preference by Egypt to uphold the general Arab Group position to oppose country mandates. In this instance all other Arab states decided to deviate from the Arab Group position and partake in an Organization of Islamic Conference (OIC) compromise on the issue meant to ensure support for other political priorities.<sup>5</sup> *In this sense one can argue there has, in effect, been no oppositional deviation among votes cast by Arab Group member states at the HRC.*

The OIC has demonstrated similar levels of uniformity, and the Arab Group is the largest reason for this uniformity. Since the beginning of 2007, of a total 1161 votes cast by 25 different member states of the OIC, only 40 (3%) were cast in opposition to the OIC group voting position, another 60 (5%) were abstentions (a refusal to take a position). Members of the Arab Group on average voted in accordance with the OIC position 97% of the time. Given the almost total voting uniformity within the Arab Group, the converse statement would also be true: *the OIC votes in accordance with the Arab Group 97% of the time, demonstrating the strong dominance and influence over OIC voting patterns that the Arab Group maintains.* OIC states that are not part of the Arab Group voted with the OIC 86% of the time. The Sub-Saharan African countries of Cameroon, Gabon, Burkina Faso, and Uganda, on average voted with the OIC 77% of the time.

*This uniformity within the Arab Group and OIC is harnessed by Arab states and others to block consideration of human rights violations by their own or allied governments.* One of the most effective means to do this is to weaken and obstruct the creation of Country Mandates at the HRC.

## **2. Opposition to Country Mandates<sup>6</sup>**

*Presently, the Arab Group is the only political grouping at the HRC that currently demonstrates a near uniform opposition to the creation, renewal, and/or strengthening of country specific mandates within the Special*

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<sup>5</sup> The OIC, as a group, have traditionally abstained on the vote for the renewal of the N. Korean mandate to ensure Japan does not oppose the OIC resolution on *Defamation of Religions*. In turn, Japan has abstained on the resolution on *Defamation of Religions* the last three years, before this time they voted against the resolution.

<sup>6</sup> Country Mandate: A Country Mandate is a Special Procedure/independent human rights expert at the HRC created to examine a human rights situation in a particular country and assist that country and the international community to form an appropriate response to the situation. Country Mandates are often considered the most important tool available to the UN to begin to deal with grave and/or chronic human rights situations throughout the world.

*Procedures system.* All other groups at the HRC, including the OIC, are much more divided on this issue. This “principled” opposition by the Arab Group to Country Mandates at the HRC has been most frequently and strongly defended by Egypt, and has been consistently upheld by the Arab Group, both through voting and strong lobby activities. The issue of Israel/Palestine constitutes the only exception to this rule.

In instances where significant resistance may arise to efforts to end a Country Mandate, including when the country subject to the Mandate has expressly supported its creation or renewal, some members of the Arab Group have been willing to abstain from voting on the resolution. However, member states of the Arab group, usually lead by Egypt, lobby strongly for wording within any country specific Resolution that ensures the mandate created is weak or limited. This Group opposition has been especially unwavering concerning attempts to create or renew country mandates that focus on an Arab country. This is the primary reason why chronic and grave human rights situations throughout the Arab region are almost never addressed by the HRC. Indeed, despite the fact that human rights violations in places like Syria, Saudi Arabia, Yemen, Libya, Tunisia, Algeria, Iraq and, increasingly Bahrain and Egypt, are all considered some of the worst in the world, not one of these states has been subject to sustained and independent examination by a mandate holder at the HRC.

*The only members of the Arab Group which are currently examined through a Country Mandate are Sudan and Somalia.* Somalia has voluntarily accepted its mandate. The Sudan mandate was inherited from the former Commission on Human Rights, and does not enjoy the support of the Sudanese government. Since the creation of the HRC in 2006, the Arab Group has uniformly voted against the renewal of this mandate and has lobbied strongly for other states to do the same. This has resulted in extremely close votes on the issue. This year, at the 15<sup>th</sup> Session of the HRC (September, 2010), the Sudan Country Mandate was renewed by a narrow margin of 3 states, despite the worsening human rights situation in the country. As in the past, the difference was a few key Sub-Saharan African states (Uganda, Zambia and Gabon) who voted in favor of renewing the mandate. Unfortunately, the African Group as a whole shifted from abstention on this issue to voting against the renewal, a sign that this mandate may soon be done away with.

### **3. *Non-Cooperation with Special Procedures***

Thematic human rights mandates also exist within the Special Procedures (SP) system of the HRC. To avoid having their policies examined by

thematic human rights experts, Arab states and others often refuse to cooperate with Special Rapporteurs (SRs) and other thematic mandate holders; behavior which contradicts with their obligations as UN member states.

Only one state within the Arab Group, Jordan, has issued a standing invitation to all Special Procedure mandate holders; the lowest amount of any political or regional group. Currently, 63 requests by various thematic mandate holders, to perform country visits, many of which are long standing, have not been facilitated by member states of the Arab Group. In a positive development, the last year and half has seen an overall increase in the amount of visits that have been facilitated by Arab states. Out of 24 country visits by thematic mandate holders to Arab states since 2006, 10 have occurred since June 2009. Beginning last year, Egypt reversed its long standing refusal to accept such visits and has since facilitated three mandate holders, most significantly the *SR on the promotion and protection of human rights while countering terrorism*; one of the only times a SR that deals with “sensitive” human rights issues has been allowed to visit an Arab country.<sup>7</sup> Tunisia soon followed suit allowing the *SR on Counter-Terrorism* to visit in January, 2010. The SR’s report on his visit to Egypt was presented at the 13<sup>th</sup> Session of the HRC (March, 2010), and proved to be critical of violations of civil and political rights within the country. Unfortunately, instead of engaging in a good-faith manner, Egypt resorted to blanket denial of almost all human rights violations raised in the report. *In fact, this is in line with the model of engagement that Arab governments employ whenever serious human rights violations carried out by them are brought up by the UN Office of the High Commissioner for Human Rights (OHCHR) or any SP mandate holder during HRC sessions. This approach involves: (1) blanket denial, (2) a refusal to engage on substantive human rights criticism and, (3) the denouncing of the report/expert as unprofessional and/or in violation of the Special Procedures Code of Conduct.* In most instances, even when a SP mandate holder is allowed to perform an in-country visit, they are often prevented by government officials from carrying out their mission through limiting access and/or preventing the SR from meeting with independent civil society actors.<sup>8</sup>

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<sup>7</sup> The only additional instances include a visit by the *SR on Torture* to Jordan (2006), and a visit by *SR on Independence of Lawyers and Judges* to Saudi Arabia (2001).

<sup>8</sup> For example, in the report of the *SR on Torture* to the 13<sup>th</sup> Session of the HRC (March, 2010) he referred to his past visit to Jordan several times and lamented that “*In Jordan, I was denied the right to conduct confidential interviews with detainees at the General Intelligence Directorate, and at the headquarters of the Criminal Investigation Police of Amman, victims of torture were removed from their cells and driven around in police cars during my*

Several Arab states that have been member states of the HRC are the least cooperative within the Arab Group. Both Algeria and Saudi Arabia currently have 6 pending requests, which they have failed to facilitate and/or accept, and neither state has allowed for a country visit during the last year. The visits that have been recently accepted by Arab states almost always deal with issues that do not directly involve civil and political rights, or which the country feels it has made progress within and would like to publicize (ex: Syria - Right to Food, Egypt - Water and Sanitation, UAE - Sale of Children). In the meantime, requests by mandate holders that deal with the most widespread and critical human rights abuses (usually dealing with civil and political rights) within a given Arab country are ignored. No state within the Arab Group has accepted or hosted a visit by HRC experts dealing with *Freedom of Religion, Arbitrary Executions, Disappearances, Arbitrary Detention, and Human Rights Defenders*. Only Jordan as allowed the *SR on Torture* to visit (2006), and only Saudi Arabia has allowed a visit by the *SR on Independence of Judges and Lawyers* (2002). In total, the seven thematic Mandates cited above have made 38 requests to 12 different Arab governments, which have not been facilitated and are almost always ignored.<sup>9</sup>

The non-compliance of a state to requests by SP mandate holders should not discourage national NGOs from inviting the mandate holder to visit their country in their personal capacity as a participant in an NGO organized event. In some instances this has occurred and the mandate holder has used the visit to gather information and/or publicize human rights problems within the country as a private citizen. This remains an underutilized strategy by NGOs in the Arab region.

#### **4. *The Universal Periodic Review***

From October 2009 – November 2010 the human rights situation of six Arab countries were examined under the Universal Periodic Review (UPR). At the 7<sup>th</sup> Session, February 2010, Egypt, Iraq, and Qatar came under examination. At the 8<sup>th</sup> Session, May 2010, Kuwait came up for review. The 9<sup>th</sup> UPR session (November 2010) included Libya and Lebanon. For almost all Arab countries, the UPR process is the first and only time the human

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*inspection. Even after I had conducted an interview with a victim with serious torture injuries, which were corroborated through an examination by the forensic expert accompanying me, the victim was later removed and his presence in the detention facilities denied.”A/HRC/13/39/Add.5*

<sup>9</sup> To examine which countries have pending country requests/visits, see: <http://www2.ohchr.org/english/bodies/chr/special/countryvisitsa-e.htm>

rights policies of these governments have been examined on an individual basis in front of the Human Rights Council.

As in previous years, the manner in which Arab states have engaged in the UPR process demonstrates their adversarial and evasive approach towards the UN rights system. In this context, Arab states have spent large amounts of resources to create a facade of cooperation and good-faith engagement during the UPR, while at the same time avoiding accepting commitments to or enacting any substantial positive national reforms that strengthen the human rights of their citizens. This type of approach is why Arab states and the OIC work together to ensure that allied states monopolize the speakers list and perform a “filibuster of praise” during the UPR Working Group. In this way, Arab states attempt to ensure that very few concrete and substantive recommendations that aim to improve the human rights situation within the country under review can be delivered. Moreover, Arab states, responding to the requirement of the UPR that they consult with “other stakeholders” on a national level, often engage with GONGOs<sup>10</sup> (Government sponsored Non-governmental Organizations) instead of independent human rights organizations and defenders, or, when they do engage with legitimate stakeholders, they often ignore their comments and recommendations in the drafting of the state report to be submitted to the UPR Working Group. Even a relatively democratic government such as Lebanon refused to meet with national NGOs when they came to Geneva in early October 2010 to share recommendations and information with states about the upcoming UPR of their country.

Instead of engaging in a serious discussion, Arab governments perform a propaganda blitz within the UPR process that ignores or denies substantial human rights problems, while promoting an almost utopian picture of the human rights situation in their country. This was especially true in the UPR of Bahrain and in its follow up. During the 14<sup>th</sup> Session of the HRC (June, 2010), Bahrain released a highly polished “Progress Report” on the implementation of their UPR “Voluntary Commitments and Pledges” which included a CD with music and graphics, but little substance. The government went as far as to set up a booth in front of the HRC with movies playing in the background and publications by government ministries all touting the enormous human rights progress that Bahrain had accomplished. The reality was that the human rights situation in Bahrain was beginning a steep and unprecedented decline that continues until now.

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<sup>10</sup> GONGOs are government established and/or supported NGOs that push a particular state(s) agenda while attempting to discredit or limit the voice of independent NGOs.

Despite this cynical approach by some states, the UPR has proven to be a highly useful tool for national NGOs to build cooperative coalitions and bring international attention to human rights abuses in their countries. *In fact, the usefulness of the UPR, including the quality of recommendations to the state under review and the manner in which the government reacts to these recommendations, has often proven to directly correlate with the quality and strength of national NGO engagement within the process.* For instance, in the case of Qatar and Kuwait, which lack a strong human rights civil society, little or no national NGOs or human rights defenders submitted information or engaged in the UPR, and sustained lobby campaigns did not take place. As a result, few strong recommendations were made and even less substantive commitments articulated by the governments. In contrast, with Egypt, a strong coalition of national NGOs working in a unified and sustained manner around the UPR, were able to lobby key states to ensure they delivered strong recommendations that reflected their concerns, and were also able to mobilize enough international and national pressure for Egypt to make significant human rights commitments before the UN. These recommendations and commitments can be used by national NGOs to further pressure their government to improve the human rights situation in the country. Moreover, given the cyclical nature of the UPR, strong commitments made by Egypt, if not complied with, can be effectively utilized as advocacy tools by these NGOs during the next UPR of their country.

Another positive outcome of the UPR process has been the effect it has had on a few Arab states in stimulating them to begin to sign, ratify and/or comply with their reporting obligations to human rights treaties bodies, and to cooperate more fully with Special Procedure mandate holders. Indeed, the recent increase in facilitated visits of mandate holders by Arab states has in part been a response to many UPR recommendations to this effect, and the desire of states to demonstrate their “commitment” to the UPR and HRC. Unfortunately, some states have taken the opposite approach. For instance, at the examination of Yemen at the *UN Committee against Torture* in November 2009, the Yemeni government became one of only a few states to fail to appear before the Committee to report on the implementation of their commitments under the *UN Convention against Torture*. In explanation as to their absence the Yemeni government asserted that they felt the UPR process made review before treaty bodies superfluous. The government of Yemen, realizing the Committee had proceeded without their presence, eventually engaged with the body at its 44th Session in May 2010.

## **B. Undermining the independence and freedom of expression of non-state actors**

During the period under review Arab states continued their attempts to systematically undermine the freedom of expression and independence of UN human rights experts and civil society organizations throughout the UN human rights system.

### ***1. Non-governmental Organizations***

There are several strategies that Arab states and others employ in order to undermine the ability of NGOs to freely and independently engage with the UN human rights system.

- *Within the deliberations of the Human Rights Council* Arab states work to undermine the creation and strengthening of mechanisms designed to protect human rights defenders and civil society organizations. At the 13<sup>th</sup> Session of the HRC (March, 2010), Egypt and Angola, with the support of the Arab Group and other states, attempted to insert a line into the annual HRC resolution on the protection of Human Rights Defenders that would have “Call[ed] upon the Non-Governmental Organizations of human rights defenders... to disclose all sources of funding, and all conditions attached thereto.” This constitutes an attempt to legitimize the increasing practice of unduly blocking access to funding, as well as interference into the internal affairs of NGOs by governments around the world. Due to deft and tireless efforts by the main sponsor of the resolution (Norway), the sentence was not included in the final text.

At the 15<sup>th</sup> HRC Session (September, 2010), in a positive development, sixty-three states from around the world<sup>11</sup> co-sponsored a resolution to establish an important new *Special Rapporteur on the right to freedom of assembly and association* to monitor and report on the increasing restrictions and attacks on civil society organizations and political associations throughout the world. The delegation of the Maldives, introducing the resolution, said, “*the right to freedom of association and assembly are essential components of democracy... [but] represent significant gaps at the Human Rights Council... this vital resolution is intended to fill this gap.*” Out of all regional and political groups that operate at the HRC, only the member states of the Arab Group stood united against the resolution, evidenced by the fact that not a single Arab state signed on as a co-sponsor. Also during the

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<sup>11</sup> Resolution A/HRC/15/L.23. The main sponsors were Nigeria, Indonesia, Mexico, Lithuania, United States of America and the Czech Republic.

15<sup>th</sup> Session, the UN High Commissioner for Human Rights in response to lobby efforts and an increasing body of evidence on the subject, in her *Opening Statement* to the HRC stated “*The curtailment of civil society’s scope of action and social activism with ad hoc laws and other restrictive measures in countries like Bahrain, Belarus, China, Egypt, Libya, Panama, Syria and Tunisia is disturbing.*” The statement represents the first time the current High Commissioner has singled out particular Arab countries in her Opening Statement in a highly critical manner. The Arab Group, represented by Syria, and other governments that had been singled out, responded with blanket denial and accusations as to the integrity of the Commissioner and her office.

- *During the proceedings of the HRC, Arab states regularly attempt to censure and intimidate NGOs who reveal rights violations within their countries* by calling repeated points of order and asking the President of the Council to silence the NGO. This type of behavior is carried out by many individual states from almost all regions. The Arab League however is the only group that often attacks NGOs at the HRC as a unit. For instance, the Arab League has increasingly begun to submit letters of complaint to the President of the HRC and the OHCHR targeting legitimate NGO activities. During the 15<sup>th</sup> session of the HRC (September, 2010) a letter of complaint was sent by Syria, on behalf of the Arab Group, to the OHCHR and President of the HRC concerning a side-event that dealt with the worsening human rights crises in Bahrain and was co-organized by Human Rights Watch and CIHRS. The letter accused the event of including “unsubstantiated” and “politically motivated” information.<sup>12</sup> The extent to which Arab states are able to censure NGOs through these points of order and other collective forms of complaint, depends in part on how the President and OHCHR respond. In general, both offices have tended to respect the freedom of expression of NGOs as long as they have not clearly violated the rules of procedure of the HRC. Unfortunately, such complaints often become much more dangerous if a state decides to send them to the UN Committee on Non-Governmental Organizations (NGO Committee).

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<sup>12</sup> The language used by the Arab League in this instance was a reference to paragraph 57 (a) of ECOSOC Resolution 1996/31 which elaborates the conditions under which NGOs may “be suspended” or stripped of UN ECOSOC status by the UN Committee on NGOs.

- *The UN NGO Committee*<sup>13</sup> combined with the increasing propagation of GONGOs, constitutes the most entrenched and fastest growing threat to the long-term ability of independent NGOs to freely and effectively engage with UN human rights mechanisms. This Committee has increasingly become dominated by states hostile to independent NGO participation in the UN human rights system. Currently, its membership includes Egypt, Sudan, Qatar, and other governments that often work with Arab states to undermine independent NGO participation in the UN rights system, such as Pakistan, China, Cuba, and Russia. The elections to the NGO Committee that occurred in May 2010 resulted in an increase of independent NGO-hostile member states; Nicaragua and Venezuela will join the body starting in 2011.

Governments hostile to independent NGOs use the NGO Committee both as a way to prevent the participation of a large number of human rights NGOs, and as a tool of intimidation. Often independent NGOs will not be granted ECOSOC status or the consideration of their application will be indefinitely postponed, while an increasing amount of GONGOs are speedily granted status. Furthermore, the Committee is used by repressive governments to take away or suspend the ECOSOC status of NGOs who criticize their or allied governments' human rights records. *The practice of filtering out and sanctioning independent NGOs while freely and rapidly granting GONGOs ECOSOC status, is likely to have detrimental long term effects on the sustainability of independent civil society engagement at UN rights mechanisms.* The impact of this practice has been clearly demonstrated at the HRC in the past year as UN accredited GONGOs have converged *en masse* to attempt to monopolize NGO speaking slots within HRC sessions. For instance, at the 15<sup>th</sup> Session of the HRC (September, 2010) a large contingency of Sudanese GONGOs took up the first 9 NGO speaking slots under the General Debate of Agenda Item 4 to call for the non-renewal of the Sudan country mandate.

The use of the NGO Committee to punish NGOs for exposing rights violations at UN rights mechanisms has increased in recent years. During the most recent meeting of the NGO Committee (July, 2010), three NGOs faced

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<sup>13</sup> *The Committee on Non-Governmental Organizations* (NGO Committee), located in New York, is a subsidiary organ of the UN Economic and Social Council (ECOSOC). The NGO Committee is responsible for deciding if UN accreditation is given to an applicant NGO, reviewing the activities of accredited NGOs, and deciding if an NGO should be suspended or lose its UN accreditation for any complaint made against it by a government. UN accreditation (or ECOSOC Status) allows an NGO to send representatives and directly participate in the processes of the UN. It therefore represents the main point of entry for NGOs to contribute in the Human Rights Council deliberations and to hold States accountable at the international level.

the possibility of “disciplinary” action. Two of the NGOs had their status suspended for two years: CETIM, a Swiss NGO that Turkey requested to be suspended based on unsubstantiated accusations of being a “propaganda tool” for a terrorist organization in connection with their work on behalf of Kurdish rights at the UN; and, Interfaith International, an NGO that Pakistan accused of questioning their sovereignty. While the decisions of the NGO Committee must be approved by the larger ECOSOC body it is extremely difficult and time consuming to successfully lobby the 54 ECOSOC member states to overturn an NGO Committee decision.

*Egypt, with the support of other governments hostile to independent NGOs, has been actively attempting to create more effective tools of repression and censorship of NGOs within the NGO Committee.* In this respect, Egypt attempted in July, 2010 to stall the accreditation of an NGO dealing with sexual orientation issues by putting forward for the first time a “no action” motion which was adopted by the body. This strategy was intended to ensure that the NGO would be unable to appeal the “decision” at the ECOSOC Committee, as no decision had technically been concluded. In response to a strong lobby campaign, the ECOSOC Committee (in June, 2010) rejected the “no action” motion and granted UN status to the NGO. At the same session of the NGO Committee, Egypt proposed a resolution that could be used to withdraw UN accreditation from NGOs who sponsor the participation of individuals at UN mechanisms from organizations that do not themselves possess ECOSOC status, a common practice among many NGOs which enables the participation of a broad range of civil society actors within UN deliberations. The proposal will likely be considered at the NGO Committee in a future session.

- *Reprisals*<sup>14</sup> against individuals and organizations that engage with the UN are increasingly used to penalize, intimidate, and/or prevent civil society from freely participating in, and cooperating with, the UN rights system, including in the UPR process. Since October 2009 there have been multiple instances of reprisals carried out against human rights defenders from the Arab region. In his annual report on reprisals issued on 7 May, 2010 and submitted to the 14<sup>th</sup> Session of the HRC (June, 2010), the UN Secretary General (SG) documented reprisals carried out against Amal Basha, Chair of the Yemeni NGO *Sisters’ Arab Forum for Human Rights*, which included

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<sup>14</sup> Reprisals are “acts of intimidation” and/or attacks “against those who...Seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, or who have provided testimony or information to them.” This includes those who have “provided assistance,” “submitted communications” or “Are relatives of victims of human rights violations or of those who have provided legal or other assistance to victims.” (Paragraph 1, UN Resolution A/HC/RES/12/2)

office burglary, intimidating phone calls, and the sabotaging of her car's brakes.<sup>15</sup>The instances occurred following her participation in Yemen's UPR process (September, 2009) and its review before the Committee against Torture (November, 2009).The SG highlighted her case in response to two urgent appeals concerning these instances that were sent by the SRs on *Freedom of Expression and Human Rights Defenders* (December, 2009), as well as a letter sent to the government of Yemen by the Chair of the *Committee against Torture*.The Yemeni authorities failed to respond to these repeated inquires.

Also, several Bahraini human rights defenders who have engaged at the UN HRC were accused in August, 2010 of criminal activity amounting to terrorism for their engagement with international human rights mechanisms. Three of the charges against these individuals which related to UN engagement were retracted by the government after NGOs repeatedly drew attention to the situation during the 15<sup>th</sup> Session of the HRC (September, 2010).At both the 14<sup>th</sup> and 15<sup>th</sup> Sessions of the HRC, several members of Sudanese civil society were approached and threatened with retaliation by Sudanese officials for their efforts to ensure the country mandate of Sudan was renewed.After returning from the 15<sup>th</sup> Session of the HRC, one of these Sudanese human rights defenders was a victim of enforced disappearance.<sup>16</sup>

The use of the UN NGO Committee to penalize NGOs for their human rights work within UN processes (as described in the previous section) can also be seen as a form of *Reprisals*.

## **2. *United Nations Experts***

The Arab Group and other states also pursue strategies designed to undermine the independence and freedom of expression of various UN human rights experts.

### **- Special Procedure Mandate Holders**

The Arab Group and the OIC continued to attack particular Independent Experts and Special Rapporteurs within the Special Procedures system of the Human Rights Council. Verbal and procedural attacks on independence of SP mandate holders at the HRC have increased in recent years.SP experts

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<sup>15</sup> A/HRC/14/19

<sup>16</sup> Mr. Abdelrahman Al-Gasim was forcibly disappeared and arbitrarily arrested on the 30<sup>th</sup> October, 2010. Mr. Al-Gasim had participated in the 15<sup>th</sup> session of the HRC, during which he received threats from the Sudanese authorities.

who expose “sensitive” human rights issues within Arab countries and allied states; or whose analysis contradicts with strategic areas of concern for the Arab Group, OIC, and others, are often accused of “overstepping” their mandate and violating the *Code of Conduct*. The Code of Conduct for Special Procedures,<sup>17</sup> originally an Algerian initiative, is regularly misused to attempt to censure reports and intimidate mandate holders from carrying out independent analysis on human rights violations.

In one instance, before the start of the 13<sup>th</sup> Session of the HRC (March, 2010), Egypt, as a member of the Bureau and Vice-President of the HRC at the time, attempted to use procedural tactics to stall the consideration of a joint study on “global practices in relation to secret detention in the context of countering terrorism,”<sup>18</sup> which included human rights violations by several Arab governments. When this tactic began to become less tenable, the Arab Group, OIC, African Group, and others, objected to the consideration of the study on the grounds that the report was “not ready.” As a result the report was delayed until the 14<sup>th</sup> Session (June, 2010). At the 14<sup>th</sup> Session, when the joint study was presented despite persistent objections, the mandate holders that had conducted the study were accused by Algeria, Nigeria, Russia, China, and others, of violating the Code of Conduct in several ways, including: taking up a study that was not directly requested by the HRC, working together jointly without express permission, and using anonymous sources. This amounted to an attempt to reinterpret existing standards and practice in order to greatly limit the independence of mandate holders, and their ability to protect those who share information by providing anonymity.

During 2008-2009, the OIC instigated strong attacks against various Special Rapporteurs if they expressed the opinion that the concept of “Defamation of Religion” does not comply with international human rights standards.<sup>19</sup> While such attacks continued this year, the response of the OIC to mandate holders who challenged the legality of “Defamation of Religion” in international law, including the *SR on Freedom of Expression* and the *SR on Racism*, lessened in intensity and frequency as the OIC sought a more moderate tone on this issue in response to the *Defamation* concepts declining political support. None-the-less, attacks on SP mandate holders by the Arab Group, OIC, and others, are still on the rise. For example, at the 14<sup>th</sup> Session,

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<sup>17</sup> *The Code of Conduct for Special Procedures* was first drafted and put forward by Algeria on behalf of the Arab Group during the institutional formation process of the HRC in 2006, and subsequently included in the institutional package of the HRC adopted by the General Assembly.

<sup>18</sup> A/HRC/13/42. The report was undertaken by the *SRs on Counter-Terrorism, Torture and the Working Group on Enforced and Involuntary Disappearances*.

<sup>19</sup> The issue *Defamation of Religions* is dealt with in the following section of this report.

the *SR on the right to health* focused part of his report on the negative effects on the right to health that the criminalization of sexual orientation and consensual sexual relations has had. In response, Pakistan, on behalf of the OIC, criticized the SR for including a “negligible group” in his report, and warned him that the OIC would monitor his future activities and take “appropriate action” if he continued to violate the Code of Conduct. In his final address to the HRC (13<sup>th</sup> Session) as the *SR on Torture*, Professor Manfred Nowak stated that, instead of constructively engaging with SP experts, “the HRC seems to be more concerned about supervising and censoring its own experts and accusing them of having violated a newly created Code of Conduct... if the Council continues to treat its own independent experts in such a manner it will lose its credibility. ”

**- The UN Office of the High Commissioner for Human Rights (OHCHR)**

Since the creation of the HRC in 2006, various states, always with the assistance and support of the Arab Group and OIC, have attempted to pass resolutions at the HRC that would diminish the independence of the OHCHR. The 15<sup>th</sup> Session of the HRC witnessed the most dangerous out of such attempts thus far. A resolution tabled by Cuba, and co-sponsored by Algeria and Syria, sought to require the High Commissioner to “formally present” the OHCHR’s *Human Rights Programme and Strategic Framework* to the HRC, and to take into account the views of member states in the preparation of that program. The effect of the resolution would have been to subordinate the OHCHR to the Council by giving HRC member states administrative and budgetary oversight over the OHCHR’s work and initiatives. After a strong lobby campaign by several states and NGOs, the Resolution was withdrawn.

Informal intimidation of OHCHR staff by some state representatives has also occurred during HRC sessions in order to influence NGO speaker lists and other procedural issues.

**- Treaty Body Expert Committees <sup>20</sup>**

On 13 October 2010, speaking before the UN General Assembly’s (GA) Third Committee, Ms. Yanghee Lee, Chairperson of the *Committee on the Rights of the Child*, urged states to “refrain from nominating or electing to

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<sup>20</sup> The Human Rights Treaty Bodies are committees of experts created under international human rights treaties and made up of independent experts mandated to monitor State parties’ compliance with their treaty obligations, and issue statements to clarify the legal interpretation of human rights treaties.

the treaty bodies, persons performing political functions or occupying positions which were not readily reconcilable with the obligations of independent experts under the given treaty.”<sup>21</sup>Ms. Lee’s “reminder” to the GA comes at a time when some treaty body experts and NGOs have begun to express increasing concern over the nomination and appointment process.

Most treaty body expert committee members have worked with or within the government of their country of origin. However, some states, including several Arab governments, have increasingly begun to nominate and ensure the appointment of serving Ambassadors, diplomats, and other high-ranking government officials that lack extensive human rights or relevant technical expertise. During the last year, Egypt, Algeria, Saudi Arabia, and Yemen all nominated candidates that fit this profile. Often such nominations/appointments are made to treaty bodies dealing with civil and political rights (Human Rights Committee, Committee Against Torture), while more independent and technically qualified candidates are favored for treaty bodies dealing with economic, social and cultural rights. This reflects a choice by many states, including almost all members of the Arab Group, to approach international civil and political rights as a *political compromise*, instead of as binding legal standards. Given the relativistic challenges currently being leveled by many governments at the universality of human rights (see section below), it is imperative that the independence and technical expertise of those appointed as treaty body experts does not decline in the coming years.

### **C. Weakening international standards of human rights through revisionist tactics:**

The OIC and Arab Group, both collectively and as individual member states, have worked within the UN human rights mechanisms to promote state-centric interpretations of Islamic doctrine<sup>22</sup>, and to create an international legal regime around the concept of religious blasphemy (*Defamation of Religions*). They have also forcefully attempted to condition the application of the principle of equality, underlying all human rights norms, on an individual’s gender and sexual orientation. This has been attempted largely in order to exclude both women and non-heterosexual

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<sup>21</sup> See: <http://www.ishr.ch/general-assembly-news/930-committee-on-rights-of-the-child-reminds-ga-that-treaty-body-experts-must-be-independent>

<sup>22</sup> *State-centric* is used here to indicate a concept of “Islam” that is narrowly and selectively defined by governmental authorities in a manner designed to further their perceived interests.

individuals (LGBT)<sup>23</sup> from gaining further protection under international law, and from being recipients of the rights to which they are already entitled. OIC and Arab Group support for the concept of *Defamation of Religions* and opposition to the equal application of all rights to all individuals greatly weaken certain fundamental human rights standards by conditioning them on relativistic arguments. In the long-term, these efforts threaten to fundamentally reinterpret the concept of universal human rights by ensuring they lack any legally binding content, and instead become subordinate to, and dependent on, the political will or dominant ideology of state authorities in any given country.

### ***1. “Defamation of Religions:”<sup>24</sup>***

*The last year has seen a significant and unprecedented weakening of political support for the concept of Defamation of Religions among states within the United Nations. Yet, this year began with the strongest and most*

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<sup>23</sup> Lesbian, Gay, Bisexual and Transgendered individuals

<sup>24</sup> *Defamation of Religions* is a concept that has been exported by Arab governments and other members of the OIC into the international human rights system. “Defamation of Religion” and related vague blasphemy laws are commonly used by authoritarian and repressive governments within the Arab region to violate basic civil liberties and discriminate against religious minorities, including different branches of the Islamic faith. Independent human rights experts throughout the world, including Special Rapporteurs at the HRC, have repeatedly pointed out that the concept of *Defamation of Religions* is contradictory with international human rights standards and open to abuse by governments since it is individuals and groups, not systems of belief, which are protected by human rights. Arab governments and the OIC use the concept of *Defamation of Religions* to disguise their attempts to undermine current international protections on the right to Freedom of Expression and other basic civil rights behind the façade of protecting minority Muslim communities in Europe and the United States from discrimination. The GA and HRC (previously the Commission on Human Rights) have adopted annual resolutions on *Defamation of Religions* since 1999. Using *Defamation of Religions* resolutions passed at the Commission on Human Rights and HRC, the OIC has also pushed annual resolutions on *Defamation of Religions* through the General Assembly of the United Nations. The cumulative effect of these resolutions serves to undermine established international human rights guarantees on the right to Freedom of Expression by reinterpreting this international standard to be conditional on a particular state’s interpretation of religious “truth” and piety.

disturbing attempt to date by Arab states and the OIC to weaken basic international civil and political rights by inserting the concept of *Defamation of Religions* into international law. From 19-30 October 2009, Algeria chaired the second session of the UN *Ad Hoc Committee for the Elaboration of Complementary Standards* (Ad Hoc Committee). During the Committee's proceedings, attempts were made to insert the concept of *Defamation of Religions* into a legally binding international treaty.

The *Ad Hoc Committee* is mandated to "elaborate, as a matter of priority and necessity, complementary standards in the form of either a convention or additional protocol(s) to the International *Convention on the Elimination of All Forms of Racial Discrimination*, filling the existing gaps in the Convention, and also providing new normative standards aimed at combating all forms of contemporary racism, including incitement to racial and religious hatred" (HRC Resolution 6/21). The OIC, represented by Pakistan, proposed language for the Convention that included, "new binding normative standards relating to religious ideas, objects and positions while incorporating... contemporary issues" such as "defamation of religions." The African Group, represented by Egypt, proposed that the Ad Hoc Committee insert "Islamophobia," "Anti-Semitism," and "Christianophobia," without offering up any definitions of these concepts. This attempt to insert the concept of *Defamation of Religion* into international treaty law will continue in 2011, when the *Ad Hoc Committee* once again meets. However, due to several factors, the ability of the OIC and Arab Group to affect the *Ad Hoc Committee's* outcomes may be much more limited than during the previous meeting.

At the 13<sup>th</sup> Session of the HRC (March 2010), for the first time, the member states of the Council came close to rejecting the OIC's annual resolution on *Defamation of Religions*. The HRC vote resulted in three states withdrawing their support (abstentions), and an increase of six states that voted against the *Defamation* resolution, including Argentina, Mexico, Uruguay, and Zambia, who voted against the resolution for the first time at the HRC. Burkina Faso was the only state that increased its support, changing from an abstention to a yes vote. The final tally of the vote was 20 in favour, 17 against, and 8 abstentions. This is in stark contrast to preceding years during which, since 1999, the resolution has always passed with an overwhelming majority at both the UN HRC and GA. This dramatic decline in political support for the *Defamation* resolution resulted from a combination of developments including: (1) The prioritization of the defeat of the resolution by states who oppose the concept of *Defamation*, including most significantly the United State of America (USA) which began to engage with the HRC for the first time since its creation at the beginning of

2009, and became an HRC member the same year, (2) The emergence of a *Cross-regional Group*<sup>25</sup> of states that took an approach that favoured upholding international law above block politics, (3) Increased strength and unity of opposition to the resolution by civil society from around the world, (4) A more principled human rights approach by some “Southern” countries, most notably South American and some Sub-Saharan countries.

During the same HRC session, Algeria, the Chairperson-Rapporteur of the *Ad Hoc Committee*'s second session, presented a report of the proceedings that occurred in November, 2009. The report failed to adequately document strong opposition expressed by several states to the inclusion of *Defamation of Religions* in any treaty. Due in part to the backlash caused by this key omission, Algeria decided to step down as the *Ad Hoc Committee*'s Chairperson. Nonetheless, a resolution was put forward by Nigeria that convened the third meeting of the *Ad Hoc Committee*, and specifically preserved its mandate to “elaborate additional protocols to the International Convention on the Elimination of All Forms of Racial Discrimination in a structured manner.”<sup>26</sup>

The annual vote in the Third Committee of the GA<sup>27</sup> on the *Defamation of Religions* resolution occurred in November 2010. While the resolution passed once again, the vote showed a further increase in the number of states at the GA that voted against or withdrew their support from the resolution. This was preceded by an unprecedented move by the OIC to change language within the resolution to replace some references to “defamation” with “vilification of religion.” While this was ostensibly done in an attempt to garner more support among states, NGOs and others pointed out that this new language in no way remedies the problems of the original language of “defamation,” and, in some ways, makes the resolution even more dangerous.<sup>28</sup> The resolution, as adopted by the Third Committee, will come before the entire GA for a vote at the beginning of December (2010). The result of this vote will be a strong indicator of whether political support for the resolution will continue to decrease.

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<sup>25</sup> The *Cross-regional Group* was made up of Argentina, Armenia, Brazil, Chile, Colombia, Dominican Republic, Guatemala, Japan, Mexico, the Republic of Korea, Switzerland, and Uruguay. The group also engaged on the related issue of the *Ad Hoc Committee* resolution at the same session of the HRC.

<sup>26</sup> HRC Resolution A/HRC/13/L.9

<sup>27</sup> The committee commonly referred to as the “Third Committee,” is the Social, Humanitarian and Cultural Affairs Committee of the UN General Assembly.

<sup>28</sup> See: <http://www.article19.org/pdfs/press/un-general-assembly-un-member-states-should-vote-against-proposed-resolution.pdf>

In response to the decline in support for the resolution on *Defamation* at both the HRC and GA, Pakistan, as Chair of Humanitarian and Human Rights Affairs for the OIC at the UN in Geneva, has taken a somewhat more consolatory tone towards criticism of the *Defamation* concept since March 2010, and the OIC has indicated that it may be willing to find compromise language in future resolutions. However, any significant long-term change in OIC policy concerning the issue of *Defamation* at the UN will have to be decided on by the member states of the OIC at one of their annual meetings, a process that will only occur if the resolution fails and/or political support continues to decline. Another obstacle for constructive progress on this issue is the obstinate refusal by many EU member states to squarely admit, and begin to seriously tackle, the increasing propagation of xenophobic, discriminatory policies and attitudes against Muslims throughout Europe.

## **2. *Imposing Conditionality on the Right to Equality and the Principle of Non-discrimination***

The principle of non-discrimination and the right to equality underlies all international human rights standards, and requires that human rights must be applied to everyone in a non-discriminatory manner. The OIC, along with the Arab Group, have often lead attempts at the UN to weaken this principle of equality and non-discrimination by using state-centric interpretations of “tradition,” “culture,” and “religion” as justifications to exclude specific groups, usually women and LGBT individuals, from the full enjoyment of international human rights and protections.

Few members of the OIC and Arab Group have failed to ratify, while several others have lodged reservations within particular human rights treaties that require full equality among men and women. This is most apparent in relation to the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW). A large amount of member states within the OIC and Arab Group have lodged reservations to Articles 2, 9, 15 and 16 of CEDAW. These articles provide for equality of women and men before the law, and within the society and family. Many of these reservations effectively render these articles inoperative. While the Expert Committee that monitors the implementation of CEDAW has refrained from directly challenging the legality of such reservations under Article 19 (3) of the

Vienna Convention,<sup>29</sup> they have detailed how such reservations can often contradict with the “object and purpose” of CEDAW.<sup>30</sup>

The Arab Group and OIC often attempt to insert these reservations on the equality and non-discrimination of women into resolutions and decisions of other UN mechanisms, including at the Human Rights Council. On the last day of the 15<sup>th</sup> Session of the HRC (1 October, 2010), the OIC, lead by Saudi Arabia, attempted to insert a clause into the text of a resolution on “*Elimination of discrimination against women*,” which would have conditioned the implementation of the resolution on treaty reservations made by states. The OIC implicitly threatened to veto the resolution if the amendment was not adopted. In response the Mexican Ambassador, who introduced the resolution, stated before the Council, “*we cannot accept reservations that question the absolute right of women to equality... as a result we must reject this amendment.*” In a close vote the amendment was defeated and the resolution adopted by the Human Rights Council, creating a new *Independent Expert Committee on the Elimination of Discrimination against Women*.

The OIC and Arab Group also work to ensure that women and LGBT individuals are not afforded equal protection under international human rights law, and are excluded as rights holders within UN processes. One of the more blatant examples of this occurred in November 2011 at the Third Committee of the UN GA. On the 16 of November, “the Third Committee... voted to remove a reference to sexual orientation from a resolution on extrajudicial, summary or arbitrary executions. The resolution urges States to protect the right to life of all people, including by calling on states to investigate killings based on discriminatory grounds. For the past 10 years, the resolution has included sexual orientation in the list of discriminatory grounds on which killings are often based.”<sup>31</sup> The vote to remove the reference to sexual orientation was supported by all members of the Arab Group and all members of the OIC in attendance (10 member states of the OIC were “Absent”). The reference to sexual orientation was withdrawn despite many reports by international NGOs and UN experts, including the *Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*, that have extensively documented cases of extrajudicial killings on the grounds

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<sup>29</sup> “Article 19 (3) of the Vienna Convention on the Law of Treaties... stipulates that where a reservation is not prohibited by the treaty or falls within the specified permitted categories, a State may make a reservation provided it is not incompatible with the object and purpose of the treaty.” *General Comment No. 24, Human Rights Committee*

<sup>30</sup> CEDAW, *General Recommendation No. 21*

<sup>31</sup> See: <http://www.arc-international.net/press-releases/eje-vote-nov-2010.htm>

of sexual orientation, including individuals facing the death penalty for consensual same-sex conduct.

This type of exclusion of particular groups as recipients of fundamental human rights protections and standards within the UN especially endangers the rights of minorities and marginalized groups, but is also destructive for the entire framework of international human rights, in that it justifies and propagates the selective application of human rights standards by a government according to its perceived political interests or ideological predisposition.

#### **D. Undermining and Obstructing Institutional Progress: The Review of the Human Rights Council**

The five year review of the Human Rights Council, mandated by the GA Resolution that established it,<sup>32</sup> began in October 2009 and will continue at least until mid-2011. As during the institutional building phase of the Human Rights Council in 2006, the OIC and Arab Group have attempted to use the Review process in order to undermine the ability of the HRC to effectively hold states accountable for human rights violations. The member states of the OIC, Arab Group, and African Group, have coalesced around a series of proposals that would (1) greatly undermine the independence of the Special Procedures and OHCHR, (2) minimize the participation of civil society organizations within the Council's review and work, and (3) make it more difficult to convene Special Sessions of the HRC to deal with urgent human rights situations or to create new country specific mandates. At the same time, these groups have attempted to obstruct almost all proposals that would (1) lead to the increased independence/effectiveness of HRC human rights experts, (2) create more open and effective participation of NGOs within the HRC, (3) strengthen membership criteria for the HRC that requires governments to respect international human rights standards and cooperate with UN rights mechanisms, and (4) increase the fairness and probability of convening Special Sessions or creating new mandates within the Special Procedures system. In almost no other UN process has the underlying goal of ensuring mutual impunity been demonstrated so clearly. Morocco is the only

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<sup>32</sup> Paragraph 16 of General Assembly *Resolution 60/251*, 'Decides further that the Council shall review its work and functioning five years after its establishment and report to the General Assembly.' For a detailed overview of the modalities and process of the Review see: *Human Rights Monitor Quarterly*- Issue 2- July 2010, International Service for Human Rights, p.1-7. At: <http://www.ishr.ch/quarterly/previous-editions>

country within the Arab Group that has demonstrated a willingness to engage in a relatively constructive manner within the Review process.

Some of the most troubling of the proposals put forward by the OIC, African Group, and members of the Arab Group have been: (1) to “not impose country mandates on any country against its will,” (2) to create an “ethics” or oversight committee to “monitor” the conformity of Special Procedure mandate holders with the Code of Conduct, and (3) to require the OHCHR to present its Strategic Framework/Management Plan to the HRC and “ensure its consistency” with HRC resolutions.<sup>33</sup> All of these initiatives directly reflect the type of dangerous efforts described in previous sections throughout this chapter, and constitute a concerted attempt to further institutionalize such destructive initiatives.

### **III. Palestine and Israel at the United Nations: The Goldstone “Process”**

In September 2009, the UN Fact Finding Mission on the Gaza Conflict (‘UN Fact Finding Mission’) led by Justice Richard Goldstone, submitted its report to the Human Rights Council at its 12th Session. The Fact Finding Mission’s report, also known as the “Goldstone Report,” examined possible violations of international law during Israel’s 23-day military assault on the Gaza Strip (“Operation Cast Lead”) that began on the 27th of December 2008, and resulted in widespread destruction and the death of thousands of civilians within Gaza. The report is the first to be presented to the HRC dealing with violations carried out by both Israeli armed forces and Palestinian armed groups. The report found evidence that the Israeli military and some Palestinian armed groups, including Hamas, were guilty of committing war crimes during the offensive. It recommended that both Israel and the Palestinians conduct creditable investigations and court proceedings on this matter within six months, and if this did not occur then for the Security Council to refer the situation to the International Criminal Court (ICC). A Special Session to vote on whether to uphold the report and send its findings and recommendations to the GA was called by the HRC in October, 2009. The vote resulted in 25 in favor, 11 abstentions, and 6 against. Most abstentions and all votes against the resolution came from the “Western” group- i.e. EU member states, the United States and Canada; a voting pattern that has been repeated in almost every vote dealing with resolutions on the Goldstone Report and its recommendations at both the HRC and GA.

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<sup>33</sup> For a full list of proposals put forward by states see: UN Doc. A/HRC/WG.8/1/CRP.1(29 October, 2010)

In February 2010, the GA adopted a resolution that reiterated its call on both parties to the conflict to conduct investigations that are independent, credible and in conformity with international standards, and requested the Secretary-General to report to the General Assembly, within a period of five months (i.e. 23 July 2010), “on the implementation of the present resolution, with a view to the consideration of further action, if necessary, by the relevant United Nations organs and bodies, including the Security Council.”<sup>34</sup> In March 2010, at the 13th Session of the HRC, a Resolution was passed by the HRC that established an additional mechanism, a Committee of Independent Experts (Expert Committee), tasked with reporting to the 15th Session of the HRC (September, 2010) on the progress of domestic investigations and judicial processes in relation to war crimes documented in the Goldstone Report. At the next meeting of the GA (June, 2010), the UN Secretary-General, in his report to the body, failed to make a concrete judgment or assessment on the legitimacy and effectiveness of domestic investigations carried out by Israel and Palestinian actors.

In the lead up to the 15th Session of the HRC, NGOs anticipated a much more candid assessment of domestic investigations to be proffered by the Committee of Independent Experts. While the Committee fell short of making a definitive judgment concerning the willingness of Israeli and Palestinian actors to carry out sufficient domestic investigations, their report concluded that these investigations thus far have not conformed to international standards of justice, and lacked basic requirements of independence, transparency and effectiveness. In a joint letter to state representatives NGOs from around the world stated:

...the date by which parties to the conflict should have concluded domestic investigations... expired six months ago in March 2010. The General Assembly has given the parties until July 2010 to conclude these investigations. Despite the passing of these deadlines, alleged violations... have still not been adequately investigated... In response to the unequivocal failure of all parties to the conflict to conduct effective investigations and prosecutions... it is now imperative that urgent recourse be made to mechanisms of international justice.<sup>35</sup>

Despite the mounting evidence and strong call for justice from civil society, the resolution concerning the Goldstone process which was adopted at the 15<sup>th</sup> Session of the HRC failed to conclude that the investigations were

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<sup>34</sup> GA Resolution A/64/L.48

<sup>35</sup> From “A Joint Appeal from Civil Society: The International Community Must Act Now to End Impunity for War Crimes in Israel and Palestine,” 12 September 2010.

insufficient or to recommend that the case be referred to the ICC. Instead, it merely extended the mandate of the Expert Committee for another year. Palestinian and Israeli NGOs in attendance concluded that the Palestine Authority (PA), Arab Group, and OIC, had given into political pressure from the United States and others and effectively buried the Goldstone process in red-tape; potentially destroying the greatest opportunity ever created to hold accountable those responsible for committing war crimes in Occupied Palestinian Territories and Israel.

In November 2010, prominent jurist Professor Christian Tomuschat resigned as head of the Expert Committee. His resignation came as a response to a strong campaign by pro-Israeli groups to defame his personal character and reputation. With the Expert Committee now in “disarray” and the Goldstone process entrenched in complicated, less visible bureaucratic formalities, the entire process is in danger of death by a thousand cuts.

#### **IV. Conclusion: Persistent Threats, Positive Developments**

The long term viability of the international human rights system is threatened by an international political paradigm within the UN that is characterized by the propagation of double-standards and selectivity on the part of almost all states. In particular, the United States and members of the European Union, often considered some of the most democratic governmental systems, continue to demonstrate highly reserved or rejectionist policies when it comes to accountability for rights violations within certain countries/situations, most notably Israel/Palestine, or particular thematic areas of rights if and when they deem such rights to be counter-productive to their immediate state interests, such as some economic and migrant rights.

The type of policies above have greatly strengthened the ability of states hostile to the UN human rights framework, particularly within the Arab Group and OIC, to take advantage of a “West against the rest” agenda around which to mobilize a majority of developing and “southern” states. This political platform of “developing world” or “global south” solidarity is often designed and/or deeply influenced by autocratic governments hostile to almost all forms of accountability, and who insert policies into this agenda that are designed to undermine the international human rights system. Unless more dynamic, cross-regional, principled, consistent and proactive international strategies and policies are adopted by governments to uphold and strengthen the international human rights system

against efforts to undermine it, including by beginning to address their own double-standards and selectivity in human rights promotion, then the future effectiveness and credibility of the system is likely to progressively deteriorate. Within and through the propagation of this political context, Arab governments and others act in unison to ensure that no effective investigation of national human rights violations within their own or allied countries takes place.

The last year has witnessed a limited decrease in the political capacity of some “spoiler” states, including members of the Arab Group and OIC, to push through negative initiatives that undermine the UN human rights system and/or human rights standards. Moreover, the ability of Arab states to prevent criticism of themselves and their allies has also declined to some degree. The following are some key elements that contributed to this positive development:

- *The more frequent emergence of cross-regional ad hoc coalitions of states that ban together in order to further positive human rights positions instead of propagating block politics.* The best example of this can be seen in the cross-regional group of states that emerged around the *Ad Hoc Committee on Complementary Standards* to oppose the insertion of the concept of “Defamation of Religion” into an international treaty, and their efforts within the 13<sup>th</sup> Session of the HRC (see section 3(A) of this report). The cross-regional group of states that supported the creation of a new mandate on Freedom of Association at the 15<sup>th</sup> Session of the HRC is another good example.

- *The adoption of a more principled human rights approach and/or stronger involvement at the Human Rights Council and other UN rights fora by countries from Latin and South America, most notably Argentina, Chile and Mexico.* The role these countries have played over the last year in sponsoring positive human rights initiatives, and opposing those that undermine the UN rights system, has been crucial.

- *The strong engagement and cross-regional outreach of influential governments, including Norway, Switzerland, and the United States of America (USA), within the Human Rights Council (as members) and other UN rights fora.* The strengthened engagement of these three states over the last year has been critical to ensuring a more positive outcome in numerous human rights processes at the UN, as well as in protecting the independence of UN rights experts and the freedom of NGOs to engage within these processes. These states often possess the ability to act much more decisively and creatively than EU member states that are hindered by a cumbersome and complex bureaucratic process of internal deliberation. Moreover, all

three states have prioritized working through cross-regional, multilateral outreach and cooperation. For instance, the efforts by the US to reach out to Egypt resulted in a much more constructive approach being taken by Egypt on certain issues, such as Freedom of Expression.

- *An increasing willingness by some countries to begin to address some of their human rights double-standards.* At the 9<sup>th</sup> Session of the UN Permanent Forum on Indigenous Issues (April 2010) New Zealand announced that it would reverse its position on the UN *Declaration on the Rights of Indigenous Peoples* and would instead support it. At the same Forum the USA stated that it would begin consultations to review its non-support for the *Declaration*. During the 15<sup>th</sup> Session of the HRC, in a resolution tabled by Germany and Spain, the UN for the first time affirmed that the right to water and sanitation is legally binding. The resolution was passed with unanimity. In the past weaker resolutions on the right to water were opposed by members of the Western Group. The USA voted in favor for the first time. By addressing various double-standards and inconsistencies within their international human rights policies governments increase their legitimacy to lead on human rights issues, and weaken the political conflict that empowers initiatives designed to undermine the international human rights system.

- *An increase in the frequency and effectiveness of human rights civil society engagement within the UN human rights system.* Over the last several years NGOs from different parts of the world, including the Arab region, have begun to more effectively use the Universal Periodic Review of the HRC and other UN rights mechanisms to expose human rights violations within their countries. Civil society has also become more adept at forming global coalitions of NGOs to oppose threats to the institutional framework and normative standards of the UN human rights system. For instance, the growing awareness and collective action to oppose the concept of “Defamation of Religions” among civil society organizations throughout the world has played a key role in mobilizing opposition among states. The 2010-2011 Review of the Human Rights Council has also witnessed the active involvement of global coalitions of NGOs acting in unity to influence the process.

## Human rights and the European Neighborhood Policy: Looking for political will

The European Neighborhood Policy (ENP) and the Euro-Mediterranean Association Agreements continue to function as the principal institutional framework through which Europe addresses issues of human rights and democracy in a number of Arab countries. European states and institutions advocate the use of the instruments available within this framework, primarily periodic, bilateral talks between the EU and each partner state conducted through meetings of the partner councils, which include high-level political representation, and the special subsidiary committees focused on diverse topics among which is human rights. These discussions include experts from both the European and Mediterranean partner states. The EU also urges the implementation of ENP action plans, seeing these as a political declaration reached voluntarily with partner countries to guide the process of political, economic, and social reform, and human development. The level of relations between the EU and partner States is determined based on these plans.

Despite the ambitious objectives pursued by the ENP since 2003—the achievement of development and stability in the Euro-Mediterranean region within a framework of human rights values, democracy, and civil society—the results thus far have been quite modest relative to the total financial and human resources invested by the EU with its Mediterranean partners. This is not solely due to the lack of political will on the part of both the EU and Arab partner states to implement the promised reforms. The tools available in the ENP framework are too weak to effectively pressure or encourage Arab partner states. Additionally politically influential European states within the EU have often disregarded issues of human rights and democracy

in the southern rim of the Mediterranean, allowing many authoritarian Arab partner states to successfully reconstitute their relations with Europe on foundations that are incompatible with Euro-Mediterranean Association Agreements and the ENP. These failures are manifested in the following:

1. Arab states' resistance to fulfilling pledges on human rights and democracy without repercussions on the economic, commercial, and security relations with European nations
2. Weak human rights instruments underpinning the ENP
3. Lack of consistent European support for human rights and democracy in Southern Mediterranean states versus the increasing pressure in Southern Mediterranean states to marginalize bilateral and multilateral human rights instruments

### **I. Arab states' resistance to fulfill pledges on human rights and democracy without repercussions on the economic, commercial, and security relations with European nations**

Arab states have failed, to varying degrees, to achieve the reforms promised in their ENP action plans, as recognized by European institutions themselves. In May 2009, the European Commission issued a series of local reports to evaluate the implementation of action plans in Egypt, Tunisia, Morocco, Palestine, Lebanon, Jordan, and Israel. The reports noted that limited progress was made in the fields of human rights and democracy and concluded that most Arab partner states had failed to take tangible steps to improve the state of human rights and democratic practices, having instituted only some reforms in the area of women and children. Despite partner states' eagerness to join international human rights conventions, the reports stated, they have failed to apply these conventions on the ground.

The reports did highlight several positive developments in the field of women's rights, praising the criminalization of female circumcision in Egypt, advances made toward better political representation for women in Morocco and Jordan, and measures taken to combat violence against women in Lebanon and Jordan. Nevertheless, the reports explicitly pointed to partner states' failure to fulfill their commitments to combat torture; uphold freedom of opinion and expression and the right to peaceful assembly and association; and guarantee the safety of human rights defenders, the independence of the judiciary, and refugee rights. The reports also criticized the lack of social policies of Arab partners. On elections and political participation, the reports praised only Lebanon, Morocco, and Palestine.

Significantly, civil society in the southern and northern Mediterranean has repeatedly criticized the tepidness and superficiality of progress reports issued by the European Commission compared to reports issued by other international bodies, such as UN committees and experts. What is worrying is that the conclusions of these reports are meant to guide European governments in their relations with partner states. Refining these reports is thus vital to developing the ENP and giving an accurate picture of the situation on the ground in partner states.

Arab partner states are also seeking to further develop their relations with the EU after the completion of the ENP action plans. Theoretically, any upgrade in relations must come after performance assessments for these countries to ascertain that they have satisfactorily implemented the plans, including its human rights and democracy components. Thus far, however, countries such as Egypt, Tunisia, and Jordan have not shown due consideration for human rights issues in their negotiations on upgraded status. For example, the Egyptian government is working to be one of the first countries to obtain advanced status, since 2008, only a year after the adoption of the Egyptian-European action plan. The Egyptian government's formulation contains no mention at all of human rights, but limits itself to Egyptian-EU relations in the political, security, and commercial spheres. Although the EU has made no decision yet to upgrade relations with the Egyptian government or link it with the implementation of the action plan and its human rights components, it is increasingly expected that relations between the two will be upgraded regardless of the human rights situation in Egypt, as there are no clear indications or a time-bound list of objectives for the Egyptian government to meet before bilateral relations advance.

Morocco constitutes an exception of positive engagement with the ENP, which made it one of the first states to begin negotiations for advanced status, in October 2008, a status which will afford it enhanced financial, commercial, economic, and diplomatic privileges from the EU. This was the primary topic at the Moroccan-European summit held in Granada in March 2010, and the new Moroccan-European action plan is currently under negotiation. Advanced status will undoubtedly foster a more profound debate on human rights between Morocco and the EU, and Morocco will gradually join European human rights conventions, including the European Convention for the Protection of Human Rights and Fundamental Freedoms. Nevertheless, advanced status negotiations have not yet been effectively

employed by Europe to improve the human rights situation and democracy in Morocco within the framework of specific, time-bound commitments.<sup>1</sup>

This does not mean that progress has not been made on human rights in Morocco when compared to other EU partner states in the southern Mediterranean, particularly in the realm of transitional justice, women's rights, and political participation. Nonetheless, there are still several areas of concern undermining human rights and good governance in Morocco, primarily the Western Sahara issue and the systematic human rights abuses endured by Sahrawis who demand the right to the self-determination. This is in addition to violations relating to independence of the judiciary, freedom of opinion and expression, the right to association and peaceful assembly, and human rights violations in the war on terrorism as well as abuses related to the separation of powers. It is worth noting that these issues were adopted in the Moroccan-European action plan concluded in July 2005; although that plan expires in July 2010, these provisions have not yet been implemented by Morocco according to reports issued by the European Commission.

European-Syrian relations have improved remarkably since 2008, bolstered, according to an analysis of European documents, by the restoration of diplomatic ties between Syria and Lebanon, the start of indirect negotiations between Syria and Israel, and changing Syrian policy towards Iraq and Saudi Arabia. The improvements have been seen in the exchange of high-level visits between Syria and the EU, the start of negotiations on a European-Syrian association agreement, and Syria's participation in the founding summit for the Union for the Mediterranean. European states approved the association agreement in October 2009, but the Syrian government has delayed signing it. Nevertheless, the EU is contributing financial and technical aid to Syria. From 2007 to 2010, this aid was estimated at 130 million Euros for political and administrative reform and programs for social and economic reform. From 2011 to 2013, Syria will receive an estimated 129 million Euros for the continued execution of joint projects with the EU.

The objective of the aid is to equip Syrian institutions to implement the European-Syrian association agreement and strengthen the role of civil society in development. The EU's goals in its relations with Syria are extremely modest when it comes to human rights and political reform, a matter determined by the particularity of Syria's political situation compared to other Arab countries. Yet, it does not appear that the European-Syrian

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<sup>1</sup> See "Recommendations on Human Rights for the New Morocco/EU Action Plan in the Framework of the Advanced Status," Euro-Mediterranean Human Rights Network, <<http://www.emhrn.net/>>.

association agreement, even if it is signed in the near future, will improve the status of human rights in the country, in particular the Syrian authorities' brutal dealings with human rights defenders and civil society. The new framework for Syrian-European ties has provided an opportunity for a dialogue on a number of human rights issues, but the EU does not presently possess an instrument to pressure the Syrian government.

The perpetuation of the Arab-Israeli conflict is one of the most significant factors shaping divisions that prevent broader European-Mediterranean social, economic, and political engagement, particularly multilateral engagement. Yet, The tepid EU stance on gross international crimes and violations of international humanitarian law committed by Israel in Occupied Palestinian Territory has opened it up to criticism by the Arab and European political, media, and human rights elite. Israel, like Arab countries, is linked to the EU through bilateral agreements in which human rights are a principal component. Moreover, Israel voluntarily committed to respect human rights and international humanitarian law in its ENP action plan. Like Morocco, Israel was a candidate for negotiations for advanced status ties with the EU, but these negotiations were postponed in a decision from the European Council in December 2009. Although the council reiterated the EU commitment to developing its relations with Israel within the ENP, it noted that circumstances on the ground were not propitious for such development at the current time. The European Council was compelled to issue the decision following the Israeli attack on the Gaza Strip, judging that it would be inappropriate to deepen European relations with Israel when Israel was coming under heavy international criticism for its crimes in the Palestinian Territories, particularly following Operation Cast Lead in Gaza.

Although positive, this step was very small in light of the EU's acquiescent stance on Israeli criminality in Occupied Palestinian Territories. According to a report issued by the Euro-Mediterranean Human Rights Network, the EU limited itself to condemning crimes and abuses of civilians and calling for a ceasefire, but it failed to exercise effective diplomatic pressure on Israel to end its aggression in the Gaza Strip or form an international fact-finding mission to investigate the serious crimes committed during the assault. The EU also did not demand that Israel pay compensation for the destruction of Palestinian facilities and infrastructure built with funding from the EU.<sup>2</sup> A broad global alliance of international organizations criticized the EU stance on the Palestinian-Israeli conflict, particularly the European Council's lack of support for the formation of a

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<sup>2</sup>See "Active But Acquiescent, the EU Response to the Israeli Military Offensive in the Gaza Strip." Euro-Mediterranean Human Rights Network, [http://community.eldis.org/.59bfba6d/EU\\_Response\\_to\\_Israeli\\_military\\_offensive\\_in\\_Gaza.pdf](http://community.eldis.org/.59bfba6d/EU_Response_to_Israeli_military_offensive_in_Gaza.pdf)

fact-finding mission under the UN Human Rights council to investigate human rights crimes committed during the Israeli offensive in Gaza, even though the European Council had recently supported fact-finding commissions in other armed conflicts, such as in Sri Lanka and Georgia and during the Hamas-Fatah conflict as well.<sup>3</sup> The report also criticized the refusal of the European Council to consider the siege on Gaza a form of collective punishment and a violation of international law. Moreover, despite repeated criticisms of the Israeli settlement enterprise in Occupied Palestinian Territory, the European Council has taken no measures to ensure that these illegal settlements do not benefit from European-Israeli cooperation programs. At the same time, despite repeated demands from the European Council to stop arms smuggling into the Gaza Strip, European states have never placed any restrictions on arms exports to Israel in consideration of its status as an occupying nation, although these weapons are used in contravention of international law and European arms export laws. It is worth noting that the European arms exports to Israel were worth 199 million Euros in 2007.

## **II. Weak human rights instruments underpinning the ENP**

The ENP is based on the assumption that partner states aspire to deepen their relations with the EU in order to strengthen their economic and social status. It assumes that partner countries will apply reforms in human rights and good governance to take advantage of European incentives in the form of financial aid and commercial and economic privileges. Yet, after more than five years of the ENP, it is undeniably clear that many partner nations seek to maximize the economic and financial benefits without making any real progress toward democracy, respect for human rights, and human development. Unfortunately, The ENP lacks effective tools to influence the ruling elite in partner states and thus achieve the goals to which the policy aspires. Its tools are limited to negotiations between Europe and partner states, and there is no linkage between, on one hand, commercial and economic ties and political cooperation and, on the other, partner states' commitment to political and social reform. European policy tools work in isolation from one another; political decisions of EU member nations towards relations with partner states are governed by diplomatic and security considerations and are wholly divorced from tools such as the periodic

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<sup>3</sup> See "EU's Position on the Middle-East Peace process: Key Inconsistencies," Euro-Mediterranean Human Rights Network, <<http://www.emhrn.net/>> and <<http://notoisraelnormalization.files.wordpress.com/2010/04/eu-position-on-mepp-paper2.pdf>>.

assessments of action plans carried out by the European Commission or discussions in subcommittees. At the same time, financial aid programs are not used with the required effectiveness by the EU to ensure the achievement of the primary political objectives of the ENP as elaborated in action plans. Partner states receive aid regardless of assessments of their progress toward the goals for which the funds were established.

Despite the importance of dialogue between Europe and partner states in the human rights subcommittees, with time dialogue has become an end in itself without producing specific outcomes that can be monitored or ramifications for political ties between the partners. Moreover, this dialogue takes place behind closed doors, and civil society is given no information about its priorities or results. The EU has responded to the insistence of many Arab governments to abstain from addressing any individual cases of human rights abuses in the joint human rights subcommittees, where talks are limited to ways to develop human rights policies. These concessions are not the result of the poor management of negotiations or misplaced priorities, but rather reflect the lack of political will on the part of both the EU and Arab partner states.

### **III. Lack of consistent European support for human rights and democracy in Arab states versus the increasing pressure in Arab states to marginalize bilateral and multilateral human rights' instruments**

Some European states—including those with substantial political weight within the EU such as France, Britain, Spain, Germany, Italy, and Greece—show no desire to support human rights and democracy in Arab states and avoid embarrassing these governments with this issue. In contrast, the authoritarian or human rights hostile states of the southern Mediterranean are increasingly able to reconstitute Euro-Mediterranean relations on foundations that are inimical to regional peoples' aspirations for democracy and human development. At the same time, this situation has created an environment conducive to Arab governments' push to weaken the human rights content in ENP instruments and marginalize the role of civil society.

For example, Egyptian diplomacy deals sharply with any attempt by European institutions to broach human rights issues in Egypt pursuant to the partnership provisions that provide the framework for bilateral relations. This has become a repeated occurrence since the European Parliament issued its resolution on the state of human rights in Egypt in January 2008. Over the past two years, Egypt has routinely pressured European allies and European

institutions in Brussels to moderate the human rights language used by Europe in the closing statements issued after meetings of bilateral partnership councils. This was the case with the closing statement issued by the Council of the European Union following the convening of the partnership council in April 2010: it was reworded under pressure from the Spanish government, which headed the EU at the time, in response to Egypt.

At the same time, over the past two years the Egyptian Foreign Ministry has exercised pressure on numerous occasions on European institutions in Brussels to prevent European officials or European MPs from meeting with human rights defenders or representatives of the Egyptian political opposition. The most prominent case was an attempt to thwart a visit by prominent Egyptian opposition figure Ayman Nour in Brussels in April 2009. Although some officials from EU member states responded to Egyptian pressure and refrained from meeting with Nour, the Egyptian pressure sparked severe “displeasure” from officials with the European Commission and the European Parliament, who were keen to meet Nour and discuss political developments in Egypt with him. Egyptian diplomats in Brussels also intervened to prevent the Subcommittee on Human Rights in the European Parliament from holding a hearing on human rights and the ENP in May 2010, attended by several Egyptian human rights defenders. Although the efforts failed and the hearing was convened at the appointed time, the state-owned Egyptian *al-Ahram* criticized human rights defenders working with the EU and accused them of working against Egypt’s higher national interests and receiving funds from the EU in exchange for smearing the Egyptian government abroad.<sup>4</sup> The Egyptian Foreign Ministry also summoned EU ambassadors to protest an EU statement condemning the torture of Egyptian Khaled Said and demanding that the government launch a speedy investigation and hold those responsible to account.<sup>5</sup> Both the Egyptian and the Tunisian governments have no qualms about harassing NGOs who receive funding from the EU through European democracy and human rights instruments without the EU taking any appropriate stance.

The Union for the Mediterranean, the newest framework for multilateral European-Mediterranean relations, is also a source of concern for the future of human rights within Euro-Mediterranean relations. The Union is taking a pragmatic approach by focusing on joint projects in areas such as security, energy, migration, and the environment while marginalizing human rights and good governance. Arab states also exercise more influence in the Union; Egypt occupies the co-presidency with Spain, (which succeeded France), and

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<sup>4</sup> “Suqut qina’ al-nushata’ al-huquqiyin,” *al-Ahram*, May 22, 2010

<sup>5</sup> “Egypt Summons EU Envoys over Death Inquiry Call,” June 30, 2010,

<<http://www.bullfax.com/?q=node-egypt-summons-eu-envoys-over-death-inquiry-call>>.

the Union's secretariat has representation from both European and southern Mediterranean countries. The concern is less the fact of joint administration of the Union than the absence of human rights and democracy as a major factor in the objectives, purview, and projects of the Union. This allows the Arab governments, led by the Egyptian government, to marginalize the participation of civil society and human rights groups in multilateral forums, in violation of traditions upheld in the Barcelona Process since 1995.

In conclusion, the Euro-Mediterranean partnership initiative and the ENP have thus far only modestly strengthened human rights, democracy, and human development. This is due not only to the unwillingness of most Arab states to make tangible reforms in these areas, but also to the fact that influential European states with political weight within the EU have not made human rights a priority. In addition, the instruments at the disposal of the ENP are not strong enough to change the political calculations of the ruling elite in Arab partner states, while EU human rights policies remain inconsistent. This has allowed Arab governments to reformulate ENP and Mediterranean partnership instruments to marginalize compliance with pledges on human rights and democracy. Advanced status negotiation between the EU and partner states are not expected to be effectively used to achieve tangible reforms in democracy and human rights in Arab partner nations. This situation is the outcome of all parties' lack of political will, even if such political will is absent in different proportions between the north and south of the Mediterranean, or even among states of the Europe Union themselves,

