

Fractured Walls... New Horizons
Human Rights in the Arab Region
Annual Report 2011

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Reform Issues (29)

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Dedication

To the millions who broke the barriers of fear, boldly challenged the structures of brutal repression in the Arab world, and presented us with remarkable examples of the peaceful struggle for freedom, human dignity, and social justice;

To the thousands who gave their lives in order to turn the black page of authoritarianism, despotism, and eternal monopolization of power in their countries, and the thousands more who were and still are the victims of arbitrary detention, abduction, involuntary disappearance, or unfair trials lacking all guarantees of due process;

To the new generations of youth who dared to challenge the high-handed ruling elite and continue to resist the attempts to steal their dreams of a democratic spring in their countries;

We dedicate this report.

Introduction

The Arab Spring A Struggle on Three Fronts

The year 2011 may be remembered in history as the year that witnessed the blossoming of the Arab Spring, or it may be described as the year that Islamists rose to power in several Arab states—in other words, the “Islamist Spring.” It may also be remembered as one of the bloodiest years seen in the region, although the bloodshed took on a different form than in the past.

The Arab world has often seen deaths as a result of invasions, foreign occupations, regional or civil wars, terrorist attacks, or sectarian and ethnic violence. But in 2011, the context in which innocent civilians died was decidedly different. These martyrs fell as a direct result of the struggle for the right to dignity, freedom, and social justice, and the rejection of autocratic rule. That is, they died in the fight for democracy and human rights—the struggle for a “second independence.”¹ This term was originally coined by Africans to describe their own fight for democracy from the dictators and tyrants that took over their countries following their initial struggle for national independence against colonial powers. This original struggle for freedom and dignity had been usurped by authoritarian regimes

¹ See CIHRS, *l'an “al-istiqlal al-thani”: nahw mubadara li-l-islah al-siyasi fi-l-duwal al-‘Arabiya*, 2004.

who called themselves “nationalists” in order to stigmatize those resisting their authority as unpatriotic servants of “foreign” interests. From this context springs the genius of the African slogan.

This qualitative development in the Arab world is, in and of itself, a historical development worthy of celebration, particularly since the peoples of the region have for so long seen little value in political struggle except in the framework of conflict with the outside enemy. Many have often shown little concern for the domestic suffering inflicted by their “national” leaders, no matter how brutal, even as the nation deteriorated beyond what was experienced under foreign occupation.

Of course, faith in the values of freedom and dignity always existed in the Arab world, but it was a belief that appeared to be held by a small set of politicians, intellectuals, and rights advocates. With the beginning of the Tunisian uprising in December 2010, this faith was transformed into a public, collective conviction held by broad swathes of citizens in the Arab world. This is a historical development that must be recognized. Throughout 2011, thousands of citizens in numerous Arab countries sacrificed themselves as martyrs for a hope in real reform and true freedom – and they continue to do so, indicating a deep-seated faith in their own dignity and that of their fellow citizens. Before this, isolated individuals had sacrificed for the struggle for freedom and dignity in scattered protests or as victims of torture, involuntary disappearance, or other human rights abuses.

Nor were these uprisings simply a transient anomaly, for they swept through numerous countries almost simultaneously—including Tunisia, Egypt, Libya, Yemen, Syria and Bahrain—and the repercussions were felt to varying degrees across Morocco, Algeria, Saudi Arabia, Jordan, and Sudan. In the past, these peoples sacrificed hundreds of thousands of martyrs in their struggles against foreign occupations, and on several occasions they rose up to protest the US invasion of Iraq or the crimes of the Israeli occupation against the Palestinian people. This was a source of shared history among the peoples of the region, representing one of many common historical, linguistic, and cultural bonds. Yet now, the newest and most important common bond among Arab peoples is the deepening of a common faith in freedom and dignity and a collective willingness to sacrifice even life itself to see these values embodied. In this sense, the last year has been one of the most profound and significant in the history of the region, an occasion that is worth commemorating every day, with every new victory, every new sacrifice, and indeed, every new setback - for in the end such setbacks can only be temporary as long as people continue to crave a life of dignity and freedom, more than they fear the bullets and torture chambers of tyrants.

Young people – and particularly liberal and leftist youth - played the decisive role in bringing about this historical development. New media and social networks also played a vital role in giving the forces of revolution an advantage in the conflict, handing them the tactical initiative, strengthening their ability to mobilize, breaking the information siege, and combating smear and defamation campaigns. In those countries that saw popular uprisings, the results varied: setbacks in Bahrain, the successful beginning of a serious transition to a “second independence” in Tunisia, limited partial reforms in Yemen, and the bloody removal of regime heads in Libya coupled with an inability to disarm the revolutionaries. In Egypt, the uprising swept away the head of the regime but left the counter-revolutionary forces in power. In Syria, the brave struggle continues in the face of a bloodthirsty dictator who refuses to learn the lesson of Libya.

At the same time, the political groups and social forces that sparked the uprisings in the Arab world were unable to maintain the strategic initiative and, likewise, proved incapable of controlling subsequent developments or assume appropriate positions in the structures of governance during the transitional period. The situation ranges from full marginalization (Egypt) and partial marginalization (Tunisia) to the occupation of merely symbolic positions (Yemen), and from defensive retreat (Bahrain) to the total assumption of rule (Libya). The future of the conflict in Syria holds several wildly divergent possibilities. These outcomes are the product of the interaction of three primary factors: (1) the relative balance of power of local political forces prior to the uprisings in each country; (2) the existence (or non-existence) of a leadership with strategic vision; and (3) the stance of regional and international powers, primarily that of the United States and the European Union.

The successful uprisings in Tunisia and Egypt led to the rapid ouster of both countries’ presidents, avoiding the potential negative impacts of international and regional alliances on the short-term course of these revolutions. Other uprisings and revolutions, however, were affected by such alliances, both positively and negatively and, at times, decisively.

The consensus among the Gulf Cooperation Council countries (GCC), the US, and the EU on the importance of containing Iran was key to the articulation of a common policy on democracy-seeking uprisings in the region, as was reflected clearly in the joint or coordinated stances taken by the three parties on the uprisings in Yemen, Bahrain, and Syria (and in Libya, but for different reasons). The GCC countries played a leading role in formulating the stance of the Arab League, both within the organization and

in various UN bodies (Security Council, General Assembly, and the Human Rights Council).²

Moreover, the GCC reinforced the regional sectarian struggle (Sunni vs. Shiite), which will have a destructive impact on the future of human rights in the region and carries severe consequences for the position of the US and EU in the Arab world.

The limits of the impact of virtual space on the balance of power:

In the face of the winds of change in the Arab world, developments revealed the ruling parties that possessed or cultivated a strategic vision to meet this challenge to be the monarchy in Morocco, the Gulf Cooperation Council (GCC) led by Saudi Arabia and Qatar, the forces of political Islam across the region, and counterrevolutionary forces in Egypt. In contrast, revolutionary forces failed to realistically assess the power of their opponents, overestimated their own capabilities, exaggerated or dismissed the impact of regional and international actors, or were unable to properly distinguish potential allies from opponents. Whenever all of these failures came together, the losses were severe.

In **Morocco**, three major factors were decisive in warding off the storms of the Arab Spring. Firstly and most importantly, the monarchy possessed a strategic vision and assiduously refused to lose the political initiative, even in the most difficult of circumstances. King Hassan II had done the same thing in the late 1990s, when he invited Abd al-Rahman al-Youssefi - the historical leader of the biggest and most important opposition party of the country and who was then in exile and faced a death sentence issued *in absentia* - to form a government as part of a new policy known as “the alternation of power.” This initiative entailed significant concessions from the monarchy and opened broader horizons for political pluralism in the country. At the same time, however, it also helped to renew political confidence in the monarchy, to infuse the ruling political elite with new blood and expand its base, and to create a better political environment for King Mohammed VI’s assumption of the throne when Hassan II died shortly thereafter.

Mohammed VI is no less savvy than his father. During the short weeks that followed the eruption of the uprisings in Tunisia and then in Egypt, and with the formation of the February 20 youth movement in Morocco which

² See “The Arab Spring in the UN: Between Hope and Despair,” chapter 2 of part 1 of this report.

began by organizing protests on that day, the king astutely read these signs and realized that his most effective weapon—apart from the arsenal of repressive security options that he would not hesitate to use—was regaining the political initiative. In his speech of 9 March 2011, just two weeks after the February 20 demonstrations, Mohammed VI proposed serious constitutional reforms under which the monarchy would cede some of its authority to the government, which for the first time would be formed by the majority party, whatever it happened to be.

The king then called for early parliamentary elections and did not hesitate to task the head of the winning Islamist party to form a government for the first time. Although the constitutional reforms, which were passed in a referendum on July 1, did not meet all the aspirations of the February 20 movement, most rights organizations, and other political groupings, they did include relatively progressive constitutional provisions that helped to strengthen political support for the monarchy and gradually dissolved the political impetus of the February 20 movement. This objective could not have been achieved were it not for two other factors. Firstly, the February 20 movement was unable to realistically read existing power relations, the depth of the monarchy's entrenchment and its relative popularity, and its political maneuvering capabilities which had accumulated over time. The movement's disregard for these considerations and its exclusive focus on political slogans and demands, despite their legitimacy, facilitated its own marginalization.

Secondly, Morocco, unlike other Arab countries that succumbed to the winds of change, had managed to limit gross human rights violations and to undertake an extensive accounting of past crimes against human rights, thanks also to the monarchy's strategic vision. This facilitated the reconciliation of the monarchy with broad segments of the population and, in turn, renewed the monarchy's political legitimacy. Given these three domestic factors, the impact of external actors in Morocco was negligible, especially given the speed at which monarchy seized the initiative on constitutional political reform, followed swiftly by a referendum and a call for early elections in advance of the legal date. This swiftness was coupled with the February 20 movement's delayed absorption of changing dynamics, which had a direct impact on the solidity of the political ground it occupied.

In **Bahrain**, the reversals suffered by the uprising were the direct result of the hostile - although foreseeable - stance of regional forces (the countries of the GCC), which were not satisfied with merely declaring their political stance but also sent Saudi and Emirati armed forces into Bahrain to support the regime's crackdown. This was in addition to international collusion, also to be expected given the rising tensions between the international

community and Iran over its nuclear program. The inability of the uprising's leadership to recognize the likelihood of defeat due to these two factors, along with its failure to acknowledge the limits of the Shiite community's numerical majority in these conditions, closed off possibilities for the movement and led to a slide toward a self-defeating political strategy that reached its zenith when some political factions advanced the call for an Islamic republic as an alternative to the monarchy.³

In **Syria**, the sudden embrace of armed resistance by the uprising's leadership in exile (the Syrian National Council) - due to pressure from some opposition parties at home, an inability of the world community to end the brutality of the Syrian regime, and the growing numbers of casualties every day - may lead down a different but no less suicidal path. This slide is exacerbated by a tendency to overestimate the impact of regional and international support. Indeed, some opposition elements mistakenly believe that the "Libyan achievement" can be repeated in Syria simply by overcoming the Russian and Chinese veto. This view underestimates the internal sources of strength of the existing Syrian regime, particularly the sectarian and ethnic equations on which it is built. Thus far, the opposition has failed to articulate a strategy, program, policies, and practices that speak to the fears of religious and ethnic minorities and reassure them of their future under a different political regime, in which the adversaries of these minorities from the Muslim Brotherhood may assume an influential position.

In this context, it is ironic that one of the factors which led to the setback of the Bahraini uprising—namely, the stance of the GCC, the US, and Europe—is one of the most important sources of political and material support for the Syrian uprising. It is also noteworthy that of all the Arab uprisings, only these two enjoyed a recognized leadership.

In **Libya**, international and regional forces—led by the Qatar-Saudi axis—played the decisive role in defeating the Qaddafi regime, but this could not compensate for the lack of strategic vision on the part of the armed groups that waged the battle on the ground and overthrew Qaddafi. They have thus far proved unable to develop an alternative regime to replace him, and the country is experiencing conflicts between warlords, despite the fact that they are all united by a single ideology—political Islam.

³ The reference was to the Islamic republican system as it exists in Iran, which allowed the Bahraini government to view the appeal as the acceptance of an Iranian perspective that Bahrain is part and parcel of Iran.

In **Yemen**, President Ali Abdullah Saleh was forced out of office in exchange for the election of his former vice-president - the only candidate - as president, in compliance with the GCC Initiative, which was supported by the US and the EU. The initiative entailed Saleh's renunciation of power on the condition that he would not be prosecuted for any crimes committed during his rule, as well as the formation of a consensus government between Saleh's party, traditional opposition parties, and tribal forces, with only nominal representation for revolutionary youth. This new political equation did not appear from the heavens but rather came about as the practical expression of power relations on the ground, as the uprising had continued for nearly a year without being able to develop new power relations or establish a new political class.

The failure of the revolutionary youth to realize the depth of the entrenchment of traditional social and political forces as well as the extent of regional and international influence in a country considered to be a regional center for al-Qaeda may threaten a setback no less grave than that of Egypt. The opposite holds true as well: if the revolutionary youth develop a strategy grounded in the reality of the local balance of power and regional and international alignments and considering the legitimate interests of Yemenis in the south and the far north (the Houthis), they may gradually improve their position and influence, contain the challenge of the armed counterrevolution, and clear the way for a gradual transition to a "second independence."

Tunisia offers the best example thus far. Following the flight of former President Zine el-Abidine Ben Ali on January 14, 2011, civil and political forces were able to work together to form a shared institutional structure known as the High Commission for the Realization of the Revolution's Goals, which was recognized by the transitional authority. Through this commission, the political opposition and civil society drafted a common, sound roadmap for the transitional phase and offered proposals for fundamental legislative changes and the establishment of new institutions, which were immediately adopted by the transitional authority. This pushed Tunisia forward with many fewer problems than in Egypt and Libya.

Three main factors⁴ encouraged this which were not present in Egypt or Libya. Firstly, the Tunisian army had no aspirations to play a direct political role, sufficing itself with monitoring the transition from a reasonable distance. Secondly, the intellectual underpinnings of the leadership of the Islamist Ennahda movement are more compromising than those of the

⁴ Bahey eldin Hassan, "Why Tunisia succeeds while Egypt fails," Egypt Independent, Nov. 2, 2011, <<http://www.egyptindependent.com/opinion/why-tunisia-succeeds-while-egypt-fails>>.

Muslim Brotherhood and the Salafis in Egypt and Libya and geared less toward the Islamization of legislation and society. This has helped Tunisia avoid the pitfalls of sharp political and sectarian polarization. Thirdly, Tunisian civil society was more dynamic and politically focused and did not leave drafting the roadmap for the country's future to politicians alone. This relative stability was thus not greatly affected when Ennahda, which did not play a leading role in the revolution, won a plurality in the constituent assembly elections. However, Ennahda was enabled to play a decisive role in writing the temporary constitutional rules that granted basic powers to the government - formed under Ennahda's leadership - at the expense of the presidency, which enjoys only marginal prerogatives. Because of its plurality, Ennahda will have the greatest influence in drafting the country's permanent constitution. The outcomes of this influence and, perhaps, the future of Tunisia, will depend to a great extent on the interactions between Ennahda's more compromising and pragmatic leadership and the pressures of the Salafi movement, which enjoys increasing sway over Ennahda's base, especially outside of Tunisia's large cities.

Between strategic clarity and political opportunism:

In **Egypt**, the uprising has not yet been defeated, but it has suffered a major setback that may lead to the same fate as that of Bahrain. The success of the popular uprising in forcing President Hosni Mubarak from power after only 18 days was a miraculous achievement. It was an accomplishment that defied the imbalance of power relations between an entrenched authoritarian regime that had for six decades relied on formal political pluralism to prolong its life, on one side, and new, ascendant opposition forces on the other, particularly among youth. Seemingly on the sidelines, the Muslim Brotherhood, the most organized force of political Islam, made partial, ad-hoc deals with opposition groups, yet they were always careful to not challenge the military regime and began early on to cut deals with the regime at the expense of other political actors when the opportunity presented itself.⁵

⁵ For example, Mahdi Akef, the former general guide of the Muslim Brothers, admitted to concluding a secret deal with the security apparatus for the 2005 parliamentary elections. See al-Masry al-Youm, "Mahdi 'Akif fi awwal hiwar sahafi ba'd azmat al-insihab: hunak shay' ghamid wa sirr fi maktab al-irshad wa musammim 'ala ma' rifatih," Oct. 24, 2009, <<http://www.almasry-alyoum.com/article2.aspx?ArticleID=230596&IssueID=1568>>. This was later confirmed by other leading Brothers, including Abd al-Hamid al-Ghazali, Akef's political advisor, and Mohammed Habib, Akef's leading deputy at the time. Khairat al-Shater, the current deputy guide, played a major role in concluding this deal. See al-Masry al-Youm, "'Abd al-Hamid al-Ghazali mustashar murshid al-ikhwan li-l-Masri al-Yawm: na'm 'aqadna safaqa ma' al-amn fi intikhabat 2005," Oct. 29, 2009, <<http://www.almasry->

Over 18 days, the uprising - or the “January 25 Revolution” - shook the regime’s pillars of support, but the “entrenched state’s” well-established security apparatus was soon able to regain its balance, adapt to the changing situation, and plan for the coming phase. The security apparatus made a well-informed bet on the long-standing political opportunism of the Muslim Brotherhood,⁶ but it was also aided by the inability of the political bases of the uprising - which had not planned for a revolution - to rapidly absorb the seismic shift that their sheer courage and frustration had created. A problem for new reformist political forces and groups has been a seeming inability to see the emergent political landscape “as it is,” without illusions about the objectives of old and new regime forces, the objectives of the Muslim Brotherhood, or the limited capacities of the groups that had sparked the uprising.

The Supreme Council of the Armed Forces (SCAF), with the cooperation of the security apparatus, assumed power. An institution that does not belong to the revolution and that underwent no serious reform in its wake, the SCAF has indeed done everything in its power to crush revolutionary forces, directly and indirectly. Both houses of parliament are controlled by a majority affiliated with either political Islam (the Muslim Brotherhood, the Jihad, and the Islamic Group) or evangelical Islam (the various Salafi parties), and all Islamic factions agreed throughout 2011 to provide direct and indirect political support to the SCAF in the face of its critics. Meanwhile, representatives of the liberal and leftist currents are a small minority in the parliament, among them a few revolutionary youth who can be counted on the fingers of one hand.

During the past year of “revolution,” activist youth in Egypt were increasingly targeted for various forms of repression: they have been referred to military trials, faced crackdowns on demonstrations including through the use of live ammunition, rubber bullets, and birdshot, and been crushed under armored vehicles and pursued by thugs with knives. They have been abducted and taken to undisclosed locations, and press campaigns have discredited them with charges of treason and foreign collaboration, mobilizing the citizenry against them with the claim that the revolution

alyoum.com/article2.aspx?ArticleID=231189&IssueID=1573> and al-Masry al-Youm, “al-Ghazali: al-ikhwan lan tukarrir safaqat 2005 ma’ al-amn fi-l-intikhabat al-muqabila,” Oct. 27, 2010, <<http://www.almasry-alyoum.com/article2.aspx?ArticleID=274986>>.

⁶ It is instructive to review the Muslim Brothers’ dealings with former presidents Gamal Abd al-Nasser and Anwar al-Sadat and their willingness to conclude deals with them at the expense of democratic principles and other political forces. See, for example, ‘Imad Abu Ghazi, “Maris 54: sira’ al-dimuqratiya wa-l-istibdad ayyam al-ihitshad,” al-Shorouk, Apr. 22, 2012, <<http://www.shorouknews.com/columns/view.aspx?cdate=21042012&id=830c9b3a-f65b-4186-b1ab-3e5961999776>>.

brought chaos and a security vacuum and obstructed the operation of public facilities. Activist and reformist youth in Egypt are now treated by the government in much the same way the Muslim Brotherhood was repressed before the uprising.

In contrast, Islamist political factions have encouraged citizens to support the SCAF and condemned protests against its policies. They have also remained silent about human rights crimes that have not targeted Islamists, including those that should ostensibly shock and provoke moral and religious outrage, such as dragging women through the street and stripping them or performing “virginity tests” on women in custody. Indeed, in some cases, the Islamist political forces even went so far as to blame the victims. This conduct on the part of the Islamists may be why demonstrations organized by them in the year after the revolution went unmolested, while the suppression of other protests was often bloody and led to the deaths of more than 100 people.

In Egypt, many now say that the Islamists have hijacked the revolution. This is true in one sense—the Islamists did not spark the revolution but rather joined several days later, having refused to take part in the Day of Rage on January 25, 2011, which inaugurated the uprising. However, the Islamists enjoy three features not possessed by their opponents that give them a hard-won advantage. Therefore, the fact that the fruits of the revolution fell into their hands was not a cosmic accident or unlikely outcome.

Firstly, the Islamists are closely tied to their communities, and not only due to their playing on the religious sentiment of the majority of citizens, who share their beliefs, or their use of the mosque for raising awareness, cultural education, organization, and political campaigning. They have also established capable, sophisticated social support institutions, as a result of which they have been able to engage in broad social mobilization and build a new political class. In contrast, leftist and liberal forces have proven unable to plant deep roots in a broad swath of society.

Secondly, Islamists possess the weapon of internal organization. While leftists in the Arab world have best written about organization, it is the Muslim Brotherhood who have perfected the practice. The organization of the Muslim Brotherhood is based on experience accumulated over decades, which has enabled them to withstand, with varying degrees of firmness, the onslaught of the most authoritarian and bloody of rulers.

Throughout all of this, the Muslim Brothers have been able to mobilize sufficient financial resources and skillfully blend the building of deeply-rooted traditions of collective action with the production of charismatic

leaders in various fields who have gradually become well-known national political figures, some of whom are even recognized regionally and internationally. In contrast, other political formations have always been fragile and tended to factionalism, having leaders with individualistic tendencies and lacking traditions of collective action. Therefore, they have been unable to withstand, as organizations, the actions of authoritarian and totalitarian regimes in the Arab world and have not cultivated a lasting consensus around any charismatic figures. It was in this context that new youth political groups emerged, and while they successfully overcame some of these pathologies, they have not overcome them all. It must also be remembered that democratic liberalism in the Arab world was also subjected to systematic repression during the second half of the twentieth century, such that it lacked virtually any real partisan organization, and it only began to emerge anew in the first decade of the new millennium.

Thirdly, the leadership of the Muslim Brotherhood possesses strategic clarity. Although the victories achieved by the uprisings of the Arab Spring were a surprise to all parties - including those who sparked them - the Islamists, who were the last to join the revolutions, were the first to process what had happened and the first among the opposition to clarify a realistic, though undeclared, strategy for engaging with new power relations and new centers of power, both domestically and internationally. In Egypt, the home of the oldest such organization and of the leadership of the international group, the Muslim Brotherhood developed their long-standing strategy of “consolidation” to absorb the new realities on the ground and incorporate them into its decades-long forward march to control society from the ground up, with the ultimate goal of controlling all state institutions. Thanks to the often blind obedience paid by members of the Brotherhood to the group’s leadership, the latter was able, with cold calculation, the utmost flexibility, and the fewest possible losses, and without any previous or subsequent political declaration, to shift from a temporary alliance with the revolutionaries of Tahrir Square to a temporary alliance with the SCAF against them only one month after the revolution had begun, and with little or no consideration for the many that had been and continued to be killed, tortured, and imprisoned for creating this political opening.

A review of significant political milestones over the past year in Egypt—starting with the referendum on the constitutional amendments a month after Hosni Mubarak’s ouster and including several million-person demonstrations organized by the revolutionary youth, the three major massacres perpetrated by army and police forces in 2011, and the formation of the constituent assembly in March 2012—will enable any observer to easily identify those perceived by the Muslim Brotherhood to be friends or

foes. Among those categorized as opponents by the Islamists were figures of the former ruling party as well as leftist and liberal factions, including revolutionary youth and public figures belonging to this political base. The Brotherhood has skillfully used various methods and weapons to engage with these varied opponents. In contrast, the SCAF was categorized as a temporary ally with whom deals could be made, both publicly and in secret, until the next stage of the strategy of “consolidation.” That both the Islamists and the SCAF consider the other to be an ally is the flip side of their agreement to treat revolutionary forces as a common enemy which poses a challenge to the separate interests of each party. The weapons that have been used by political Islamist factions against their opponents have ranged from allegations of ties to the former regime to accusations of secularism and hostility to God’s law. At the same time, the Islamists explicitly supported the SCAF’s allegations against revolutionary youth, liberals, and leftists, whom it accused of sowing chaos and attempting to destroy the state.

This context may help explain the hostile stance adopted by the Muslim Brotherhood and its affiliated political party against human rights organizations when the security apparatus, backed up by the judicial system, launched a fierce attack on them in the latter months of 2011. The Brotherhood is no longer a victim that needs human rights groups to defend it; indeed, the group is readying itself to assume power and will soon become the object of these groups’ criticisms.⁷ At the same time, the discourse of the Muslim Brotherhood targeting the international community was different. Some political analysts even observed that some of the group’s stances as declared in English diverged starkly from their stated positions in Arabic.⁸

⁷ This seems to be a common tendency among several Islamist parties in the Arab world. See, for example, the unprecedented hostile remarks against civil society made by al-Habib al-Shoubani, the minister in charge of relations with parliament and civil society and a leader in the Moroccan Justice and Development Party, *al-Masa’*, Apr. 5, 2012.

⁸ Eric Trager, “The Muslim Brotherhood’s Mendacious Charm Campaign in Washington,” *The New Republic*, Apr. 9, 2012, <<http://www.tnr.com/article/world/102413/muslim-brotherhood-egypt-arab-spring-election>>. See also the Brotherhood’s positive statement on civil society, particularly human rights organizations in Egypt, issued following Senator John McCain’s meeting with Khairat al-Shater, which was widely hailed in American circles. However, it was later revealed that the statement was not issued in Arabic. Indeed, statements issued in Arabic evinced an extremely negative view of these same groups. Ikhwan Web, “Freedom and Justice Party Supports Role of NGOs as Essential to Democratic Process,” Feb. 20, 2012, <<http://www.ikhwanweb.com/article.php?id=29692>>. For the statement issued exclusively in English expressing solidarity with activist Alaa Abd al-Fatah, see Ikhwan Web, “Muslim Brotherhood Condemns Military Trials for Egyptian Activists,” Oct. 30, 2011, <<http://www.ikhwanweb.com/article.php?id=29091>>.

In contrast, revolutionary youth groups, liberals, and leftists were unable to develop a strategy and clearly identify real friends and foes. For some time, they remained the victim of confusion and romantic illusions about the attitude of the Islamists and the SCAF towards the revolution and its forces. It took nine months, up until the Maspero massacre, for many within these forces to shed their illusions about the SCAF, and their romantic hopes vested in the Muslim Brotherhood only dissipated nearly a year after the revolution, when the Brotherhood had assumed control of parliament and began using it as a platform from which to discredit revolutionary youth as thugs, to justify police repression, and to propose new legislation to suppress the freedom of assembly and the right to protest which were even more restrictive than the laws of the former regime.

The confusion and missteps of revolutionary forces reached their peak when they failed to adopt a swift, clear stance on the security and media campaign, backed up by judicial powers, launched by counterrevolutionary forces in the second half of the year against human rights organizations, which were tried in the media and the courtroom on charges of supporting the revolution. During this period, the situation was being reshaped to strengthen the old regime, not only at the expense of the revolutionaries, but also to eradicate the biggest accomplishment of political Islam in the past century.

This does not necessarily signal the return of the old regime in its old guise, but perhaps points to internal regime reform of the type resisted by the former president and his son. Mubarak was compelled to accept the necessity of such reform in the first week of the January 25 uprising, but by then it was too late to convince Egyptians to accept it.

Currently, many factors may lead Egyptians to accept now what they rejected more than a year ago. For one, revolutionary forces have been unable to convince the citizenry of their competence, while the political and moral legitimacy of the Muslim Brotherhood is simultaneously eroding in the face of increasing recognition that the group has an ulterior plan to take control of the entire state. At the same time, fear of uncertainty has grown among citizens as a result of the military regime's manufactured security vacuum, and this panic is fed from time to time by intimations of fabricated foreign conspiracies. Further exacerbating the situation is the fact that daily living conditions continue to decline and the state is on the verge of bankruptcy.

The new power relations in Egypt are reflected in the nature of the conflict over the future of the country, as seen most clearly in the conflict over the constitution. This battle over the country's future is not between the

constitution of the old regime (the 1971 constitution) and a revolutionary constitution; there is no party advocating such a revolutionary constitution, as this possibility was buried by the Islamists and SCAF with their constitutional amendments drafted only a month after Mubarak's ouster. Rather, the conflict is now between a theocratic constitution,⁹ or one on the way to it, and a modified 1971 constitution—that is, an internal reform of the Mubarak regime, but in a different context. It should be noted that the January 25 revolution did not include the application of Islamic law as one of its demands. Indeed, the demand for a civil state was one of the most prominent slogans. In this context, if the forces of the revolution do not articulate a strategy based on the current realities, correct their course a year after the uprising, and reconsider their classification of friends and foes, permanent or temporary, the current setback may deteriorate into a total defeat of the original goals of the uprising and may likely end in a very bloody manner.

⁹ Liberals and secularists have reiterated on several occasions that they do not intend to amend the constitutional article designating Islam as the state religion and Islamic law as the major source of legislation. Thus, there is no other explanation for the Muslim Brotherhood's decision to ally with the Salafis, to the exclusion of other parties, to dominate the primary levers in parliament and the constituent assembly. Even after the Administrative Court ordered the dissolution and reconstitution of the constituent assembly, the Islamists have insisted on maintaining at least 51 percent of the seats. In addition, upon declaring his candidacy for the presidency, Khairat al-Shater, the deputy guide of the Muslim Brothers and the group's *de facto* leader, declared that the implementation of Islamic law was and will remain his primary goal and that, if elected, he would form a council of Islamic scholars to help parliament achieve this goal. See al-Masry al-Youm, "al-Shatir yu'lin tashkil majmu'a min ahl al-hall wa-l-'aqd li-mu'awanatih fi tatbiq al-shari'a," Apr. 4, 2012, <<http://www.almasryalyoum.com/node/751541>>. This declaration is the first official confirmation from the Muslim Brothers that the group will not abandon the political platform announced in 2007, which is crucial to turning Egypt into a theocracy. See Bahey eldin Hassan, "Muslim Brothers Party's Platform in Egypt from a Human Rights Perspective," paper presented by Bahey eldin Hassan at CSID's 9th Annual Conference "Political Islam and Democracy: What do Islamists and Islamic Movements Want?" Washington, D.C., May 14, 2012. For more information about the conference, see: <<https://www.csidonline.org/annual-conference/9th-annual-conference/91-reports/386-9th-annual-conference-report>>. Mohammed Mursi, the president of the Freedom and Justice Party who succeeded al-Shater as the group's presidential candidate after the latter was disqualified by the elections commission, reiterated the same goal immediately upon declaring his candidacy. In his first campaign rally, he stated, "The Quran is our constitution, and Islamic law is our guide." See New York Times, "In Egypt Race, Battle Is Joined on Islam's Role," Apr. 23, 2012, <http://www.nytimes.com/2012/04/24/world/middleeast/in-egypt-morsi-escalates-battle-over-islams-role.html?_r=1>.

Against the theocratic project, not Islamist parties:

Across the Arab region, there is also a conflict between the project of the “theocratic state,” perhaps most clearly embodied in Libya, and a modified authoritarianism, as exemplified by Morocco. Other countries are still vacillating between these two poles, and it may be that Tunisia alone successfully navigates a path toward a truly democratic government. As for the “second independence,” the struggle in the Arab world remains in its early stages and still lacks a clear strategy and a favorable international political climate. In fact, those who raise the banner of this struggle are fighting on three fronts simultaneously, as they face the counterrevolution, the theocratic state project, and unwelcoming - if not outright hostile - international and regional opposition to the rise of true democracy. In comparison, before 2011, their struggle had been focused on only the first and third fronts.

The year 2011 marked the beginning of a struggle for a “second independence” in the region, specifically in several of the most important Arab countries, but the course of the struggle and the ranks of allies and opponents, at home and abroad, differ from country to country. While the Ennahda Islamist movement of Tunisia can be classified as a partner in the struggle for the “second independence,” Islamist political groups in Egypt have taken a different course, moving toward a narrowly defined theocratic state and bending all tactical political arrangements after the revolution to this end. The struggle for a “second independence” in Egypt will thus be more difficult unless there is a fundamental reconsideration of this strategy within the Islamist camp, something of which there is no indication until now. Thus, the struggle for a “second independence” in some Arab countries will necessitate a struggle against the theocratic state, though not against Islamist parties if they are able to recognize the value of plurality and true democracy and stop approaching their role in society as that of pre-destined and heavenly ordained rulers. History has seen no compromises bridging the gap between the civil state and theocracy, for the latter can only be established by ultimately doing away with the values of justice, rule of law, and respect for human rights on which a stable, well-functioning and humane civil state is built.

In this period of the struggle for a “second independence,” and against both a modified authoritarianism and a theocratic state in the Arab world, the coming years will see changes in the human rights violations that were previously widespread. It is expected that the amount and severity of gross human rights abuses will decline, with the exception of countries witnessing armed conflicts, while other violations that may be religiously justified will

increase, such as violations against women and minorities, religious freedom, and freedom of belief, thought, and literary and artistic creativity. It is also expected that youth platforms, especially political groups, will come under increasing attack, along with human rights defenders, and that they will face threats to bodily integrity and the right to life with ever increasing regularity. In this context, the task of reforming the security apparatus within Arab countries assumes crucial importance, but this faces not only the resistance of old regimes to any serious reform, but also the opportunism of some factions of Islamists in some countries in the region, which reduce the issue of security reform to bringing the apparatus as it is under the control of the Islamists and removing prominent security leaders hostile to political Islam.

Although the struggle for a “second independence” still lacks a long-term, pragmatic strategy and a favorable international political configuration, it does possess enormous momentum due to the collapse of the barrier of fear for tens of millions of citizens. These citizens now enjoy increased confidence in their ability to bring about change, have a heightened interest in public affairs, and deeply desire equality, dignity, freedom, and social justice. Whereas “resistance to colonialism” and external powers used to be the strongest regionally-shared political value, this has been engulfed within a larger and more profound shared goal of gaining freedom and dignity, no matter who the oppressor may be. Young people are now possessed of a deep-seated conviction that it is their right to determine their country’s future, and they continue to demonstrate a boundless readiness to struggle and sacrifice for this goal no matter the obstacles or odds. While this determination may ebb at times, it is hard to imagine that it will disappear or be bayed into submission for any extended period of time. While real walls continue to be erected in the streets, let us hope they are never again rebuilt in the minds and hearts of this new generation.

Bahey eldin Hassan
April 30, 2012

Part One
Limits of the “Arab Spring”

Report Summary

Human Rights in the Context of the “Arab Spring”

The peoples of the Arab world experienced a historically significant shift in 2011, a year which saw a tremendous revival of aspirations for democracy and the strengthening of human rights in a region that had for decades appeared immune to calls for democratic reform. Thousands of people across several countries were killed and injured while facing down a brutal system of repression that was intensified and wielded against them on the largest of scales. 2011 saw the embodiment of this battle of wills between peoples aspiring to freedom and human dignity on one side and despotic regimes and their affiliated networks of plunder and corruption on the other.

The year saw great successes for the peaceful struggle of these peoples. Seemingly immortal regimes, systems of family rule, and plans for familial succession suffered severe blows, and symbols of tyranny were swept away in Tunisia, Egypt, Libya, and Yemen. In Syria, the regime found it difficult to find a political exit that would grant it the legitimacy to remain in power in light of the bloodbaths it perpetrated that utterly estranged it from its own people.

Due to the influence of the Arab uprisings, which extended to numerous other countries to varying degrees, several governments were forced to put

reform issues at the top of their agendas in hasty attempts to adopt a reformist discourse. In Morocco, this was translated into partial reforms on the ground, while promises of reform in Algeria turned into legislation that moved the country in the opposite direction, despite the lifting of the exceptional state of emergency which had been in force since 1992.

Even the occupied Palestinian territories felt the impact of the Arab uprisings, as popular pressure was able to end the split between the two parties of the Palestinian Authority and to push for a reconciliation agreement between Fatah and Hamas. However, this development did not lead to a fundamental change in the situation of human rights and public liberties nor did it stop the violations on the part of both sides. Furthermore, this development has yet to be accompanied by the political will to form a national unity government, to end the dual governance structure, and to reform and integrate the security and judicial establishments.

Nevertheless, the achievements of the Arab revolutions have not lived up to the level of the sacrifices made by Arab peoples, even in those countries where the ruling figures were ousted. The uprising in Bahrain was suppressed amid the collusion or silence of international and regional parties regarding the crimes committed during the crackdown and with the aid of diplomatic and military support from the Gulf Cooperation Council. The Gulf Initiative to end the crisis in Yemen, supported by the US administration and European parties, guaranteed a safe exit for despot Ali Abdullah Saleh, his senior aides, and his children, imposed an interim president from within the same regime, and allowed for members of the ruling party and traditional opposition groups to share seats in the transitional government.

Although Egyptians succeeded in removing the heads of the police state, Egypt witnessed major setbacks in the transitional period, managed by the Supreme Council of the Armed Forces (SCAF), which pursued extremely conservative policies at odds with the revolutionary goals of completely uprooting the Mubarak regime and making a clean break with his authoritarian ways. As a result, the same tactics continued to be used to repress opponents critical of the SCAF. Peaceful protests calling for a correction of the course of the revolution and the army's return to its barracks were brutally suppressed, attacks on human rights groups and civil society reached unprecedented levels, and independent media once again came under increasing pressure.

In contrast, Tunisia seemed to be the country best poised to embark on a serious process of democratization, a development partly explained by the fact that the Tunisian military had no political designs to assume power. In

addition, alliances between revolutionary forces and labor, rights, and political movements succeeded in quickly filling the power vacuum and in excluding figures from the Ben Ali regime and members of his ruling party entirely from the administration of the transitional period. This provided a better opportunity to build a national consensus around the course of the transition in Tunisia than was the situation in Egypt, where the policies and tactics of the SCAF deepened existing rifts between political forces which shared an interest in ridding the country of the Mubarak regime.

Despite the severe blows dealt to the former systems of governance in Tunisia, Egypt, and Yemen, accountability for these regimes remains negligible—whether for the crimes they committed while suppressing demonstrators or during the decades of their monopolistic rule. The Gulf Initiative for Yemen sanctioned immunity from punishment, while in Egypt, attempts to bring about justice for the martyrs faced enormous difficulties, beginning with the extreme reluctance to prosecute the defendants and including a failure to take the necessary measures to prevent the manipulation, destruction, or hiding of evidence, as well as the refusal of the security apparatus to cooperate with the investigating authorities in discovering the truth. Moreover, only very limited steps have been taken to purge the security and judicial establishments, which still lack guarantees of autonomy from the executive. Similarly, Tunisia has seen no progress on bringing accountability for the crimes of the past, despite official promises to pursue transitional justice as dictated by a process of democratization.

General features of the human rights situation

I. Developments on the legislative and institutional fronts

The countries covered in this report saw many legislative and institutional developments, the most positive of which occurred in Tunisia, which ratified several international human rights conventions and lifted its reservations to the Convention on the Elimination of All Forms of Discrimination Against Women. Several articles in the Penal Code were also amended to bring it in line with the Convention Against Torture. A new NGO law was passed in accordance with international standards which upholds the right to access information and to assess the performance of state institutions and prohibits the authorities from obstructing NGO activities. The law also grants associations the right to receive funds from domestic and foreign sources, as long as the government is notified of any transfers made.

Changes were also made to press and publication laws, limiting freedom-depriving penalties for publication crimes to cases of incitement to hatred,

discrimination, or violence. An independent commission was created to regulate the field of media and audiovisual communication, in accordance with international conventions ratified by Tunisia.

The transitional government also approved a new electoral law for the formation of a national assembly tasked with writing a new constitution. The law entailed the formation of a supreme, independent committee to administer elections, guaranteed gender equality on electoral lists and in the division of seats on the constituent assembly, and banned major figures from the Ben Ali regime and its affiliated party from taking part in the elections.

In Egypt, legislative and institutional developments were overall disappointing, reflecting the tendency of those in charge of managing the country to cling to the methods of the old regime, which many mistakenly believed had been overthrown entirely after its leader had been ousted. The transition period began with a few hasty constitutional amendments that had been proposed by the deposed president himself on the eve of his ouster. These amendments were then incorporated into a constitutional declaration giving the SCAF all of the legislative and executive prerogatives which had been invested in the president and parliament by the constitution.

The exceptional state of emergency remained in force in Egypt; indeed, its scope was subsequently expanded to include its use in realms even beyond those claimed by the deposed president. Even as minor changes were made to the law on political parties, new legislation was issued to suppress strikes, sit-ins, and protests. The government also raised the possibility of a new law that would impose further restrictions on civil society organizations. Changes were made to the electoral system that did not meet popular aspirations, as they introduced a combination of individual and proportional list systems that made it very difficult for youth involved in the revolution to run for office. These difficulties were further increased by the expansion of electoral districts which gave an advantage to religious and partisan forces able to exploit money, religion, and family ties to win votes.

In Morocco, the authorities attempted to defuse the peaceful pro-democracy movement through a royal initiative to draft a new, seemingly more modern constitution. In practical terms, however, it did not respond to demands for a transition to a parliamentary constitutional monarchy. The new constitution preserves the imbalances between the powers, as the king still enjoys broad governing powers and is immunized from criticism, not to mention accountability. The royal initiative was linked with a call for early parliamentary elections that led to the victory of the Islamist Justice and Development Party. As per the new constitution, the party's secretary-general was then tasked with forming a government.

In Algeria, the authorities preempted the nascent popular movement by announcing an official end to the state of emergency which had been in force since 1992. However, this loss of exceptional emergency prerogatives was compensated for by granting additional exceptional powers to army forces in the name of countering terrorism and subversion. Counterterrorism was also cited to introduce changes to the Code of Criminal Procedure which make it legal to provisionally detain persons for up to nine months. A new, highly arbitrary NGO law was passed which imposes full governmental oversight on the establishment of associations and their activities. A new political parties law was also passed, seeking first and foremost to prevent those previously involved in the dissolved Islamic Salvation Front (FIS) from participating once more in politics or party life. The authorities did adopt a new media law that avoids liberty-depriving punishments for press crimes and theoretically allows private institutions to enter the audiovisual broadcasting fields. Nevertheless, this law also includes many ambiguously worded restrictions that allow for the suppression of freedom of expression and media at the whim of the authorities.

The authorities in Bahrain responded to the popular uprising demanding a democratic constitutional monarchy by imposing an exceptional state of emergency that granted broad powers to the general commander of the Bahrain Defense Force, allowing him to issue arrest and search warrants, evacuate or isolate certain areas, impose restrictions on freedom of assembly and movement, expel foreign nationals and censor the media, suspend the activities of civic associations, and withdraw citizenship from nationals and expel them from the country. A special military court was also created, before which hundreds of political and rights activists were prosecuted.

In an attempt to crush the popular revolution in Yemen, the regime of Ali Abdullah Saleh declared a state of emergency and granted the security establishment exceptional powers to arrest and detain persons and censor the media. International and regional intervention led to the adoption of the Gulf Initiative, which granted Saleh, his aides, and his relatives immunity from prosecution in return for his relinquishing power. The initiative also imposed a transitional period involving a partnership between the ruling party and the traditional opposition parties. The initiative led to presidential elections held as a mere formality, with the vice-president winning the presidency by default due to the obligation of the parties to the agreement to refrain from fielding any competing candidates.

In Syria, attempts to appease the popular uprising with reforms that offered too little, too late failed amid the sea of bloodshed. The decision to end the exceptional state of emergency in force since 1963 might have been a major positive step, especially since it entailed the abolition of exceptional state

security courts, but the authorities, who permitted the bloody crackdown and flouted the rule of law, sought to fill the ensuing legal vacuum with alternative exceptional legislation that grants the security apparatus broad investigative powers and allows provisional detention for up to one week without a court order, renewable by the Public Prosecutor for up to two months.

Despite attempts by the Syrian regime to move towards a recognition of political pluralism through a new political parties law, it took no steps to end the hegemony of the ruling Baath Party over political life or its monopolization of power, as the constitution still declares the current ruling party to be the “leading party.” Indeed, the new law invests the Baath Party with the power to accept or reject applications by would-be political parties, which must be licensed to operate. The Assad regime introduced changes to the electoral law under which the administration of legislative elections was delegated to a judicial committee, but this was not accompanied by any measures to end the executive’s dominance of the judiciary or to establish any rules to ensure judicial independence. The law also gave labor and agricultural unions, controlled by the Baath Party, the power to approve the lists of worker and farmer candidates for the legislature.

Iraq saw a positive development in the passage of a law to protect journalists, which includes several articles that create theoretical protections for journalists’ rights. However, the law contains no punitive provisions to punish institutions or persons who violate these rights. Throughout the year, the Iraqi authorities also imposed additional restrictions on the right of citizens to demonstrate, on the grounds of protecting the public interest, the public order, or public morals.

Legislative developments in Saudi Arabia furthered arbitrary practices. A new counterterrorism bill, if approved, will allow long-term detention and mandate a ten-year prison sentence for any person impugning the integrity of the king or crown prince. Amendments were introduced to the Penal Code to further protect religious figures from criticism, and more restrictions were placed on publications that ostensibly violate Islamic law, promote sectarian tensions, or incite to crime. Restrictions were also placed on electronic publishing.

The chronic political crisis in Lebanon militated against the government taking measures to strengthen human rights. On the legislative front, the most important development was minor amendments to the Penal Code to combat violence against women in the name of honor crimes.

In Sudan, the major developments were related to the compliance with the outcome of the referendum on the independence of South Sudan, which led

to its secession, its declaration as a new state, and its adoption of a new constitution.

II. Excessive suppression of political and social action and peaceful assembly

Last year saw appalling violations of the right to assemble, protest, and demonstrate, and the right to life was widely undermined by the use of excessive force in the face of the popular uprisings which remained largely peaceful despite the brutal suppression leveled against them. In fact, this oppression was so severe that it constituted crimes against humanity in Libya and Syria, and possible crimes against humanity in Egypt, Bahrain, Tunisia, and Yemen.

In Syria, the deaths of nearly 5,000 people, among them 300 children, were recorded between the eruption of peaceful protests in mid-March, 2011, and early December of the same year. Entire residential areas faced crackdowns, as tanks, helicopters, and heavy artillery were used to suppress demonstrations and the civilian infrastructure was bombed. In addition to the security apparatus and army forces, armed militias known as the *shabiha*, sponsored by the security establishment, also took part in the crackdown. A number of officers were killed and summarily executed, and more than 10,000 people were netted in waves of arbitrary, collective detentions. In addition, more than 5,000 people had been forcibly disappeared before the end of the year. Paramedics were targeted, and intelligence services increased their control of hospitals to prevent the provision of medical care to the injured.

In Egypt, the Mubarak regime met peaceful protests by opening fire on demonstrators, killing at least 846 people. Demonstrators were chased and run down by police vehicles, and rooftop snipers aimed to shoot and kill demonstrators. Tahrir Square, the main site of the revolution in the capital, saw joint attacks on protestors by teams of thugs and police. On the evening of January 28, 2011, the police suddenly withdrew from the street, after which a wave of prison breaks occurred and a large number of criminals escaped. Several instances of the abduction and torture of political activists by the military police were recorded before the ouster of Hosni Mubarak.

Although the SCAF, which is administering the transitional phase, attempted in the first weeks after assuming power to avoid clashing with revolutionary forces, it quickly resorted once again to suppressing peaceful demonstrations by using live ammunition, birdshot, and asphyxiating tear gas, as well as by running over protestors and shooting demonstrators in the head, especially in

the eyes. Some 100 people were killed by police and army forces, with the participation of teams of thugs.

In Yemen, the use of excessive, lethal force to suppress the popular uprising led to the deaths of more than 250 people and the injury of 15,000 during the crackdowns waged by security forces, the army, militias, and thugs. Several brutal massacres were perpetrated, particularly in the squares which hosted the revolution in Taiz and Sana'a. The Yemeni people were subjected to forms of collective punishment, including the random shelling of residential buildings and hospitals and the intentional immiseration of the population's living conditions. Hundreds of political activists and numerous rights advocates were abducted and forcibly disappeared.

In Tunisia, the Ben Ali regime used excessive force to quash the peaceful, popular revolution, leading to the death of at least 147 people. Some 1,200 people were detained, most of whom were released after the fall of the regime. His ouster did not, however, lead to an immediate break with acts of repression, as some attacks on the right to demonstrate and protest were documented thereafter, accompanied by the detention of hundreds of people.

In Bahrain, the use of excessive force to put down the peaceful popular uprising led to the deaths of 30 people. Subsequent retaliatory acts included arbitrary dismissal or suspension from work and denial of academic scholarships, which affected thousands of citizens who supported the uprising. Repressive measures also targeted health professionals, and some medical facilities were turned into detention centers. Dozens of health workers were referred to military court, and some were handed harsh prison sentences.

In Algeria, the authorities used force and live ammunition in the face of social protests early in the year, during which 3 people were killed, 800 injured, and more than 1,000 detained. Having seen the uprisings in Tunisia and Egypt, the authorities determined to contain the peaceful protests and used thugs to intimidate demonstrators and divide their ranks.

In Morocco, the authorities used violence against demonstrations called for by the February 20 movement in support of reform and an end to corruption. Demonstrations began peacefully, but in some cities they took a violent turn. The suppression of these protests claimed 6 lives, and more than 200 demonstrators were detained. Activists with the February 20 movement were also harassed and attacked by unknown persons.

In Saudi Arabia, the limited peaceful demonstrations which took place were also suppressed, as tear gas and ammunition was used against some protests and hundreds of people were arrested, including members of the expatriate

Syrian community who demonstrated to protest the ongoing bloodshed in Syria.

In the occupied Palestinian territories, peaceful assemblies and protests faced increasing pressures from the PA and Hamas authorities in both the West Bank and Gaza Strip. The Hamas security apparatus met the March 15 Youth Coalition's appeals for protests to end Palestinian political factionalism by detaining coalition activists and prompting Hamas partisans to clash with demonstrators as a prelude to police intervention to forcibly break up the assembly. Although a Palestinian reconciliation agreement was signed, activities of the March 15 Youth continued to be targeted.

In Iraq, several peaceful demonstrations inspired by other Arab uprisings were suppressed, and at least 12 people were killed as a result of the crackdown by security forces, which were supported by groups of thugs.

In Sudan, the security apparatus used excessive force to suppress peaceful protests calling for the ouster of the Sudanese president. Demonstrators were physically assaulted and detained, and female political and rights activists were harassed and sexually assaulted.

III. Widespread violations of the freedom of expression, media, and information

The responses to popular uprisings in several Arab countries included widespread attacks on journalists, foreign correspondents, and media crews. The authorities in Egypt, Tunisia, Yemen, and Syria also went so far as to cut communication networks, particularly Internet and cell phone networks.

In Syria, the authorities denied numerous foreign journalists access to the country and censored satellite channels that did not toe the government line. Photographers were detained, and numerous writers, journalists, political activists, and bloggers were abducted and detained; the fate of some of them is still unknown. The brutal crackdown extended to artists who supported the uprising. The author of the song, "Leave, Bashar" was killed and his body thrown in a river only shortly after he was kidnapped.

In Egypt, Mubarak's removal did not bring about an end to the pressure on freedom of expression and media or on critics of policies of the SCAF and the abuses seen under its administration. Numerous revolutionary youth, bloggers, and political activists were referred to military courts or summoned for questioning by the military prosecutor. The military prosecutor also summoned journalists and media figures due to their criticism of the SCAF or for allegedly insulting the armed forces. These pressures extended to

some talk shows and their presenters on Egyptian satellite channels, and certain shows were suspended and presenters removed. The offices of 16 satellite channels, including al-Jazeera International and al-Jazeera Live Egypt, were raided. Some newspapers were confiscated, and several columnists left their columns blank to protest the military censorship's increasing interventions in the work of the press.

In Yemen, the uprising was accompanied by an expansion of the war on press freedoms and all media outlets. At least four photographers and journalists were killed while performing their professional duty to cover the uprising and subsequent crackdown. Journalists and satellite crews faced physical attacks, and many were kidnapped or arbitrarily detained; some correspondents with foreign newspapers and periodicals were deported. The main office of the Journalists Syndicate and several press and web offices were raided, and newspapers were increasingly confiscated or their distribution obstructed. The authorities also blocked several news websites that had been covering the uprising.

In Bahrain, a digital activist was killed in custody, and another journalist was killed after his arrest amid evidence suggesting he was tortured. Several other bloggers and journalists were detained, and others were forced to submit their resignations. One journalist received death threats even as she was referred to trial. Several foreign reporters were physically attacked, some were deported, and others were detained. Numerous websites were blocked, and al-Jazeera International was subjected to pressure to keep it from airing a documentary film about the country.

Revolutionary Tunisia was the exception: after the ouster of Ben Ali, there was a tangible improvement in freedom of expression. Yet, this does not mean there were not a few incidents in which Ben Ali-era legislation was used to punish people on charges of publicly defaming the army or disturbing public security. There are fears about the future, as well, given the growing pressure placed by some extremist Salafi groups on the freedoms of expression and creativity, academic freedoms, and personal freedoms as well as the lack of an appropriate response to protect these freedoms by the government, which is led by the Islamist Ennahda Movement.

Other countries saw no marked change in the degraded status of freedom of expression. Indeed, Sudan, Lebanon, and the Palestinian territories saw a further erosion of these liberties.

Sudan saw a large-scale attack on freedom of expression as the offices of several newspapers were raided or surrounded by security forces and numerous journalists and correspondents were arrested after covering popular demonstrations across the country. Numerous newspapers were

confiscated, and two journalists were sentenced to prison for publishing a story about the sexual assault of a female activist by security personnel. The authorities suspended the publication of six newspapers, arguing that their owners and publishers were South Sudanese citizens, which deprived them of Sudanese citizenship after the creation of the new state. Another newspaper was suspended in the context of a widespread assault on opposition parties and newspapers suspected of supporting the Sudanese People's Liberation Movement-North. Also as part of this campaign, hundreds of people suspected of supporting the movement were arrested. Bloggers and political opposition figures were also detained on several occasions.

In Lebanon, pressures on freedom of expression and creativity increased amid the political polarization caused by the assassination of former Prime Minister Rafiq al-Hariri and other issues such as solidarity with the Syrian people or popular protests in Iran. Exhibits of creative works were banned, and journalists and media figures faced legal action, physical attacks, and direct threats even as state institutions proved unable to protect them from these assaults and threats.

Despite the conclusion of a reconciliation agreement between Fatah and Hamas in the occupied Palestinian territories, the internal split in the PA continued to have a debilitating effect on freedom of expression for partisan media institutions, television channels, journalists, bloggers, and news correspondents, and writers. In the West Bank and the Gaza Strip, they faced harassment, physical attacks, and detention, and local and foreign news, television, and radio offices were raided. Hamas also confiscated several novels from libraries in the Gaza Strip.

In Iraq, seven journalists and media personnel were killed last year, and others were physically assaulted, threatened, or prosecuted in politically motivated trials.

In Morocco, journalists and bloggers remained targets for security and judicial harassment, and some were physically assaulted. A prominent journalist was sentenced to one year in prison for articles he wrote criticizing the security establishment, while a blogger and anti-corruption activist was sentenced to 19 months in prison. The authorities suspended the broadcast of a television program after it covered the political ferment in the country and the role of the February 20 movement.

Authorities in Saudi Arabia continued to censor and block online websites and arrested several writers, journalists, and bloggers because of their articles or press coverage. Orders were also issued banning three journalists from publishing.

IV. Status of human rights defenders

With the exception of Tunisia, the year of the Arab revolutions had no positive impact on the status of human rights defenders and civil society activists. On the contrary, conditions deteriorated, particularly in Syria, Bahrain, and Yemen, and human rights defenders and civil society groups in Egypt found themselves facing an all-out assault that exceeded all the forms of harassment faced in the era of the deposed president.

In Tunisia, numerous rights activists and trade unionists were released as part of an amnesty issued for 1,800 prisoners, and many prominent activists were able to return to their country after long years in forced exile. The siege of the offices of the Tunisian League for the Defense of Human Rights and the National Council for Liberties was lifted, and advocacy groups that were not legally recognized in the Ben Ali era were able to complete their registration procedures. International NGOs were also able to acquire legal status, organize conferences, send fact-finding missions, and visit prisons. Dozens of human rights defenders and civil society activists helped to shape policy and legislation governing the course of the democratic transition through their presence on the High Commission for the Realization of the Revolution's Goals. Prominent rights advocate Kamal Jendoubi was elected president of the High Independent Elections Commission, and another prominent rights advocate, Moncef Marzouki, was elected interim president of the country.

In contrast, Egyptian human rights groups and civil society became the target of a fierce, multifaceted assault that included government smear campaigns in the media aiming to discredit civil society, suggestions of secret investigations including charges reaching up to high treason, measures taken to infringe on the confidentiality of bank accounts of numerous organizations and their heads, arbitrary intervention by the Central Bank to monitor associations already under the complete oversight of the Social Solidarity Ministry, leaks of erroneous numbers or information attributed to a non-independent judicial investigating authority, and suggestions of more arbitrary restrictions to be introduced to the already repressive NGO law. In December, members of the Public Prosecution, backed up by armed forces, raided and searched 17 offices of six American, German, and Egyptian organizations and referred 43 staff members, Egyptians and non-nationals, to court on charges of operating without a license and receiving funding in contravention of Egyptian law.

In Syria, the authorities stepped up the repression of human rights defenders as part of the intensive efforts to conceal their brutal crimes against the Syrian people. A great number of human rights defenders were detained,

some temporarily and some for extended periods, banned from travel, physically attacked, or threatened with assassination. Some were forced to leave the country and work in exile, and one prominent rights activist was shot and killed by the security apparatus.

In Bahrain, intimidation of rights defenders intensified and many prominent figures were referred to unfair military trials, where some received terms of life imprisonment. Many were also tortured. Well-known rights activists received death threats, and the home of the president of the Bahrain Center for Human Rights was attacked with tear gas on more than one occasion. The homes of many activists were raided and searched, and several were arrested. The pressures extended to representatives of international organizations, some of whom were deported and others of whom were denied entry to observe military trials.

In Yemen, attacks on human rights organizations and activists increased because of the role they played in exposing human rights crimes, cooperating with international mechanisms to protect human rights, and thus indirectly supporting the revolution. Activists were abducted or arrested, including well-known leaders of Women Journalists without Chains and the Yemeni Organization for the Defense of Rights and Democratic Freedoms. The director of the Center for Training and Protection of Journalists Freedoms and the head of the Sisters Arab Forum for Human Rights were threatened, and one rights activist was the target of an assassination attempt. The office of the Yemeni Observatory for Human Rights was broken into and looted, while the human rights archive at the HOOD Organization—whose offices had previously been shelled—fell victim to arson, with the apparent motive of destroying information documenting the crimes of the Ali Abdullah Saleh regime.

In Saudi Arabia, activists calling for political and constitutional reform continued to face detention and prosecution. One rights activist was referred to court on charges of demanding a constitutional monarchy, defaming the country, and maintaining contact with foreign bodies. Another was referred to trial on charges of supporting the revolution in Bahrain.

In Morocco, human rights groups and civil society in the region of Western Sahara continued to be denied the legal right to operate, and on numerous occasions several human rights defenders were beaten while taking part in peaceful protests called for by the February 20 movement. Members of that movement were also targeted for various forms of intimidation and assault, which led to the death of one movement member.

In Sudan, long-term provisional detention and prosecutions continued to target many human rights defenders. A number of journalists and rights

activists were referred for questioning after showing solidarity with a female activist who was sexually assaulted by security personnel.

In Lebanon, some human rights activists and the Lebanese Center for Human Rights were investigated for addressing instances of torture. The Palestinian Human Rights Organization (Huquq) was forced to close its office in the Nahr al-Barid refugee camp as a result of restrictions to entry imposed on its representatives, and its program coordinator in the camp was detained and subjected to degrading treatment for several days.

In the occupied Palestinian territories, the Hamas government in Gaza imposed further arbitrary restrictions including prior censorship on the work of associations - in violation of the law - particularly in relation to activities funded by donors. It further restricted the travel of those participating in associational programs, even if in the West Bank. Hamas also arbitrarily shut down and dissolved several associations and banned seminars on human rights issues. Despite the official Hamas-Fatah reconciliation, the Ramallah government in the West Bank continued to deny registration to associations affiliated with Hamas, and orders dissolving more than 100 such associations remained in force.

In Algeria, numerous rights activists and trade unionists were targeted with arrest, detention, threats, and prosecution. Arbitrary administrative pressure continued to besiege the activities of the Independent National Union of Public Administration Personnel, with the goal of forcing the union out of its offices. Defenders of the rights of the unemployed were sentenced to up to three years in prison.

V. Torture and deteriorating prison conditions

The year 2011 saw the situation of prisoners and detainees deteriorate in several countries. Indeed, it could be argued that last year saw a marked increase of violations of the right to life inside prisons and detention facilities.

In Syria, the authorities reportedly killed hundreds of detainees and buried them in mass graves. More than 50 people died inside detention centers, most likely as a direct result of torture. As of the end of the year, the fates of more than 5,000 people detained during the crackdown on the popular uprising remained unknown.

In Egypt, at least 189 prisoners were killed following the withdrawal of the police and security vacuum that began on January 28, 2011, after which the gates of many prisons were intentionally opened to allow thousands of

inmates to escape. Field reports indicate that security personnel in some prisons encouraged prisoners to rebel or riot in order to create unrest during which prisoners were allowed to escape. Since the army took to the streets in January 2011, there have been regular complaints of torture by the military police, including by beating, dragging, electroshocks, and insults. Female political activists who were detained were also forced to undergo virginity tests.

In Bahrain, the authorities engaged in repression and systematic torture of political prisoners and human rights defenders inside detention facilities. At least four deaths were documented which occurred inside detention centers as a result of torture and ill treatment or medical neglect.

In Yemen, abuses of detainees were frequent given the widespread practice of involuntary disappearance and detention in facilities not subject to judicial oversight. Unusual practices were used to terrorize detainees, including placing them in darkened rooms with snakes. Two recorded deaths are thought to have resulted from torture.

In the occupied Palestinian territories, torture remained a documented practice used by the security apparatus of both the Hamas government in Gaza and the Fatah government in the West Bank. Three deaths thought to be due to torture were reported, all of them having occurred in detention facilities run by the Hamas security apparatus.

In Lebanon, violent interventions by security and army forces to end protests in the Roumieh Prison led to the death of two inmates.

In Sudan, numerous prisoners were subjected to severe forms of physical and psychological torture, and complaints increased of female detainees being subjected to harassment and sexual assault.

In Saudi Arabia, detainees faced various types of torture in addition to generally poor conditions in prisons and detention facilities.

In Morocco, detainees - especially those from the Western Sahara and those accused of terrorism-related charges - were subjected to various forms of torture and ill treatment.

In Iraq, there continued to be complaints of systematic torture in several detention centers and some secret prisons, which are not subject to judicial inspection.

Tunisia was the exception, having experienced a marked decline in the level of security abuses of detainees and prisoners, although there was no definitive break with these practices.

VI. Religious freedoms and minority rights

In Egypt, those managing the country failed to put an end to the arbitrary restrictions on the construction of non-Islamic houses of worship or to protect churches and Coptic Christians. Attacks on Copts by zealots increased, and for the first time in Egypt's modern history, entire churches were torched and demolished. Sectarian tensions and clashes also markedly increased, resulting in dozens of victims. Even more seriously, army forces perpetrated a massacre killing 28 people, of whom 12 were crushed to death by military vehicles, after thousands of Copts and Muslims assembled to peacefully protest the demolition of a church.

In Bahrain, practices of systematic discrimination against the Shiite community persisted in parallel with measures to suppress the democratic uprising, in which Shiites played a large role. Attacks continued on Shiite areas, houses of worship, and cemeteries, and dozens of Shiite religious facilities were demolished and damaged. Sectarian incitement in schools increased, and hundreds of Shiite students were expelled or had their study-abroad scholarships revoked.

In Syria, systematic discrimination against Kurds continued, and Kurdish political activists, rights advocates, artists, and writers were arbitrarily detained. The spokesman for the Kurdish Future Movement was assassinated a few months after his release under a presidential amnesty, and several Kurdish activists were sentenced to prison on charges of inflaming racial tensions.

Saudi Arabia saw no change in the systematic discrimination against the Shiite community, and restrictions infringing on their rights to build mosques and stage religious celebrations remained in place. Some 150 Shiites were detained during peaceful protests in the kingdom early in the year, and some Shiite religious leaders were prosecuted on charges of incitement. Following protests at the end of the year, Shiites clashed violently with security forces due to the habit of holding relatives of persons wanted for arrest hostage.

In Morocco, the new constitution officially recognized the religious, linguistic, and cultural pluralism of the society, making Amazigh an official language along with Arabic. The constitution also upheld the freedom of religious practice for all religions. While the constitution refers to the culture of the Sahrawi people in the context of upholding cultural pluralism, this was not reflected by ending the arbitrary restrictions on the licensing of some Amazigh associations and organizations active in the Western Sahara, where political and rights activists continued to face detention and unfair trials. In

addition, violent police practices were used against demonstrations protesting declining economic and social conditions in the region.

In Iraq, there was a slight decline in violence against Iraqi religious minorities, but members of the Christian and Yazidi minority remained targets. In some cases, their homes came under armed attacks to force them into other areas. The situation of several thousand refugees, members and supporters of the Iranian Mujahedeen-e Khalq residing in Camp Ashraf, was extremely poor given the siege of the camp imposed by the Iraqi government that prohibited the entry of food and fuel as part of a plan aimed at closing the camp and removing the refugees. When Iraqi forces stormed the camp early last year, 36 camp residents were killed.

VII. Widespread violations of due process

Violations of due process and the right to a fair trial continued throughout 2011, even in those countries whose tyrants were removed. The worst of these violations took place in Egypt, which saw a massive increase in the referral of civilians to exceptional military trials. It was estimated that some 12,000 civilians were prosecuted in military courts over nine months. Defendants in some cases were also referred to exceptional State Security emergency courts.

In Tunisia, a few cases were also documented of referrals to military trials.

In Bahrain, the declaration of a state of emergency was accompanied by the establishment of the National Safety Court, an exceptional military court before which hundreds of political activists and prominent rights advocates were tried. The court issued many unfair sentences, including lifetime imprisonment and the death sentence.

Military courts in the Gaza Strip continued to be used to try those arrested by the Hamas security apparatus on charges of treason and terrorism. These courts are authorized to issue and implement death sentences against those convicted of such charges.

In Lebanon, several people were prosecuted in military trials lacking all semblance of due process, and defendants' allegations that their confessions were extracted under duress are not given due consideration.

VIII. Grave abuses amid occupation and armed conflicts

The flagrant violations of Palestinians' right to life continued, as the Israeli army continued to shell various areas in the Gaza Strip and several persons

believed by Israel to have been involved in hostile military action against it or its settlers were assassinated. The siege and collective punishment of the population of the Gaza Strip entered its fifth year, entailing the deterioration of humanitarian conditions in the strip due to the restrictions on the entry of construction materials.

Israel expanded its buffer zones inside the Gaza Strip and imposed draconian conditions on entry. Dozens of Palestinians were killed due to Israeli incursions into buffer zones and its targeting of their residents. Occupation forces continued to attack journalists and reporters covering clashes in Jerusalem and Hebron, and several writers, journalists, and rights advocates were placed in administrative detention. Some gains were made for detainees in occupation prisons after a prisoner exchange in which Israeli soldier Gilad Shalit was swapped for 1,000 Palestinian prisoners.

The reconciliation concluded between Hamas and Fatah under Egyptian auspices brought no fundamental change and did not put an end to the abuses of Palestinians by either side. Nor was any political will in evidence on either side to end the dual power structure, unite and reform the security apparatus and judicial institutions, or craft adequate mechanisms for accountability to prevent impunity for the crimes and grave violations that have taken place at the hands of both parties since beginning of the armed dispute. It should be noted that violations committed by the Hamas government in the Gaza Strip were more frequent than those of its counterpart in Ramallah in the West Bank, and only the Hamas government issued arbitrary death sentences last year.

In Sudan, although the Khartoum government acquiesced to the outcome of the referendum on the self-determination of the South which led to the declaration of an independent state, negotiations between Khartoum and the South Sudanese government regarding disputed border areas stalled. As a result, tensions rose and led to armed attacks in the Abyei region and the eruption of new armed conflicts in South Kordofan and the southern Blue Nile regions. The Khartoum government's armed attacks on the Darfur province also continued, causing the displacement of more than 350,000 residents from the affected areas.

The Sudanese armed forces and militias loyal to the Khartoum government were responsible for abuses tantamount to crimes against humanity, especially in South Kordofan, which saw the shelling of inhabited areas and refugee camps as well as extrajudicial killings. Many churches were torched, destroyed, and looted, and women were raped. The Khartoum government also denied humanitarian aid and international institutions entry to some areas in South Kordofan. Increasing attacks launched by the Khartoum

government on inhabited areas in Darfur led to dozens of deaths and the displacement of some 70,000 people. The Sudanese government also maintained restrictions on entry to several areas in the province, denying entry to humanitarian aid groups and peacekeeping forces.

In Iraq, the violence continued to claim the lives of thousands of civilians, which reveals the failure of the authorities to stop the deterioration of the security situation and the unpreparedness of political actors of all sects to accept a peaceful political process. The data show a slight decline in violence: as of late October 2011, 3,430 civilians had been killed, compared to 4,045 in 2010. Suicide attacks, bombings, and car bombs remained the most lethal forms of violence. In this context, doubts were raised about the professionalism and impartiality of Iraqi security forces in light of accusations of divisions of loyalties and ranks along sectarian, ethnic, and ideological lines. Violence affected all of Iraq's provinces, whether Sunni, Shiite, or Kurdish, although Sunni-majority areas bore the brunt of it. Police and army personnel continued to be targeted, along with members of the Sunni Awakening Councils, established years ago by the US army to fight al-Qaeda cells. In a small number of cases, Iraqi civilians were targeted by US forces.

In Lebanon, the chronic political deadlock affecting the country since the assassination of Prime Minister Rafiq al-Hariri continued to cast its shadow over institutions of governance and the rule of law, especially in light of the sharp political polarization between the March 14 and March 8 blocs. The many months it took to form a government resulted in meager government attention given to strengthening human rights, particularly in regards to implementing the national human rights plan launched by the Hariri government in late 2010. Hezbollah continued to challenge the special international tribunal on Lebanon formed to investigate the Hariri assassination, by announcing its refusal to turn over four Hezbollah members wanted by the court. In addition, the country took no serious steps to reveal the fates of thousands of people who disappeared during the civil war that erupted in 1975, along with others who disappeared in the past few years. There were also fears that Syrian refugees and displaced persons were being turned over to the Syrian authorities.

The status of Palestinian refugees in Lebanon did not markedly change and thus did not lead to improved work conditions. UNRWA was forced to reduce its services to Palestinians in refugee camps in Lebanon, and six people were shot and killed by Israeli soldiers in Maroun al-Ras on the southern border during a march organized by Palestinian civic associations and Lebanese political parties to commemorate the *nakba*. Limited clashes took place in the Ain al-Helwa camp between Fatah members and militants

with Jund al-Sham and Fatah al-Islam, and groups from the latter two organizations were involved in assassinations.

In Yemen, regional conflicts and separatist tendencies declined in the south due to the popular uprising, which united broad swaths of the population and made the overthrow of the Saleh regime a priority, while the regime waged its final battle against the entire population. However, this did not preclude some military confrontations involving certain power centers that were competing to fill the impending power vacuum that would be left by the ouster of the Yemeni president, and both government and rebel forces attempted to employ tribal conflicts and competition to manage these confrontations.

The “Arab Spring” at the United Nations: Between Hope and Despair

I. From “mutually ensured impunity” to selective accountability

No other year in recent history, if ever, has witnessed such a high degree of attention and action by the United Nations (UN) to promote and protect human rights and democracy within the Arab region. Paradoxically, at no other time in recent history has the political limitations and double-standards associated with the promotion and protection of human rights within the Arab region been so forcefully and clearly demonstrated by governments from around the world.

The protest movements and revolutions that have swept through the Arab region have altered the political paradigm that contextualizes international efforts to promote and protect human rights within the region. However, these movements have not fundamentally altered the deeply entrenched political considerations of the most influential actors. Unsurprisingly, countries and political bodies such as Saudi Arabia, the Gulf Cooperation Council (GCC), the United States (US), Russia, China, the League of Arab States (Arab League), member states of the European Union (EU), and other governments, have often proven unwilling or unable to adopt consistent and principled policies to support current democratic movements and protect the human rights of citizens within the Arab region.

The tacit or open approval of the Gulf Cooperation Council, led by Saudi Arabia, has clearly emerged as a prime fulcrum on which Western (US and EU) and wider international action to protect human rights and provide support for democratic movements within the region, hinges on. The support of the Arab League as a political body has also been critical to ensuring UN action. In the case of both Syria and Libya, the situations in the Arab region which the UN has reacted most strongly to, GCC member states have played a pivotal role ensuring Arab League support for international action – at times using procedurally questionable methods that have not always enjoyed majority support within the body to attain a desired “institutional” position.

Without GCC or Arab League approval, the international community has taken little or no action, virtually giving Saudi Arabia and the GCC veto power over almost any substantive international or multilateral response designed to promote and protect human rights and democratic movements within the Arab world, especially in the Arabian Peninsula. In turn, the government of Saudi Arabia and the GCC have used this decisive role in international human rights and humanitarian policy formation to pursue its regional ambitions to undermine the perceived influence of Iran, often conceived by Saudi Arabia and Gulf leaders in terms of religious sectarianism, while also attempting to insulate and shield the Arabian Peninsula from democratic transformation.¹

In this regard, the support and acceptance of Saudi Arabia and GCC countries for international action concerning the situations in Gaddafi’s Libya and Bashar al-Assad’s Syria, the former a traditional regional rival and the latter a close ally of Iran, resulted in Western countries taking decisive action to create UN initiatives designed to protect civilians against grave violations of human rights and humanitarian law, and/or hold these governments accountable for such violations. In contrast, the insistence of Saudi Arabia and the GCC for international impunity to be afforded to the leaders and governments of Yemen and Bahrain, despite similar widespread, violent repression of protest movements being carried out by these governments, has greatly contributed to the lack of political will among Western states to lead or help to formulate any similar initiatives concerning these countries. Instead, the situations in Yemen, and especially Bahrain, have met with a great deal of international silence, and a total lack of substantive protection for pro-democracy protestors and human rights activists by the UN.

¹ The importance that some Gulf countries have attached to ensuring influence over international human rights processes is demonstrated to some degree by the current membership of the HRC. Currently five Arab states are members of the Human Rights Council, and three of these are from the Gulf (Saudi Arabia, Qatar, Kuwait, Libya, Jordan).

Long standing political alliances and relationships forged within the years of the Cold-War and the perceived interests of outside states have also proven decisive, and explain to some degree the Western deference to Saudi Arabia and Gulf leaders on regional democracy promotion and human rights protection issues. It also largely explains why Russia, China, and even countries that have a history of struggle for democratic change, such as Brazil, India, and South Africa, have proven unwilling or hesitant to support action by the UN Security Council to ensure international accountability for attacks against civilians by the Syrian government. Russia, China, Algeria, and Egypt have also opposed efforts at the UN Human Rights Council (HRC) to investigate grave rights violations, including potential crimes against humanity, committed by the Syrian government in the context of ongoing protests in the country.

Throughout 2011, within United Nations human rights forums and international mechanisms, the model of in-group solidarity among members of the League of Arab States to collectively shield themselves from international human rights criticism and punitive action for human rights abuses has largely given way to division.² This “mutually ensured impunity” has instead been replaced by a selective and highly politicized willingness among some Arab League members to allow for, and even support, international efforts designed to protect civilians against human rights violations and to appear to promote democratic movements when deemed politically expedient. Moreover, the willingness of Arab governments to allow for and promote selective-accountability has to some degree been motivated by fear of provoking a large scale uprising within their own countries or further eroding their regional legitimacy among Arab citizens if they appear openly hostile to any and all democratic movements.

In this sense, citizens throughout the Arab region who have taken to the streets have succeeded in profoundly challenging and partially undermining the long maintained status quo of unconditional regional and international cooperation with, and impunity for, brutal Arab dictators, while also forcing non-democratic governments within the region to more strongly adopt the language and methods of democratic reform and human rights. The decision by the King of Saudi Arabia at the end of September to allow women to partake and vote in elections, even if such elections are largely symbolic, appears to be just such an example. The long-term effects of these changes

² For a more detailed analysis on how members of the League of Arab States have acted as a group to shield one another and themselves from international accountability for human rights abuses at the United Nations, see “Ensuring Mutual Impunity: The United Nations Human Rights System and Arab State Involvement,” Part 2, Chapter 1 in the 2010 Annual Report of the Cairo Institute for Human Rights Studies, at www.cihrs.org.

on regional and international political dynamics and concurrent possibilities for international and regional efforts to promote and protect human rights in the Arab region is still not clear, and will primarily depend on the ability of protest movements within the region to transform their demands into acceptance by their governments of human rights accountability mechanisms and standards. It will also depend, in part, on translating these demands into a new political approach to the region by governments around the world.

As has been demonstrated over the last year, national struggles for democratic and human rights reform within the Arab region are inextricably linked to and influenced by the response of the international community to governmental repression of such movements. To maintain their grip on power, most governments in the Arab region, including Bahrain, Egypt, Syria and Yemen, have often relied on a combination of domestic repression and international support (diplomatic, financial, military, etc.) more than the political will of the majority of their citizens. The ruling structures of these governments have been uniquely organized around, and are particularly dependent on, this combination of domestic repression and international support.

Over the last year, in relation to Bahrain, Egypt, Syria and Yemen, United Nations *political* institutions have largely failed to provide concrete protection for democratic and human rights movements, and various states within these institutions have actively blocked the creation of punitive consequences for the brutal repression of such movements. This, in turn, has greatly contributed to the ability of these governments to reject the democratic aspirations of large sections of their population and instead respond with brutality and repression. As a result, the largely peaceful struggles for democratic reform in these four countries have recently begun, or may soon lead to, internal conflict and instability. Despite these developments, widespread national movements for democratic reform continue.

In this context, the creation of an international political will to end impunity for human rights violations by governments within the Arab region, especially those undergoing large pro-democracy movements, has taken on added importance. Reliance on internal repression and international support as a formula to ensure stability and the maintenance of the status quo increasingly appears to no longer be a viable long-term strategy for Arab governments, or for governments around the world with deep interests in the region. As noted by the Ambassador of Pakistan, speaking on behalf of the Organization of Islamic Cooperation (OIC) during a special session on Libya convened at the UN Human Rights Council in February of this year: “A new

dawn has come. The rules of the game have changed. Those who do not embrace it will be swept away.”

Yet, despite this growing realization, in most instances the international community still remains unable or unwilling to adequately address human rights violations within the Arab region. In fact, the international political will to address repression of pro-democracy movements and rights violations in the Arab region appears to have reached a plateau and may be on the decline. A return to blanket international impunity for Arab dictators, as was the case in previous years, threatens once again to become the norm. In more concrete terms, positive and unprecedented action by the UN Human Rights Council and other UN bodies during the first part of 2011 to address human rights violations in a variety of countries, including Belarus, Cote d’Ivoire, Iran, Libya, Syria, Tunisia and Yemen,³ has begun to dissipate, resulting, for example, in the weakening of several country specific initiatives at the 18th Session of the HRC (September, 2011), including on Sudan and Yemen (see relevant sections below).

As Arab regional solidarity for international “impunity” has begun to fall away, it has revealed, in exceptionally stark terms, the refusal of major “power broker” states to allow for principled and consistent human rights promotion and protection in the region. These observations confirm what many have concluded over the past year: the protest movements in the Arab region not only have a national apparatus of repression and authoritarianism to overcome, but must grapple with global actors that too often favor tyrannical leaders over the popular will of the people they rule, and have demonstrated a willingness to provide international support and impunity to dictators they view as allies, even when these dictators choose to maintain their power through unimaginable brutality. One of the victories of the protest movements in the Arab region has been its success in laying bare this underlying and profound challenge facing regional human rights promotion and protection. It is now imperative for international human rights civil society actors to seize on the unprecedented clarity of these double-standards and prioritize efforts to combat them.

The following chapter gives an overview of the response by, and relationship between, the United Nations, its member states and various human rights mechanisms, to the on-going pro-democracy and protest

³ See *Keeping the Momentum: One Year in the Life of the UN Human Rights Council*, Human Rights Watch, at <http://www.hrw.org/sites/default/files/reports/hrc0911ForWeb.pdf>. This report provides an overview and mapping of the behavior of most member states of the HRC from 2010-2011.

movements that have risen throughout the Arab region over the last year, and enumerates the main developments that the analysis above was born out of (Section II). Also, several ongoing threats to the international United Nations human rights system that Arab states (Arab Group) and members of the Organization of Islamic Cooperation (OIC) have either supported or initiated, and which have been discussed in chapters dealing with the United Nations in previous editions of this Annual Report, are examined (Section III). Moreover, the ongoing developments on the issue of Palestine and Israel are described, including the Palestinian bid for UN membership and the Goldstone process (Section IV). Finally, this chapter concludes with a brief summary of the challenges and opportunities facing the promotion and protection of human rights at the United Nations in relation to the Arab region.⁴

II. The United Nations and the “Arab Spring”: An Overview

1. Country Specific Developments and Behavior:

A. *Tunisia:*

The large scale pro-democracy protests that continue to occur throughout the Arab region began in Tunisia in December 2010. The UN and international community largely failed to respond in a timely and collective manner to the large-scale protests and subsequent government attacks against protestors. A variety of factors contributed to this failure, including the sudden and unexpected nature of the situation. However, a lack of political will among governments, and determined efforts by the Arab League in previous years to ensure international impunity for authoritarian governments throughout the region, were also significant factors.

Within the UN framework, only independent human rights experts, Special Rapporteurs in the Special Procedures branch of the Human Rights Council (HRC), and officials of the Office of the High Commissioner for Human Rights (OHCHR), provided a pro-active response and relatively timely condemnation of violent attacks against Tunisian protestors. On 12 January, after the deaths of 21 protestors the previous weekend, the High Commissioner for Human Rights (High Commissioner), Madam Navanethem Pillay, issued a press release addressing attacks against

⁴ For a more detailed overview of human rights issues within UN mechanisms during 2011 see, *Human Rights Monitor Quarterly*, Issue 1,2, 3, 4 (2011), International Service for Human Rights (ISHR), at <http://www.ishr.ch/publications>

protestors in the Arab region, the first of many to be released in 2011. In what would become a tragically common refrain of the OHCHR to governments in the Arab region throughout the year, the High Commissioner:

“...urged the government...to ensure that its security forces cease using excessive force against demonstrators and to launch transparent and credible investigations into the deaths that have taken place during recent protests... Pillay also expressed concern about reports of widespread arrests, including of human rights defenders and bloggers advocating fundamental human rights principles such as freedom of expression, as well as reports of torture and ill-treatment of detainees in Tunisia.”⁵

Two days later a joint press release by a group of Special Rapporteurs entitled “*Words must become reality, excessive use of force must end,*” made a similar demand of the government of Tunisia.⁶ *Numerous press releases, statements, and strong engagement by the OHCHR and Special Procedures, has played a critical role in focusing attention on, and strengthening the demands of protestors in the Arab region throughout 2011.* These responses by independent UN rights experts to government attacks and repression toward the pro-democracy movement in Tunisia, Egypt and elsewhere, greatly aided in ensuring that some UN member states approached these situations, at least to some degree, within a legalistic human rights paradigm, and not simply as political phenomena. In so doing, they demonstrated just how important a role that independent rights experts at the UN, free from strong governmental interference, can play to ensure the centrality of human rights within international affairs.

The member states of the HRC did take a positive step to ensure attention for the situation in Tunisia during its 16th Session (March, 2011), but only well after the transition in the country was underway, and after ensuring the acquiescence of the Tunisian interim government. On 24 March the HRC passed a resolution put forward by the EU on “*Cooperation between Tunisia and the Office of the United Nations High Commissioner for Human Rights.*” The resolution was congratulatory and shallow in substance. Nonetheless, *it was the first instance of an Arab government supporting a resolution specifically addressing the situation in their own country at the HRC, and the first time a resolution addressing a North African state had been passed by the HRC. As such, it set an important precedent, and*

⁵ At <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10628&LangID=E>

⁶ At <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10635&LangID=E>

*testified to the cooperative approach the Tunisia government was adopting toward the international human rights system.*⁷

On 19 January, five days after the departure of former President Ben Ali, the High Commissioner took the bold step of announcing a bi-lateral agreement with the “national unity” government of Tunisia to send a human rights assessment team to Tunisia to gather information and help formulate human rights recommendations for its transitional phase. This mission took place one week later from 26 January – 2 February, 2011. Its assessment confirmed “*Human rights were at the root of the Tunisian people’s calls for freedom, dignity and social justice and for an epoch marked by respect for human rights and freedom from fear and want.*”⁸ One of the assessment mission’s recommendations was for the Transitional Government of Tunisia to “*Enhance... cooperation with the UN human rights system, including collaboration with OHCHR; issue an open invitation to Special Rapporteurs; and ratify and review reservations of human rights treaties.*” This is a key indicator for judging the political will and commitment of a government to enact genuine human rights and democratic reforms.

It is a positive sign that the government of Tunisia has greatly increased its cooperation with international human rights mechanisms, and its legal commitment to human rights standards over the last year, in a manner that exceeds the original recommendations of the OHCHR. On 10 February, the Ministry of Foreign Affairs wrote to the High Commissioner with a request for the opening of an OHCHR office in Tunisia. In this letter, the Ministry conveyed the “*determination of the Transitional Government, whose essential task is to organize free, democratic and transparent elections, to place human rights at the centre of its daily action and its future programs.*” The office was opened in July 2011, becoming the first OHCHR office in North Africa. Throughout the year the OHCHR has provided expert assistance and advice in Tunisia for several reforms including on the National Human Rights Institution, transitional justice and security sector reform.⁹ Moreover, on 1 March, at the request of the interim Tunisian government, the United Nations deployed a high-level electoral needs assessment mission to Tunisia, and subsequently put in place a program within the country that assisted with “measures to support the electoral management body and to help to promote inclusive participation in the

⁷ At <http://daccess-dds-ny.un.org/doc/UNDOC/LTD/G11/122/62/PDF/G1112262.pdf?OpenElement>

⁸ At http://www.unic-eg.org/files/UN%20reports/OHCHR_Assessment_Mission_to_Tunisia.pdf

⁹ At <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11239&LangID=E>

electoral process on the part of women and civil society groups in particular.”¹⁰

The Tunisian government also ratified several international human rights treaties in June 2011, including the Optional Protocol to the Convention against Torture (which authorizes the UN Subcommittee on the Prevention of Torture to visit places of detention and examine the treatment of individuals held there); the First Optional Protocols to the International Covenant on Civil and Political Rights (which enables the examination of individual complaints); the Convention on Enforced Disappearances; and the Rome Statute of the International Criminal Court. The Tunisian government has recently issued a standing invitation to all Special Procedure mandate holders. However, despite the issuing of this open invitation, and potentially due to the recent elections and extensive internal reform occurring within the country, no Special Rapporteurs visited Tunisia during 2011. During 2012 it is hoped that visits to Tunisia by the Special Rapporteurs on *the Independence of Judges and Lawyers*, *Human Rights Defenders*, *Freedom of Expression*, and *Freedom of Association and Assembly* (many of which have longstanding requests to visit the country) will begin to be facilitated by the new government.

In contrast to the pro-active commitment of the interim government of Tunisia to strengthen its cooperation with and commitment to the international human rights system, the behavior and policies of Tunisia at the UN towards human rights violations in the context of pro-democracy protests in other Arab countries has been relatively weak. Concerning the situations in Bahrain, Egypt, Libya, Syria and Yemen, the Tunisian UN delegations in New York and Geneva have been passive for the most part. Tunisian diplomats appear to have adopted a “wait and see” approach to human rights violations in these countries, an approach that is neither obstructionist nor pro-active. Significantly, Tunisia did not co-sponsor the resolution or sign-on to support any of the three HRC Special Sessions on Syria that occurred in April, August, and December of 2011. While Tunisia is not a member state of the HRC, observer states have the ability to co-sponsor resolutions and sign onto requests for *Special Sessions* in order to build consensus and lend political support. Libya, Jordan, Saudi Arabia, Qatar and Kuwait have all co-sponsored and supported one or more Syrian HRC Special Sessions. It is important moving forward that Tunisian policies within the UN begin to more strongly reflect the aspirations and principles that the Tunisian revolution was inspired by, especially in relation to struggles for democracy within other Arab countries.

¹⁰ At http://www.un.org/ga/search/view_doc.asp?symbol=A/66/314

B. Egypt:

Egypt's behavior within the UN human rights system has traditionally been characterized by obstructionism of positive rights initiatives and the pursuance of policies that undermine this system.¹¹ In contrast to Tunisia, *the negative behavior of the government of Egypt towards the United Nations human rights system does not appear to have changed significantly over the last year, a reflection of an apparent lack of political will on the national level to enact substantial human rights reforms.*

Shortly after former President Mubarak was ousted on 11 February 2011 due to large pro-democracy protests, it briefly appeared that Egypt may follow the path of Tunisia and begin a more constructive and cooperative relationship with UN rights mechanisms. On multiple occasions, Egypt pledged to ratify several international instruments (including the Rome statute, the Convention against Enforced Disappearances and the Optional Protocols to the Convention against Torture, the Convention on the Elimination of Discrimination against Women, the International Covenant on Political and Civil Rights, and the International Covenant on Economic, Social and Cultural Rights), to consider issuing an open invitation to Special Procedures (Special Rapporteurs), and to allow for the opening of a regional OHCHR office for North Africa in Cairo. To date, none of these actions have been carried out. In addition to not issuing a standing invitation to the Special Procedure mandate holders (independent human rights experts) of the HRC, visits and the acceptance of visits by mandate holders to Egypt have stalled after witnessing an upswing in 2009-2010. Only the Special Rapporteur on the Occupied Palestinian Territories was allowed to visit Egypt in 2011. Moreover, in September, it was leaked that a decision had been made within Egypt's interim government not to allow the planned OHCHR regional office to open in Cairo. After a large amount of pressure on this issue began to be directed toward the Egyptian government, members of the Egyptian Foreign Ministry assured many that the office would indeed be allowed to open. However, no definitive affirmation of the willingness to allow the OHCHR to open an office has been expressed by the current ruling Supreme Council of Armed Forces (SCAF), further putting into question the government's intentions.

As on the national level, Egypt's behavior at the UN reflects a desire to co-opt the language of the protest movement that toppled Mubarak, but without taking sufficient concrete steps or changing its behavior in order to further the revolution's reformist goals. Thus, Ambassador Hisham Badr,

¹¹ See the chapters dealing with the United Nations in the 2008, 2009 and 2010 Annual Reports of the Cairo Institute for Human Rights Studies, at www.cihrs.org.

Representative of the Permanent Mission of Egypt to the United Nations Office at Geneva, has repeatedly used UN human rights forums to make grandiose statements of intent. For example, at Egypt's review before the UN Committee on the Rights of the Child in June 2011, Mr. Badr stated that "the Egyptian revolution had demanded dignity, human rights, freedom, social justice, and youth empowerment and that going forward the new Government would base its policies on these ideals." However, when the Egyptian delegation was repeatedly questioned by the Committee on the use of violence against children¹² by Egyptian security forces during protests, which had reportedly lead to the death of children, and what appears to be a policy of detaining and questioning children in military prisons for their participation in pro-democracy activities, the Egyptian delegation did not attempt to engage on the substance of the questions or make commitments for reform, simply stating that as of January 2011, there were no children detained in military prisons, and that they had no data on the number of children detained under martial law.¹³

Unfortunately, promises of cooperation with the UN and vague statements of positive intent concerning national human rights reform, combined with threats of retaliatory diplomatic consequences by the Egyptian government, succeeded in ensuring that UN member states, Special Procedure experts, and the OHCHR, largely ignored or marginalized the increasing, at times unprecedented, human rights violations perpetrated by the Egyptian military and interim military authorities throughout 2011. Due to Egypt's long-standing influential diplomatic engagement within the UN, attempts by non-governmental organizations (NGOs) to ensure proper consideration by the HRC and its member states of rights violations committed by the Egyptian government, including during the height of national protests in January and February, were unable to garner the required political will to ensure collective condemnation or action. The US and EU, and many states from other regions, have consistently demonstrated a refusal to confront Egypt concerning these violations within any UN rights mechanisms. At the September session of the HRC, the EU, after a long silence on these abuses, finally mentioned their concern on rights violations in Egypt within a statement, but did not attempt to lead any action on the issue at the HRC. As a result of this lack of political will, large scale rights violations against protestors and the pro-democracy movement in Egypt has not been dealt with by any UN political body, including the HRC; a glaring

¹² In general, under international law "a child means every human being below the age of eighteen years." At <http://www2.ohchr.org/english/law/crc.htm>

¹³ At <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11120&LangID=E>

failure that has likely contributed to the escalation of such violations in Egypt over the last year.

The OHCHR and Special Procedures also appear to have marginalized the worsening human rights situation in Egypt for most of 2011. After taking strong action to bring important attention to attacks against Egyptian protestors in January and February, these mechanisms fell largely silent on rights abuses occurring in the country. At the beginning of February, the Egyptian government, facing increasing calls for a Special Session on Egypt at the HRC, agreed to a human rights assessment mission to Egypt by the OHCHR. This mission took place from 27 March – 4 April. The mission’s general results were announced by the OHCHR on the 5 April. For more than six months after this date, neither the OHCHR nor Special Procedures addressed the worsening rights situation in Egypt. On 10 October, the OHCHR included a section on Egypt in a “briefing note” on several countries in response to what has become known as the “Maspero Massacre.” The killing of 27 protestors and injuring of hundreds, mostly Coptic Christians, by what appears to have been a coordinated use of deadly force by Egyptian security forces, including incitement to violence against protestors on national television stations, garnered only seven sentences at the end of the OHCHR briefing, and no condemnation or identification of the role the government played in carrying out these attacks.¹⁴ Unprecedented repression of human rights civil society and the use of military trials against civilians were belatedly addressed by the OHCHR in mid-November. Only after mass protests and widespread use of excessive force against protestors again occurred at the end of November did the OHCHR and Special Procedures begin to once again seriously address the situation in Egypt. *Given the severity of rights violations that threaten a genuine transition to democracy, and the lack of political will among UN member states to focus on Egypt, it is important that both the OHCHR and Special Procedures demonstrate a consistent commitment to monitor and forcefully bring attention to negative rights developments in the country.*

Throughout 2011, Egyptian government representatives within the UN human rights system demonstrated a continued hostility towards initiatives designed to strengthen UN rights mechanisms and address particular instances of serious rights violations. During the review of the HRC that concluded at the beginning 2011, Egypt played a leading role in defeating proposals designed to strengthen the ability of the HRC to more effectively carry out its mandate to respond to situations of human rights violations

¹⁴ At <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11481&LangID=E>

throughout the world, prompting NGOs on 7 February, at the 2nd Session of the Working Group on the HRC Review, to single out the destructive role of the Egyptian delegation in a joint statement.¹⁵ In March, at the 16th Session of the HRC, Egypt was the only member of the OIC that actively attempted to undermine a historic and important compromise on the annual resolution put forward by the OIC on “Defamation of Religions”— a compromise that ensured protection of religious minorities against discrimination while also safeguarding international standards of freedom of expression.¹⁶ During the past year, Egypt has supported initiatives that weaken international human rights standards¹⁷, has maintained its opposition to any country-specific focus on rights violations, has supported attacks against the independence of the OHCHR, and has opposed efforts at the UN Economic and Social Council (ECOSOC) in July to overturn decisions made at the UN NGO Committee that unfairly denied ECOSOC status to independent NGOs, undermining their ability to engage with the UN. More specifically, along with Algeria, Egypt has attempted to obstruct the UN General Assembly (GA) and HRC from dealing with wide-spread rights violations against protestors in Syria. In October, Egypt circulated a letter on behalf of the Non-aligned Movement (NAM) at the GA recalling their opposition to country-specific resolutions and calling on all NAM members to vote against a draft resolution condemning rights violations in Syria. However, during November, both at the UN General Assembly and HRC, Egypt began to support resolutions in both bodies to condemn attacks against civilians by the Syrian government. Egypt has also obstructed UN initiatives designed to ensure rights protections for “peaceful protestors.” *The behavior outlined above is a continuation of Egypt’s long-standing hostility towards the majority of strong rights initiatives, as well as independent human rights actors at the UN, and confirms previous analysis that the SCAF does not currently intend to pursue genuine human rights reforms within either the national or international policies of Egypt.*

¹⁵ “When the Egyptian Ambassador spoke this morning to reject all proposals put forward to improve the Councils’ actions in situations of violations, the only image that came to mind was the image of the Egyptian people rising up against the rhetoric of a State that’s disconnected from its people... We call on all States to reject a vision of the review that undermines any attempt to improve the Council’s response to real situations of human rights violations.” Available at www.cihrs.org

¹⁶ See Section III of this report for more on the *Defamation of Religions* and the importance of this compromise at the UN.

¹⁷ See Section III of this report.

C. Libya:

UN action to hold Muammar Gaddafi and his government accountable for violence against civilians, and protect Libyans against attacks by government forces was unprecedented in both its speed and decisiveness. While legitimate concerns persist concerning the intentions of some states in supporting military intervention, and the legality of particular methods used during military operations lead by NATO forces, there is little doubt that tens of thousands of Libyan citizens were spared from being bombed, killed, tortured, imprisoned and otherwise brutalized by the Gaddafi government for their participation in, or support of, protests in the country.

The UN response to events in Libya began at the HRC. On February 25, 2011 the HRC convened a Special Session on Libya, the first time a member state of the HRC had been the subject of such a session. During the session the Libyan delegation took the floor to declare that the Libyan delegation was on the side of the people. The resulting resolution condemned the widespread and systematic rights violations committed in the country, including potential crimes against humanity. Taking advantage of a clause within the HRC's institutional text that many thought would never be used; the resolution of the Special Session also requested the General Assembly to consider suspending Libya's membership at the HRC. The Council also established a Commission of Inquiry (COI) to investigate all alleged violations of international human rights law, to identify those responsible for such crimes and recommend accountability measures to be taken. This COI reported to the HRC at its 17th Session (June, 2011). Its report concluded that evidence suggested crimes against humanity had been carried out by Gaddafi's government. At the same session the HRC renewed the COI's mandate for another 6 months. The COI reported to the HRC again at its 18th Session (September, 2011), and will present its final report at the 19th Session of the HRC (March, 2012).

The day following the HRC Special Session on Libya, the Security Council, in a rare show of unity, unanimously passed a resolution referring the situation in Libya to the International Criminal Court (ICC) and enacting sanctions against Gaddafi's government, including an arms embargo. On 1 March, in an unprecedented move, the GA passed a resolution suspending Libya's membership at the HRC. The resolution was introduced by Lebanon and adopted by consensus. On 17 March, the Security Council, prompted by a decision by the Arab League in support of a no-fly zone in Libya and a text put forward at the Council by Lebanon on behalf of the Arab League, passed a resolution authorizing UN "Member States... acting nationally or through regional organizations or arrangements, and acting in cooperation with the Secretary-General, to take all necessary measures... to protect civilians and

civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi, while excluding a foreign occupation force of any form on any part of Libyan territory.”¹⁸ The resolution passed with 10 in favor and none against. However – foreshadowing political divisions that have hampered Security Council action to ensure accountability for similar crimes committed against Syrian protestors – Brazil, China, India, and Russia all abstained from the vote, as did Germany. Significantly, the resolution specifically used language invoking the “responsibility to protect,” the most explicit use to date of this nascent doctrine in international law by the Security Council to justify humanitarian intervention.

The call by the Arab League for a no fly zone to be imposed by the Security Council, announced on 12 March, and which proved critical to ensuring action, was presented as an organizational decision, yet the primary pressure and process behind this decision was lead by the Arab League member states of the Gulf Cooperation Council (GCC), including Oman and Qatar.¹⁹ As early as the 7 March, the GCC had called for the Security Council to “take all necessary measures to protect Libyan civilians.”²⁰ Moreover, Qatar and the United Arab Emirates (UAE) were the only Arab governments that contributed military hardware and personnel for active engagement in the military operation lead by NATO. *In this context, GCC support for forceful UN action at the Security Council and in other UN bodies appears to have been the decisive factor ensuring the required international consensus for the UN to act on the situation in Libya. Without the support of the GCC, and in turn the Arab League, such a consensus among key UN member states is likely never to have arisen.*

Also important in ensuring international support to hold Gaddafi’s government accountable, was the large amount of defections of Libyan UN representatives and diplomats who actively called for the ICC to be triggered and humanitarian intervention approved by the Security Council. Due to the fact that Libya has only recently emerged from internal armed conflict and begun the transitional process of establishing a new government, and its reinstatement as a member of the HRC activated in November, it is too early to judge whether or not the struggle for democracy and dignity on the national level will be reflected in a more cooperative and constructive engagement with the UN human rights system. It is hoped the transitional

¹⁸ At <http://www.un.org/News/Press/docs/2011/sc10200.doc.htm#Resolution>

¹⁹ See *Arab states seek Libyan no fly-zone*, at <http://www.aljazeera.com/news/africa/2011/03/201103201131218852687848.html>

²⁰ See *GCC backs no-fly zone to protect civilians in Libya: Calls on UN to take all necessary measures to save lives*, at <http://gulfnnews.com/news/gulf/uae/government/gcc-backs-no-fly-zone-to-protect-civilians-in-libya-1.773448>

government of Libya will make clear commitments to cooperate with the OHCHR and other UN human rights mechanisms, ratify any human rights treaties and Optional Protocols that it is not a party to, including the Rome Statute, issue a standing invitation to the HRC Special Procedures, and allow for any pending visits by Special Rapporteurs to the country.

There are positive signs that Libya may adopt a more principled and proactive approach to human rights promotion within the UN. Libya was one of the first states to accept the holding of a Special Session on Syria at the beginning of December. The Libyan delegate, speaking before the HRC, made a passionate and moving speech during the Session:

“As the representative of a country that has recently gone through terrible events... we see before us the same scenes playing out today in Syria... the Council is called upon to take a courageous stand in accordance with its mandate... The Syrian people deserve respect and dignity... we urge you all to listen to your conscience – to put aside political and other interests ...the Syrian people look to us, the world looks to us today – waiting for a resolution that will be rise to the level of the situation and help stop the massacres perpetrated against the Syrian people.”

In the months and years to come, an important test for the government of Libya to upholding the principles that animated the Libyan revolution will depend on how consistently the government acts to uphold human rights, including in countries where its emerging political allies may object.

D. Syria:

The UN, in particular the HRC, OHCHR and Special Procedures, has taken strong action to address the grave and wide-spread human rights violations carried out by the Syrian government against the pro-democracy movement and protestors in the country. Yet, due to strong opposition by Russia and China, the UN Security Council has been incapable of taking action to hold Syria accountable for these human rights violations.

From January – May, despite the violent crack-down that began in the country against protestors in mid-March, the government of Syria continued its bid at the GA to be elected as a member state of the HRC. Syria had been nominated on a closed slate to be elected as a member of the HRC by the Asian Group in January of 2011. Not until 10 May, after a severe escalation of killings against protestors and a strong international campaign against its candidacy by states and civil society, did Syria finally withdraw from the elections. The withdrawal was prompted when Kuwait, reversing an earlier decision to only put its candidacy forward if Syria voluntarily withdrew from

the race, decided to run for a seat on the HRC in competition with Syria. The decision by Kuwait, and pressure by Arab states like Egypt and others on Syria for it to drop out of the race, was the first signs that Arab group solidarity for Syria had begun to diminish at the UN. Kuwait was elected as a member state of the HRC on 20 May.

The HRC has held three Special Sessions on Syria throughout 2011, an unprecedented amount to address a single country in one year. The first Syrian Special Session occurred on the 29 April. The United States was the primary initiator of this Special Session. A resolution adopted at the Session requested that the High Commissioner dispatch a fact-finding mission to Syria to investigate all alleged violations of human rights law and report on the situation of human rights in the country to the Council during its eighteenth session (September, 2011). The advance version of the report of the fact-finding mission was released on 18 August. The Fact Finding mission found a pattern of widespread and systematic human rights violations by Syrian security and military forces, including murder, enforced disappearances, torture, deprivation of liberty, and persecution, and determined that the scale and nature of these acts may amount to crimes against humanity.

The same day that the report was released, the High Commissioner briefed the members of the Security Council on the key findings of the report and encouraged them to consider referring the situation in Syria to the International Criminal Court (ICC). Due to opposition by Russia and China, both permanent members of the Security Council, and a lack of support by Brazil, India and Lebanon, non-permanent members of the Security Council, the body did not refer the situation to the ICC or take any measure to hold the Syrian government accountable. The Security Council had previously released a statement on the 3 August condemning the violence in Syria and calling on the government to ensure a halt to such violence. However, as a statement and not a resolution, it was non-binding and did not refer to the possibility of ICC referral or sanctions.

On the 22 August, four days after the release of the Fact Finding mission's report, the HRC held its second Special Session on Syria. This time the Session was initiated by Germany. The resolution of this session set up a Commission of Inquiry (COI) to investigate human rights violations, including potential crimes against humanity. The COI was asked to report its findings back to the HRC by the end of November. On 19 September, the Fact Finding mission formally reported to the HRC during its 18th Session.

On 4 October, the UN Security Council failed to adopt draft resolution S/2011/612 which would have required the Syrian authorities, *inter alia*, to cease all violations of human rights and the use of force against civilians. The Security Council failed to do so because of vetoes by the Russian Federation and China. Brazil, India, Lebanon and South Africa abstained from the vote. On the 22 November, the Third Committee of the General Assembly passed a resolution condemning human rights violations in Syria. The resolution passed overwhelmingly, 122 to 13, with 41 abstentions. Britain, France, and Germany drafted the resolution, and the majority of Arab nations voted in favor with none, except Syria, voting against.

The COI on Syria released its report on the 23 November. The COI confirmed the findings of the previous Fact Finding mission, concluding that crimes against humanity appear to have been carried out by Syrian security and military forces. The HRC convened a third Special Session on Syria 2 December, initiated by EU states. The resultant resolution established a Special Rapporteur on Syria within the Special Procedures of the HRC. The Special Rapporteur will be established after the COI's mandate expires, and is "to report to the Human Rights Council and the General Assembly within twelve months of the establishment of the mandate, and to present oral updates to the Council during the interim period under agenda item 4."²¹ The COI's last report will be presented to the HRC at its 19th Session (March, 2012). Despite the findings of both the Fact Finding Mission and COI, that crimes against humanity appear to have been committed in Syria, and a statement by the Committee Against Torture issued on the 25 November in which they express alarm that "massive human rights violations take place in a context of total and absolute impunity"²², the third Special Session on Syria failed to urge the Security Council to refer the situation to the ICC, and instead only stressed "the importance of ensuring accountability and the need to end impunity and to hold to account those responsible for human rights violations, including those violations that may amount to crimes against humanity." This timely reference to the ICC was impossible due not only to resistance by Russia and China, but because the United States appears to have adopted a policy of rejecting any reference to the ICC in HRC resolutions. This is likely due to fears within the US government of the HRC potentially making similar requests of the Security Council concerning war crimes or crimes against humanity committed by Israel or the United States in the future.

²¹ At http://www2.ohchr.org/english/bodies/hrcouncil/docs/specialsession/18/A-HRC-RES-S-18-1_en.pdf

²² At <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11646&LangID=E>

Syria has refused to cooperate with or allow either the Fact Finding Mission or the COI to enter its territory. From the 20 to 25 August Syria did allow a UN humanitarian mission into the country. The delegation led by Director of OCHA Geneva, Rashid Khalikov, was comprised of representatives from key UN agencies within Syria and the objective was to independently assess the overall humanitarian situation. The mission concluded that there was no country-wide humanitarian crisis or any immediate need for large-scale provision of relief at the time, but noted that humanitarian needs are gradually increasing and there is an urgent need to protect civilians.

While UN action on Syria has been strong at the HRC, both the Security Council and UNESCO (UN Educational, Scientific and Cultural Organization) have greatly failed to fulfill their responsibilities to ensure the Syrian government is held to account for the grave rights violations committed in the country. In a surprising development, the Executive Board of UNESCO, on 11 November 2011, elected the Syrian Arab Republic to two committees dealing with human rights: the Committee on Conventions and Recommendations, which examines communications relating to the exercise of human rights, and the Committee on International Non-Governmental Organizations, which is charged with overseeing the work of civil society and human rights groups.

As mentioned above, the Security Council has been unable to pass any resolution on Syria due to opposition by Russia and China. These two countries have also opposed all three Special Sessions on Syria at the HRC. *Given the continued opposition of Russia and China to any condemnatory or punitive action against the Syrian government for its human rights violations, it is unlikely that the UN/Security Council will be able to refer the situation to the ICC or enact sanctions against the Syrian government in the foreseeable future. There is, however, a growing consensus among states within the UN that some form of action by the Security Council is required to ensure the violence ends, as evidenced by the vote on Syria at the GA, and the growing number of states who have proactively supported action at the UN on the situation in the country.*

The League of Arab States has radically changed its position toward Syria throughout the course of 2011. At the beginning of this year the Arab group backed Syria in its bid to become a member state of the HRC. By November of this year the Arab League was leading international efforts to ensure strong action to combat human rights violations in the country. In November, the Arab League enacted sanctions against Syria for the ongoing

crackdown in the country, the first international body to do so. *As in the case of Libya, GCC members (Qatar, UAE, Saudi Arabia, Kuwait, Bahrain) have been the prime actors within the Arab League ensuring strong action by the body concerning Syria, sometimes through procedurally questionable means. Also, as in the case of Libya, Arab League support of the various initiatives at the UN concerning Syria, including all Special Sessions and resolutions emanating from the HRC, has been pivotal to ensuring action has taken place.* In every case the states who have organized these Sessions, and the content of the resultant resolutions, have only moved forward after having received approval from the “Arab League,” and in particular the GCC group. However, it is obvious that support by the Arab League, GCC, and other powerful actors such as the US and EU is not sufficient in itself to ensure action by the Security Council. It is hoped that Security Council member states such as Russia and China, as well as non-permanent members like Brazil, India, Lebanon and South Africa, will soon begin to heed the warning of the High Commissioner on 14 October:

“The onus is on all members of the international community to take protective action in a collective and decisive manner, before the continual ruthless repression and killings drive the country into a full-blown civil war...At stake are the universal rights to life, liberty and security of person which must never be brushed aside in the interests of realpolitik. The international community must speak with one voice and act to protect the Syrian people.”²³

E. Yemen and Bahrain:

Throughout the last year, *the HRC, GA and Security Council have all failed to adequately address the grave and wide-spread human rights violations committed by the governments of Yemen and Bahrain in response to pro-democracy protests. The primary reasons for this failure have been (1) opposition by GCC member states to any UN initiative designed to address the situations in Bahrain and Yemen unless voluntarily agreed to by the governments in question, and (2) diplomatic support to uphold this GCC preference by the United States and, to a lesser degree, the EU.*

The wide-spread human rights violations in Bahrain during and after pro-democracy protests in the country have met with no formal or collective response by UN member states. The only response has been statements of concern at rights violations in the country by some member states of the

²³ At <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11493&LangID=E>

HRC during its regular sessions. Only the OHCHR and Special Procedures have strongly addressed rights violations in Bahrain throughout the year. The government of Bahrain, however, has been unwilling to cooperate with the OHCHR or Special Procedures system. An OHCHR request to visit the country and assess the situation has been agreed to by the government of Bahrain, but has not been allowed to occur.²⁴ Likewise, requests to visit the country by various Special Procedure mandate holders have been ignored by the government. The Special Rapporteur on Torture is currently attempting to ensure a visit to Bahrain in early 2012, and has attained the agreement of Bahrain for this visit “in principle.” It remains to be seen if the mission will be allowed to take place. The decision of the King of Bahrain on 29 June 2011 to establish a national commission of Inquiry, the Bahrain International Commission of Inquiry (BICI), to investigate human rights violations in the context of protests was prompted to some degree by growing calls by civil society for an international investigation into these violations by the UN, and an end to the impunity afforded Bahrain at the UN for such violations. While national investigations are a welcome development, the BICI, established by royal decree, has struggled for legitimacy because of the weaknesses inherent in its method of establishment.²⁵

In April of 2011, the government of Switzerland attempted to gather support for a HRC Special Session on the protection of human rights in the context of protests throughout the Arab region, which would have allowed for the Council to deal with the events in the Arab region in a non-selective manner, and which would have included discussion on Bahrain and Yemen. While Switzerland “did not show the resolve necessary to publicly test the will of Western, African, and Arab allies by moving forward with the initiative,”²⁶ the initiative was also greatly undermined by the US, which moved aggressively to ensure a Special Session to address Syria alone (the first Special Session on Syria of 2011) in place of a regional session. *While the precise motives of the US are not clear, the forceful efforts of the US to ensure a selective approach over a regional approach to repression of pro-democracy protests has opened it up to strong accusations, both by civil society organizations and government delegations at the UN, of actively*

²⁴ The UN High Commissioner for Human Rights was eventually allowed to visit Bahrain from 13-17 December, 2011, but was not permitted to perform investigations into reported human rights violations.

²⁵ See *Royal Fact Finding Commission: Five Fatal Breaches of the Standards of the UN High Commissioner for Human Rights*, at <http://bahrainmirror.net/ip.org/article.php?id=2286&cid=71>

²⁶ See *Keeping the Momentum: One Year in the Life of the UN Human Rights Council*, Human Rights Watch, at <http://www.hrw.org/sites/default/files/reports/hrc0911ForWeb.pdf>, page 64.

attempting to undermine any action by the HRC to address situations in “allied” countries within the Arabian Peninsula. In turn, these perceived double-standards have weakened the ability of the US and EU to ensure strong action by the Security Council on Syria.

Accusations against the US of taking pro-active steps to shield GCC member states from any scrutiny for human rights violations at the UN have only grown stronger due to the manner in which the US has dealt with the situation in Yemen at the HRC. In close consultation with the US, Yemen agreed to allow for a “procedural decision” to be adopted at the 17th Session of the HRC (June, 2011) which allowed the OHCHR to report and hold an interactive dialogue at the 18th Session of the HRC (September) to discuss the findings of an assessment mission by the OHCHR that Yemen had agreed to accept. The OHCHR mission took place from 28 June to 6 July. The mission’s report, submitted to the 18th Session of the HRC, concluded that “given the lack of confidence in the judiciary to conduct impartial investigations into human rights abuses related to the peaceful protest movement [in Yemen] there is a need for international, independent and impartial investigations to take place.” As such the OHCHR recommended that the international community “ensure that international independent and impartial investigations are conducted into incidents which resulted in heavy loss of life and injuries.”²⁷

Despite this clear recommendation by the OHCHR, and a grave deterioration of the human rights situation in Yemen during the course of the 18th session itself, the resolution put forward by Yemen in response to the report in no way established an international investigation into violations. Instead it “Notes the announcement of the Government of Yemen that it will launch transparent and independent investigations,” and “Requests the Office of the High Commissioner to present a progress report on the situation of human rights in Yemen and the follow-up on the present resolution to the Human Rights Council at its nineteenth session.”²⁸ The resolution put forward by Yemen was drafted and submitted in close cooperation, and with the approval of, the US and the Arab group. Calls by civil society for the US to withdraw from the process and work with delegations to ensure an international investigation, as recommended by the OHCHR, were ignored.

²⁷ At <http://www.ohchr.org/Documents/Countries/YE/YemenAssessmentMissionReport.pdf>

²⁸ At <http://daccess-dds-ny.un.org/doc/RESOLUTION/LTD/G11/163/67/PDF/G1116367.pdf?OpenElement>

II. Other relevant thematic and country specific developments:

A. Sudan:

UN action on Sudan was greatly weakened during 2011. Only weeks after a UN report found evidence that crimes against humanity had been committed in the South Kordofan area of Sudan, a long standing human rights mandate on the country was “downgraded” during the 18th session of the HRC. The resolution on Sudan, adopted without a vote on the 28 September, renewed the country mandate on Sudan for another year, but reclassified it from a “situation requiring the attention of the Human Rights Council,” to one involving “technical assistance and capacity building.” Instead of providing a strong condemnation of the ongoing human rights crises in the country it repeatedly “commends” Sudan for its “cooperation” and recognizes “the efforts of the Government of Sudan in the promotion and protection of human rights.”²⁹ The independent expert on Sudan will report back to the HRC at its 21st Session in September of 2012.

With the creation of the new state of South Sudan, the existing UN Independent Expert on Sudan no longer covers this area. A resolution at the 18th Session of HRC “welcoming the Republic of South Sudan as a new State” was adopted. Unfortunately, ignoring calls from human rights defenders from South Sudan on the need for continued engagement by the international community, the resolution failed to create a new mechanism to monitor the human rights situation in the newly created state.³⁰

B. Freedom of Expression and the Internet:

The prominent role that multi-media and the internet have played in the pro-democracy movements of the Arab region has given the issue of freedom of expression on the internet more prominence during 2011. There have been several positive initiatives on this issue at the HRC. The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression submitted a report dealing with freedom of expression on the internet to the 17th session (June, 2011) of the HRC.³¹ The report is an important first step in defining the rights of citizens to use the

²⁹ At <http://daccess-dds-ny.un.org/doc/RESOLUTION/LTD/G11/162/62/PDF/G1116262.pdf?OpenElement>

³⁰ At <http://daccess-dds-ny.un.org/doc/RESOLUTION/LTD/G11/164/88/PDF/G1116488.pdf?OpenElement>

³¹ At http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.27_en.pdf

internet without undue censorship or restrictions, and on ways to address increasing attacks by governments on bloggers and others who use the internet as a means of political activism and organization; an especially relevant issue in the context of the “Arab Spring.”

This report was followed-up with a “decision” at the 18th Session of the HRC (September, 2011) that decides to “convene, within existing resources, at its nineteenth session [March, 2012], a panel discussion on the promotion and protection of freedom of expression on the Internet,” and requests the OHCHR to submit a summary report to the HRC on the panel.³² It is hoped by many human rights organizations that this process will lead to an annual resolution on this issue at the HRC or formal guidelines on the issue to be adopted by the HRC and GA.

However, major dangers have arisen. China, Russia and some Arab countries, including Egypt, have not only attempted to obstruct efforts on the promotion of freedom of expression on the internet, but have also threatened to attempt to take over the process at the UN and use any initiative on internet freedom to insert language that would allow states to restrict internet freedom for vaguely worded reasons of “security” and “sovereignty.” The panel on internet freedom at the 19th Session of the HRC will be a critical time for advocates of freedom of expression on the internet to confront the highly restrictive interpretation of internet freedom that China, Russia and others may attempt to impose on international discussions concerning this issue.

C. Human Rights in the Context of Protests:

Events in the Arab region during 2011, and elsewhere, have inspired some state actors to attempt to build international consensus among states on the need to create stronger mechanisms to protect human rights in the context of protests. Switzerland, after having failed to establish a Special Session on attacks against protestors in the Arab region during the first half of 2011, instead put forward a “decision” during the 17th Session (June, 2011) of the HRC in order to create a “Panel on the Promotion and Protection of Human Rights in the Context of Peaceful Protests.”³³

³² At <http://daccess-dds-ny.un.org/doc/RESOLUTION/LTD/G11/163/74/PDF/G1116374.pdf?OpenElement>

³³ At <http://www2.ohchr.org/english/bodies/hrcouncil/17session/docs/A-HRC-DEC-17-120.pdf>

The “High Level Panel on the Promotion and Protection of Human Rights in the Context of Peaceful Protests” was held on 13 September at the 18th Session of the HRC. During the panel, experts offered recommendations to the international community on how to best protect human rights in the context of protests.

The newly created *UN Special Rapporteur on Freedom of Assembly and Association*, and other panellists, suggested the creation of formal guidelines on how best to promote and protect human rights during protests, especially in the context of large scale protests. Mr. Bahey eldin Hassan, General Director of CIHRS, speaking on the panel, called on the HRC to work towards the creation of an international “Declaration on the guidelines and principles for the promotion and protection of human rights in the context of peaceful protests,” and submitted “suggestions of guidelines and principles that have arisen out of lessons learned within the Arab region, and which...should be included in any such declaration.”³⁴ Mr. Hassan’s speech also represented the first time the situations in Bahrain and Yemen were addressed within a formal event organized by the HRC.

The OHCHR should report back to the HRC on the “outcomes” of the “protest panel” at its 19th Session (March, 2012). Switzerland, Norway, and other countries, have indicated a desire to ensure strong follow-up on this issue, while other countries, such as China, Russia, and Algeria, have all demonstrated a willingness to combat any strong follow-up. As with the issue of freedom of expression on the internet, the promotion and protection of rights in the context of protests is set to become a major battle-ground issue in 2012. Both initiatives have great potential to aid in the creation of stronger international mechanisms concerning the rights of citizens to exercise freedom of assembly, association, and expression. *In light of “global” protest movements that have arisen, and the increasing use of the internet as a means of political expression and organization, these thematic issues may prove historically important for the promotion of human rights if governments are able to ensure strong and positive follow-up action at the UN. Civil society will have an important role to play in the next year to ensure that this occurs.*

³⁴ Available at www.cihrs.org

III. Threats to the International Human Rights System

1. Undermining Human Rights Standards: Revisionism and Relativism at the UN

The Organization of Islamic Cooperation (OIC) and the Arab Group, both collectively and as individual member states, have worked within the UN human rights mechanisms to promote state-centric interpretations of Islamic doctrine³⁵, and to create an international legal regime around the concept of religious blasphemy (*Defamation of Religions*).³⁶ 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 individuals (LGBT)³⁷ from gaining further protection under international law, and from being recipients of the rights to which they are already entitled.³⁸ OIC and Arab Group support for the concept of *Defamation of Religions* and "traditional values," in opposition to the equal application of all rights to all individuals at all times, greatly weakens 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

³⁵ *State-centric* is used here to indicate a brand of "Islam" that is narrowly and selectively defined by governmental authorities in a manner designed to further their own perceived interests.

³⁶ *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 have used 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. 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.

³⁷ Lesbian, Gay, Bisexual and Transgendered individuals

³⁸ For a more detailed account of this issue see the Section II (3) of the Chapter entitled, "Ensuring Mutual Impunity: The United Nations Human Rights System and Arab State Involvement," in the 2010 Annual Report of the Cairo Institute for Human Rights Studies, at www.cihrs.org

legally binding content, and instead become subordinate to, and dependent on, the political will or dominant ideology of state authorities in any given country.

A. The End of “Defamation of Religions” at the UN?

The last year (2011) has witnessed a historical shift in OIC policy at the UN towards the concept of “Defamation of Religions.” Throughout the previous year (2010), a significant and unprecedented weakening of political support for the concept of “Defamation of Religions” occurred among states within the United Nations, a result of persistent, long-term lobby efforts by some UN member states and human rights NGOs from around the world. As a result, during the latter half of 2010 the OIC began a process of reevaluating the text of the “Defamation of Religions” resolution to address concerns that the “defamation” concept undermines existing human rights standards.

On 24 March, 2011, at its 16th Session, after protracted negotiations between the OIC, lead by Pakistan, and other UN member states, including the EU and US, the UN Human Rights Council adopted a resolution on ‘Combating Discrimination and Violence’ against persons on the basis of religion and belief.³⁹ The resolution was put forward by the OIC to replace the traditional “defamation” resolution. This new resolution focuses on protecting an individual’s freedom of religion by employing and protecting the very right ‘defamation’ called into question – namely, freedom of expression. Instead of fighting religious intolerance by calling for criminalization of ‘offensive’ speech, a tactic that can, and has, been used to imprison religious minorities and those who speak out against their government, the resolution advocates for concrete measures and policies to be adopted, such as the development of collaborative networks, monitoring mechanisms, training of government officials, and speaking out against intolerance. Instead of undue censorship, it advocates for an action oriented approach that can be used to combat the roots of the real problems of discrimination and violence against individuals based on their religion or belief.

³⁹ A/HRC/16/L.38, *Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief*, at <http://daccess-dds-ny.un.org/doc/UNDOC/LTD/G11/121/55/PDF/G1112155.pdf?OpenElement>

Significantly, this new resolution was presented to the Human Rights Council by the OIC, and with almost unanimous support of its member states.⁴⁰ Almost seven months later, the 'Combating Discrimination and Violence' resolution was again adopted by consensus at the General Assembly, thus replacing the "defamation" resolution in both bodies. As such, its language and approach may become an important tool for civil society and political reformists within OIC countries to challenge and reform national blasphemy laws. *If maintained in future UN resolutions, the shift is a momentous one that will provide an important framework to combat discrimination, while upholding existing human rights norms. Nonetheless, the danger that the "defamation" resolution could be revived by the OIC is very real. As such, concerted efforts will have to be made to maintain this positive development in the months and years ahead.*

B. The Rise of "Traditional Values" at the UN?

In a statement issued⁴¹ after the initial adoption of a resolution on "traditional values"⁴² at the 12th Session (September, 2009) of the HRC, the Executive Director of the Cairo Institute for Human Rights Studies warned that *"the concept of "traditional values" and the politicized manner in which it is being used by some member states of the Council "constitutes an... attack on the universality of international human rights standards by the very UN mechanism that is supposed to uphold and strengthen these standards. Such a concept has been used in the Arab region to justify treating women as second class citizens, female genital mutilation, honor crimes, child marriage and other practices that clearly contradict with international human rights standards."* He went on to ask: "Does this resolution now mean that such practices are acceptable under international law?" It is a question that is of growing importance in the context of the current deliberations of Human Rights Council. *The resolution was put forward by the Russian Federation, and supported by the same states who had strongly advocated for the resolution on "defamation of religions."* This first resolution on "traditional values" mandated the OHCHR to convene an expert seminar "on how a better understanding of traditional values of humankind underpinning international human rights norms and

⁴⁰ Despite reported resistance to the new text by some members of the OIC within closed door negotiations, in particular Egypt and Saudi Arabia.

⁴¹ Press Release, *UN Takes One Step Forward and Two Big Leaps Back*, CIHRS, 02/10/2009, available at www.cihrs.org

⁴² A/HRC/12/L.13/Rev.1, *Promoting human rights and fundamental freedoms through a better understanding of traditional values of humankind*, at <http://daccess-dds-ny.un.org/doc/RESOLUTION/LTD/G09/161/29/PDF/G0916129.pdf?OpenElement>

standards can contribute to the promotion and protection of human rights.” One of the main conclusions of this seminar (which took place in October, 2010) was that “there was a danger in making something as undefined and constantly evolving as ‘traditional values’ the standard for human rights.”⁴³

A second resolution on “traditional values” was put forward by Russia, and adopted by a split vote,⁴⁴ at the 16th Session of the HRC (March, 2011). This second resolution largely ignored the dangers raised by many governments and human rights defenders concerning the concept of traditional values and the manner in which it was being used. This “follow-up” resolution tasked the Advisory Committee of the HRC to prepare a study on “how a better understanding and appreciation of traditional values of dignity, freedom and responsibility can contribute to the promotion and protection of human rights.” Once again the vague terminology employed in the text was left undefined. The Advisory Committee met in August 2011 and began consultations on the report they were asked to prepare. During the proceedings a large amount of NGOs made interventions urging the experts of the Committee (which are appointed by states) to approach the concept of “traditional values” within the existing framework of international law; this framework protects traditional forms of expression, including freedom of religion, but anchors and circumscribes the observance of tradition within the larger context of rights protections for the individual.

*The report of the Advisory Committee should be completed and presented to the 21st Session of the HRC (September, 2012). The fact that a Russian appointee to the Advisory Committee appears to be leading on the drafting of this study has raised some concerns that the political preferences of the Russian government may color the Committee’s final report. In turn, *it is feared that Russia, along with other governments that strongly supported the previous “defamation” resolutions, may use subsequent resolutions on “traditional values” to attempt to once again insert vague, relativistic language into the UN human rights lexicon, thus undermining the entire framework of international human rights standards. As the threat posed by the concept of “defamation” appears to be subsiding, the concept of “traditional values” may be on the rise. In turn, the principles of universality and equality that underline and give force to all human rights standards may once again come under increasing attack.**

⁴³ See A/HRC/16/37, at <http://bit.ly/dU1F7D>

⁴⁴ A/HRC/16/L.6, at <http://daccess-dds-ny.un.org/doc/UNDOC/LTD/G11/119/35/PDF/G1111935.pdf?OpenElement> HRC Vote: 24 in favor, 21 against, 7 abstentions

2. Undermining the Independence of UN Rights Experts, and Attacks Against NGOs:

Previous chapters of CIHRS' Annual Report dealing with the UN have highlighted the efforts of Arab governments and other states to undermine the independence of UN human rights experts within the UN system, including OHCHR experts and Special Rapporteurs, as well as attacks against NGOs and human rights defenders that engage or attempt to engage with the UN.⁴⁵ *The last year (2011) has witnessed unprecedented developments in these areas, both positive and negative.*

A. Attacks against NGOs and Human Rights Defenders:

*Reprisals 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.*⁴⁶ *A rise in these types of attacks has occurred over the last several years in the Arab region.* The most recent yearly report of the UN Secretary-General on reprisals, completed in July and submitted to the 18th Session of the HRC (September, 2011), underscores this dangerous regional trend.⁴⁷ Cases of reprisals carried out by the governments of Bahrain, Sudan, Saudi Arabia, and Yemen against human rights defenders were included in the report. *In a positive development, the issue of reprisals, after forceful lobbying on the part of NGOs, was given more prominence by states and UN agencies during 2011.* In response to a recommendation included in the report of the Secretary-General, the EU and other states put forward a "decision" on reprisals at the 18th Session of the HRC which was adopted without a vote. The "decision" decides to convene a panel discussion to address "the issue of intimidation or reprisal against individuals and groups who cooperate or have cooperated with the United Nations"⁴⁸, and also urges UN member

⁴⁵ See CIHRS' Annual Reports from 2008, 2009 and 2010, available at www.cihrs.org

⁴⁶ 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)

⁴⁷ A/HRC/18/19, *Cooperation with the United Nations, its representatives and mechanisms in the field of human rights*, at

http://www2.ohchr.org/english/bodies/hrcouncil/docs/18session/A-HRC-18-19_en.pdf

⁴⁸ A/HRC/18/L.19, *Cooperation with the United Nations, its representatives and mechanisms in the field of human rights*, at <http://daccess-dds-ny.un.org/doc/RESOLUTION/LTD/G11/163/60/PDF/G1116360.pdf?OpenElement>

states and observers to address this issue at HRC sessions under agenda Item 5 – a practice initiated by NGOs in previous sessions of the Council. The panel will be held at the 21st Session of the HRC (September, 2012).

*The use of the UN NGO Committee to penalize NGOs for independent human rights work can also be seen as a form of Reprisals.*⁴⁹ 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 UN ECOSOC status or the consideration of their application will be indefinitely postponed, while an increasing amount of GONGOs⁵⁰ are speedily granted status. Furthermore, the Committee is used by repressive governments to take away or suspend the ECOSOC status of NGOs who criticize the human rights record of their government, or of allied governments. *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.*

For example, in 2011, at a resumed session of the NGO Committee, the member states of the committee took a “no-action” vote on the application for UN ECOSOC status of the Syrian Center for Media and Freedom of Expression (SCM)⁵¹, effectively deferring the application to its next session in January 2012. Due to lobby efforts of the Syrian government, the SCM’s application had been deferred several times during the course of two years and five sessions of the NGO Committee. Member states of the committee had posed over forty questions, many of them repetitive, to the organization. Syria circulated a Note Verbale at the resumed session of the Committee accusing the SCM of being a biased organization with a hidden political

⁴⁹ *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 UN body deliberations and to hold States accountable at the international level.

⁵⁰ 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.

⁵¹ The SCM is a France-based human rights NGO that aims to promote freedom of opinion and expression in Syria and throughout the Arab world. The NGO conducts seminars and practical workshops, publishes studies related to freedom of expression and opinion, and provides legal support for journalists. The Director of SCM, Mazen Darwish, is a reputable Syrian human rights defender of high integrity.

agenda to “destabilize the Syrian people’s confidence in its government.” The points in Syria’s Note Verbale were reflected in the committee’s debate, with states such as Venezuela and China questioning the SCM’s ability to operate without legal status in Syria, and states such as India, Cuba, and Sudan calling for additional clarifications from the NGO. The no-action motion was passed by a roll call vote of ten in favor, six against, and three abstentions. In July 2011, France put a resolution before the UN Economic and Social Council (ECOSOC), which reviews the decisions of the NGO Committee, requesting the “no action” decision of the NGO Committee on SCM’s application be overturned and the NGO be granted ECOSOC status. After a strong lobby campaign in support of SCM’s application by several governments and many NGOs from around the world, the resolution put forward by France was approved by the member states of ECOSOC without a vote and SCM granted UN ECOSOC status.

The case of SCM demonstrates the destructive attempts by Arab governments and others to censor and exclude independent human rights organizations from participating in UN processes by means of the UN NGO Committee. However, it also highlights the potential for positive change if key states and civil society organizations work together and prioritize efforts to overcome negative decisions by the NGO Committee. The case of SCM is the only known case of an NGO focused exclusively on human rights in the Arab region being able to attain ECOSOC status despite the failure of the NGO Committee to grant such status..

B. Undermining the Independence of the Office of the High Commissioner for Human Rights:

As in past years, 2011 once again saw some states that have demonstrated a hostile attitude to the independence of the OHCHR attempt to subordinate the OHCHR to the HRC, a political body, by giving HRC member states administrative and budgetary oversight over the OHCHR’s work and initiatives. During the 18th Session of the HRC (September, 2011), a group of states lead by Cuba, Pakistan, and Sri Lanka, put forward a resolution to require the OHCHR to report to the HRC on the distribution of the nationalities of OHCHR staff, as well as detailed budgetary information on its programs and activities – information customarily required by an oversight body. The resolution appeared to pave the way for the development of oversight functions by the HRC over OHCHR, which the HRC was never intended to have. As in the past, many NGOs and states reacted strongly against the initiative, fearful that it constituted an attempt to undermine the independence of the OHCHR. As a compromise, the initiative was reflected

in a statement by the President of the HRC instead of being voted on as a resolution. The President's statement defused many of the dangerous elements of the proposed resolution but also contained some dangerous language that may be built on in similar initiatives in the year to come. *The independence of the OHCHR will likely remain under threat by similar initiatives in the future, a potential danger NGOs and UN member states who desire to preserve OHCHR independence will have to be prepared to confront in a diligent and forceful manner.*

IV. Palestine and Israel at the United Nations

1. Accountability and the Bid for Palestinian Statehood

In September 2011, the Palestinian Authority began its efforts to obtain state membership status at the United Nations. The Palestinians have taken a multi-dimensional approach towards this goal, seeking membership both through the UN Security Council, as well as through other UN bodies and agencies. The Palestinian Authority has also strengthened its bilateral efforts to gain recognition from individual states. On 23 September 2011, Palestinian President Mahmoud Abbas held a historical address before the General Assembly and submitted a formal request for full UN membership to UN Secretary-General Ban Ki-moon. The Secretary General transmitted the request to the UN Security Council. The bid has remained stalled at the Security Council, with members unable to come to a decision and a U.S. veto certain to block any vote on the matter. In the meantime, Palestine sought and gained membership of UNESCO in October of 2011 – its first full membership as a state in a UN body.

From a human rights perspective, Palestine's bid for statehood is derived from the "right to self-determination." The right to self-determination is guaranteed to all citizens by fundamental international legal instruments. The HRC has also adopted many resolutions upholding the right of Palestinians to self-determination. Many argue the last 13 years of negotiations have done little to improve the situation of Palestinians, and it has now become clear that recognizing the statehood of Palestine and accepting it as a full member of the UN is necessary in order to ensure Palestinian self-determination and achieve a comprehensive settlement of the Palestinian-Israeli conflict. *In addition to expressing this fundamental right and potentially improving the prospects of a settlement of the conflict, the recognition of Palestinian statehood by the UN would allow Palestine to sign and ratify several human rights treaties, such as the International Covenant on Civil and Political Rights and the international Covenant on*

Social, Cultural, and Economic Rights, as well as the Rome Statute. This would enable stronger monitoring and scrutiny of violations committed by the Palestinian governing authorities, and could increase access to international mechanisms of justice, such as the ICC, making it possible to seek accountability for human rights violations, including those committed during Israel's 23-day military assault in 2008/2009, known as "Operation Cast Lead."

Politically, Palestine's bid for statehood at the UN has served to make more blatant the long-existing double-standards of some international actors with regards to the Israel-Palestine conflict. The U.S. has actively lobbied member states of the Security Council to block a vote on Palestine's membership. In response to UNESCO's approval of full Palestinian membership⁵², the U.S. withdrew its funding from this UN body, portraying Palestinian membership as counter to international peace. Furthermore, despite the European Union's (EU) common position of promoting the ICC, there were reports that the EU offered to support the enhancement of Palestine's status at the UN, in exchange for the Palestinian Authority foregoing recourse to the ICC.⁵³

2. The "Goldstone process"

*While the statehood bid is of great symbolic importance and has potential human rights benefits, it has also had the unfortunate effect of marginalizing the process of accountability begun by the "Goldstone report."*⁵⁴ This is not the first time the Goldstone report has been marginalized for reasons of perceived political expediency. The so-called Goldstone process, which started with the release of the report of the International Fact Finding Mission on the Gaza conflict in September 2009, has a two-year history of being held hostage to political considerations. In September 2010, at the 15th session of the HRC, the Palestinian Authority itself ignored calls from national, regional, and international NGOs urging the HRC to recommend that the GA refer the Goldstone report to the Security Council for referral to the International Criminal Court (ICC). The Palestinian Authorities and their allies had caved under political pressure by the United States and effectively buried the Goldstone report in red tape in favor of the then ongoing peace talks.

⁵² United Nations Educational, Scientific and Cultural Organization

⁵³ Available at: <http://www.amnesty.eu/en/press-releases/all-0510/>

⁵⁴ For more details on the process surrounding the Goldstone report, see *Roots of Unrest: Human Rights in the Arab Region* – CIHRS Annual Report 2010, pp. 278 – 280, available at: www.cihrs.org

In March this year, after the evident failure of the peace talks with Israel, the Palestinian Authority briefly revived the Goldstone process at the 16th session of the HRC. This also came after the Committee of Independent Experts in International Humanitarian and Human Rights Law, tasked with monitoring the implementation of domestic investigations into crimes committed during the Gaza conflict, concluded for a second time that investigations by Israel and Hamas were not in conformity with international standards.⁵⁵ The HRC then belatedly adopted a resolution recommending that the General Assembly reconsider the report of the Fact-Finding Mission at its sixty-sixth session (September 2011), and urging the GA to submit that report to the Security Council for its consideration and appropriate action, including consideration of referral of the situation in the Occupied Palestinian Territories (OPTs) to the prosecutor of the ICC, pursuant to article 13 (b) of the Rome Statute.⁵⁶ The resolution was adopted with 27 votes in favor, 3 against, and 16 abstentions, and is the strongest step towards accountability for crimes committed during the Gaza conflict taken to date by the HRC or the larger UN system.

The 66th session of the UN General Assembly, which started in September 2011, represented a unique opportunity to follow up on this unprecedented HRC resolution and ensure accountability for the victims of the Gaza conflict. However, the process of pushing for a strong follow-up to the Goldstone report was virtually abandoned in favor of the Palestinian bid for statehood. In this context, the abovementioned EU offer to the Palestinian Authority to forgo justice for potential statehood becomes particularly disturbing. *While marginalizing the Goldstone report, the Palestinian bid for statehood is itself stalled by the political dynamics of the UN Security Council, thereby further blocking possibilities for accountability that might arise from either process. Going forward, it will largely be up to the Palestinian Authority to ensure the revival of the Goldstone report and its recommendations. While its statehood bid deserves concerted efforts, waiting too long to pursue justice through the recommendations of the Goldstone report might mean killing this process entirely, and with it, the most significant UN initiative for international accountability for war crimes committed within the OPTs to date.*

⁵⁵ The first report of the Expert Committee is available at: <http://daccess-ods.un.org/TMP/8126330.97171783.html>

The second report is available at: <http://daccess-ods.un.org/TMP/5756955.742836.html>

⁵⁶ A/HRC/RES/16/32, at: <http://daccess-ods.un.org/TMP/3419530.39169312.html>

V. Conclusion:

The year 2011 witnessed numerous positive developments at the United Nations for the promotion and protection of human rights in the Arab world and beyond. Many of these positive developments were linked to, and fueled by, the large-scale movements for democratic reform that swept across the Arab region. However, in some instances, member states of the UN have been unable to overcome the short-sighted political interests of powerful governments and political groupings, resulting in either no response, or highly insufficient action in relation to particular country situations, most notably concerning Bahrain at the HRC and Syria at the Security Council. While the positive and often unprecedented UN human rights initiatives have given hope that stronger and more pro-active action by the international community to protect victims of human rights violations in the Arab region is possible, the challenge of overcoming the entrenched double-standards with which many UN member states have approached the “Arab Spring” constitutes the largest obstacle to sustaining both the viability and legitimacy of such initiatives.

The influential role that the UN has played over the last year in the ongoing struggle of Arab citizens for democratic and human rights reform, whether through action or the lack thereof, is clear to those who have observed the interplay between Arab governments and the international community. Perhaps not as obvious, but of great importance, has been the strong and sustained effort of national, regional, and international human rights civil society acting to pressure and inform international processes and outcomes. The challenge of creating a more principled and consistent international response to supporting democratic movements and protecting victims of human rights violations in the Arab region and elsewhere, will require a long-term commitment and strategic engagement by human rights civil society actors from around the world to influence and inform both UN processes and foreign policy decisions formed on a national level. While the last year has demonstrated that reaching such a goal will prove extremely challenging, it has also shown that progress is attainable.

Part Two
Human Rights in the Arab World

Section One
The Problem of Human Rights and Democracy

Egypt

The year 2011 was saw a severe increase in grave human rights violations in Egypt in response to the popular uprising early in the year that succeeded after only 18 days in toppling dictator Hosni Mubarak along with several prominent members of the ruling party and thwarted plans for the passage of the presidency to Mubarak's son. Ongoing pressure from the revolution prompted the dissolution of both houses of the rigged parliament and led to the prosecution of the former president, interior minister, and a few politicians and businessmen on charges related to the murder of demonstrators and the rampant corruption under Mubarak's tenure.¹ Court orders were also issued dissolving the ruling National Democratic Party (NDP) and the municipal councils formed through fraudulent elections in 2008.²

Mubarak had refused to leave office until he had accumulated further political and criminal liability for the deaths of hundreds of demonstrators and the injury of thousands more, as well as the death of 200 prison inmates and the escape of many dangerous convicts and several thousand criminal prisoners during the sudden, suspicious disappearance of security forces on the evening of January 28, 2011. The Mubarak regime began its collective punishment of the Egyptian people with the beginning of the revolution on

¹ al-Masry al-Youm, "al-Idariya al-'ulya taqdi niha'iyān bi-hall al-hizb al-watani wa tasfiyat amwalih wa i'adat mumtalakatih li-l-dawla," Apr. 16, 2011, <<http://www.almasryalyoum.com/node/402720>>.

² al-Masry al-Youm, "Hall al-majalis al-mahaliya li-ikhlatiha al-jasim bi-masalih al-watan," June 29, 2011, <<http://www.almasryalyoum.com/article2.aspx?ArticleID=302073&IssueID=2181>>.

January 25, cutting off communications networks in a desperate attempt to sever contact via social media networks between those involved in the uprising, with the additional goal of blocking the spread of information about the far-reaching popular protests and suppressive actions taken against them. In tandem with this, satellite broadcasting was interrupted, and the state and private media were deployed to discredit the revolution and those taking part in it.

Ten months after Mubarak's ouster, the failure to achieve the goals of the revolution was clear. The pillars and policies of the autocratic Mubarak regime had not been removed; the major state institutions, starting with the security establishment, had not been purged and reformed; victims of human rights abuses and the suppression of the uprising had not been given justice; and a constitution establishing a civil, democratic state and setting the rules for the institutions of governance and delineating their prerogatives had not been drafted.

As a result of these failures, a crisis mounted in the transitional period pitting the forces aspiring to achieve the goals of the revolution against the ruling authority, the Supreme Council of the Armed Forces (SCAF), to whom Mubarak had delegated the administration of the country without constitutional justification.

The management of the transitional period has shown the SCAF's propensity to reduce the revolution to the sacrifice of certain figures in order to maintain the same regime with some cosmetic reforms. This is seen clearly in the perpetuation of the state of emergency and the expansion of its application beyond the pre-revolution status quo,³ thereby allowing it to be used broadly to suppress liberties on the pretext that such liberties are used to undermine national security or the public order, infringe on the freedom to work and obstruct transport, or disseminate false news or statements. One of the first pieces of legislation issued in the name of the revolution was a law criminalizing strikes and sit-ins⁴; the law mandates penalties of one year imprisonment and fines up to LE500,000 for offenders. The use of exceptional military courts to try civilians also increased, snaring numerous political activists, bloggers, and peaceful demonstrators and protestors. Torture and cruel or degrading treatment continued to be practiced inside

³ CIHRS, "The Mubarak Regime Persists," Oct. 19, 2011, <<http://www.cihrs.org/?p=256&lang=en>>.

⁴ al-Shorouk, "al-A'la li-l-quwat al-musallaha yusdir marsum bi-qanun li-taghliz 'uqubat al-baltaja," Mar. 12, 2011, <<http://www.shorouknews.com/contentdata.aspx?id=406754>>; State Information Service, "al-Majlis al-a'la li-l-quwat al-musallaha yusdir marsum bi-qanun li-ta'dil ba'd ahkam qanun al-'uqubat," Mar. 11, 2011, <<http://www.sis.gov.eg/Ar/Story.aspx?sid=44766>>.

prisons and police stations, with the new development that the military police became involved in torturing civilians as well. In this context, detained women were forced to undergo virginity tests, a practice previously unknown within the Egyptian security apparatus.

With growing criticism of their transitional policies, the authorities resorted to the Mubarak regime's old tactic of besmirching and intimidating its critics, launching an unprecedented campaign to defame political youth groups and human rights organizations.

Instead of striving to build a national consensus for the administration of the transitional phase, those in charge of the country's affairs intentionally exacerbated political divisions, attempting, like the Mubarak regime before them, to exploit and intensify the fear of Islamists to prompt other political forces to seek refuge with the military, which may help the military establishment preserve the privileges it has enjoyed since the 1952 revolution. Before the end of the year, this tactic had led the country into a serious political crisis, manifested in the so-called second wave of the revolution in November, which demanded the end of military rule and the return of the army to its barracks. Police and army forces met these demands with a brutal crackdown. At the same time, a clash between the SCAF and the Muslim Brotherhood, the strongest Islamist force, may not be far off.

Major missteps in the democratic transition:

Since the SCAF first assumed the reins of power after Mubarak's ouster, it has pursued the same course by which Mubarak attempted to appease protestors on the eve of his ouster. SCAF has allowed for only limited amendments to the constitution in order to pave the way for parliamentary and presidential elections. Moreover, it was the SCAF which formed the committee to draft these amendments, and the committee lacked political independence and only extended representation to members of political Islam. The resulting amendments called for parliamentary elections to be held within months, which played a crucial role in determining the outcome of those elections,⁵ as revolutionary forces had not yet established parties capable of competing with the more organized Islamist groups.

The constitutional amendments themselves deepened political divisions in society, which facilitated the SCAF's attempts to fragment the united

⁵ "Bayan bi-khusus tashkil lajnat ta'dil al-dustur min ajl dustur madani hurr," Feb. 16, 2011, <<http://goo.gl/sA88Q>>.

front of the revolution.⁶ As a result, a substantial portion of liberals, secularists, and Copts were profoundly uneasy with the course pursued, which gave Islamist groups the upper hand in the drafting of the new constitution. In contrast, the Islamists broadly supported the chosen course, as it prepared the way for their victory in the parliamentary elections and, in turn, their control over the writing of the new constitution.

The SCAF attempted to use the growing split between the two camps to carve out greater privileges for the military establishment. One of its strategies was the creation of a document of supra-constitutional principles, which was rejected by Islamist groups along with some other political forces and advocacy groups, as it attempted to exploit legitimate fears of the institutionalization of a theocracy in the new constitution to grant the military establishment prerogatives over the constitutionally established authorities, thus allowing it to intervene in the political process in the name of protecting the civil state and constitutional legitimacy. The document also granted the SCAF and its government an influential role in choosing the majority of members of the constituent assembly and gave the SCAF the right to veto sections of the text drafted by the constituent assembly.⁷

This is not to deny positive, post-revolution developments, although they do not embody the revolution's principal goal of wholesale change of the regime and its foundations. Steps were made taken to end the single-party system, although the SCAF introduced only limited changes to Law 40/1977 on political parties. Most importantly, it abolished the Political Parties Committee, which had been dominated by the former ruling party, transferring its authorities to a commission comprised of judicial figures. The advances seen in the landscape of political parties over the year can be attributed to political accords and the flexibility shown by the commission in considering new party applications. At the same time, however, the commission approved the establishment of religious parties, although the law prohibits this.⁸

The parliamentary elections, whose first round was conducted as this report was being prepared, saw high voter turnout, but also witnessed chaos and confusion for which the SCAF bears primary responsibility. The

⁶ To read the constitutional amendments and the constitutional declaration, see State Information Service, <http://www.sis.gov.eg/ar/LastPage.aspx?Category_ID=1638> and <http://www.sis.gov.eg/Ar/LastPage.aspx?Category_ID=1685>.

⁷ CIHRS, "La li-l-fashiya al-diniya la li-l-haymana al-'askariya: markaz al-Qahira yaqtarih hallan wasatan li-talafi al-suqut fi barathin ahad al-khiyarayn," Nov. 4, 2011, <<http://www.cihrs.org/?p=188>>.

⁸ To read the amended political parties law, see State Information Service, <http://www.sis.gov.eg/Ar/LastPage.aspx?Category_ID=1739>.

elections were conducted in the midst of heightened political tension and the eruption of the second wave of the revolution, which expressed a deep sense of frustration on the part of revolutionary forces and growing doubts about the SCAF's willingness to relinquish power.

The Supreme Elections Commission (SEC) did not respond to violations to the legal ban on the use of religious slogans nor to the use of a violent sectarian discourse by some parties, particularly Salafis, who charged their enemies with blasphemy, despite the fact that such action falls within the commission's limited prerogatives. Meanwhile, the SCAF and Interior Ministry took it upon themselves to exercise a significant number of the powers delegated to the SEC, and it was the Interior Ministry which practically assumed the responsibility for the primary electoral tasks such as vetting voter rolls, district apportionment, and determining the final composition of the general elections committee, polling station committees, and ballot-counting committees. The SCAF, for its part, intervened more than once to extend the candidacy application period and to schedule the voting periods over two days rather than one, without even consulting the SEC.

The confusion surrounding the elections was exacerbated by the fact that the amendments to the law on the exercise of political rights did not respect the right of Egyptians living abroad to political participation. Only days before the vote, the SCAF was compelled to include expatriates, pursuant to an Administrative Court ruling that required the authorities to guarantee the right of Egyptians abroad to vote.⁹

Suppression of peaceful protests:

Although Mubarak was removed from the political landscape and revolutionary forces were able to affirm the right of Egyptians to peaceful demonstration and protest on numerous occasions through several million-person demonstrations, this did not end the brutal assault on protestors even after Mubarak's ouster. Indeed, as of late November some 100 people died as a result of the excessive use of force by army forces and Central Security Forces, including live ammunition and asphyxiating tear gas.

According to official reports, during the first wave of the revolution from January 25 to February 11, when Mubarak stepped down, 6,467 people were

⁹ For problems with the electoral system and an overview of the first round of parliamentary elections see the Egyptian Association for Community Participation Enhancement, "Taqrir al-marhala al-ula li-intikhabat majlis al-sha'b," Dec. 1, 2011, <<http://www.mosharka.org/index.php?newsid=417>>.

injured¹⁰ and more than 846 people were killed, most during clashes with security forces, which opened fire on demonstrators in several governorates. Several cases were also reported in which demonstrators were pursued and intentionally run over by police vehicles and armored personnel carriers.

February 2 saw a desperate attempt to crush the will of those occupying Tahrir Square, as demonstrators were brutally assaulted in what became known as the Battle of the Camel. Police fired live ammunition, rubber bullets, birdshot, and tear gas at demonstrators, while snipers were seen firing from the rooftops of buildings overlooking the square. At the same time, the square, whose entrances were ostensibly secured by the armed forces, was attacked by groups of thugs riding horses and camels and carrying clubs, iron bars, and knives, having been mobilized by supporters of the president. During the battle, demonstrators were able to capture some of the assailants, and their identity cards revealed them to be police or members of the NDP.¹¹

Attempts to break the will of Egyptians were not limited to the use of excessive force. Indeed, the Egyptian population was subjected to collective punishment following the security vacuum which arose from the sudden withdrawal of police from the streets and police stations. Egyptians were thus left vulnerable to criminal acts by gangs of thugs and other criminals, particularly after several prisons were attacked and inmates released.

Although the January 25 revolution was overwhelmingly peaceful, it did involve some acts of violence, such as attempts to storm security headquarters and torch several police stations. Official reports state that 26 policemen and officers died, and it is likely that a number of them killed while performing their professional duty of protecting security headquarters.¹²

During the peaceful occupation of Tahrir Square until Mubarak's departure, complaints were regularly heard regarding the abduction of political activists, some of whom were tortured by military police. According to reports, 74 people were kidnapped and detained before Mubarak's ouster.¹³

Although the armed forces dealt prudently with some of the million-person demonstrations seen after Mubarak's ouster to demand the

¹⁰ Abstract on the final report of the fact-finding commission on the events of the January 25 revolution, <http://www.ffnc-eg.org/assets/ffnc-eg_final.pdf>.

¹¹ Ibid.

¹² Ibid.

¹³ See the list of detainees and abductees from the Front for the Defense of Egyptian Demonstrators, <<http://www.box.com/shared/9140s4pje2>>.

achievement of the goals of the revolution, it became clear that increasing criticisms of the SCAF for its administration of the transitional period gradually led to escalating acts of repression against demonstrators.

The first post-revolution clash with demonstrators took place on March 9, 2011, when the armed forces dispersed a sit-in in Tahrir Square of about 3,000 people, following a million-person demonstration calling for speedy trials for Mubarak regime figures and the purging of state institutions of Mubarak loyalists. Army forces and military police fired intensively into the air to break up the occupation and used tear gas and electric batons. According to reports from rights groups, several demonstrators were dragged and some were tortured in the Egyptian Museum, adjacent to the square. As was true in subsequent clashes, this began with the deployment of groups of thugs to harass the protestors, showing that the institutional use of thugs did not end after Mubarak's ouster.¹⁴

On April 9, army forces opened fire on demonstrators in Tahrir Square. While the Ministry of Health announced that one person died and 71 were injured, other medical sources indicated that as many as six people were killed, among them a seven-year-old child. Some 42 demonstrators were arrested and referred to the military prosecution for questioning on charges of breaking curfew and violating the military ruler's ban on assemblies.¹⁵

In late June, and for the first time since the revolution, the Central Security Forces launched a bloody attack on families of those killed in the revolution and hundreds of solidarity protestors in Tahrir Square, using rubber bullets, birdshot, and tear gas. The clashes, which lasted for two days, injured more than 1,100 people on both sides. Central Security Forces willfully provoked the demonstrators and martyrs' families, cursing them over megaphones, making obscene gestures toward them, and brandishing swords to threaten and provoke them.¹⁶

On July 23, army forces and Central Security Forces surrounded a peaceful march in Abbasiya Square headed toward the Defense Ministry,

¹⁴ Human Rights Watch, "Egypt: End Torture, Military Trials of Civilians," Mar. 11, 2011, <<http://www.hrw.org/news/2011/03/11/egypt-end-torture-military-trials-civilians>>

¹⁵ Egyptian Initiative for Personal Rights, "Army Shootings against Civilians a Dangerous Precedent for Which There Must Be Accountability," Apr. 10, 2011, <<http://eipr.org/en/pressrelease/2011/04/10/1146>>.

¹⁶ Egyptian Initiative for Personal Rights, "The Egyptian Initiative for Personal Rights Announces the Results of Its Field Investigation into the Clashes between Police and Demonstrators on the 28th and 29th of June," July 4, 2011, <<http://eipr.org/en/pressrelease/2011/07/04/1191>>.

and demonstrators were attacked by persons in civilian clothing thought to be hired thugs.¹⁷

The events of October 9 constituted the beginning of a dangerous shift in the suppression of peaceful protests. The area of Maspero, in central Cairo, saw acts of violence and extrajudicial killings - for which military forces bear responsibility - during a confrontation with a legally licensed, peaceful demonstration, organized by Muslims and Copts to condemn the demolition of a church by extremists. No less than 28 people were killed and hundreds injured. Video footage shows armored military vehicles running over demonstrators while live ammunition was fired on them as well; in turn, demonstrators threw rocks and torched a military vehicle. The massacre witnessed another dangerous development when civilians joined the assault on demonstrators in response to incitement from the official media, which claimed that Coptic demonstrators were shooting at army soldiers. The media also issued an inflammatory appeal to citizens, calling on them to come out to protect the army from assaults by Coptic demonstrators. In attempting to shirk their responsibility for these serious crimes, the authorities described the events as a clash between groups of Muslims and Christians and said that unknown persons had opened fire on both demonstrators and the armed forces. Tellingly, during the massacre military police stormed the offices of the Hurra and January 25 satellite channels, forcing them to suspend their broadcasts.¹⁸

On November 19, a new round of lethal violence erupted against demonstrators and continued for six days. During this time, Central Security Forces, supported by military police, suddenly used force to disperse a small, peaceful sit-in in Tahrir Square involving families of those killed or injured during the revolution. Security burned the protestors' tents and used birdshot and live ammunition, prompting thousands of sympathizers to head to the square, determined to continue the sit-in. Similar attacks took place in several governorates following solidarity demonstrations with Tahrir. In the end, some 40 people were killed and nearly 4,000 wounded, some with serious injuries as a result of being shot in the upper body, including the face, which resulted in full or partial blindness in some cases.¹⁹

¹⁷ Egyptian Initiative for Personal Rights, "From a Detailed Testimony from the Sidelines of the Events in Abbassiya: EIPR Lodges Complaint for Activist Gharbeia's Unlawful Detention," July 28, 2011, <<http://eipr.org/en/pressrelease/2011/07/28/1217>>.

¹⁸ Egyptian Initiative for Personal Rights, "Maspero: State Incitement of Sectarian Violence and Policy of Extrajudicial Killings," Oct. 16, 2011, <<http://eipr.org/en/pressrelease/2011/10/16/1268>>.

¹⁹ CIHRS, "Egyptian Rights Organizations Demand Indictment of Leading Security Officers," Nov. 23, 2011, <<http://www.cihrs.org/?p=302&lang=en>>.

Torture and status of prisoners and detainees:

The year 2011 was one of the most lethal in Egyptian prisons: according to a statement from the Prison Authority in April 2011, 189 inmates were killed and 263 injured after the police disappeared on January 28. The government fact-finding commission stated that several prison breaks had occurred after security personnel opened the doors and ordered prisoners to leave (as in the Fayoum prison) or after prisoners were pushed to rebel by being subjected to live ammunition or having the water and electricity interrupted for several days, as was the case, for example, in two prisons in the Wadi Natroun region. The report did not rule out the possibility that armed groups had targeted particular prisons for planned assaults, aided by the general security vacuum, in order to secure the release of certain prisoners.²⁰

According to field reports by rights groups, more than 100 prisoners were killed in five prisons that did not see escape attempts. According to these reports, on January 30 and 31 the Appeals Prison was the scene of a massacre during which 14 inmates were killed after being restrained with ropes and shot. The shooting in some prisons continued randomly for 10-15 days, resulting in more deaths. In some cases, the victims' bodies were left to rot in the prison blocs in the midst of living inmates. The reports added that despite the relative improvement of conditions in prisons in the few weeks after the revolution, the attacks nevertheless continued, some of which were accompanied by the unlawful shooting of prisoners, which left at least 9 inmates dead in five prisons.²¹

Since the army descended to the streets on January 28, 2011, there have been unceasing complaints of torture of detained political activists and protestors by the military police. This includes not only beating, dragging, electroshocks, and insults, but also compulsory virginity tests for detained female activists, conducted under the supervision of military physicians. Some detainees in military prisons were given injections after torture with what was purported to be a painkiller, but which in fact induced additional stomach pains and vomiting.²²

²⁰ Abstract on the final report of the fact-finding commission on the events of the January 25 revolution.

²¹ Egyptian Initiative for Personal Rights, "Martyr Behind Bars: Killings and Torture of Prisoners during Egypt's Revolution," <<http://eipr.org/en/report/2011/08/24/1300>>.

²² Egyptian Initiative for Personal Rights, "Risala ila wazir al-sihha li-l-tahqiq al-'ajil fi intihak zubbah wa atibba' min al-jaysh al-Misri li-hurmat al-nafs wa-l-jasad li-man jara

On October 27, Essam Atta died in the maximum security Tora Prison, where he was serving a two-year sentence issued by a military court. Rights groups said that it was strongly suspected that he was tortured before his death. His family reported that Atta had told them two days before his death that an officer had inserted hoses in his mouth and anus and forced him to drink water mixed with detergent, based on suspicions that he had ingested drugs.²³

Crisis over the search for justice:

As of the writing of this report, only one member of the police had been convicted of crimes involving the death of demonstrators during the January 25 Revolution. Indeed, a great many police officers have been acquitted, while only one junior policeman was convicted in absentia and sentenced to death.

In another matter, two judges were assigned to investigate the foreign funding of civil society. The two judges had previously worked with the infamous State Security Prosecution, which was deployed to retaliate against political opponents and cover up the torture of defendants referred to it. After the appointment of the two judges, the sensationalist state press received a steady stream of reckless leaks about the ongoing investigations as part of a government campaign against human rights organizations.

Last year also saw an unprecedented erosion of due process standards, especially through the referral of civilians to military courts and the denial of their right to appear before their regular court. In the first few months after the SCAF assumed control of the country, military trials resembled summary trials on the battlefield: defendants were not permitted counsel and verdicts and sentences were issued in a matter of hours or even minutes. Whereas some 2,000 civilians were tried in military courts during Mubarak's 30-year tenure, 11,879 civilians were prosecuted in military courts from January 25 to September 5, 2011, according to a statement by the head of the military judiciary in a press conference. Of these defendants, 5,326 were sentenced,

ihitjazuhum ba'd fadd i'tisam maydan al-Tahrir," Mar. 20, 2011,
<<http://eipr.org/pressrelease/2011/03/20/1126>>.

²³ Egyptian Initiative for Personal Rights, "Interior Ministry Must Take Full Responsibility for the Death of Essam Atta," Oct. 31, 2011,
<<http://eipr.org/en/pressrelease/2011/10/31/1282>>.

1,836 were handed suspended sentences, and 597 were acquitted; at the time, 1,038 defendants were awaiting ratification of their verdicts.²⁴

The issue of due process is even more serious in those cases that ended in death sentences, as is the case with four defendants, among them a 17-year-old, sentenced to death by the court on May 16, 2011, on charges of kidnapping and assaulting a young girl. This ruling constitutes a flagrant violation of international standards as well as the Egyptian child law and the Egyptian Code of Military Justice, indicating to what degree the military courts have disregarded both civilian and military laws.²⁵

In justifying its consistent use of military trials, the SCAF has pointed to the spread of thuggery, weapons possession, and assaults on the armed forces. However, hundreds of political activists, bloggers, and peaceful protesters have also been referred to military courts. For example, a military court sentenced political activist Amr al-Beheiri to five years in prison on charges of assaulting a public servant and breaking curfew. He was convicted only three days after being detained during a peaceful demonstration on February 26 in front of the Cabinet building. Beheiri was not permitted a lawyer during questioning and was denied contact with his family, which deprived him of the opportunity to bring witnesses or submit evidence for his innocence.²⁶ Blogger Maikel Nabil was also sentenced to three years in prison by a military court after he was arrested on March 28 on charges of insulting the army and disseminating false news via his blog, which had included criticisms of the military establishment and an appeal to end military conscription.²⁷ A retrial was ordered after his appeal was

²⁴ al-Ahram, "Ra'is hay'at al-qada' al-'askari fi mu'tamar sahafi: atahadda an yathbut ahad an al-thuwwar tammam muhakamatuhum 'askariyan," <<http://www.ahram.org.eg/Al-Mashhad-Al-Syiassy/News/99424.aspx>>; for more details see Human Rights Watch, "Egypt: Retry or Free 12,000 after Unfair Military Trials," Sep. 10, 2011, <<http://www.hrw.org/news/2011/09/10/egypt-retry-or-free-12000-after-unfair-military-trials>>.

²⁵ Egyptian Initiative for Personal Rights, "Supreme Military Court Sentences Minor to Death...EIPR Urges Immediate Suspension of the Sentence and a Full Review of Cases Heard by the Military Judiciary," May 17, 2011, <<http://eipr.org/en/pressrelease/2011/05/17/1168>>.

²⁶ Egyptian Initiative for Personal Rights, "Human Rights Organizations Condemn the Trial of Civilians before Military Courts," Mar. 2, 2011, <<http://eipr.org/en/pressrelease/2011/03/02/1112>>.

²⁷ Human Rights Watch, "Egypt: Blogger's 3-Year Sentence a Blow to Free Speech," Apr. 11, 2011, <<http://www.hrw.org/news/2011/04/11/egypt-blogger-s-3-year-sentence-blow-free-speech>>; Human Rights Watch, "Egypt: Drop Charges against Blogger Critical of Military," Apr. 6, 2011, <<http://www.hrw.org/news/2011/04/05/egypt-drop-charges-against-blogger-critical-military>>; for more information see Reporters Without Borders, "al-Majlis al-a'la li-l-quwat al-musallaha yu'ajjal muhakamat Maykal Nabil Sanad mujaddadan," Oct. 3, 2011, <http://arabia.reporters-sans-frontieres.org/article.php3?id_article=32104>.

accepted, but Nabil and his attorneys boycotted it to protest his prosecution as a civilian before a military court. The court then appointed an attorney for him against his will and ordered a medical exam to determine his mental acuity.²⁸

Political activist Asmaa Mahfouz, a member of the Egyptian Current Party and a former leader of the April 6th youth movement, was also referred to investigation before the military prosecution on charges of defaming the SCAF and promoting rumors over satellite channels liable to threaten the societal security. She was released on LE20,000 bail.²⁹

Prominent political activist, revolutionary, and well-known blogger Alaa Abdel Fattah was also harassed. In articles and on his blog, Abdel Fattah publishes severe criticisms of SCAF policies and demands that they relinquish power. He was summoned for questioning by the military prosecution in late October only to find himself facing serious charges in connection with the Maspero massacre, including incitement against the military, assembly, assault on military equipment, and theft of weapons. Abdel Fattah exercised his right to remain silent during questioning, motivated by his rejection of military trials for civilians and his belief that the military judiciary could not be impartial on the matter of the Maspero massacre, for which the armed forces were responsible. Abdel Fattah was provisionally detained for more than a month under orders from the military judiciary. Due to growing criticisms at home and abroad for the military prosecution of civilians, the authorities were forced to refer the Maspero case to the State Security Prosecution, but in late November that court also ordered that Abdel Fattah continue to be held provisionally.³⁰

The legal handling of the Maspero massacre set the course followed by all other investigations into crimes committed by military personnel against civilians or cases in which military personnel were the prime suspects. No investigations of military personnel were conducted and the events during which the crimes took place were used to retaliate against political activists such as Abdel Fattah and others, by leveling baseless charges against them

²⁸ Arabic Network for Human Rights Information, "La li-l-isti'sad 'ala Maykal Nabil," Oct. 27, 2011, <<http://www.anhri.net/?p=42396>>.

²⁹ al-Masry al-Youm, "Ihalat Asma' Mahfuz ila-l-mahkama al-'askariya bi-tuhmat ihanat al-majlis al-'askari," Aug. 17, 2011, <<http://www.almasry-alyoum.com/article2.aspx?ArticleID=307598&IssueID=2230>>; al-Masry al-Youm, "al-Niyaba al-'askariya tukhli sabil Asma' Mahfuz bi-kafalat 20 alf junayh ba'd ittihamiha bi-sabb al-majlis al-'askari," Aug. 15, 2011, <<http://www.almasry-alyoum.com/article2.aspx?ArticleID=307354&IssueID=2228>>.

³⁰ Egyptian Initiative for Personal Rights, "A Leaf out of Mubarak's Book: Arrest of an Activist Who Uncovered the Truth of a Massacre," Oct. 31, 2011, <<http://eipr.org/en/pressrelease/2011/10/31/1277>>.

and repeatedly bringing forward the same witnesses to corroborate charges in various separate cases.

Widespread violations of freedom of opinion and expression:

In the year since the revolution, the country took no steps to lift the highly repressive legal restrictions on freedom of opinion and expression, and these liberties continued to be ad-hoc and provisional, as under Mubarak, depending on the degree to which those in charge in the country chose to tolerate criticisms. As a result, numerous political activists, bloggers, journalists, and media professionals were summoned for questioning by the military prosecution for their criticisms of the SCAF or for allegedly insulting the army. The SCAF also issued strict directives to the press urging it to refrain from publishing stories, news, statements, complaints, or photos involving the armed forces or its leaders before consulting with the army's Morale Affairs Directorate and military intelligence.³¹

On May 10, the head of the Egyptian Radio and Television Union (ERTU) canceled the live broadcast for the program "Talk Street," which had hosted well-known media presenter Buthaina Kamel, a potential presidential candidate. Kamel had criticized the SCAF and was later summoned to appear before the military prosecution.³² General Tareq al-Mahdi, during his tenure as head of the Egyptian Radio and Television Union (ERTU), issued an order in June suspending the program "Cairo Time," hosted by Hafez al-Mirazi.³³ In addition, activist and blogger Hossam Hamalawy was summoned to appear before the military prosecution after he held the commander of the military police responsible for acts of torture. Adel Hammouda, the editor-in-chief of *al-Fajr*, and journalist Rasha Azab were also summoned after the paper published a story about army abuses.³⁴

³¹ Human Rights Watch, "Egypt: Military Trials Usurp Justice System," Apr. 29, 2011, <<http://www.hrw.org/news/2011/04/29/egypt-military-trials-usurp-justice-system>>.

³² US Copts Association, "Halqat Buthayna Kamil al-lati dafa'at Maspuru li-talab inha' iha bi-shakl fawri qabl an yaqta'u al-bathth 'an al-qana,"

<<http://www.copts.net/forum/showthread.php?p=378638>>; al-Wafd, "Ba'd al-tahqiq ma'aha Buthayna Kamil tuhammil li-l-jumhur rasa'il 'askariya," May 16, 2011,

<<http://goo.gl/3srZE>>.

³³ al-Masrawy, "Qalaq huquqi min waqf barnamij 'tawqit al-Qahira'," Aug. 6, 2011,

<http://www.masrawy.com/news/egypt/politics/2011/june/8/worries_program.aspx?ref=more_clip>.

³⁴ Human Rights Watch, "Egypt: Military Intensifies Clampdown on Free Expression," Aug. 17, 2011, <<http://www.hrw.org/news/2011/08/17/egypt-military-intensifies-clampdown-free-expression>>.

Similar measures were taken against well-known ONTV presenter Reem Maged, journalist and writer Nabil Sharaf al-Din, *Wafd* editor Sayyed Abd al-Ati, and journalist Hossam al-Soueifi. The minister of justice also questioned three judges—Hassan al-Naggar, president of the Zaqaq Judges Club; Alaa Shouqi, president of the Giza Criminal Court; and Ashraf Nada, president of the Beni Soueif Appeals Court—because of their criticism of the referral of civilians to military trials and their demands for judicial reforms which had been aired via radio and television.³⁵

Amid growing pressures on the media, the Dream channel ended its contract with presenter Dina Abd al-Rahman in July after she criticized the SCAF on her program, “Dream Morning,” following the crackdown on demonstrators in Abbasiya Square and SCAF accusations that April 6th received funding from abroad.³⁶ Well-known media figure Yosri Fouda was forced to suspend his program, “The Last Word,” broadcast on ONTV, after he was pressured to refrain from hosting well-known writer Alaa al-Aswani on the program of October 20.³⁷

Even as the Ministry of Information tightened its grip over broadcasting, the Interior Ministry’s arts police division raided the offices of 16 satellite channels in September, including Jazeera International and Jazeera Live Egypt, ostensibly to ascertain the validity of their broadcast licenses. The force took one broadcast engineer at Jazeera Live Egypt into custody, claiming that the channel was broadcasting without a license; he was released the next day. The Al-Jazeera channel had applied for a license to establish a channel dedicated to Egyptian issues in the wake of Mubarak’s fall and was told that it could air the new channel through the Al-Jazeera Arabic permit until the licensing procedures were completed. On September 29, the Jazeera Live offices were again raided, and police confiscated equipment and machinery and mistreated office staff.³⁸ The minister of

³⁵ Arabic Network for Human Rights Information, “al-Majlis al-‘askari yajib an yakun aydan fi khidmat al-sha’b wa laysa qami’an lahu,” May 31, 2011, <<http://www.anhri.net/?p=32688>>; al-Jazeera, “Ittihmat li-‘askar Misr bi-tadyiq al-hurriyat,” June 4, 2011, <<http://goo.gl/PqRwB>>.

³⁶ Arabic Network for Human Rights Information, “‘Ala-l-majlis al-‘askari al-kaff ‘an intihak hurriyat al-i’lam,” July 25, 2011, <<http://www.anhri.net/?p=36412>>.

³⁷ al-Shorouk, “Yusri Fuda yu’alliq ‘akhir al-kalam’ li-ajl ghayr musamma,” Oct. 21, 2011, <<http://shorouknews.com/news/view.aspx?cdate=21102011&id=08ea3108-e6d9-49c1-9895-14fdcc3dc91f>>; al-Masry al-Youm, “Yusri Fuda yu’alliq ‘akhir al-kalam’ li-ajl ghayr musamma,” Oct. 22, 2011, <<http://www.almasry-alyoum.com/article2.aspx?ArticleID=314833&IssueID=2296>>; Arabic Network for Human Rights Information, “Dughut shadida tusfir ‘an tawaqquf barnamij akhir al-kalam,” Oct. 22, 2011, <<http://www.anhri.net/?p=42037>>.

³⁸ al-Masry al-Youm, “Hamlat li-wizaratay al-dakhiliya wa-l-i’lam ‘ala 16 fada’iya wa mudahamat maktab al-jazira wa ittihamuha bi-l-bathth dun tarkhis,” Sep. 12, 2011,

information then issued a moratorium on all new satellite licenses, accusing the media of lack of discipline and urging legal measures against satellite channels that purportedly harmed stability and security.³⁹ Soon after this, ONTV and Dream TV received warnings from the General Authority for Investment and Free Zones, stating that the content of ONTV exceeded the channel's license and that Dream had violated the media ethics code.⁴⁰

Confiscations of newspapers also returned. On September 24, *Sawt al-Umma* was confiscated without any reason being presented. Editor Abd al-Halim Qandil believed that the move came because of the issue's publication of a document about intelligence officials.⁴¹ For the first time, a state paper was also confiscated. The editor of *Rose al-Youssef* revealed that the management of the Ahram Press refused to print a page in the issue of September 27, demanding that it be replaced based on orders from "a sovereign body" arising from the publication ban on a case connected with allegations of a pro-Israel network, one of whose members was protected by the deposed president.⁴²

In the face of growing pressure on media and the interference of military censorship, several writers protested by refusing to print their regular columns and leaving the column space blank.⁴³

Throughout the year, journalists and media workers were targets for assault, threat, and intimidation while covering the news, especially given the excessive force used to suppress peaceful demonstrations and sit-ins.⁴⁴

<<http://www.almasry-alyoum.com/article2.aspx?ArticleID=310453>>; Arabic Network for Human Rights Information, "al-Shabaka al-'Arabiya: al-tadyiq 'ala-l-i'lam yu'add istimrar li-l-ta'akul fi mukhtasabat al-thawra," Sep. 11, 2011, <<http://www.anhri.net/?p=39094>>; France 24, "Quwat al-amn taqtahim maktab qanat al-jazira mubashir fi-l-Qahira li-l-marra al-thaniya," Sep. 29, 2011, <<http://www.france24.com/ar/20110929-al-jazeera-bureau-direct-cairo-attacked-police-egypt-scaf>>.

³⁹ Reporters Without Borders, "Disturbing Moves against News Media by Supreme Council," Sep. 12, 2011, <<http://en.rsf.org/egypt-disturbing-moves-against-news-12-09-2011,40967.html>>.

⁴⁰ Arabic Network for Human Rights Information, "Misr: intilaq mubadarat al-a'mida al-bayda' didd tadakhkhul al-raqib al-'askari," Oct. 6, 2011, <<http://www.anhri.net/?p=40889>>.

⁴¹ Arabic Network for Human Rights Information, "Misr: taraju' hadd fi hurriyat al-ra'i wa-l-ta'bir," Sep. 26, 2011, <<http://www.anhri.net/?p=39997>>.

⁴² Arabic Network for Human Rights Information, "al-Shabaka al-'Arabiya tunaddid bi-istimrar istihdaf hurriyat al-ra'i wa-l-ta'bir," Sep. 27, 2011, <<http://www.anhri.net/?p=40203>>.

⁴³ Arabic Network for Human Rights Information, "Misr: intilaq mubadarat al-a'mida al-bayda' didd tadakhkhul al-raqib al-'askari."

⁴⁴ International Freedom of Expression Exchange, "al-I'tida' 'ala 17 sahabiyan 'ala-l-aqall ithna' al-musadamat fi Misr," Nov. 22, 2011, <http://www.ifex.org/egypt%20/2011/11/22/journalists_assaulted/ar/>.

Three female journalists were sexually harassed, two of them by what were thought to be paid agitators, to give the impression that police violence was targeting thugs rather than peaceful demonstrators. In the third case, Egyptian-American journalist Mona Eltahawy said she was arrested while taking part in demonstrations on November 19 and that Interior Ministry personnel attempted to sexually assault her before she was released.⁴⁵ Rights organizations cautioned foreign female correspondents and reporters against going to Egypt due to potential sexual harassment or assault.

Increasing pressures on NGOs and trade unions:

Pressures increased substantially on civil society institutions and human rights organizations in particular after those in charge of the country launched several media smear campaigns of the type used by the Mubarak regime against human rights and civil society groups, portraying them as unpatriotic with loyalties to foreign parties. The campaign reached a climax when judicial investigations were announced into hundreds of organizations and their heads in connection with allegations up to and including high treason, according to judicial sources. Confidential information about bank accounts held by many of these organizations and their directors was also disclosed, and it was claimed that this measure proved the accusations to be true.

This unprecedented campaign was noteworthy for the wide range of actors who partook in it, including SCAF leaders and the ministers of international cooperation, justice, social solidarity, and information. The media hype was fed by daily leaks from the investigating committee formed by the minister of justice to look into the foreign funding of civil society associations.⁴⁶

⁴⁵ International Freedom of Expression Exchange, "Media Urged to Prioritise Safety after Another Sexual Assault on Woman Reporter," Nov. 25, 2011, <http://www.ifex.org/egypt/2011/11/25/prioritize_safety/>.

⁴⁶ For more information about the campaign and the parties involved, see 'Isam al-Din Hasan, "Hamalat al-tashhir wa-l-tamwil al-ajnabi: qira'a fi-l-hajma 'ala-l-jam'iyat al-ahliya wa munazzamat al-mujtama' al-madani," paper presented at a panel discussion organized by the United Group, Sep. 19, 2011; CIHRS, "Warathat nizam Mubarak yushaddidun hajmatahum 'ala-l-mujtama' al-madani wa hurriyat al-tanzim," Aug. 28, 2011, <<http://www.cihrs.org/?p=1351>>; Arabic Network for Human Rights Information, "al-Munazzamat ghayr al-hukumiya tudin istimrar siyasat al-nizam al-sabiq fi qam' wa muhasarat al-'amal al-ahli," July 25, 2011, <<http://www.anhri.net/?p=36342>>; al-Shorouk, "Taklif wazir al-'adl tashkil lajnat taqassi haqa'iq hawl tamwil munazzamat al-mujtama' al-madani," July 12, 2011, <<http://www.shorouknews.com/ContentData.aspx?id=502644>>; Human Rights Watch, "Egypt: Government Moves to Restrict Rights and Democracy Groups," Sep. 26,

The campaign revealed the growing intolerance of criticisms on the part of those in charge of the country, especially criticism from human rights groups regarding the political course of the country and the administration of the transitional phase, as well as the grave human rights abuses committed since the January revolution. It should be remembered that on February 3, 2011, the military police, accompanied by members of State Security Investigations and a group of thugs, raided the offices of the Hisham Mubarak Legal Center and arrested founder and well-known lawyer Ahmed Seif al-Islam, several other attorneys, and researchers with Amnesty International and Human Rights Watch during a meeting at the center, which at that time had become an operations room for a group of Egyptian human rights organizations calling themselves the Front for the Defense of Egyptian Demonstrators. During the arrest, groups of thugs under the building threatened the detainees, calling them traitors and agents.⁴⁷

Despite the fact that some political groups whose work had helped prepare the way for the revolution, such as Kifaya and April 6th, were targeted by the smear campaigns and possible legal action, the past year did mark the opening of more space for the formation of political parties. The minor amendments introduced to the political parties law eliminated the Political Parties Committee, which had been composed of NDP leaders under Mubarak, and replaced it with a judicial committee. This change, despite the preservation and even addition of restrictions on the right to form parties, was sufficient to prompt a qualitative advance in legally licensed political parties, which now number more than 50. Although the law prohibits the formation of parties on a religious basis, lax enforcement of this restriction led to the licensing of several religious parties growing out of Salafi groups, the Gamaa al-Islamiya, and the Muslim Brotherhood.

Trade unions also successfully used the revolutionary climate to breathe new life into some professional syndicates that had been unable to convene elections for years or had been placed under judicial receivership in the Mubarak period. The Ministry of Manpower and the government were also relatively flexible in dealing with the rights of workers to form independent organizations and trade unions, after the International Labor Organization had placed Egypt on the blacklist of countries violating labor freedoms. These pressures contributed to the establishment of several trade syndicates and unions independent of the official Egyptian Trade Union Federation (ETUF). In August, the cabinet also implemented a court order invalidating

2011, <<http://www.hrw.org/news/2011/09/26/egypt-government-moves-restrict-rights-and-democracy-groups>>.

⁴⁷ CIHRS, "Warathat nizam Mubarak yushaddidun hajmatahum 'ala-l-mujtama' al-madani wa hurriyat al-tanzim."

ETUF elections for the 2006-2011 session, which in turn dissolved the union board, the management boards of the general trade unions, and local union committees formed as a result of the rigged elections. Nevertheless, the Ministry of Manpower decided in November that the management boards and the local union committees would be maintained in their current form until new elections.⁴⁸ It should be noted that the Ministry of Manpower prepared a draft law on trade union freedoms, consistent with international standards and in consultation with rights and labor activists, but the SCAF refrained from issuing the bill as a law.⁴⁹

Increasing pressures on religious freedoms and fears of civil strife:

Pressures on religious freedoms and sectarian tensions continued to deepen as Mubarak-era policies were perpetuated. Lax enforcement of the law for perpetrators of sectarian violence continued, and the long-promised unified law on houses of worship continued to be broached, but not issued. Meanwhile, Copts increasingly felt that rebuilding churches demolished by extremists or re-opening churches when licensing procedures had stalled now required not just meeting all administrative conditions, but seeking the permission of the Muslim majority.

The year began with the bombing of the Two Saints' Church in Alexandria following the New Year's service, killing 22 people and injuring 79.⁵⁰ Security services dealt violently with protests showing solidarity with Copts, using rubber bullets and tear gas; more than 300 people were arrested in Alexandria alone. Several suspects in the case of the bombing were also tortured, leading to the death of al-Sayyed Bilal in a State Security Investigations office one day after his arrest.⁵¹ After Mubarak's ouster, lawyers filed a complaint with the Public Prosecutor accusing former Interior Minister Habib al-Adli of responsibility for the bombing based on information indicating the existence of a secret agency inside the Interior

⁴⁸ Arabic Network for Human Rights Information, "Dar al-khidmat al-niqabiya wa-l-'ummaliya tudin qarar wa ittifaq 19 Nufimbir," Nov. 24, 2011, <<http://www.anhri.net/?p=43732>>.

⁴⁹ Arabic Network for Human Rights Information, "al-Intisar li-haqq al-'ummal al-Misriyin fi takwin niqabatihim bi-hurriya," Aug. 10, 2011, <<http://www.anhri.net/?p=37374>>.

⁵⁰ Egyptian Initiative for Personal Rights, "Joint Statement by 12 Egyptian Human Rights Organizations...Let the Massacres in Alexandria Be the Beginning of the End of Failed Government Policies," Jan. 4, 2011, <<http://eipr.org/en/pressrelease/2011/01/04/1066>>.

⁵¹ Egyptian Initiative for Personal Rights, "Widespread Security Abuses during Investigations of Alexandria Bombings," Jan. 15, 2011, <<http://eipr.org/en/pressrelease/2011/01/15/1068>>.

Ministry that organized terrorist acts whenever the regime faced any political crisis.⁵²

In the first week of March, extremist Muslims stormed the Two Martyrs Church in the Atfih district of southern Cairo and demolished it as a response to rumors of a relationship between a Christian merchant and a Muslim girl.⁵³ The SCAF promised to rebuild the church, but it was not possible to begin reconstruction until religious leaders were brought in to convince local Muslims to permit it; the perpetrators of the crime were not prosecuted.

On March 8, the Manshiyat Nasser area of Cairo also witnessed clashes between thousands of Copts and Muslims after some Copts, angry at the demolition of the Two Martyrs Church, blocked Salah Salem Road. The clashes left 13 dead, 140 injured, and more than 20 homes torched.⁵⁴

The governorate of Qena was the scene of unrest for several weeks after the appointment of a Coptic governor. Groups of Salafis organized sectarian demonstrations demanding the appointment of a Muslim governor while cutting off major roads and railroads. The authorities were forced to suspend the powers of the governor and delegate them to the governorate's secretary-general for three months before a new governor was appointed.⁵⁵

On May 7, the Imbaba neighborhood of Giza saw bloody sectarian clashes and the torching of the Church of the Virgin after hundreds of Salafis attempted to storm the Mar Mina Church, following a rumor that a Christian girl who had converted to Islam was being held inside the church. The clashes left 15 dead and 242 wounded. Field reports by rights groups

⁵² al-Youm al-Sabia, "Niyabat amn al-dawla tuhaqqiq fi ittiham al-'Adli bi-l-tawarrut fi tafjir al-qiddisayn," Feb. 7, 2011,

<<http://www.youm7.com/News.asp?NewsID=347570&SecID=65&IssueID=15>>.

⁵³ al-Shorouk, "Fi hadith Atfih al-sha'i'at wa ghiyab al-amn wara' tafaqum al-ahdath," Mar. 7, 2011, <<http://www.shorouknews.com/contentdata.aspx?id=403452>>.

⁵⁴ al-Masry al-Youm, "Layla damiya fi Munsha'at Nasir: ishtibakat musallaha bayn al-Aqbat wa-l-Muslimin tusqit 13 qatilan wa 140 musaban wa ihtiraq 20 manzalan wa 'adad min al-sayyarat," Mar. 10, 2011, <<http://www.almasry-alyoum.com/article2.aspx?ArticleID=290064>>.

⁵⁵ Masrawy, "Tazahurat fi muhafazat Qina bi-Sa'id Misr ihtijajan 'ala ta'yin muhafiz Masihi," Apr. 19, 2011, <<http://www.masrawy.com/news/mideast/afp/2011/april/19/4596631.aspx>>; al-Hayat, "Ihtijajat Qina tundhir bi-tajaddud al-muwajahat al-ta'ifiya," Apr. 18, 2011, <<http://international.daralhayat.com/internationalarticle/256688>>; Asharq al-Awsat, "Misr: fashal fi hall azmat muhafazat Qina wa-l-mutazahirin yuwasilun ighlaq al-turuq," Apr. 20, 2011, <<http://aawsat.com/details.asp?section=4&issueno=11831&article=618063>>; al-Masry al-Youm, "Sharaf yujammid nashat muhafiz Qina wa-l-ahali yafuddun al-i'tisam," Apr. 26, 2011, <<http://www.almasry-alyoum.com/article2.aspx?ArticleID=294820&IssueID=2117>>; al-Shorouk, "Wahid Hamid: fashal al-hukuma fi hall azmat Qina ya'ni suqut al-dawla," Apr. 21, 2011, <<http://www.shorouknews.com/contentData.aspx?id=437226>>.

documented the failure of police and army forces to protect churches that came under attack.⁵⁶ The authorities referred suspects to the “emergency” State Security Court, an exceptional court.

In an attempt to contain Copts’ growing anger, which was expressed by ongoing sit-ins by Copts in front of the radio and television building in Maspero, Cairo, the prime minister announced that he intended to reopen 16 closed churches in several governorates.⁵⁷ However, the government was unable to keep this promise following violent clashes between Coptic citizens and Salafi groups which protested the opening of the Church of the Virgin and Father Ibram in the Ain Shams area of Cairo. As a result, the church was forced to close its doors again.⁵⁸

On September 30, in the village of Marinab in the Edfu district of Aswan, extremists demolished parts of a new church building, constructed to replace the old dilapidated structure, leading to violent clashes between local Muslims and Copts.⁵⁹ This crime stoked the anger of Copts, prompting 5,000 to launch a sit-in in front of the radio and television building in Maspero, Cairo to demand the reconstruction of the church. Army forces attacked the sit-in with force, arresting dozens of participants. Only a few days later, on October 9, the previously-mentioned Maspero massacre took place, leaving at least 28 people dead, 12 of them crushed under military vehicles.⁶⁰

⁵⁶ Egyptian Initiative for Personal Rights, “EIPR Releases Findings of Field Investigation into Imbaba Events,” May 14, 2011, <<http://eipr.org/en/pressrelease/2011/05/14/1166>>.

⁵⁷ al-Masry al-Youm, “Fath 16 kanisa mughlaqa fi 6 muhafazat,” May 16, 2011, <<http://www.almasry-alyoum.com/article2.aspx?ArticleID=296994&IssueID=2137>>.

⁵⁸ al-Shorouk, “Ighlaq kanisat ‘Ayn Shams hatta in’iqad jalsa ‘urfiya al-sabt al-muqbil,” May 20, 2011, <<http://www.shorouknews.com/contentdata.aspx?id=459618>>.

⁵⁹ Egyptian Initiative for Personal Rights, “Fi taqrir li-l-mubadara al-Misriya li-l-huquq al-shakhsiya: ahdath Marinab namudhaj sarikh li-inhiyaz al-dawla li-janib al-ta’assub,” Oct. 5, 2011, <<http://eipr.org/pressrelease/2011/10/05/1265>>.

⁶⁰ National Council for Human Rights, report on the findings of the council’s fact-finding commission into the Maspero events, Nov. 2, 2011, <<http://goo.gl/D8Pe5>>; Egyptian Initiative for Personal Rights, “Maspero: State Incitement of Sectarian Violence and Policy of Extrajudicial Killings.”

Tunisia

When Mohammed Bouazizi, a unemployed youth from the province of Sidi Bouzid, set himself on fire on December 17, 2010, to protest affronts to his dignity and the confiscation of his vegetable cart by police, he did not realize that his act would lead to the fall of the Tunisian police state and the end of the absolute monopolization of power by dictator Zine el-Abidine Ben Ali. Ben Ali fled the country on January 14, 2011, after it became clear that the tools of repression could not stifle the popular uprising that swept away his regime and heralded the transition to democracy.

During the popular revolution, which maintained its overwhelmingly peaceful character, at least 147 people were killed as a result of excessive police violence used to suppress demonstrations, including through the use of live ammunition and rubber bullets. Detentions were also widespread, and protestors and detainees were subjected to various types of physical abuse and torture in detention facilities.

Ben Ali's flight did not represent an immediate break with the repression he had imposed for more than 23 years. Remnants of his regime and the ruling party attempted to usurp power over the weeks that followed, engaging in violence in the face of peaceful actions by revolutionary forces. Despite this, the latter was able to eliminate the remnants of the Ben Ali regime, and the power vacuum was filled using inventive structures to manage the transitional period and to guarantee the fulfillment of the

revolution's goals of democratization and the construction of a state based on the rule of law and human rights.

Several factors enabled Tunisia to become a model for democratization in the Arab region. Most importantly, since its founding at the time of Tunisian national independence in the 1950s, the military establishment has maintained its distance from civil and political life. Indeed, the army and military establishment were marginalized throughout these decades due to fears of military coups.¹ Thus, although the Tunisian armed forces played a decisive role in the success of the revolution by refusing to fire on demonstrators and taking positive steps to restrain the security forces from continuing the crackdown, they did not attempt to assume power or manage the transitional period. Instead, the military observed developments from a distance, while ensuring that it could still intervene if the state was in danger of collapse.²

This enabled the civil and political elite who aspired to a democratic transition to quickly occupy the power vacuum through the formation of the High Commission for the Realization of the Revolution's Goals, Political Reform, and Democratization (HC), which included the most important components of political and civil society, among them the major political parties, including the Islamists, as well as trade unions and human rights organizations. The commission became the primary platform for proposing all transitional legislation and democratic reforms necessary for fulfilling the goals of the revolution. The fact that the Tunisian elite retained much of its vitality despite the repression it faced throughout Ben Ali's rule, along with the relative spirit of compromise and accommodation of the leaders of the Islamist Ennahda movement, helped to build a political and social consensus which in turn fostered a climate more welcoming of democratization. The political elite gave primary consideration to the future rather than wasting their energies on settling past accounts, focusing on institutional development and legislation for the future and adopting measures for transitional justice as dictated by a transition from a police state to a democracy.³

Nevertheless, the transition still faces challenges and difficulties. In particular, reform and purging of security and judicial institutions has yet to

¹ Badra Gaaloul, "Back to the Barracks: the Tunisian Army Post-Revolution," Nov. 3, 2011, <<http://carnegieendowment.org/2011/11/03/back-to-barracks-tunisian-army-post-revolution/6lwg>>.

² Bahey eldin Hassan, "Li-madha tafshal Misr was tanjah Tunis?" al-Shorouk, Oct. 30, 2011, <<http://www.shorouknews.com/columns/view.aspx?cdate=30102011&id=79b5d8de-c822-4f05-86b1-4bafc1c2fa22>>.

³ Ibid.

be carried out. As a result, last year saw various security violations and abuses, both inside detention centers and in dealing with peaceful assemblies. Complaints were also heard of continued surveillance of political and rights activists, particularly via tapping of their telephones. In addition, the Islamist Ennahda movement became the largest parliamentary faction, thus giving moral support to some extremist Salafi groups and putting pressure on freedom of expression and academic and personal freedoms. This pressure was not met with an appropriate response by the Ennahda-led government, thus raising fears about the future of respect for human rights in the country.

Violations during the crackdown on the revolution:

The excessive use of force by the security apparatus while dispersing the peaceful demonstrations between the beginning of the popular uprising on December 17, 2010, and the flight of Ben Ali on January 14, 2011, led to the deaths of at least 147 people. In addition, 72 people were killed in 11 prisons that were torched on January 14 and 15.⁴

Many testimonies confirmed that demonstrators were shot with the intent to kill, including in the chest and head. Medical reports also noted that protestors in Kasserine and Thala were shot from behind, indicating that they were attempting to avoid direct clashes with the police. Demonstrators were also targeted with rubber bullets and tear gas, and they were pursued and attacked with batons.⁵

Eyewitnesses in Kasserine and Thala, where most casualties occurred, said that security forces did not comply with Tunisian law, which requires the use of non-lethal, gradually escalating measures before resorting firing at demonstrators.⁶

The authorities attempted to impose a strict information blackout on the protests and the accompanying violations, banning the media from covering protests. It also interrupted internet communications and shut down email for

⁴ International Federation for Human Rights, "Tunis: ma ba'd Bin 'Ali fi muwajahat ashbah al-madi: al-tahawwul al-dimuqrati wa istimrar intihakat huquq al-insan," <www.fidh.org/IMG/pdf/tn567ar.pdf>.

⁵ Amnesty International, "Disturbing New Evidence of Tunisian Security Forces Brutality," Jan. 27, 2011, <<http://www.amnesty.org/en/for-media/press-releases/disturbing-new-evidence-tunisian-security-forces-brutality-2011-01-27>>.

⁶ Human Rights Watch, "Tunisia: Hold Police Accountable for Shootings," Jan. 29, 2011, <<http://www.hrw.org/news/2011/01/29/tunisia-hold-police-accountable-shootings>>.

activists and internet users. Several activist bloggers were arrested, among them Hamadi Kloucha, Selim Amamou, and Aziz Amamy.⁷

In addition to arbitrary arrests among the ranks of protesters, several trade unionists, students, lawyers, and journalists were also detained. Copies of the opposition *al-Mawqif* and *al-Tariq al-Jadid* were confiscated on December 24, and journalists who attempted to cover demonstrations were threatened, assaulted, and subjected to arbitrary arrest.

Several lawyers were kidnapped, among them Abderraouf Ayadi and Chokri Belaid, who were taken to an undisclosed location after taking part in a solidarity meeting with the residents of Sidi Bouzid on December 28; they were released the following day. Many detainees were subjected to torture and ill treatment while being arrested or inside detention facilities. When attorney and rights activist Abderraouf Ayadi was kidnapped, he was beaten and forced into an unidentified car, which took him to a building where he was threatened with death and the harming of his family. His two children had been beaten when they attempted to help him and prevent the abduction.⁸

Attia Athmouni, the official spokesman for the Committee in Solidarity with the Families of Victims in Sidi Bouzid and a major organizer of anti-government marches, was arrested on December 28, 2010 by security personnel in civilian clothes in the Sidi Bouzid area and taken to the capital for investigation, before being transferred again to Sfax for additional questioning. During his detention he was beaten, denied sleep, food, and water, and forced to kneel against a wall for prolonged periods. He was released on December 31 but placed under surveillance.⁹

Arbitrary detentions also included Hamma Hammami, the leader of the Communist Workers Party in Tunisia, who was arrested at his home on January 12, 2011, and was held handcuffed for more than two days before being released.¹⁰

It is estimated that 1,200 people were detained during the popular uprising, most of whom were released following the fall of Ben Ali's

⁷ Amnesty International, "Tunisian Authorities Urged to Protect Protestors following Deadly Weekend," Jan. 10, 2011, <<http://www.amnesty.org/en/news-and-updates/tunisian-authorities-urged-protect-protesters-following-deadly-weekend-2011-01-10>>.

⁸ Amnesty International, "Tunisia in Revolt: State Violence during Anti-Government Protests," Mar. 1, 2011, <<http://www.amnesty.org/en/library/info/MDE30/011/2011/en>>.

⁹ Radio Kalima, "Itlaq sarah al-natiq bi-ism lajnat al-mutaba'a wa da'm ahali Sidi Buzayd," Dec. 31, 2010, <<http://www.kalima-tunisie.info/kr/News-file-article-sid-2708.html>>.

¹⁰ Amnesty International, "Tunisia in Revolt."

regime. Some 300 were referred to trial at that time on charges of engaging in violence.¹¹

Transitional period of the Tunisian revolution:

Following the flight of President Ben Ali, the popular revolt continued, driven by the desire to remove symbols of his regime from the administration of the transitional period, after it became clear that figures from the ruling party were attempting to fill the power vacuum. Immediately after Ben Ali's departure, Prime Minister Mohamed Ghannouchi announced that he would temporarily assume the presidency, based on section 56 of the constitution, while also declaring a state of emergency and a curfew.¹² The Constitutional Council, however, pointed to section 57 of the constitution, which states that if the office of the presidency is vacated, the speaker of the Chamber of Deputies should assume the position temporarily until early presidential elections are held.

Interim President Fouad Mebazaa formed a national unity government that brought in former members of Ben Ali's government who belonged to the ruling Constitutional Democratic Rally (RDC), as well as three opposition parties, and made Mohamed Ghannouchi prime minister. These measures sparked renewed protests which led to the formation of another government headed by Ghannouchi. As a result, the government was boycotted by the Tunisian General Labor Union (UGTT) and the Democratic Forum for Labor and Liberties.

Popular pressure, manifested in al-Qasbah sit-in from January 23 to 28, resulted in the dismissal of ruling party figures from the Foreign Ministry, Defense Ministry, and Interior Ministry. A second sit-in at al-Qasbah on February 25 led to the resignation of Ghannouchi, after which Beji Qaid el-Sebsi was tasked with forming a new interim technocratic government. The administration of the transitional phase was left to a new institution—the HC—which included 150 members representing 12 political parties and 19 associations and trade unions as well as representatives from 11 Tunisian provinces and 72 public figures, among them lawyers and jurists. The formation of this commission allowed for the involvement of civil society and political groups across the political spectrum in determining the features of the transition period and drafting legislation that would determine the country's future. As such, the commission, with its impressive array of

¹¹ Ibid.

¹² Hespess, "Ba'd rahil Bin 'Ali al-Ghannushi ightasab al-sulta fi Tunis," Jan. 14, 2011, <<http://hespress.com/international/26942.html>>.

accomplishments in less than a year, was the engine for democratization and respect for human rights at this decisive juncture of Tunisia's history.

Through the commission, a new electoral law was drafted for the selection of a national constituent assembly tasked with writing a new constitution for the country to replace the 1959 document, which had been suspended. In its basic form, the electoral law adopted a proportional list system for the distribution of seats and guaranteed gender equality in the drafting of electoral lists and the formation of the constituent assembly.

An independent supreme commission was also formed to administer elections, headed by well-known Tunisian dissident Kamal Jendoubi, who returned to his country after years in exile during which he was not permitted to visit his homeland. The electoral law responded to popular demands to ban figures of the Ben Ali regime and his party from participating in elections, which were held on October 23, 2011.¹³

Further popular pressure through demonstrations and sit-ins compelled the transitional authorities to suspend the activities of the RCD. At the same time, the security apparatus known as the political police was dissolved; the agency had been used broadly to crack down on political opponents under Ben Ali's rule.¹⁴ An edict was also issued forming an independent fact-finding commission to investigate the crimes committed since the eruption of popular protests on December 17, 2010.¹⁵ Another edict was issued creating an independent national commission to investigate bribery and corruption during the Ben Ali era; its members enjoy immunity against repercussions resulting from their work.

Nevertheless, the operation of these two commissions has suffered from a lack of transparency and access to information, which has increased anger among a public seeking the facts about and accountability for human rights crimes and corruption during the Ben Ali era.¹⁶

The HC made vital achievements in the field of legislative reform that complies with international human rights standards. The commission ratified several international conventions, most importantly the Rome Statue establishing the International Criminal Court, the Convention for the

¹³ International Federation for Human Rights, "Tunis: ma ba'd Bin 'Ali fi muwajahat ashbah al-madi." To see the decree creating the HC, see the Tunisian Official Gazette, no. 13, Mar. 1, 2011.

¹⁴ Al-Jazeera, "Hukuma jadida bi-Tunis wa hall jihaz al-amn," Mar. 7, 2011, <<http://www.aljazeera.net/NR/exeres/8DC50D64-76A4-46C1-8E10-0C9BA9FC0C2C.htm>>.

¹⁵ To read the decree, see the Tunisian Official Gazette, no. 14, Mar. 1, 2011.

¹⁶ International Federation for Human Rights, "Tunis: ma ba'd Bin 'Ali fi muwajahat ashbah al-madi."

Protection of All Persons from Enforced Disappearance, and the two optional protocols of the International Covenant on Civil and Political Rights. It also lifted Tunisia's reservations to the Convention on the Elimination of All Forms of Discrimination Against Women¹⁷ and issued an emancipatory NGO law, considered the best in the Arab world.

The HC also began reviewing and drafting several laws closely related to public liberties and human rights, amending provisions in the Penal Code related to torture and freedom of the press and publication. It created an independent body to regulate the field of audiovisual communications, which played a vital role in restructuring this important field, while complying with international standards on freedom of expression.

The organization of elections was an overwhelming success, representing a unique example in the Arab world. The election of a national constituent assembly on October 23, 2011, constituted an important step in the democratization process and the turnover of governance to an elected, civilian authority. The elected assembly is comprised of 217 members, including 18 members elected by Tunisian expatriates. The Ennahda movement won a plurality with 89 seats and led the compromise among the political forces which won the largest numbers of seats on a power-sharing agreement during the transitional period. Well-known rights advocate Moncef Marzouki, the president of the Congress for the Republic Party, assumed the presidency, while the secretary-general of Ennahda movement was tasked with forming a government and Mustapha Ben Jafar, the president of the socialist Democratic Forum for Labor and Liberties, assumed the presidency of the constituent assembly. The assembly approved an interim constitution that defines the powers of the various branches of government and the nature of their relations, showing a preference for a parliamentary system that minimizes the powers of the president. The new constitution is scheduled to be written and general elections held within one year of the selection of the constituent assembly.

Status of human rights after the ouster of Ben Ali:

Tunisia witnessed a massive easing of restrictions on public liberties after the departure of Ben Ali, and the revolution's victory allowed for the return of political exiles and rights activists, most importantly Kamal Jendoubi, prominent dissident Moncef Marzouki, the former chair of the Tunisian

¹⁷ Human Rights Watch, "Tunisia: Government Lifts Restrictions on Women's Rights Treaty," Sep. 7, 2011, <<http://www.hrw.org/news/2011/09/06/tunisia-government-lifts-restrictions-women-s-rights-treaty>>.

League for the Defense of Human Rights, and Sheikh Rashed al-Ghannouchi, the leader of the Islamist Ennahda movement. On January 19, the transitional government ordered the release of 1,800 prisoners, among them hundreds of prisoners of conscience, many affiliated with Ennahda in addition to trade unionists and rights activists. It also lifted the siege on human rights organizations and other civil society institutions and instated the freedom to form political parties, of which there are now more than 100.

The Administrative Court overturned an arbitrary decree issued in 2001 expelling prominent judge Mokhtar Yahyaoui from the judiciary after he wrote an open letter to President Ben Ali demanding an independent judiciary and condemning the police state's control over the judicial system.

Nevertheless, challenges still obstruct the process of advancing human rights, largely due to the meager progress made toward security and judicial reform and justice for the crimes of the Ben Ali regime. This may explain the continuation of violations against the freedom of demonstration, protest, and peaceful assembly and the ongoing practice of forms of torture and ill treatment during detention. Moreover, the delay in instituting laws on freedom of the press and expression has been accompanied by some violations. Finally, human rights challenges are exacerbated by growing religious pressure, which has contributed to restrictions on the exercise of the freedom of expression and academic freedoms.

Status of human rights defenders:

Many restrictions on the freedom of association were lifted after Ben Ali's ouster. On February 26, the Administrative Court overturned a decree issued by the minister of interior in 1999 objecting to the establishment of the National Council for Liberties, thus allowing members to return to their offices after they had been barred from entering them in 2009. On April 22, the Administrative Court issued a similar ruling for the National Observatory for Freedom of Press, Publication, and Creative Expression. The Tunisian Association Against Torture was also licensed. All restrictions and repressive measures that had targeted the offices of the Tunisian League for the Defense of Human Rights, both in the capital and in the provinces, were also lifted.

International NGOs were permitted to register legally in Tunisia, organize conferences, send fact-finding missions, and visit prisons.¹⁸ The

¹⁸ Observatory for the Protection of Human Rights Defenders, "Samidun fi-l-ihitijaj," 2011 annual report, pp. 34-44.

measures culminated in September with the passage of a new law regulating NGOs that adopted international standards. The law explicitly grants the right of associations to obtain information, assess the performance of state institutions, hold meetings, conferences, demonstrations, and other forms of civic activities, publish reports and print flyers, and conduct opinion polls. It bans the public authorities from obstructing or impeding NGO activities and grants associations the right to develop their financial resources, including the right to receive contributions from domestic or foreign sources, as long as the association informs the government of all transfers from abroad. It makes the suspension of any activity or dissolution of any association dependent upon a court order.¹⁹

Nevertheless, rights activists continued to experience some forms of harassment. On July 16, police forces attacked several rights activists, among them Iman al-Tariqi and Zeinab al-Shibli, both members of the executive bureau of Freedom and Equity. With several other citizens, the two women had taken part in a protest in front of the Bouchoucha police station against attacks that targeted those occupying al-Qasbah to demand the immediate release of detainees.²⁰

Continued violations of freedom of assembly, demonstration, and occupation:

Despite the success of the Tunisian revolution, the assaults on rights of citizens to assembly, demonstration, and protest have not ceased.

Security forces used excessive force to end the sit-in at al-Qasbah from January 23 to 28, where protestors were demanding the dismissal of the Ghannouchi government. The violent security intervention²¹ took place after army forces withdrew and worked only to secure public facilities.

On April 1, security forces intervened to prevent a demonstration from heading for a planned sit-in in al-Qasbah, using tear gas and batons to disperse demonstrators and slapping, beating, and insulting those who fell into their hands. Twenty-four of those arrested were referred to trial on charges of breaking the emergency law and infringing on the property of others.

¹⁹ For more information on Decree 88/2011 on the regulation of NGOs see (in Arabic), <<http://mongi-tunisiepolitique.blogspot.com/2011/11/116-2011-2-2011.html>>.

²⁰ Arabic Network for Human Rights Information, “al-I’tida’ ‘ala nashitayn huquqiyayn amam thukna Bushushua,” July 16, 2011, <<http://www.anhri.net/?p=35873>>.

²¹ International Federation for Human Rights, “Tunis: ma ba’d Bin ‘Ali fi muwajahat ashbah al-madi.”

Demonstrators were also attacked during protests in the capital on May 6 and 7, along with 15 journalists who were covering the events. The Interior Ministry was forced to apologize to the journalists and citizens, but the demonstrators considered the apology insufficient and assembled to demand the resignation of the interior minister and the prosecution of officials from the Ben Ali regime. According to the Interior Ministry, 250 individuals were detained during these demonstrations.²²

A 13-year-old boy was killed in July 2011 when security forces used live ammunition to disperse anti-government protests in Sidi Bouzid. Security forces prevented several journalists and human rights activists from reaching the site of the sit-in and pursued them on motorcycles. It was reported that dozens of people sustained head injuries and other wounds. Ahmed Ben Nasib, a rights activist with the organization Freedom and Equity, was beaten with batons, kicked, and slapped before being taken to a police station. When he stated that he was covering the sit-in as part of his advocacy work, he was again assaulted before being released later the same day. It was also reported that 47 protestors were arrested and taken to the Bouchoucha Prison.²³

International reports have noted the extreme difficulties facing bodies investigating the violations that accompanied attempts to suppress the revolution, either as a result of the lack of cooperation on the part of security apparatus, which has failed to turn over records containing the names of leaders responsible for security units that used weapons against demonstrators, or due to flawed procedures which have led to the destruction or erasing of evidence in some cases.²⁴

In November, a military court sentenced former security officials to four years in prison on the charge of torture, representing the first sentence handed down to officials from the former Ben Ali regime. Those convicted included Abdallah Kallel, the former interior minister; Ben Ali was sentenced to five years in prison in absentia.²⁵

Under Tunisian law, military courts have jurisdiction in cases involving crimes committed by domestic security forces in the course of duty. This entails an infringement of due process standards in such trials, both for the

²² Ibid.

²³ Amnesty International, "Tunisia Must Investigate Death of Boy during Protests," July 19, 2011, <<http://www.amnesty.org/en/news-and-updates/tunisia-must-investigate-death-boy-during-protests-2011-07-19>>.

²⁴ International Federation for Human Rights, "Tunis: ma ba'd Bin 'Ali fi muwajahat ashbah al-madi."

²⁵ Al-Ahram, "al-Sajj 'askariyan li-Bin 'Ali wa mas'ulin fi nizamiyah bi-tuhmat al-ta'dhib," Nov. 30, 2011, <<http://gate.ahram.org.eg/News/143616.aspx>>.

rights of the accused and for the victims, who are barred from filing suit before these courts.²⁶

Several preliminary court rulings were also issued sentencing Ben Ali, his wife, and several of his relatives to decades in prison in absentia on charges of corruption or influence peddling. In total, 138 cases have been filed against Ben Ali, his family, and his in-laws.²⁷

More seriously, detainees arrested after demonstrations in Siliana in April were tortured and subjected to ill treatment; the demonstration had become violent, some government buildings were torched, and demonstrators occupied the national security building and released detainees held there. 22 people were arrested in relation to these events. They were forced to kneel before large armored personnel carriers, which later moved them to the capital. During the transport, they were beaten. They were placed in the al-Qarjani police station for six days, during which time they remained handcuffed and were repeatedly beaten while being suspended from an iron rod with their arms and legs bound.²⁸

The Tunisian Association Against Torture documented similar cases of torture and poor conditions for detainees in connection with protests in Tunisia.²⁹

The Interior Ministry confirmed the incidence of these practices, blaming them on the legacy of the past and promising to open investigations. Yet it is clear that these investigations contain no guarantees for independence and transparency, and there is no evidence that the cases have been referred to court. These violations cannot be viewed separately from the reluctance to reform the security and judicial sectors.

In this context, it should be noted that purges at the Interior Ministry have been limited to the referral of 43 former officials to retirement. In addition, the prosecution of officials for human rights abuses under Ben Ali has seen little progress, which suggests that there is little serious political will to prevent impunity for those responsible for these violations, whether they occurred before, during, or after the revolution.

²⁶ International Federation for Human Rights, "Tunis: ma ba'd Bin 'Ali fi muwajahat ashbah al-madi."

²⁷ Al-Ahram, "Fi thalith muhakama: sajn Bin 'Ali 16 'aman fi jara'im fasad wa istighlal nufudh," July 29, 2011, <<http://goo.gl/6D74K>>.

²⁸ Ibid.

²⁹ Al-Mouharrer, "al-Munazzama al-Tunisiya li-munahadat al-ta'dhib: hal al-hukuma al-intiqaliya mutawarrita fi tawasul al-ta'dhib ba'd al-thawra," Oct. 13, 2011, <<http://www.almouharrer.com/ar/amnesty-tunisi.html>>.

Torture and ill treatment of detainees: Insufficient security reforms and continued impunity for crimes:

Reports showed the continuation of torture of peaceful demonstrators and those taking part in violent protest.

According to the testimony of Mahdi Ben Arabiya, an amateur photographer, he was detained while photographing a demonstration in late January 2011. A group of security personnel violently punched and kicked him and forced him to remain in a kneeling position in a police station; his camera equipment was confiscated. Similarly, itinerant peddler Ezz al-Din Qeimawar says he was arrested in March during a peaceful demonstration in front of the Baladi theater, beaten with batons, and stomped on by masked policemen. He was again beaten inside the Bab al-Bahr police station, located near the Interior Ministry. In another case, Osama Qaayedi, an online activist who was photographing a demonstration in Jada al-Habib Bourguiba in April, stated that a group of policemen came up to him and a friend and slapped them before taking them away in a vehicle belonging to the counterterrorism forces. Inside the vehicle, they were punched, kicked, and beaten with clubs. They were moved to the Bab al-Bahr police station, where they and several other detainees were violently beaten by three policemen. Finally, Mehrez al-Yaqoubi, who works with Radio Kalima and the National Council for Liberties, faced a similar assault. He and others were led to a police car after taking part in a demonstration on May 5. Inside the vehicle they were brutally beaten and threatened with disfigurement.³⁰

With regards to legislation to address crimes of torture, the country witnessed a positive development with the passage of Decree 106/2011 on October 22, which amends some provisions of the Penal Code and the Code of Criminal Procedure. Notably, the decree adopts the definition of torture used in the International Convention Against Torture and nullifies any confessions obtained under torture or duress. It mandates a prison term of five years for any public servant who infringes on the freedom of another without legal cause or mistreats any suspect or witness. It carries a penalty of 8 to 16 years in prison for crimes of torture and prescribes life imprisonment for cases of lethal torture. However, the law sets a 15-year statute of limitations on crimes of torture, in contrast to international standards, which affirm that no such limitations should apply to such crimes. This legislation

³⁰ International Federation for Human Rights, “Tunis: ma ba’d Bin ‘Ali fi muwajahat ashbah al-madi.”

may permit senior officials responsible for torture under Ben Ali to evade punishment.³¹

Pressures on freedom of expression and academic freedoms:

Despite the greater space for freedom of expression after the revolution, the legal structure that is hostile to freedom of opinion and expression persists, although it has been deployed to suppress freedom of expression in only a few cases. Officer Samir al-Ghiryani was held in provisional detention for four months for disseminating information liable to undermine public security after he sent a letter to the interior minister accusing several officers of involvement in killing demonstrators during the revolution. Nabil al-Hajlawi spent more than one month in prison after being convicted by a military court in Sfax under the Code of Military Justice on charges of publicly defaming the army. He had published an article online criticizing the armed forces' treatment of protests that followed elections in Sidi Bouzid.

Concerns have also been voiced about the ongoing trial of the director of Nessma TV, who was questioned and charged by the Public Prosecution for showing contempt for religion and insulting Islam. He had aired "Persepolis," an animated film dealing with the life of a young girl in the Islamic Republic of Iran who moved to Europe. The film was considered offensive by some because it includes an animated depiction of God.³²

While the interim government recently adopted a new law on the press and publications that addresses the major problems with the law that was in force until October, further steps must be taken to review numerous statutes that criminalize freedom of expression in the Penal Code.

The new law (Decree 115/2011) was issued on November 2, pursuant to a proposal from the HC, yet the government has hesitated to implement the law in practice. The law relies largely on an understanding of freedom of expression grounded in international norms as expressed in international conventions. Article 1 upholds the right to freedom of expression and guarantees its exercise in accordance with the relevant provisions of the International Covenant on Civil and Political Rights and other international conventions. The law also bars any restrictions impeding access to information, infringing on the right of the various media institutions to equal

³¹ To see the text of the law (Decree 106/2011), see (in Arabic), <<http://mongi-tunisiepolitique.blogspot.com/2011/11/106-2011-22-2011.html>>.

³² Human Rights Watch, "Tunisia: Dismantle Repressive Ben-Ali-Era Laws," Dec. 17, 2011, <<http://www.hrw.org/news/2011/12/17/tunisia-dismantle-repressive-ben-ali-era-laws>>.

access to information, or obstructing citizens' right to a free, pluralistic, and transparent media. It affirms the right of journalists to protect their sources and permits the issuance of newspapers and periodicals without prior licensure, requiring only that notice be given to the head of the competent primary court before any new paper or periodical is issued. The law levies only fines for publication crimes such as libel and slander or infringing on the dignity of others, limiting liberty-depriving punishments for publication crimes to cases involving incitement to racial, religious, or locality-based hatred, incitement to discrimination or violence, dissemination of ideas based on racial discrimination, or incitement to murder or assaults on the physical integrity of persons.³³

The interim government also took a positive step to strengthen media freedoms with the issuance of Decree 116/2011 on audiovisual communications, issued on November 2. Article 1 of the law affirms this freedom as according to international charters and conventions ratified by Tunisia. The law creates a supreme independent commission to regulate the field of audiovisual communications in accordance with principles that support democracy, human rights, and the rule of law, strengthen freedom of expression, guarantee diversity and pluralism in public broadcasting, and support the right of the public to know. Under the law, the commission enjoys legal personhood and has financial and administrative independence, and its operations are to be free from interference by any outside body. The law states that members of the commission shall be selected based on experience, capability, and integrity in the field of media and communications.³⁴

Nevertheless, this progress in protecting freedom of expression and the media is threatened by growing religious pressure on these liberties, which also threaten academic freedoms.

The investigation into the Nessma channel, for example, was preceded by several hundred protestors surrounding its main offices to condemn the broadcast of the film which they considered insulting to Islam.³⁵

On September 26, protestors stormed a cinema to protest the screening of a film discussing atheism, shown as part of a cultural event. Prior to this, in

³³ To read the text of Decree 115/2011, see (in Arabic): <<http://mongi-tunisiepolitique.blogspot.com/2011/11/115-2011-2-2011.html>>.

³⁴ To read the text of Decree 116/2011, see (in Arabic): <<http://mongi-tunisiepolitique.blogspot.com/2011/11/116-2011-2-2011.html>>.

³⁵ Human Rights Watch, "Tunisia: Drop Criminal Investigation of TV Station for Airing Persepolis," Oct. 13, 2011, <<http://www.hrw.org/news/2011/10/13/tunisia-drop-criminal-investigation-tv-station>>.

April, film director Nouri Bouzid was assaulted and hit on the head with an iron bar by an unknown person after he made statements on the radio advocating a secular constitution, discussing a film he was making in defense of civil liberties, and criticizing religious fundamentalism.³⁶

At the same time, fundamentalist groups active on Tunisian university campuses exerted pressures that led to the suspension of classes in six universities from October until early December. The groups demanded the imposition of their views of Islam in academic programs, dress, and campus life. On November 28, some 100 people at the University of Manouba obstructed studies and prevented students from sitting for their exams, demanding an end to the ban on the full-face veil in classrooms and exam halls and the designation of a prayer space inside the university.³⁷

³⁶ Reporters Without Borders, “Violence, Blocked Websites and Prosecutions—Anti-Media Offensive Continues,” Aug. 20, 2011, <<http://en.rsf.org/bahrain-violence-blocked-websites-and-20-08-2011,40811.html>>.

³⁷ Human Rights Watch, “Fundamentalists Disrupting College Campuses,” Dec. 9, 2011, <<http://www.hrw.org/news/2011/12/09/tunisia-fundamentalists-disrupting-college-campuses>>.

Algeria

The year 2011 saw no improvement in the regressive human rights situation in Algeria. The Algerian regime managed to contain the beginnings of the popular movement that emerged in response to the Arab Spring by promising wholesale reforms and lifting the emergency law, which had been in effect since 1992. These political responses, however, did not stop the authorities from using harsh security approaches to confront and prohibit peaceful assemblies, basing these actions on directives issued ten years ago, and deploying thugs to disrupt peaceful assemblies and terrorize those involved. While the lifting of the state of emergency might have been viewed as an important step on the road to reform, it was accompanied by the granting of additional exceptional powers to the armed forces under the pretext of countering terrorism and subversion, thereby draining the measure of any positive content. On the ground, it brought no improvement to the exercise of public liberties, particularly the right to peaceful assembly and the right to hold public meetings. Human rights defenders and trade-union activists remained targets for various types of pressure, including arrest, interrogation, and prosecution. In terms of legislation, the authorities took action to impose further restrictions on liberties and human rights, especially on media freedoms, the freedom to form parties, and the right to form civic associations and non-governmental organizations and to freely carry out their activities.

“Reforms” hostile to democratic change:

Authorities announced the official lifting of the state of emergency in Algeria on February 23, 2011, pursuant to Presidential Order 1-11,¹ theoretically ending the exceptional state that had provided legal cover for widespread human rights abuses over the last 19 years. The end of the state of emergency could have been a major positive step if it had been accompanied by a serious review of the legislation that contradicts international human rights standards and provides legal backing for the suppression of basic liberties. However, the opposite occurred: further restrictions were placed on these freedoms,² as will be examined in detail below. Any positive impact of the lifting of the state of emergency was also undermined when the authorities immediately replaced their emergency powers with expanded exceptional powers granted to the army to preserve “public order,” on the grounds of combating terrorism and subversion—expressions difficult to define legally—thus authorizing army units to intervene to confront various types of political and social action. This expansion was brought about by a presidential order amending Law 2391, issued on December 6, 1991, on the contribution of the popular national army in missions of preserving the public order outside of exceptional circumstances.³ The authorities also amended the Code of Criminal Procedure, allowing those charged in cases of terrorism to be placed under “secure residence,” for three months, twice renewable, as determined by the investigating judge. This exceptional precautionary measure for terrorist suspects - which could result in up to nine months of detention - was justified as being a protective measure for a certain category of suspects who possess information that may help the justice system to uphold liberties and prevent acts of terrorism.⁴

With regard to the freedom to form civic groups and non-governmental organizations, the authorities adopted a law which increases restrictions on civic and rights work and which blatantly contradicts international standards upholding the right of association. Associations can now only be established with prior approval from the authorities, who have broad prerogatives under

¹ For the full text of the order ending the state of emergency, see <http://www.joradp.dz/JO2000/2011/012/A_Pag.htm>.

² Human Rights Watch, “Algeria: Restore Civil Liberties,” Apr. 6, 2011, <<http://www.hrw.org/news/2011/04/06/algeria-restore-civil-liberties>>.

³ For the full text of the order, see <http://www.joradp.dz/JO2000/2011/012/A_Pag.htm>.

⁴ For the Prime Minister’s statement of Feb. 22, 2011, see <http://www.premierministre.gov.dz/arabe/index.php?option=com_content&task=view&id=1400&Itemid=88>; for the full text of the amendments, see <http://www.joradp.dz/JO2000/2011/012/A_Pag.htm>.

the law to reject associations on the grounds that their objectives conflict with the public order, public morals, or laws and regulations in force in the country. The law does give rejected associations the right to a judicial appeal; however, if the association wins the appeal, it also grants the authorities the right to take measures to cancel recognition of the association within three months of the court ruling. In addition, although the law reduces—but does not abolish—prison sentences for those who manage unlicensed associations, it also increases the monetary fine that may be leveled against them. Moreover, the law makes a combined sentence of imprisonment and a fine mandatory, whereas previously the judge had been authorized to choose between the two penalties.

The new law also gives the authorities the power to regulate NGOs' funding, requiring such organizations to receive approval from state, provincial, or local authorities for all "aid." With the exception of grants disbursed pursuant to official cooperation agreements, the law bars associations from receiving grants, donations, or any other form of aid from any foreign delegation or foreign NGO, thus permitting the authorities to control the financial resources of Algerian NGOs from abroad and, in turn, their activities and partners. Essentially, the law allows the authorities to interfere in and direct the operations of such organizations. The new law permits the dissolution of any organization if it receives foreign funding in violation of the law or pursues activities not listed in its articles of incorporation. Notably, while the previous law required a judicial order to suspend the activities of such associations, the new law requires only an administrative order. The law also prohibits affiliation with international NGOs, except organizations that are active nationally, and even in this instance prior approval from the Ministry of Interior is still required. The law also imposes additional restrictions on the operation of foreign NGOs wishing to work in Algeria. In addition to administrative measures that require the endorsement of an agreement by the government for the approval of the foreign organization, the agreement may be suspended or abrogated on the highly vague grounds of interference in the affairs of the host country, infringement on national sovereignty or the institutional system, or imperilment of the national unity, the public order, the public morals, or the civilizational values of the Algerian people. All current registered NGOs are required to go through a process of re-approval under the new law including the submission of new articles of incorporation in accordance with the law;

these measures threaten to deprive many organizations which are currently legally recognized of the ability to continue their work.⁵

The authorities also adopted a new law on political parties, yet this law did not reduce the authorities control over party life. According to the law, the establishment of new parties is subject to the consent of the Ministry of Interior and a published announcement in the Official Gazette within 90 days; if this period elapses without a response from the ministry, the application is considered rejected. The law prohibits political parties from receiving any funding from any foreign body and requires party officials to submit their annual budgets to the Ministry of Interior to ensure that party funds are adequately tracked and monitored. The law bars the establishment of parties that adopt programs or ideologies embraced by any formerly dissolved political party and prohibits party membership for persons involved in “terrorist” or “subversive” activities. The ban clearly targets those who were previously involved in the now dissolved Islamic Salvation Front in order to prevent them from future involvement in political or party activity.⁶

Before the end of 2011, the authorities adopted a new media law as well. On the positive side, it avoids liberty-depriving penalties for press crimes, replacing them with heavy fines. However, while the law theoretically permits private institutions to enter the field of audiovisual media, it also requires all media workers to comply with a broad array of imprecise regulations that may be easily interpreted to repress freedom of expression and the media. The regulations enjoin respect for “society’s spiritual values,” “the national identity,” “the demands of state security and national defense,” “the demands of foreign policy,” “the obligations of the civil service,” and for the constitution and the law, as well as respect for the confidentiality of security and judicial investigations. The law imposes fines of up to EU 5,000 for defamation of presidents of foreign states and diplomatic missions in Algeria; it also bans foreigners and Algerians residing abroad from investing in the media sector.

⁵ For further details, see: Euro-Mediterranean Human Rights Network, “Algeria: Review of the Proposed Legislation on Associations,” Oct. 27, 2011, <<http://www.euromedrights.org/en/news-en/emhrn-releases/emhrn-statements-2011/10559.html>>.

⁶ Tout Sur L’Algerie, “Ahamm al-ta’dilat al-lati ja’at biha qanun al-ahzab al-siyasiya: al-i’timad, tamwil al-ahzab, al-tadawul ‘ala ri’asatiha,” Aug. 23, 2011, <http://www.tsa-algerie.com/ar/politics/article_4801.html>.

Authorities' stance on social protest movements and peaceful assemblies:

Although for years Algeria has experienced social protests aimed at improving living conditions, January 2011 saw a transformation in these types of movements. On January 3, young people in the towns of Fouka and Bou Ismail, located in the province of Tipaza, took to the streets to protest the sudden spike in oil and sugar prices. Over the next five days, the protest movement spread to more than 24 provinces. It acquired a violent side, accompanied by the destruction of both public and private property, and police used batons, tear gas, and live ammunition to contain the riots. This response to the rioting and violence of the protests ended with three people dead and 800 wounded, among both demonstrators and police. Around 1,100 people were detained; reports from rights organizations indicated that some of them were tortured.

According to some reports, police were careful not to engage in confrontations with protestors - even when they blocked public roads - and limited their intervention to cases in which protestors attempted to storm police stations or other official institutions. This explains the relatively few casualties among demonstrators. It may be said that the Algerian authorities dealt with the protests in a manner that prevented a mass scale revolt, taking into account that repression only added fuel to similar protests in neighboring Tunisia, where a growing intransigence was witnessed on the part of the Ben Ali regime toward demonstrations.⁷ Although the demonstrations were poorly organized and lacked specific political or social slogans, their repercussions and synchronicity with the popular uprisings in Tunisia and later in Egypt permitted some opposition forces to convert the frustrations expressed by youth groups and others into political demands aimed at achieving democratic reforms. Several opposition parties and civil society organizations formed a National Coordinating Committee for Democratic Change, calling for a peaceful march on February 12, 2011 to demand the lifting of emergency law and the release of those detained in the January demonstrations. The authorities sought to undercut the demonstration by announcing their intention to lift the state of emergency and to open up the official media to the opposition and by declaring the

⁷ For more on these protests, see: Abdel Nasser Jaby, "Protest Movements in Algeria," May 30, 2011, Arab Center for Research and Policy Studies, <<http://english.dohainstitute.org/Home/Details?entityID=5ea4b31b-155d-4a9f-8f4d-a5b428135cd5&resourceId=47f3bf71-8f95-4951-a579-176e2f718468>>; and Amnesty International, "Algeria Urged to Allow Peaceful Protests," Feb. 11, 2011, <<http://www.amnesty.org/en/news-and-updates/algeria-urged-allow-peaceful-protests-2011-02-11>>.

release of detainees. On the day slated for the demonstration, the authorities deployed more than 35,000 police officers to surround the capital and prevent the demonstration. Roadblocks were set up at the entrances to the city, and buses carrying demonstrators were stopped, as were trains running in to the capital. Some 400 people who managed to reach the site of the demonstration were detained, only to be released later on in the day.⁸

The following week, the National Coordinating Committee attempted to organize another demonstration, but security forces surrounded the pre-arranged location in the May First Square. This time they did not arrest demonstrators but attacked them instead. Thugs were also deployed to intimidate protestors and split their ranks, as dozens of provocateurs were planted to hold images and signs in support of the Algerian president, some of them armed with knives. The incident also saw an attempted assault on the secretary-general of the Algerian League for the Defense of Human Rights (LADDH).⁹

With every weekly protest called for by the National Coordinating Committee, these same methods were repeated to suppress peaceful demonstrations, even after the official lifting of the state of emergency on February 23, 2011. To justify the arbitrary banning of marches and peaceful protests, the authorities cited a decree issued in 2001 that has yet to be published in the Official Gazette,¹⁰ with the Interior Minister announcing that the time had not yet come to permit assemblies in Algiers.¹¹ Under the unpublished decree, assemblies in the capital are routinely banned, while those outside the capital are at times ignored, even in cases in which organizers were unable to get a permit prior to the gathering. In other cases, however, participants in these protests are dealt with harshly.

Dalila Touat, a representative for the National Committee of the Unemployed in the Mosteghanem province, located 365 km from the capital, was arrested on March 16 and charged with distributing flyers calling for a demonstration in defense of the rights of the unemployed. She spent a night in custody before being referred to the Public Prosecutor in Mosteghanem,

⁸ Algerian League for the Defense of Human Rights, “al-Jaza’ir: man’ masirat ihtijajat silmiya bi-l-Jaza’ir al-‘asima,” Feb. 10, 2011, <<http://www.la-laddh.org/spip.php?article630>>; and BBC Arabic, I’tiqal 400 mutazahir fi masirat al-Jaza’ir al-‘asima, Feb. 12, 2011, <http://www.bbc.co.uk/arabic/middleeast/2011/02/110212_algeria_demo.shtml>.

⁹ Euro-Mediterranean Human Rights Network, “Algeria: Banning of a Peaceful Protest March in Algiers,” Feb. 11, 2011, <<http://www.euromedrights.org/en/news-en/emhrn-releases/emhrn-statements-2011/9141.html>>.

¹⁰ Human Rights Watch, “Algeria: Restore Civil Liberties.”

¹¹ Human Rights Watch, “Algeria: End Public Assembly Ban in Algiers,” Mar. 20, 2011, <<http://www.hrw.org/news/2011/03/20/algeria-end-public-assembly-ban-algiers-0>>.

who summoned her to appear on April 28 based on the charges against her; the court acquitted her at that session.¹²

On March 19, large police deployments prevented a march organized over Facebook by a group of young people calling themselves “March 19,” which marks the ceasefire date of the Algerian war of liberation. The march was planned to set out from downtown and head to the presidential office. The authorities detained two of the organizers of the march for a short time before releasing them.¹³ The National Coordinating Committee again attempted to organize a public assembly in Algiers on March 25, even applying for a permit more than two weeks in advance of the assembly. However, official communication regarding the demonstration was received only two days before it was slated to take place, thus impeding the coordinating body’s ability to advertise and organize for the assembly.¹⁴

Increasing pressures on human rights defenders and trade-union freedoms:

Rights and labor activists remained targets of routine pressures and harassment, including arrest, interrogation, and prosecution, due to their labor and advocacy activities. Although trials usually end in acquittals, these actions are nevertheless intimidating and consume activists’ energies in self-defense.

Rights activist Omar Farouk Slimani, a member of the LADDH branch in Laghouat, located 350 km from the capital, was tried along with 20 other youths. They had been arrested in January 2011 while participating in the protest marches taking place in various parts of the country at the time. Investigating authorities charged the activist and his colleagues with unauthorized assembly and assaulting law-enforcement officials. In another case, a criminal court in Ghardaïa, located 700 km from the capital, acquitted prominent rights advocate Kamel Eddine Fekhar, a member of LADDH’s national council, of the charges against him of inciting to torching a police car. He was acquitted after witnesses recanted their statements, saying they had been pressured to testify against him. Trade-union activist Yacine Zaid, chair of the LADDH branch in Laghouat, faces trial on charges of slander and online threats. Zaid was fired from his job after establishing a union

¹² Ibid.

¹³ Ibid.

¹⁴ Human Rights Watch, “Algeria: Restore Civil Liberties.”

committee at his company.¹⁵ The interrogation of Zaid focused on his work with LADDH and the National Coordinating Committee for Democratic Change, as well as his blog.¹⁶ Several independent union activists were also subject to arbitrary prosecution after they called for strikes or the establishment of local union committees. Among them was labor activist Mohamed Hadji, who was fired from the municipality of Chlef and has yet to be reinstated following a court order in his favor. Mourad Tchiko, the national secretary of the Independent National Union of Public Administration Personnel (SNAPAP), also faces prosecution in several cases on charges of incitement to assembly, obstructing work operations, slander, and falsely claiming union status.¹⁷ In September, General Intelligence pressured the owners of the Office of Independent Unions to expel SNAPAP from their offices. According to some reports, the officer charged with the task described SNAPAP leaders as “criminals” and “thugs” with links to foreign bodies that fund them in violation of the law. The officer claimed that the president had issued directives to end SNAPAP’s activities, and he threatened to kill the president of the union. Only a few weeks before this incident, on July 15, the union president’s car was destroyed, at which point he filed a complaint with the judicial authorities requesting an investigation into the circumstances of the incident. Labor activist Malika Fallil, the former president of the National Committee for Workers and Employment and the Social Security Network, was detained for several hours during a sit-in in front of the Ministry of Labor. Security officials threatened to put an end to Fallil’s labor activism, particularly her cooperation with SNAPAP.¹⁸

On October 23, officers with the Intelligence and Security Directorate abducted lawyer and human rights defender Nouredine Belmouhoub, the official spokesman for the Committee in Defense of Former Detainees of the Security Camps. He was held for several days in a secret detention facility, where he was insulted, cursed, and subjected to psychological pressure aimed at forcing him to withdraw a complaint he filed in 2001 against General Khaled Nezar, the former Minister of Defense. Belmouhoub was kidnapped only three days after the former minister was arrested in Geneva

¹⁵ Euro-Mediterranean Human Rights Network, “Algeria: The Harassment of Human Rights Defenders and Independent Union Activists Is on the Rise,” July 12, 2011, <<http://www.euromedrights.org/en/news-en/emhrn-releases/emhrn-statements-2011/9928.html>>.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Euro-Mediterranean Human Rights Network, “Algeria: Stop the Harassment Campaign Against Union Activists,” Oct. 1, 2011, <<http://www.euromedrights.org/en/news-en/emhrn-releases/emhrn-statements-2011/10398.html>>.

on suspicion of having committed war crimes.¹⁹ On November 25, police arrested Nassima Geuttal, a member of the National Front for Change and LADDH, after she declared a sit-in and hunger strike in May First Square to protest human rights abuses in Algeria. She was released later the same day after refusing an offer of release in exchange for a promise to cancel her sit-in.²⁰ On September 12, 2011, a Warfalla court handed down a three-year prison sentence to Diwan Hamza and Aljiya Adel, both members of the National Committee for the Defense of the Rights of the Unemployed. They had been arrested during the first demonstration organized by the committee six months earlier and charged with attempted arson. Generally speaking, members of the committee are subjected to arbitrary arrest or prosecution, despite the peaceful nature of their protest activities in support of guarantees for labor rights. A court in Skikda had previously sentenced another member of the committee to three months in prison, with a suspended sentence.²¹

¹⁹ Front Line Defenders, “Algeria: Arbitrary Arrest and Detention of Human Rights Defender Mr Nouredine Belmouhoub,” Oct. 27, 2011, <<http://www.frontlinedefenders.org/node/16402>>.

²⁰ Front Line Defenders, “Algeria: Arrest and Threats against Human Rights Defender Ms Nassima Geuttal, before Her Subsequent Release,” Nov. 28, 2011, <<http://www.frontlinedefenders.org/node/16678>>.

²¹ Algerian League for the Defense of Human Rights, “al-Jaza’ir: mahkamat Warfala taqdi bi-thalath sanawat sajan nafidhan didd muhtajjin ‘an al-batala,” Sep. 12, 2011, <<http://www.la-laddh.org/spip.php?article910>>.

Morocco

Unlike several other Arab countries, the regime in Morocco managed to contain the winds of change that swept over the Arab region, defusing the demands for change forwarded by the February 20 movement which saw demonstrations advocating far-reaching political reforms. The Moroccan authorities headed off the protests through political engagement, following the same tactic used by the regime since the end of the King Hassan II's rule: adopting limited top-down reforms to constrain the escalation of demands for change. Within two weeks of the beginning of demonstrations, a royal initiative was released calling for a new constitution including more modern articles. However, this initiative failed to transform the country into a parliamentary constitutional monarchy in which the king remains the sovereign but does not govern. As such, the new constitution preserves the lopsided balance of powers while introducing no separation of these powers, as the king retains broad governing prerogatives. As the commander of the faithful, he also remains impervious to criticism, as religion continues to be exploited as the source of his legitimacy and authority.¹

The royal initiative also called for early parliamentary elections to be held in November 2011, in which the Islamist Justice and Development Party won a majority of votes. Under the provisions of the new constitution, the party's secretary-general was tasked with forming a new government.

¹ Marina Ottaway and Marwan Muasher, "Arab Monarchies: Chance for Reform, Yet Unmet," Carnegie Paper, December 2011, <<http://www.carnegieendowment.org/2011/12/16/arab-monarchies-chance-for-reform-yet-unmet/8e7t>>.

In addition, the Moroccan monarch announced the formation of the National Human Rights Council to replace the Advisory Council on Human Rights. Observers believe this step will allow the new national foundation to overcome the limits of the advisory role played by the former institution since its establishment 20 years ago, as the new council has the authority to demand that the judiciary open investigations into human rights abuses.²

However, the official response to the demands for change did not stop at political measures but also involved the use of repressive security tactics. Several were killed and injured as a result, and arbitrary prosecutions and arrests of those involved in the February 20 movement continued throughout the year. Some reports accused the Moroccan authorities of resorting to policies of “repression by proxy,” in attacks on persons—which included in one case the assassination of those involved in the movement—as well as civic and advocacy institutions that support the movement.³

From another aspect, poor conditions in prisons and detention facilities remained unchanged, and complaints of torture and degrading treatment continued to be heard, especially against activists from the Western Sahara and those convicted or detained in connection with terrorism cases. Pressures on freedom of expression and the press continued, and civil society institutions all over the country continued to be deprived of legal status.

Limits of constitutional reform:

The royal initiative quashed the idea of a new constitution drafted by an elected constituent assembly, instead setting up a committee composed of experts and headed by a royal counselor. Although the king ordered the formation of “a follow-up mechanism” to act as a link between the constitution drafters and political parties, trade unions, and human rights organizations, those acting in this capacity were not permitted to view the draft of the constitution until one day prior to its release to the Moroccan public.⁴

The new constitution was more progressive than the old document, particularly in its recognition of Moroccan society’s religious, linguistic, and

² Maghress, “Insha’ al-majlis al-watani li-huquq al-insan fi-l-Maghrib,” Mar. 4, 2011, <<http://www.maghress.com/ksarsouk/4002>>.

³ Polisario, “al-Jam’iya al-Maghribiya li-huquq al-insan tuhadhdhir min siyasat al-qam’ bi-l-wikala al-lati yantahijuha al-nizam al-Maghribi didd harakat 20 Fabrayir,” Nov. 1, 2011, <http://www.polisario.es/index.php?option=com_content&view=article&id=2502:-----q-q---20-&catid=40:arabe&Itemid=33>.

⁴ Marina Ottaway and Marwan Muasher.

cultural diversity; it even adopted Amazigh as an official language, along with Arabic. Although the constitution defined Morocco as an Islamic state with Islam as its official religion, it contains clear references to the diverse origins of Moroccan culture, from Andalusian and Mediterranean cultures to that of the Sahrawi people, as well as Christian and Jewish cultures. The constitution also upholds freedom of worship for all religions.⁵

Furthermore, the new constitution⁶ expands references to human rights. However, although it recognizes the supremacy of international human rights conventions ratified by Morocco over national legislation, the formulation used is convoluted, linking the issue with the scope of constitutional provisions, other laws, and national identity.

The constitution grants Moroccans residing abroad full citizenship rights, including the right to vote and run for office, and it makes specific reference to the constitutional rights of the political opposition, assigning the chairmanship of the parliamentary legislative committee to the opposition.

Nevertheless, the constitution preserves the imbalance of political powers, reinforcing the dominance of the royal branch. It grants the king legislative authorities as part of his religious prerogatives as commander of the faithful and makes the king the chair of the Supreme Council of Learning, where he possesses the exclusive right to issue religious opinions on matters put before it. The king appoints ministers pursuant to proposals from the prime minister and may object to ministerial candidates; he may also dismiss ministers by simply consulting with the prime minister. Moreover, the king presides over cabinet meetings dealing with what the constitution terms “strategic orientations of state policy,” a broad formulation that permits the king to intervene widely in the operations of the executive.⁷

The king has the authority to dissolve both houses of parliament. He also serves as the chair of the Supreme Security Council and of the Supreme Judiciary Council and appoints half the members of the latter body. He also appoints the chief justice of the Constitutional Court and half of its members. These prerogatives are particularly serious as the constitution immunizes the royal branch from review, accountability, and criticism. The person of the king remains protected and may not be infringed upon. Indeed, parliamentary immunity for MPs does not prevent arrest or trial if an MP’s statements in the parliament do not show the necessary respect for the king.

⁵ Ibid.

⁶ A copy of the 2011 constitution can be read here (in Arabic): <<http://badri.elaphblog.com/posts.aspx?U=4798&A=87191>>.

⁷ Marina Ottaway and Marwan Muasher.

Suppression of peaceful protests and assemblies:

On several occasions, the authorities used excessive force to disperse peaceful demonstrations advocating political and constitutional change. This was particularly seen in the violent crackdown on demonstrations in several Moroccan cities which had been organized in response to the appeal from the February 20 movement for reform and the prosecution of corrupt officials. Although the demonstrations began peacefully, they were accompanied by violence and vandalism in some cities.

Five people were killed in the city of al-Hasima, and a sixth died of wounds sustained in Sefrou. More than 200 demonstrators were arrested on February 20 and 21, 2011.⁸

On February 23, 2011, police dispersed a demonstration in the capital, using batons to beat participants. On March 13, a few days after the king announced his initiative for a new constitution, hundreds assembled to demand genuine reforms in a protest in Casablanca. When the demonstrators were forcibly dispersed, dozens sustained injuries or broken bones, and more than 100 people were arrested (they were released later the same day).⁹

On May 15, peaceful demonstrators were again attacked when the February 20 movement called for an assembly in the al-Salam market area in preparation for a march that would head to the Tamara secret detention facility run by Moroccan intelligence in the Tamara area. This demonstration was to demand the closure of the secret detention facility, where torture is believed to be rampant, as well as to call for the prosecution of officials for torture and human rights violations. Security forces intercepted probable participants of this march and detained others who reached the assigned meeting point, beating and insulting them before taking them to the police station for questioning.¹⁰

On May 20, in response to an appeal from the February 20 movement, dozens of Sahrawi citizens in Guelmim, located in southern Morocco, organized a mass migration, dubbed by the press “the Friday of migration,” and set up a camp outside the city to protest their poor living conditions. After confiscating their belongings, security forces pursued them through the

⁸ Arabic Network for Human Rights Information, “Taqrir huquqi awali hawl al-harakat al-ihitijajiya al-murtabita bi-20 Fabrayir,” Feb. 24, 2011, <<http://www.anhri.net/?p=25238>>.

⁹ Human Rights Watch, “Morocco: Thousands Demonstrate Peacefully,” Mar. 21, 2011, <<http://www.hrw.org/news/2011/03/21/morocco-thousands-demonstrate-peacefully>>.

¹⁰ Human Rights Watch, “Morocco: Police Violence a Test for Revised Constitution,” July 11, 2011, <<http://www.hrw.org/news/2011/07/11/morocco-police-violence-test-revised-constitution>>.

desert, violently assaulting them before detaining and questioning them in a police station.¹¹

On May 22, security forces dispersed several demonstrations in a number of Moroccan cities (Fez, Tangiers, Rabat, Casablanca, and Tetouan) that gathered in response to calls from the February 20 movement demanding an end to corruption and that social justice be carried out. Security forces prevented protestors from reaching the squares where the demonstrations were scheduled to be held and chased them while beating them with batons, injuring some protestors severely and arresting nearly 100.¹²

On May 25, dozens of doctors were injured after being beaten and kicked by security forces following a sit-in by some 8,000 doctors and their attempt to organize a march to parliament.¹³

On May 28 and 29, security forces arrested dozens of demonstrators in the city of Safi. They were taken to cars in which they were brutally beaten before being left in remote areas.¹⁴ One person, Kamal Emari, later died of wounds sustained due to the violence.¹⁵

On October 10, security forces intervened to prevent an oratory festival organized by activists involved with the February 20 movement, injuring several people in the process.¹⁶

On October 27, Kamal al-Hassani, a leading member of the Association for the Unemployed in Beni Bouayach, located in the al-Hasima province, and a member of the February 20 movement, was killed after being stabbed from behind in the neck and stomach while taking part in a February 20 movement meeting. The Moroccan Association for Human Rights said the assassination took place in broad daylight and was committed by a thug known for his ongoing harassment of February 20 movements and for

¹¹ Arabic Network for Human Rights Information, "Quwat al-darak al-malaki wa-l-quwat al-musa'ida tatadakhkhal bi-'unf li-man' bina' mukhayyam li-l-nazihin al-sahrawiyin," May 22, 2011, <<http://www.anhri.net/?p=31940>>.

¹² Amnesty International, "Protestors Assaulted and Detained in Morocco," May 23, 2011, <<http://www.amnesty.org/en/library/asset/MDE29/005/2011/en/5f278948-8bb7-47a8-964e-326a89916fb0/mde290052011en.html>>.

¹³ Amnesty International, "Morocco Urged to End Violent Crackdown on Protests," June 2, 2011, <<http://www.amnesty.org/en/news-and-updates/morocco-urged-end-violent-crackdown-protests-2011-06-02>>.

¹⁴ Ibid.

¹⁵ Arabic Network for Human Rights Information, "I' mal al-muqtadayat wa-l-ijra'at al-qanuniya al-muqarrara bi-khusus al-musa'ala al-jina'iya," June 6, 2011, <<http://www.anhri.net/?p=33040>>.

¹⁶ Arabic Network for Human Rights Information, "Isti'mal al-'unf didd al-muzaharat al-silmiya," Oct. 11, 2011, <<http://www.anhri.net/?p=41234>>.

threatening them before witnesses. The association warned officials against protecting criminal elements that harass and terrorize February 20 movement activists and forces and public figures supportive of the movement and called for a response to what it termed the policy of “repression by proxy.”¹⁷

Freedom of opinion and expression:

Pressures on freedom of expression continued, and journalists and bloggers remained targets for security harassment and prosecution; some were even physically attacked.

On April 27, prominent journalist Rachid Nini, the publisher of *al-Massae*, was arrested and questioned about a series of critical articles he wrote about dysfunctions in public institutions, including the intelligence agency, as well as about his demands for the abolition of the counterterrorism law and his allegations that some officials fabricated security files. He was charged with “infringing on the security and safety of the nation and citizens, publishing articles criticizing the security establishment, insulting public servants, and accusing government officials of breaking the law without presenting evidence.” Nini was convicted by a primary court, which denied him bail during the trial, and sentenced to one year in prison and fined 1,000 dirhams. On October 24, the appellate court upheld the verdict against Nini, who is imprisoned at the Casablanca District Prison, where the prison administration is denying him access to paper and writing materials.¹⁸

The publisher of *al-Michaal*, Driss Chahtane, and editor-in-chief Abdelaziz Koukas were subjected to judicial investigations in July 2011 in

¹⁷ Assif, “al-Maktab al-markazi li-l-jam’iya al-Maghribiya li-huquq al-insan yudin ighthiyal al-munadil Kamal al-Hassani,” Nov. 2, 2011, <<http://www.assif.info/news/read/10507/>>.

¹⁸ Aljazeera, “I’tiqal mudir jaridat al-masa’ al-Maghribiya,” Apr. 29, 2011, <<http://aljazeera.net/NR/exeres/17E13222-FF45-41A9-AA5B-8092C88DD89E.htm>>; Elaph, “al-Maghrib: i’tiqal mudir jaridat al-masa’ Rashid al-Nini,” Apr. 29, 2011, <<http://www.elaph.com/Web/news/2011/4/650757.html>>; Arabic Network for Human Rights Information, “al-Istimrar fi ihtijaz Rashid Nini,” May 5, 2011, <<http://www.anhri.net/?p=30597>>; Alkarama, “Morocco: Arrest and Arbitrary Detention of Rachid Niny, Editor in Chief of the Daily Al Massae,” May 18, 2011, <<http://goo.gl/aWt0Z>>; Reporters Without Borders, “Casablanca Court Sentences Newspaper Editor to a Year in Prison and a Fine of 88 Euros,” June 9, 2011, <<http://en.rsf.org/morocco-casablanca-court-sentences-09-06-2011,40433.html>>; Human Rights Watch, “Morocco: Free Popular Columnist,” Dec. 6, 2011, <<http://www.hrw.org/news/2011/12/06/morocco-free-popular-columnist>>.

connection with the publication of an article containing a list of public servants accused of interfering in elections.¹⁹

On September 5, Moroccan blogger and anti-corruption activist Mohamed Dawas was arrested. Some sources reported that he was beaten and forced to sign a statement against his will at the police station, after which he was referred to trial on allegations of drug trafficking. It is presumed that his arrest and trial are closely related to his writings against corruption.²⁰ He was sentenced to 19 months in prison. His defense counsel announced it was withdrawing from the trial to protest the lack of a fair trial and due process, particularly the court's refusal to grant a continuance to enable them to challenge the veracity of the seizure report.²¹

Abdelilah Sakhir, a journalist with the weekly *el-Hayat el-Jedida*, was assaulted by unknown persons near his home in Casablanca on January 29, 2011. Sakhir said that his assailants wanted to kill him, using tear gas and beating him on the head and face. Rights organizations linked the attack with Sakhir's news reports on the storming of the Akdim Izik camp in the Western Sahara in October 2010.²²

On August 12, police attacked Mohamed Ayache Buihi, a journalist with *al-Massae* and the administrator of the Sahara Now website, and Hamid Bouffous, a correspondent for the Haspress and Sahara Press sites, while the two were covering a demonstration in the city of Laayoune. Buihi was beaten with a club on his back and legs, while Bouffous suffered a similar assault, although he was wearing a vest clearly labeled "press."²³

On May 24, the Moroccan authorities suspended the cultural program "Masharif," broadcast on Moroccan television, after it prepared weekly episodes on the political ferment in Morocco and the February 20

¹⁹ Arabic Network for Human Rights Information, "al-Tadamun ma' usbu'iyā al-Mash'al wa istinkar tawzif al-qada' fi tasfiyat al-hisabat," July 31, 2011, <<http://www.anhri.net/?p=36699>>.

²⁰ Reporters Without Borders, "Crackdowns on Pro-Democracy Protests Continue to Affect Journalists, Morocco and Tunisia Still Try to Gag Information," Sep. 15, 2011, <http://en.rsf.org/bahrain-crackdowns-on-pro-democracy-15-09-2011_40988.html>.

²¹ Jil Press, "al-Hukm bi-l-sajn 'ala-l-mudawwin al-Maghribi Muhammad al-Dawas 'ala-l-raghm min al-insihab al-jama'i li-l-hay'at al-difa'," <<http://www.jilpress.com/2011-04-08-17-35-44/1119-2011-09-23-19-10-55.html>>.

²² Collective of Sahrawi Human Rights Defenders, "I'tida' bashi' 'ala-l-sahafi al-Maghribi 'Abd al-Ilah Sakhir bi-l-Dar al-Bayda'," Feb. 1, 2011, <http://www.codesaso.com/index.php?option=com_content&view=article&id=442:-----q--q----&catid=1:latest-news>.

²³ Reporters Without Borders, "Violence, Blocked Websites and Prosecutions—Anti-Media Offensive Continues," Aug. 20, 2011, <http://en.rsf.org/bahrain-violence-blocked-websites-and-20-08-2011_40811.html>.

movement. The decision was preceded by a series of restrictions on the broadcast of some of the program's episodes, including one featuring Egyptian Islamic thinker Gamal al-Banna.²⁴

Status of civil society and human rights defenders:

Pressure and harassment of human rights defenders in the Western Sahara did not cease, and many rights organizations in the province continued to be denied legal status, including the Collective of Sahrawi Human Rights Defenders and the Sahrawi Association of Victims of Grave Violations of Human Rights Committed by the Moroccan State. Civil society associations in other areas were also denied legal status, among them the National Association of Unemployed Graduates, the Group Against Racism and for the Assistance and Defense of Foreigners and Migrants, the Ennassir Association for the Support of Islamist Prisoners, and the Amazigh Network for Citizenship.²⁵

Security attacks on peaceful protests also affected many human rights defenders who support the popular movement unleashed by the February 20 movement, such as Khadija Ryadi, the chair of the Moroccan Association for Human Rights, as well as several members of the organization who took part in a peaceful demonstration in the Bab al-Had Square of Rabat on February 21, 2011. Ryadi was taken to the hospital unconscious after she was beaten by police on the neck, legs, and stomach.²⁶ During the same demonstration, Mohammed al-Ouni, the coordinator for the Moroccan Democratic Network for Support of the People, was also attacked.²⁷

²⁴ Arabic Network for Human Rights Information, "al-Maghrib: ilgha' barnamij 'masharif' al-thaqafi khatwa li-l-wara' wa darba li-hurriyat al-i'lam," May 24, 2011, <<http://www.anhri.net/?p=32130>>.

²⁵ International Federation for Human Rights, Steadfast in Protest, 2011 annual report from the Observatory for the Protection of Human Rights Defenders, Nov. 23, 2011, <www.fidh.org/IMG/pdf/obs_2011_uk-mmo.pdf>.

²⁶ Collective of Sahrawi Human Rights Defenders, "Quwat al-qam' al-Maghribi ta'tadi 'ala Khadija al-Riyadi ra'isat al-jam'iya al-Maghribiya li-huq al-insan," Feb. 22, 2011, <http://www.codesaso.com/index.php?option=com_content&view=article&id=473:-----q---q-----&catid=1:latest-news>; Arabic Network for Human Rights Information, "al-Munazzama tudin al-i'tida' 'ala ra'isat al-jam'iya al-Maghribiya wa zumala'iha min nashiti huq al-insan," Feb. 23, 2011, <<http://www.anhri.net/?p=24865>>; Amnesty International, "Moroccan Authorities Must Uphold Freedom of Assembly," Feb. 24, 2011, <<http://www.amnesty.org/en/library/asset/MDE29/001/2011/en/81d9d4c5-52f9-485f-85a4-725801200348/mde290012011en.html>>.

²⁷ Arabic Network for Human Rights Information, "Fi bayan li-l-maktab al-markazi li-l-'asaba istinkar wa shajab qawi li-l-i'tida' al-ladhi tal nushata' huquqiyyin fi-l-Rabat," Feb. 24, 2011, <<http://www.anhri.net/?p=24988>>.

On February 26, 2011, police attacked Buthaina Elmakoudi, the director of the Anti-AIDS Association, while she was taking part in a peaceful demonstration in Agadir.²⁸

On November 21, Sara Soujar, the chair of the Moroccan Association for Human Rights office in Burnous and an active member of the February 20 movement, was attacked by a thug while distributing flyers advocating a boycott of parliamentary elections. She was stabbed in the stomach while the police did nothing to prevent the attack or arrest the perpetrator. Many observers believed the assault was politically motivated to intimidate opponents, and they did not rule out involvement by state security agencies.²⁹

Regarding another matter, royal amnesties were issued for 190 prisoners, including Chekib el-Khayari, the president of the Association for Human Rights in the Rif, on April 14. Al-Khayari had been convicted in June 2009 on charges of insulting official government bodies and sentenced to three years in prison.³⁰ The amnesty also covered three human rights defenders from the Western Sahara: Ibrahim Dahan, Ali Salem al-Tabek, and al-Naseri Ahmed. For Sahrawis, however, the amnesty meant being released on parole, unlike the cases of other Moroccan detainees released under the amnesty.

Elections and democratic representation:

As part of the well-established royal tactic of introducing limited reforms from above to contain popular pressures for comprehensive reform, Morocco saw early parliamentary elections held on November 25. Pursuant to the outcome of the elections and provisions of the new constitution, the king tasked the secretary-general of the Islamist Justice and Development Party to form a government after he was named prime minister due to the party winning 107 of the parliament's 395 seats.³¹

²⁸ Arabic Network for Human Rights Information, "al-Maghrib: i'tida' jasadi 'ala al-mudafi'a 'an huquq al-insan al-sayyida Buthayna al-Makudi," Mar. 5, 2011, <<http://www.anhri.net/?p=25668>>.

²⁹ Nidalat's Blog, "al-Shurta al-Maghribiya tunaffidh jarima bashi'a didd al-munadila Sara Sujar," <<http://goo.gl/1kKLd>>; and Moroccan Association for Human Rights, "Ihtijaj 'ala-l-i'tada' al-ladhi ta'arradat lahu Sara Sujar," Feb. 23, 2011, <<http://www.amdh.org.ma/ar/reports/soujar>>.

³⁰ Maghress, "al-Ifraj 'an al-nashit al-huquqi al-rifi Shakib al-Khayari," Apr. 14, 2011, <<http://www.maghress.com/andaluspress/2705>>.

³¹ Marina Ottaway and Marwan Muasher.

Although the elections did not see major challenges to the integrity of the declared results, in the run-up to the poll, the Moroccan authorities launched a broad arrest campaign in several cities targeting activists advocating an election boycott, adopted by the February 20 movement as well as several leftist parties and the Islamist Justice and Charity Group.³² The call for a boycott cited the limited nature of the constitutional reforms and the fact that the elections were overseen by the Interior Ministry, which has a long history in rigging polls and gerrymandering electoral districts in accordance with political considerations.³³

The constitutional reforms did not bring about radical changes to the electoral system, which observers believe gives an advantage to local politicians who are able to buy votes and who control the “administrative parties” that have historically enjoyed the patronage of the state and the royal palace. Observers noted that the Interior Ministry defined the rules and conditions for electoral campaigns in the official media, despite the High Authority Commission for Audiovisual Communication, which became an independent constitutional institution under the provisions of the new constitution. Under these rules, parties that boycotted the elections, such as the United Socialist Party and the Democratic Socialist Vanguard Party, as well as the February 20 movement, were prohibited from using the official media to promote the boycott.³⁴

According to the National Human Rights Council in Morocco, the violations and irregularities observed during the election did not undermine the integrity and credibility of the outcome. Most prominent among these violations was the mobilization of public institutions, the distribution of gifts to influence voters, cases of physical and verbal violence, the tearing down

³² Bladinews, “I’tiqalat fi sufuf 20 Fabrayir qabl muzaharat al-ahad 20 Nufimbir,” Nov. 19, 2011, <<http://www.bladinews.net/?p=24473>>; Mamafakinch, “I’tiqalat bi-l-jumla bayn sufuf harakat 20 Fabrayir wa muqati’i al-intikhabat,” Nov. 16, 2011, <<http://24.mamfakinch.com/20-15451>>; al-Jazeera, “I’tiqalat bi-harakat 20 Fabrayir fi-l-Maghrib,” Nov. 19, 2011, <<http://www.aljazeera.net/NR/EXERES/4560CCF6-5939-449C-97A9-D68B73D06085.htm>>; Assabeel, “al-‘Adl wa-l-ihsan al-Maghribiya tatahaddath ‘an i’tiqalat fi sufuf harakat 20 Fabrayir,” Nov. 19, 2011, <<http://goo.gl/rjGbS>>; Lakome, “I’tiqalat bi-l-jumla fi sufuf nashiti 20 Fabrayir bi-mudun mutafarriqa,” <<http://lakome.com/%D8%AC%D9%87%D8%A7%D8%AA/69-%D8%AC%D9%87%D8%A7%D8%AA/10048-2011-11-18.html>>; and Goud, “Istimrar hamlat al-i’tiqalat fi sufuf harakat 20 Fabrayir al-lati tuwasil da’ wataha ila muqata’at al-intikhabat,” Nov. 19, 2011, <<http://goo.gl/CSqQL>>.

³³ Segangan, “Bayan harakat 20 Fabrayir li-muqata’at al-intikhabat,” Nov. 16, 2011, <<http://www.segangan.net/modules/news/print.php?storyid=2911>>.

³⁴ Maati Monjib, “Will Morocco’s Elections Subdue Popular Protests?” Carnegie Endowment for International Peace, Nov. 22, 2011, <<http://carnegieendowment.org/sada/2011/11/22/will-morocco-s-elections-subdue-popular-protests/7ny9>>.

of campaign ads, and the distribution of campaign materials on the day of the vote.³⁵

Continued violations in the Western Sahara:

Political activists and rights advocates in the Western Sahara remained targets for arbitrary prosecutions and detention and unfair trials, and security forces on several occasions suppressed various forms of peaceful protest in the province.

After participating in peaceful demonstrations called by the February 20 movement, 23 citizens in the Western Sahara were given prison sentences on March 4 ranging from one to three years; most of them were students.³⁶ Similar sentences of 1 year to 18 months imprisonment were given to two Sahrawi youths who took part in a peaceful demonstration demanding Sahrawis' right to self-determination and showing solidarity with Sahrawi detainees.³⁷

On May 25, authorities suppressed a peaceful march of Sahrawi demonstrators in the city of Boujdour who were protesting poor socioeconomic conditions, causing various degrees of injuries. Some demonstrators were arrested,³⁸ and activist Ahmed al-Najim was given a six-month suspended prison sentence.³⁹

On March 7, security forces surrounded a demonstration organized by workers and pensioners with the Phosboucraa Company and families of

³⁵ National Human Rights Council, "CNDH Affirms: Parliamentary Elections Were Free, Fair and Transparent and Irregularities Reported Didn't Affect Their Credibility," Nov. 29, 2011, <<http://www.ccdh.org.ma/spip.php?article6515>>.

³⁶ Arabic Network for Human Rights Information, "Sana wa nisf sajanan nafidhan fi haqq 23 mu'taqalan 'ala khalfiyat muzaharat 20 Fabrayir 2011 bi-Kalmim janub al-Maghrib," Mar. 5, 2011, <<http://www.anhri.net/?p=25625>>.

³⁷ Arabic Network for Human Rights Information, "Ahkam qasiya wa ja'ira fi haqq shabbayn Sahrawiyayn bi-l-mahkama al-ibtida'iya bi-Kalmim janub al-Maghrib," Mar. 8, 2011, <<http://www.anhri.net/?p=26022>>.

³⁸ Collective of Sahrawi Human Rights Defenders, "Tadakhkhul 'anif didd mutazahirin Sahrawiyin bi-madinat Bujadur," May 27, 2011, <http://www.codesaso.com/index.php?option=com_content&view=article&id=598%3A2011-05-28-02-14-40&catid=1%3Alatest-news&Itemid=56>.

³⁹ Arabic Network for Human Rights Information, "al-Hukm bi-6 ashhur mawqufat al-tanfidih 'ala-l-mu'taqal al-Sahrawi Ahmad al-Najim," June 7, 2011, <<http://www.anhri.net/?p=33061>>.

Sahrawi detainees and disappeared persons, and dispersing it with force.⁴⁰ When the workers again attempted to demonstrate on August 1, they found an unprecedented security presence of a rapid-response unit, an army force, and a third force in civilian clothing carrying stones and clubs. Following the security intervention, several demonstrators were arrested and dozens sustained serious injuries.⁴¹

As part of the commemoration of the first anniversary of the victims of the Akdim Izik camp, which was stormed and dismantled by security forces in October 2010, Sahrawi citizens, most of them women, attempted to stage a demonstration, but Moroccan police, some in civilian clothing, disbursed the demonstration with force, injuring some demonstrators. Two protestors were taken to the hospital due to the seriousness of their condition, one of whom was the Sahrawi human rights defender Sultana Khaya.⁴² A total of 21 Sahrawis remain detained provisionally after the storming of the camp in 2010, among them political activists and human rights defenders, as well as members of the dialogue committee appointed by Sahrawi refugees in the camp.⁴³

In the first week of October, 25 Sahrawi citizens were detained, among them human rights defenders al-Mahjoub Oulad Cheikh, Kamal Trayeh, and Mohamed Manolo. They were placed in provisional detention at the Lakhel Prison in Laayoune. The nature of the charges against them is unknown.⁴⁴

On October 31, Sahrawi detainee Salem Akmath was sentenced to six months in prison. He was arrested on October 28 after he protested the confiscation of his social security card and was tried without the benefit of defense counsel.⁴⁵

⁴⁰ Arabic Network for Human Rights Information, "Man' waqfa ihtijajiya silmiya wa dukhul akthar min 100 mu'taqal siyasi Sahrawi fi idrab indhari 'an al-ta'am," Mar. 7, 2011, <<http://www.anhri.net/?p=25916>>.

⁴¹ Arabic Network for Human Rights Information, "Fi tahaddin safir li-hurriyat al-ta'bir wa-l-haqq fi-l-tajamhur al-sultat al-Maghribiya tartakib majzara fi haqq madaniyin Sahrawiyin min 'umm al-sharikat Fusbukra' wa mi'at ukhra Sahrawiya muhammasha bi-l-'Uyun," Aug. 13, 2011, <<http://www.anhri.net/?p=37449>>.

⁴² Collective of Sahrawi Human Rights Defenders, "Hisar 'askari wa bulisi mushaddad wa qam' mutazahirin Sahrawiyin bi-l-quwa bi-l-'Uyun," Oct. 10, 2011, <<http://goo.gl/3hbLq>>.

⁴³ Collective of Sahrawi Human Rights Defenders, "Ihalat al-mudafi' al-Sahrawi 'an huquq al-insan Ibrahim al-Isma'ili 'ala-l-sijn al-mahali bi-Sala," May 18, 2011, <<http://goo.gl/Hb8rI>>.

⁴⁴ Collective of Sahrawi Human Rights Defenders, "Mutaba'at mu'taqalin Sahrawiyin fi milaffat jina'iya 'ala dhimmat al-tahqiq," Oct. 10, 2011, <<http://goo.gl/zO41a>>.

⁴⁵ Arabic Network for Human Rights Information, "al-Hukm bi-6 ashhur nafidhan didd muwatin Sahrawi," Nov. 2, 2011, <<http://www.anhri.net/?p=42837>>.

As part of the media blackout on human rights abuses in the Western Sahara, three nationals from Spain and Argentina who came to observe human rights practices in the province in January 2011 were detained by police and were not permitted to leave their hotel for four days before finally being forced to leave the city of Laayoune. The three observers had arranged meetings with victims from the Akdim Izik camp and human rights defenders.⁴⁶ A Norwegian observer and one of his companions were also prevented from meeting with victims' families, former detainees, and detainees' relatives in connection with the same case.⁴⁷

On February 4, police stopped Hamid Bouffous, a correspondent with Sahara Press, on the street in Laayoune and attempted to confiscate his motorcycle to prevent him from continuing his work and contacting victims of violations.⁴⁸

On October 14, the authorities prohibited two Spanish attorneys with the Observatory for Human Rights in Badjos, Spain, from visiting Sahrawi political detainee Sidi Ahmed Lamjid in the local prison 2 in Salé.⁴⁹

On October 30, the authorities prohibited two Spanish observers, Willy Meyer, an MEP, and Jose Perez Ventura, a member of the International Association of Jurists for Western Sahara, from leaving the plane they took to Laayoune in the Western Sahara. The former was physically and verbally assaulted by Moroccan intelligence.⁵⁰

⁴⁶ Arabic Network for Human Rights Information, "Tard 3 muraqibat min Isbaniya wa-l-Arjantin min madinat al-'Uyun," Jan. 5, 2011, <<http://www.anhri.net/?p=21759>>.

⁴⁷ Arabic Network for Human Rights Information, "Tard muraqibayn Nurwijiyyayn min madinat al-'Uyun," Jan. 11, 2011, <<http://www.anhri.net/?p=22155>>.

⁴⁸ Collective of Sahrawi Human Rights Defenders, "Mu'taqal Sahrawi yata'arrad li-su' al-mu'amala wa sahafī yatimm tawqifuhu fi muhawala li-musadarat darrajatahu al-nariya bi-l-'Uyun," Feb. 1, 2011, <<http://goo.gl/UcBX8>>.

⁴⁹ Arabic Network for Human Rights Information, "Man' muhamiyayn Isban min ziyarat al-mu'taqalin al-siyasiyin al-Sahrawiyyin wa muthul mu'taqal siyasi amam qadi al-tahqiq," Oct. 5, 2011, <<http://www.anhri.net/?p=41585>>.

⁵⁰ Arabic Network for Human Rights Information, "Man' na'ib fi-l-barlaman al-Urubi wa muhami 'udw fi-l-yasar al-muwahhad min ziyarat al-'Uyun," Oct. 31, 2011, <<http://www.anhri.net/?p=42692>>.

Syria

The human rights situation in Syria severely deteriorated during 2011, as the regime of Bashar al-Assad took extreme repressive measures to crush the peaceful uprising demanding democracy, change, and the ouster of the regime. Such measures appear to have resulted in crimes against humanity perpetrated against the civilian population. The regime was slow to offer serious reforms to address the demands of the revolution, and even the attempt to contain the revolution with a handful of disingenuous reforms was followed by large scale use of deadly force throughout Syria. The regime's criminal practices against its own people recall the massacres committed by the late Hafez al-Assad in the early 1980s, except on a larger and more widespread scale.

The right to life was violated in a widespread and systematic manner, as several thousand people were killed and injured¹ following the exercise of deadly force that included the use of heavy weaponry, arbitrary shelling by tanks and naval artillery units, and assassinations and summary executions of detainees or dissidents within the ranks of the army or police who refused to

¹ UN Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, Nov. 23, 2011, <www2.ohchr.org/english/bodies/hrcouncil/specialsession/17/docs/A-HRC-S-17-2-Add1.pdf>.

take part in the massacres of the Syrian people. Torture also increased markedly, with the number of deaths due to torture reaching unprecedented levels. Syrians in all the major cities and provinces were subjected to collective punishment, with sieges imposed by Syrian army tanks, long curfews, arbitrary shelling of civilian populated areas, and a disruption of electricity, water, and communication services. In some governorates, measures were taken to starve the population by denying entry to trucks carrying flour, and the wages of government workers were withheld or delayed.

The repression extended to numerous rights activists and media workers, who were temporarily arrested, detained, disappeared, or physically assaulted to prevent them from disclosing information concerning the situation. The sustained use of excessive force by government forces prompted various forms of counter-violence by citizens, either in self-defense or motivated by a desire to avenge victims, especially in socially traditional areas where tribal cultures prevail. This was also accompanied by increased summary field executions of dissident military officers and soldiers and the declaration of the formation of the Free Syrian Army, which also engaged the Syrian army in limited battles.

Given these conditions, there are increased fears that Syria may plunge into a wide-scale civil war, stoked by the organized sectarian campaign launched by the Syrian regime, which is attempting to present itself as the protector of minorities. This campaign has pushed the majority of Syrian Christians and the Druze community to seek shelter with the regime, while the Alawite minority appears to remain close to the regime, thinking that its fall will threaten its privileges.² At the same time, discriminatory policies against the Kurdish minority continue, as do the routine violation of the human rights of the Kurdish population and the abuse of activists and defenders of Kurdish identity. These violations reached a new level of intensity with the assassination of a prominent Kurdish politician near the end of the year.

² On fears of the militarization of the uprising and sectarian mobilization, see Hassan Abbas, "The Dynamics of the Uprising in Syria," Oct. 16, 2011, <<http://www.arab-reform.net/spip.php?article5080>>.

Heinous crimes during suppression of demonstrators:

According to the UN, 5,000 people were killed between the eruption of protests in mid-March and late December, among them at least 300 children,³ as a result of the brutal crackdown, which involved many acts that appear to be crimes against humanity under international humanitarian law. Entire populations were subjected to violent repressive measures, particularly in cities that were placed under military siege. Residents of these areas were driven to the verge of a humanitarian crisis as a result of growing shortages of water, food, and medicine, in addition to the difficulty of obtaining access to medical care. At the same time, the authorities prevented the International Committee of the Red Cross from reaching the most affected areas, where tanks, helicopters, and heavy artillery were used to isolate and suppress demonstrations and to shell civilian infrastructure.⁴

The means used to suppress the uprising went beyond the traditional security agencies, military forces, and intelligence agencies to include armed gangs and militias known as the *Shabiha*, groups run by government affiliated interest networks close to the regime and relatives of Bashar al-Assad.⁵ Grave human rights abuses were reported, including extrajudicial killings and summary executions. Reports confirmed cooperation and coordination between the *Shabiha* and security forces, with *Shabiha* forces being observed on more than one occasion wearing civilian clothing and using military vehicles. Government forces also facilitated the movement of these gangs across checkpoints. Reports accused government officials and the Baath Party of playing an active role in coordinating the criminal acts of the *Shabiha*.⁶

Reports also documented acts of murder and summary execution of an unspecified number of officers and soldiers who refused to obey orders to open fire on unarmed demonstrators and civilians, as well as daily mass arbitrary arrest campaigns across the country involving nearly 10,000 people as of October 2011. Nearly 5,000 cases of enforced disappearances and

³ UN News Center, "As Syrian Death Toll Tops 5,000, UN Human Rights Chief Warns about Key City," Dec. 12, 2011,

<<http://www.un.org/apps/news/story.asp?NewsID=40708&Cr=syria&Cr1>>; and The Guardian, "Syria: 5,000 Dead in Violence, Says UN Human Rights Chief," Dec. 12, 2011, <<http://www.guardian.co.uk/world/2011/dec/12/syria-5000-dead-violence-un>>.

⁴ FIDH, "Bashar al-Assad: Criminal Against Humanity," Aug. 9, 2011, <<http://www.fidh.org/Bashar-Al-Assad-Criminal-Against>>.

⁵ Hassan Abbas, "The Dynamics of the Uprising in Syria."

⁶ FIDH, "Bashar al-Assad: Criminal Against Humanity." August, 9, 2011, <<http://www.fidh.org/Bashar-Al-Assad-Criminal-Against>>.

abductions were reported.⁷ Detainees were held in extremely harsh conditions in detention facilities where they were systematically subjected to extreme forms of torture. It is likely that the number of deaths in detention facilities multiplied due to such treatment, with dozens thought to have died due to torture. The crackdown around the country was also accompanied by assaults on medical personnel who were carrying out their professional and humanitarian duty by attempting to reach and aid the injured. Intentional attacks on ambulances were documented, while the intelligence services tightened their grip on hospitals, preventing workers from offering medical care to the injured. Some volunteer doctors were also abducted while trying to help the wounded.⁸ Moreover, security forces reportedly abducted wounded civilians from hospitals.

Torture and conditions in detention facilities and prisons:

Thousands of people have been arrested and detained since the beginning of the uprising, including the relatives of activists, among them children. Detainees, including children, were tortured, including through extensive beatings by batons or chains and with electroshocks. Detainees held temporarily in a stadium in Daraa were summarily executed; it is estimated that security forces executed 26 detainees during this incident.⁹ The former public prosecutor in Hama, who resigned, accused the authorities of killing 72 inmates at the Hama District Prison and burying them in mass graves near al-Khalidiya, close to the branch of Central Security in Hama. In explaining the reasons for his resignation, the prosecutor said that more than 420 bodies had been buried in mass graves in public parks and that the authorities had asked him to write a report that they had been killed by armed gangs.¹⁰ Given the severe overcrowding of security buildings with thousands of detainees, the camps of the Baath Party Vanguard in several governorates were converted into mass detention facilities which lack proper health care capacities. Reports also documented severe food deficiencies,

⁷ Arabic Network for Human Rights Information, "Suluk al-quwat al-hukumiya al-Suriya jarimat harb wa intihak li-l-qanun al-dawli al-insani," Oct. 19, 2011, <<http://www.anhri.net/?p=41872>>.

⁸ Human Rights Watch, "Syria: Red Crescent Workers under Attack," Sep. 14, 2011, <<http://www.hrw.org/news/2011/09/14/syria-red-crescent-workers-under-attack>>; and FIDH, "Bashar al-Assad: Criminal Against Humanity."

⁹ Human Rights Watch, "Syria: Crimes against Humanity in Daraa," June 1, 2011, <<http://www.hrw.org/news/2011/06/01/syria-crimes-against-humanity-daraa>>.

¹⁰ Watch the prosecutor's testimony here: <<http://goo.gl/mNMeb>>.

with detainees being given one meal per day consisting of a round of bread and some tomatoes or diluted milk.¹¹

International reports observed a stark increase in the number of deaths in detention facilities, with at least 88 detainees dying in less than five months (from early April to mid-August). There is evidence that at least 52 of these deaths resulted either directly or in part from torture. It was reported that many victims, among them children, were mutilated before and after death, after which their disfigured corpses were turned over to their families, with the goal of spreading fear among Syrians. According to these reports, the authorities conducted no official investigations into the 88 cases of deaths, with the exception of two cases. However, the findings of these two alleged investigations are yet to be released.¹²

According to some reports, the funeral for Fahd Ali Adnan, a victim who is thought to have died under torture on 2 August after less than three days in detention, ended in tragedy when security forces raided the funeral tent, smashed chairs, and confiscated the carpets. When the family erected and prepared the tent again, security forces fired sound grenades and tear gas canisters, followed by live ammunition, on the mourners, immediately killing one youth with a bullet to his neck and injuring 13, one of whom later died as a result of a bullet to the head.¹³

Human rights defenders under siege:

Since their establishment, human rights organizations in Syria have been denied legal permits. During 2011, the authorities increased the arbitrary pressure on human rights defenders, especially amid their strenuous attempts to impose an information blackout around the widespread suppression of the uprising. Although a number of human rights defenders benefited from the amnesties issued by the Syrian president as part of an attempt to contain the uprising, this did not prevent many others from being temporarily arrested or detained for extended periods of time, banned from travel, or physically

¹¹ Syrian Observatory for Human Rights, "Taqrir 'an manhajiyat al-sultat al-Suriya fi intihak huquq al-insan," Aug. 28, 2011, <<http://www.syriahr.com/28-8-2011-syrian%20observatory5.htm>>.

¹² Amnesty International, "Syria: Deadly Detention: Deaths in Custody amid Popular Protest in Syria," Aug. 31, 2011, <<http://www.amnesty.org/en/library/info/MDE24/035/2011/en>>.

¹³ Alkarama, "Syria: A Detainee Killed in Prison," Aug. 19, 2011, <http://en.alkarama.org/index.php?option=com_content&view=article&id=814:syria-a-detainee-killed-in-prison&catid=36:communiqu&Itemid=198>; and Syrian Human Rights Committee, "Shuhada' majzara khaymat 'aza' Fahd 'Adnan bi-Dar'a," Aug. 5, 2011, <<http://www.shrc.org/data/aspx/d13/4543.aspx>>.

assaulted, nor from receiving implicit and explicit death threats. Some human rights defenders were forced to leave the country and continue their work in exile. Among those who benefited from a general amnesty was Haitham al-Maleh, a prominent rights advocate and the founder of the Human Rights Association in Syria, who was serving a prison sentence of three years after his arrest in October 2009 and a military trial that lacked due process.¹⁴ Also released was well-known human rights defender Muhannad al-Hassani, the president of the Syrian Human Rights Organization – “Sawasiyah” – who was also serving an unfair three-year prison term for his human rights work. He was released following the presidential amnesty on May 31 along with hundreds of other detainees, including several opposition leaders of the Communist Workers Party.¹⁵ On June 4, the authorities released writer Ali al-Abdullah, a leading member of the Damascus Declaration for Democratic National Change, as part of a presidential amnesty. Al-Abdullah had been serving an 18-month prison term after being convicted in a military court on March 13, 2011 on charges of upsetting Syria’s relations with a foreign country due to an article he wrote on Syrian-Iranian relations. These charges had been brought against him to keep him in prison even after he had served his full original term of two and a half years; he had been slated for release in June 2010, but the military investigating judge ordered the continuation of his detention. He had then been placed in the Adra Prison following a request from the General Military Prosecution after these new charges were filed against him.¹⁶ In stark contrast to these amnesties, the harassment and repression of human rights defenders continued. Many were held for several days or weeks, repeatedly detained, or subject to prosecution. Some of these cases include:

- Abd al-Karim Daoun, a member of the board of trustees of the Committees for the Defense of Democratic Freedom and Human Rights in Syria (CDDFHR), who was arrested in early April in al-Silmiya in the governorate of Hama while observing peaceful demonstrations. While being arrested, he was beaten with batons and clubs by the security apparatus.¹⁷

¹⁴ Syrian Observatory for Human Rights “al-Ifraj ‘an al-nashit al-huquqi al-Suri Haytham al-Malih,” Mar. 8, 2011, <<http://www.syriahr.com/8-3-2011-syrian%20observatory6.htm>>.

¹⁵ Sooryoon, “al-Marsad al-Suri: al-ifraj ‘an Muhannad al-Hasani wa Mash’al al-Tammu,” June 3, 2011, <<http://www.sooryoon.net/?p=25555>>.

¹⁶ Syrian Observatory for Human Rights, “al-Sultat al-Suriya tufrij ‘an al-katib ‘Ali al-‘Abdullah,” June 4, 2011, <<http://www.syriahr.com/4-6-2011-syrian%20observatory2.htm>>.

¹⁷ Frontline Defenders, “Syria: Update-Release of Human Rights Defender ‘Abd al-Karim Dha’oon,” Apr. 19, 2011, <<http://humanrightsdefenders.org/node/14871>>.

- Daniel Saoud, the President of the CDDFHR and a member of the executive committee of the Euro-Mediterranean Human Rights Network, who was arrested on April 23, 2011.¹⁸
- Rasim al-Atassi, a member of the board of trustees of the Arab Organization for Human Rights, who was arrested on April 27 pursuant to an arrest warrant issued by the General Military Prosecutor on charges of inciting riots.¹⁹
- Malak al-Shanawani, a women's rights activist, who was arrested on February 11. Some of her books and her personal computer were confiscated, and she was taken to an intelligence facility in Damascus.²⁰
- Mazen Darwish, the President of the the Syrian Center for Media and Freedom of Expression, was arrested on March 23 after being summoned to the political security branch in Damascus; Darwish had given several interviews on television discussing the events in Daraa.²¹
- Abdullah Khalil, a member of the Human Rights Association in Syria, who was arrested in early May after taking part in an interview on the Qatari al-Jazeera channel.²²
- Dana Jawabra, a journalist and human rights activist, who was detained for nearly ten days in March 2011 after taking part in a protest in the capital. She was again arrested on May 3, 2011.²³
- Dr. Walid al-Bunni, the prominent political activist and human rights defenders, who was arrested with his sons Iyad and Muayyad on August 7. Al-Bunni was arrested and imprisoned more than once over the

¹⁸ Arabic Network for Human Rights Information, "al-Sultat al-Suriya ta'taqil ra'is lijan al-difa' 'an al-hurriyat al-dimuqratiya wa huquq al-insan fi Suriya," Apr. 26, 2011, <<http://www.anhri.net/?p=29767>>.

¹⁹ International Freedom of Expression Exchange, "al-Munazzama tudin i'tiqal al-muhandis Rasim al-Atasi wa tutalib bi-l-ifraj al-fawri 'anhu," Apr. 28, 2011, <http://ifex.org/syria/2011/04/29/al_atasy_arrested/ar/>.

²⁰ National Organization for Human Rights in Syria, "al-Sultat al-Suriya ta'taqil ta'assufiyan al-'asharat min al-muwatinin," Apr. 14, 2011, <<http://goo.gl/mNMeb>>.

²¹ SKEYES, "I'tiqal al-sahafi wa-l-nashit al-Suri Mazin Darwish," Mar. 24, 2011, <<http://skeyes.wordpress.com/2011/03/24/225699669988/>>; and Reporters Without Borders, "Tawqif Mazin Darwish mudir al-markaz al-Suri li-l-i'lam," Mar. 24, 2011, <http://arabia.reporters-sans-frontieres.org/article.php3?id_article=31989>.

²² Syrian Human Rights Committee, "I'tiqal al-huquqiyyin Nadir al-Husami wa 'Abdullah al-Khalil," May 2, 2011, <<http://www.shrc.org/data/asp/d18/4448.aspx>>.

²³ Alkarama, "Suriya: tawqif al-'adid min al-mudafi'in 'an huquq al-insan khilal hamalat al-qam' al-akhira fima tawara al-ba'd al-akhar 'an al-anzar," May 6, 2011, <http://ar.alkarama.org/index.php?option=com_content&view=article&id=4134:2011-05-09-07-17-14&catid=155:-&Itemid=100>.

last decade. His most recent arrest came only two months after he finished serving a two-and-a-half year prison term, due to his leading role in the Damascus Declaration for Democratic National Change.²⁴

- Abdel Karim Rihawi, the president of the Syrian League for the Defense of Human Rights, who was arrested on August 11, 2011.²⁵

In addition, Maen al-Awdat, a prominent political activist and advocate, was shot and killed by the security apparatus in Daraa on August 8 after security forces opened fire on a funeral march for a recently killed martyr.²⁶

Harassment of the political opposition:

The presidential amnesties issued to a few hundred political prisoners and detainees appears to have been a diversionary tactic to draw attention away from the wave of arrests of thousands of people suspected of involvement in the peaceful popular uprising, along with political dissidents, including several who had been released under the presidential amnesties. According to field reports, several political activists, writers, and human rights defenders, as well as their families, received threats via telephone, email, or social media networks, warning them they would be killed or harmed if they continued to support the uprising. Numerous people were taken hostage to harass their activist family members.²⁷ Prominent figures, among them Suhair al-Atassi, the President of the Jamal al-Atassi Forum for National Democratic Dialogue, were arbitrarily arrested and detained. Atassi was arrested on March 16 after receiving death threats by phone and threats to abduct her children.²⁸ More than 25 political activists were arrested, including Kamal Sheikhou and Hassiba Abd al-Rahman, after participating in a sit-in in front of the Interior Ministry. They were charged with

²⁴ Arabic Network for Human Rights Information, "I'tiqal al-duktur Walid al-Bunni mujaddadan ma' najlayhi Iyad wa Mu'ayyad," Aug. 17, 2011, <<http://www.anhri.net/?p=37083>>.

²⁵ Elaph, "Faransa tutalib Suriya bi-itlaq sarah 'Abd al-Karim al-Rihawi," Aug 12, 2011, <<http://www.elaph.com/Web/news/2011/8/675491.html?entry=articleRelatedArticle>>; and SKEYES, "Skayz yastankir i'tiqal ra'is al-rabita al-Suriya li-huquq al-insan 'Abd al-Karim al-Rihawi," Aug. 16, 2011, <<http://skeyes.wordpress.com/2011/08/16/465465465465465-6/>>.

²⁶ Syrian Observatory for Human Rights, "Thamaniyat shuhada' bi-rasas al-quwat al-Suriya wa ighitayal al-nashit Ma'in al-'Awdat," Aug. 9, 2011, <<http://www.syriahr.com/9-8-2011-syrian%20observatory1.htm>>.

²⁷ Syrian Human Rights Committee, "'Ajl: al-mukhabarat al-Suriya tuhaddid bi-ikhtitaf abna' al-mu'aridin wa tasfiyatihim," Feb. 27, 2011, <<http://www.shrc.org/data.aspx/d13/4333.aspx>>.

²⁸ Arabic Network for Human Rights Information, "I'tiqal al-nashita Suhayr al-Atasi wa akharin 'ala khalfiyat tazahurat al-hurriya," Mar. 16, 2011, <<http://www.anhri.net/?p=26835>>.

undermining the standing of the state and inciting racial and sectarian tensions.²⁹

Before it was abolished, the exceptional State Security Court harshly sentenced activist Tal al-Mallouhi to five years in prison after her conviction on charges of disclosing information to a foreign state. State Security had abducted her late last year, and her fate was unknown until she was brought to trial.³⁰ Also in March the security forces arrested writer and political activist Loay Hussein after he launched an online petition in support of peaceful demonstrators in Daraa.³¹ Syrian dissident Assem Qubtan, a leading member of the Democratic Socialist Arab Union Party, was arrested the same month and taken to an undisclosed location.³² In April, Farouk al-Bassel, the son of political activist Bassam al-Bassel, was taken hostage, as was the son of political activist Mahmoud al-Mudallal and three of his brothers, as well as the nephew of political activist Ayman al-Aswad in Daraa.³³ In July, prominent dissidents were arrested, including Dr. Adnan Wahba and engineer Nizar al-Samadi, both members of the National Coordination Committee for Democratic Change in Syria (NCC), and George Sabra, a member of the Syrian National Democratic Party.³⁴

It was reported that at least 50 political dissidents were killed by the police, the army, or the *Shabiha* in the seven months following the eruption of the uprising. Several of them were likely targets of premeditated murder or extrajudicial killing. These dissidents include prominent Syrian dissident Ziad al-Ubeidi, who was killed while fleeing from the security forces after

²⁹ Arabic Network for Human Rights Information, "Ihalat 32 nashita wa nashitan Suriyan ila-l-qada'," Mar. 17, 2011, <<http://www.anhri.net/?p=26953>>.

³⁰ Syrian Observatory for Human Rights, "al-Hukm bi-l-sajn li-muddat khams sanawat bi-haqq al-nashita al-Suriya Tal al-Malluhi," Feb. 16, 2011, <<http://www.syriahr.com/14-2-2011-syrian%20observatory14.htm>>; and Arabic Network for Human Rights Information, "Suriya: al-shabaka al-'Arabiya tastankir al-hukm al-sadir al-qasi didd al-mudawwina Tal al-Malluhi," Feb. 17, 2011, <<http://www.anhri.net/?p=24238>>.

³¹ Asharq al-Awsat, "Munazzama huquqiya: i'tiqal al-katib al-Suri Lu'ay Husayn," Mar. 23, 2011, <<http://www.aawsat.com/details.asp?section=4&issueno=11803&article=613821>>.

³² Syrian Human Rights Information Link, "al-Ajhiza al-amniya al-Suriya ta'taqil al-qiyadi al-mu'arid 'Asim Qubtan," Mar. 30, 2011, <http://www.shril-sy.info/modules/news/article.php?com_mode=nest&com_order=0&storyid=6085>.

³³ Human Rights Watch, "Syria: Lift the Siege of Daraa," May 5, 2011, <<http://www.hrw.org/news/2011/05/05/syria-lift-siege-daraa>>.

³⁴ Syrian Observatory for Human Rights, "I'tiqal al-mu'aridin al-barizin 'Adnan Wahba wa Nizar al-Samadi," July 28, 2011, <<http://www.syriahr.com/28-7-2011-syrian%20observatory1.htm>>.

they raided his home in Deir al-Zor,³⁵ as well as political dissident, rights activist and engineer Maen al-Awdat and Kurdish leader Mashaal Tammo.

Large-scale attacks on media workers and artists:

The brutal suppression of the popular uprising was accompanied by a large-scale assault on various means of expression and the media. The authorities imposed an absolute information blackout in areas under tight military siege, such as Daraa, Homs, Baniyas, and al-Muaddamiya in suburban Damascus, after cutting off all internet service and blocking access to social media sites such as Facebook, Twitter, and YouTube. They also denied foreign journalists and correspondents entry to the country and prevented other correspondents from reaching the areas where government attacks were occurring.³⁶ Satellite channels critical of the regime were also censored.³⁷ In March, the authorities forced seven correspondents with Reuters and the Associated Press to leave the country.³⁸ Photographers with AFP and the Associated Press were also detained on March 22 while covering events in the province of Daraa.³⁹ On April 27, the Qatari Al-Jazeera channel was forced to halt its coverage of events and suspend all its activities in Syria indefinitely following several threats and intimidation campaigns launched against its staff.⁴⁰ The Syrian authorities continuously pressured Syrian Al-Jazeera employees to resign while also denying correspondents with this and other channels access to the city of Daraa, where the uprising erupted.⁴¹ Al-Jazeera also lost contact with its Canadian-Iranian correspondent, Dorothy Parvaz, upon her arrival in Damascus on April 29. According to the Syrian embassy in the US, the Syrian authorities

³⁵ BBC Arabic, "Suriya: maqtal mu'arid bariz wa lajna li-siyaghat al-dustur," Oct. 15, 2011, <http://www.bbc.co.uk/arabic/middleeast/2011/10/111015_syria_activist_killing.shtml>.

³⁶ Asharq al-Awsat, "Ta'tim kamil 'ala-l-mudun wa-l-ahya' al-Suriya al-khadi'a li-l-hisar al-'askari," May 11, 2011, <<http://www.aawsat.com/details.asp?section=4&issueno=11852&article=621159>>.

³⁷ Committee to Protect Journalists, "Syria Cracks Down on Press; Attacks in Libya, Elsewhere," Mar. 28, 2011, <<http://cpj.org/2011/03/syria-cracks-down-on-press-attacks-in-libya-elsewh.php#more>>.

³⁸ Reporters Without Borders, "Istimrar al-ta'tim al-i'lami, al-sultat al-Suriya tastahdif Ruyatarz," Mar. 28, 2011, <http://arabia.reporters-sans-frontieres.org/article.php3?id_article=31992>.

³⁹ Reporters Without Borders, "Tawqif Mazin Darwish mudir al-markaz al-Suri li-l-i'lam."

⁴⁰ Reporters Without Borders, "Murasilin bila hudud tastankir al-qam' didd al-i'lam fi Suriya," May 3, 2011, <http://arabia.reporters-sans-frontieres.org/article.php3?id_article=32022>.

⁴¹ Committee to Protect Journalists, "Qanat 'al-Jazira' tu'alliq 'amaliyataha fi Suriya," Apr. 27, 2011, <<http://www.cpj.org/ar/2011/04/017226.php>>.

deported the journalist to Iran on May 1, but the Iranian Foreign Minister informed the Iranian News Agency on May 14 that Iran had no information about her.⁴²

Numerous writers, journalists, and political activists were arrested for participating in protests and peaceful demonstrations or because they were classified as dissident political activists or involved in the struggle for democracy. These include writer and journalist Fayeza Sara, a leading member of the Damascus Declaration for Democratic National Change⁴³; Dr. Nizar al-Madani, a member of the central council of the NCC; and well-known author Ihsan Taleb.⁴⁴ A patrol with air force intelligence arrested prominent Syrian dissident Mohammed Saleh in an ambush set for him after he received a phone call from a person claiming to be a journalist with Al-Jazeera and setting an appointment to meet him. Saleh was taken to an undisclosed location before being released the next day.⁴⁵ The authorities also arrested writer and journalist Omar Kush upon his arrival to the Damascus airport in early May, as he was returning from a conference in Turkey.⁴⁶ On October 3, the authorities referred a group of activists and journalists to the Public Prosecutor for investigation more than 50 days after they had been arrested and kidnapped by the political security apparatus. They included Rudy Osman, Omar al-Asaad, journalistic writer Hanadi Zahlout, film editor Shadi Abu al-Fakhr, and activists Assem Hamchou and Guevara Said. They were presented with charges of inciting demonstrations and civil disobedience, inflaming sectarian tensions, forming illegal organizations known as the Damascus Neighborhood Committees, and contacting satellite channels to broadcast materials to defame Syria.⁴⁷ A lot

⁴² Reporters Without Borders, "Ayn al-sahafiya al-Amrikiya al-Kanadiya al-Iraniya al-murahhala min Suriya ila Iran?" May 16, 2011, <http://arabia.reporters-sans-frontieres.org/article.php?id_article=32028>.

⁴³ Al-Hiwar al-Mutamaddan, "al-Sultat al-Suriya ta'taqil al-katib wa-l-sahafi al-Suri Fayiz Sara," Apr. 11, 2011, <<http://www.ahewar.org/news/s.news.asp?nid=674467>>.

⁴⁴ Arab Organization for Human Rights in Syria, "I'tiqal al-duktur Nizar al-Madani wa-l-katib Ihsan Talib," Oct. 17, 2011, <<http://www.aohrs.org/modules.php?name=News&file=article&sid=2588>>.

⁴⁵ Syrian Observatory for Human Rights, "al-Mukhabarat al-Suriya tatanahhal sifat fida'iyat al-jazira li-i'tiqal al-mu'arid al-bariz Muhammad Salih," Sep. 24, 2011, <<http://www.syriahr.com/22-9-2011-syrian%20observatory7.htm>>.

⁴⁶ Reporters Without Borders, "Murasilun bila hudud tastankir al-qam' didd al-i'lam fi Suriya."

⁴⁷ Arabic Network for Human Rights Information, "'Suriya: al-shabaka al-'Arabiya tunaddid bi-ihalat nushata' li-l-niyaba al-'amma wa ightiyal akharin," Oct. 4, 2011, <<http://www.anhri.net/?p=40761>>.

of ambiguities surrounded the case of these detainees, most of whom were abducted from a cafe, and some of them are believed to have been tortured.⁴⁸

The fate of several journalists and bloggers who were abducted or arbitrarily detained remains unknown, among them journalists Aba Mundhir and Maryam Haddad, blogger Jihad Jamal, and Omar al-Asaad, a correspondent with Al-Jazeera and the journals *al-Safir* and *al-Hayat*.⁴⁹ The whereabouts of Algerian journalist Khaled Sid Mohammed, a resident of Damascus, are similarly unknown. Affiliated with Radio France International, Mohammed disappeared on April 9, 2011 under mysterious circumstances, amid the total silence of the Syrian authorities.⁵⁰ The authorities arbitrarily arrested Syrian blogger and internet activist Anas al-Maarawi in early June 2011, refusing to disclose his whereabouts or the reason for his detention.⁵¹

The brutal crackdown on the uprising also touched many artists who were involved in or released artistic works in solidarity with the uprising. Ibrahim Khashoush, known as the singer of the revolution and writer of the song, “C’mon, Bashar, leave,” lost his life on July 5 shortly after being abducted. His body was found thrown in the Orontes River, his throat slit and his larynx ripped out; it is believed that the security apparatus was responsible for the murder.⁵² Masked members of the security forces attacked internationally renowned cartoonist Ali Ferzat near Umayyad Square in the capital, insulting and beating him brutally and injuring his fingers in particular, leaving him with severe bruising, especially on his face and hands. Ferzat is well-known for the stinging criticism of the Assad regime found in his sardonic cartoons.⁵³ The parents of well-known pianist Malek

⁴⁸ Syrian Observatory for Human Rights, “Ikhtitaf sahafiyyin,” Aug. 6, 2011, <<http://www.shrc.org/data.aspx/d12/4542.aspx>>.

⁴⁹ Syrian Observatory for Human Rights, “Ikhtitaf sahafiyyin.”

⁵⁰ Arabic Network for Human Rights Information, “Suriya: Athna’ al-qam’ al-shadid li-l- ihtijajat al-silmiya ikhtifa’ sahafiya bi-qanat al-jazira ba’d asabi’ min ikhtifa’ sahafi Jaza’iri,” May 3, 2011, <<http://www.anhri.net/?p=30499>>.

⁵¹ National Organization for Human Rights in Syria, “Tawasul ‘amaliyat al-qam’ fi Suriya wa tazayud suqut al-dahaya,” July 12, 2011, <<http://goo.gl/KSUCU>>.

⁵² Arabic Network for Human Rights Information, “Qat’ raqaba mughanni Suri ghanna ‘yalla irhal ya Bashar,” July 10, 2011, <<http://www.anhri.net/?p=35518>>; and Fact International, “Maqtal mughanni al-thawra al-Suriya fi Hamah wa qat’ hanjaratih,” July 9, 2011, <<http://www.factjo.com/pages/fullNews.aspx?id=28625>>.

⁵³ Al-Arabiya, “I’tida’ ‘anif ‘ala rassam karikatir al-Suri ‘Ali Farzat wa naqluh ila-l- mustashfa,” Aug. 25, 2011, <<http://www.alarabiya.net/articles/2011/08/25/164024.html>>; Arabic Network for Human Rights Information, “al-I’tida’ ‘ala rassam al-karikatir ‘Ali Farzat wa tahdiduh,” Aug. 27, 2011, <<http://www.anhri.net/?p=38322>>; Arabic Network for Human Rights Information, “Luju’ al-ajhiza al-amniya al-manhaji ila-l-ta’ dhib,” Aug. 27, 2011, <<http://www.anhri.net/?p=38328>>; and al-Jazeera, “al-I’tida’ ‘ala-l-rassam ‘Ali Farzat fi

al-Jandali were assaulted by the *Shabiha*, who raided their home in Homs in mid-September because of al-Jandali's pro-revolutionary stance.⁵⁴

Ongoing oppression of the Kurdish minority:

Political activists and rights advocates in Kurdish cities remained special targets for acts of repression, which are regularly faced by the Kurdish minority within the framework of policies of systematic discrimination. The most serious of these assaults came on October 7, when prominent leader Mashaal al-Tammo, the spokesman for the Kurdish Future Movement, was assassinated after armed masked men stormed his home, injuring his son as well.⁵⁵ Al-Tammo was one of the hundreds of detainees and prisoners who were released by presidential amnesty in June 2011.⁵⁶ Throughout the year, Kurdish political activists, rights advocates, writers, and artists continued to be arbitrarily arrested. In February 2011, three Kurds were sentenced to four months in prison by a military judge in al-Qamishli following their conviction on charges of inciting racial tensions after they organized a Kurdish poetry festival.⁵⁷ On January 24, Kurdish artist Abd al-Rahman Mohammed Omar was arrested and taken to an undisclosed location,⁵⁸ while on January 12, Kurdish writer and researcher Hawas Mahmoud was detained upon his return from Turkey to al-Qamishli in the Hasaka governorate. Poet Ibrahim Barakat al-Ahmed was also arrested in al-Hasaka, as was writer Khidr al-Akkari, a resident of al-Silmiya. The latter is thought to have been taken to a detention facility in Damascus.⁵⁹

Kurdish activists with human rights organizations were also arbitrarily detained, among them lawyer Radwan Osman Seydou, a member of the board of the Kurdish Committee for Human Rights in Syria (Rased), who

Suriya," Aug. 25, 2011, <<http://www.aljazeera.net/NR/exeres/C0774B6A-39EB-4A5F-9CED-65D89C7BB827.htm>>.

⁵⁴ Arabic Network for Human Rights Information, "I'tida' wahshi 'ala waliday 'azif al-biyanu Malik al-Jandali," Sep. 21, 2011, <<http://www.anhri.net/?p=39782>>.

⁵⁵ Amnesty International, "Assassination of Syrian Kurdish Leader a 'Dangerous Escalation,'" Oct. 11, 2011, <<http://www.amnesty.org/en/news-and-updates/assassination-syrian-kurdish-leader-%E2%80%98dangerous-escalation%E2%80%99-2011-10-11>>.

⁵⁶ Sooryoon, "al-Marsad al-Suri: al-ifraj 'an Muhannad al-Hasani wa Mash'al al-Tammu."

⁵⁷ Syrian Observatory for Human Rights, "Hukm ta'assufi wa ja'ir 'ala thalathat muwatinin Kurd Suriyin bi-sabab tanzimihim mahrajan shi'r," Feb. 18, 2011, <<http://www.syriahr.com/18-2-2011-syrian%20observatory6.htm>>.

⁵⁸ Syrian Human Rights Information Link, "al-Rasid: i'tiqal al-fannan al-Kurdi Bafi Salah min qibl dawriya amniya majhula," Jan. 25, 2011, <<http://www.shril-sy.info/modules/news/article.php?storyid=5880>>.

⁵⁹ Free Syria, "Istimrar al-i'tiqal al-ta'assufi bi-haqq muwatinin Suriyin," Feb. 14, 2011, <<http://www.free-syria.com/loadarticle.php?articleid=37918>>.

was arrested on August 24 upon his return from Turkey.⁶⁰ Attorney Mohammed Ibrahim Darwish, a member of Rased, was also arrested on September 16.⁶¹ Human rights defender Ayo Jwan, a member of the CDDFHR, disappeared after his home in al-Hasaka was stormed by security forces; his family has obtained no information about the reasons for his arrest or his whereabouts.⁶²

Hope for reform fades:

The Syrian authorities have abjectly failed to prove their seriousness with regards to adopting a democratic reform agenda. It had been hoped that the lifting of the state of the emergency, effective in the country since 1963, would represent an important step in this regard, but on the ground, the bloody suppression of the popular uprising continues, as the security apparatus, army, and *Shabiha* are given free rein to commit atrocities and crimes against humanity without any modicum of accountability. This has made the decision to lift the emergency law utterly worthless. Indeed, the end of the state of emergency and the abolition of the exceptional State Security courts have merely provided a façade of reform, which nevertheless cannot cover a reality in which all that remains of the foundations of the rule of law has utterly disappeared and no legal barrier exists to all manners of repression and abuse.

The Syrian authorities attempted to fill the vacuum left by the ostensible abolition of the exceptional state of emergency by granting additional exceptional prerogatives to the security apparatus under Law 55, which allows security agencies to question and provisionally detain persons for up to one week without a judicial warrant. Under the law, the term of provisional detention may be extended up to 60 days with the approval of the Public Prosecutor. Indeed, the law usurps the statutory authority of the Public Prosecutor and Public Prosecution to investigate certain crimes and pursue their perpetrators, giving them to the security apparatus. A quick

⁶⁰ Arab Organization for Human Rights in Syria, “al-Mutalaba bi-l-ifraj al-fawri ‘an al-zamil al-nashit al-huquqi al-ma’ruf al-muhami Radwan ‘Uthman,”

<<http://www.aohrs.org/modules.php?name=News&file=article&sid=2508>>; and Damascus Center for Human Rights Studies, “al-Mutalaba bi-l-ifraj al-fawri ‘an al-zamil al-nashit al-huquqi al-ma’ruf al-muhami Radwan ‘Uthman Saydu,” Aug. 25, 2011, <<http://www.dchrs.org/news.php?id=383&idC=2>>.

⁶¹ Arabic Network for Human Rights Information, “al-Mutalaba bi-l-ifraj al-fawri ‘an al-nashit al-Suri al-muhami Muhammad Ibrahim Darwish,” Sep. 17, 2011, <<http://www.anhri.net/?p=39416>>.

⁶² Alkarama, “Syria: Political Security Disappear a Young Human Rights Defender from Al Hasakah,” Sep. 26, 2011, <<http://goo.gl/qoUc2>>.

review of these crimes shows that the authorities have preserved the absolute powers of the emergency law that allowed the security apparatus to abuse political opponents and a broad array of persons who exercise their rights to express their opinions, peacefully protest and assemble, and organize and associate. These crimes include those impinging on state security, harming the standing of the state and nationalist sentiment, felonies against the constitution, crimes that undermine national unity or disturb the peace among elements of the nation, and involvement in illegal associations, and demonstrations and riotous assemblies.⁶³

Although the Syrian regime has taken no steps to end the dominance of the ruling Baath Party over politics or its monopoly on power, insofar as remains the leading party under the Syrian constitution, the regime has intimated that it is taking steps toward political pluralism by passing a new political parties law. Yet, the articles of this law do not include real guarantees for the freedom to form parties, as the law gives the Baath Party the right to approve or reject other new parties through a parties committee headed by the interior minister, putting the Baath Party on the same footing as the ruling National Democratic Party in Egypt prior to President Mubarak's ouster. The parties committee also includes three public figures appointed by the president, as well as the Deputy Chief of Justice of the Court of Cassation. The law also adopts the authoritarian method of licensing new parties rather than a system of establishment by notification alone. The amendments to the electoral law contained the same façade of cosmetic reforms. Along the same line as these ostensible reforms, the new law makes a supreme judicial committee responsible for the administration of elections; however, this step is meaningless as long as the executive controls the judiciary and minimum guarantees for judicial autonomy do not exist. The law also preserves the 50 percent legislative quota for workers and farmers, even as worker and farmer candidates must be approved by labor unions and the farmers' federation, both of which are subordinate to the Baath Party.⁶⁴

⁶³ Al-Masry al-Youm, "Hukumat al-Asad tusdir qanun al-intikhabat, wa 41 qatilan wa jarihan," July 28, 2011, <<http://www.almasry-alyoum.com/article2.aspx?ArticleID=305403&IssueID=2210>>; BBC Arabic, "al-Ra'is al-Suri yusdir qararan bi-tashkil lajna li-shu'un al-ahzab," Aug. 22, 2011, <http://www.bbc.co.uk/arabic/middleeast/2011/08/110822_syria_parties.shtml>; and Haitham Maleh Foundation, "al-Khida'," May 6, 2011, <<http://goo.gl/KnaV4>>.

⁶⁴ Hassan Abbas, "The Dynamics of the Uprising in Syria."

Saudi Arabia

The human rights situation in Saudi Arabia continued to be dire throughout 2011, as the government adopted policies to stifle and repress the type of unrest seen in other countries within the region. The authorities adopted strict measures to suppress peaceful demonstrations demanding democratic reforms and a constitutional monarchy, and hundreds of people were harassed or detained for their participation in peaceful demonstrations. These measures even targeted members of the Syrian community in Saudi Arabia who demonstrated against the ongoing massacres in their homeland. The authorities continued to repress reform advocates and human rights defendants, using arbitrary detention, torture, and unfair trials, and they became even less tolerant of dissenting opinions and criticisms in the media. Systematic discrimination against Shiites continued to be a source of increasing tensions in the Eastern Province, which is home to a Shiite majority. Toward the end of the year, these tensions evolved into violent clashes between local residents and security forces because of the arbitrary detention of several prominent Shiite figures and those who took part in peaceful protests. In addition, people were detained by the government as hostages to be used as bargaining chips in order to pressure their relatives to turn themselves in.

Legislation in the kingdom saw no significant positive developments to change its hostile stance towards human rights. On the contrary, legislative changes tended to impose increased restrictions on freedom of expression,

and new counterterrorism legislation under consideration would, if passed, constitute an even greater threat to human rights in the country.

The kingdom took on an expanded role in regional politics in 2011, supporting autocratic leaders and governments in the region, offering shelter to Tunisian despot Zine el-Abidine Ben Ali, and sending Saudi forces to actively participate in quashing the popular uprising in Bahrain.

Affirmations of women's right to vote and run for office in future municipal elections and official expressions of intent to include women as members of the Shura Council will do little to brighten Saudi Arabia's human rights record as long as the paternal system of guardianship for women persists, as seen, for example, in women's inability to obtain passports without the approval of their male guardians.

Negative legislative developments:

The authorities adopted further repressive legislation in 2011. On the pretext of combating terrorism, the authorities drafted a penal law on terrorism crimes and the financing of terrorism.¹ If passed, the law would allow the authorities to detain people for over one year without charge or any legal safeguards for detainees. The text of the law leaves room for the abuse of dissidents and regime critics, mandating a ten-year prison sentence for those who cast aspersions on the integrity of the King or Crown Prince. The law also uses an expansive definition of terrorism crimes—including such things as endangering national unity or defaming the country's reputation or status—which may be interpreted to harass, prosecute, and punish persons for actions that fall squarely under the rubric of freedom of peaceful expression or peaceful protest.²

In May, a royal edict was issued amending the publications law,³ strengthening already restrictive regulations. The amendments aim primarily to protect religious figures from criticism and to circumscribe opinions or ideas that undermine official interpretations of Islamic law. The amendments ban the publication of any materials that violate Islamic law, inflame

¹ To read a copy of the draft law and the report of the security committee on the law, see: <www.amnesty.org/sites/impact.amnesty.org/files/PUBLIC/Saudi%20anti-terror.pdf> and <<http://goo.gl/ZXe9y>>.

² Amnesty International, "Proposed Saudi Anti-Terrorism Law Would Strangle Peaceful Protest," July 21, 2011, <<http://www.amnesty.org/en/news-and-updates/proposed-saudi-arabian-anti-terror-law-would-strangle-peaceful-protest-2011-07-22>>.

³ For the text of the amendments, see "Amr malaki: ta'dil ba'd mawad nizam al-matbu'at wa-l-nashr," 5/25/1432 AH, <<http://www.ksaking.com/news.php?action=show&id=273>>.

sectarian tensions, encourage crime, or advocate undermining the security of the country or the public order. They also prohibit the publication of any documents or materials that harm the reputation of or insult the chief mufti of the kingdom, members of the Council of Senior Religious Scholars, and state employees. Also banned is the publication of any information about investigations or trials without prior permission. The amendments give the Ministry of Culture and Information the right to confiscate or suspend any publication without compensation if it publishes any of these banned items.

The amendments carry penalties including fines, bans on writing in newspapers and other publications, and bans on appearances in satellite media broadcasts. Offending newspapers may be shut down with the approval of the prime minister, and the minister of information has the authority to shut down or block any websites or online newspapers in violation.⁴

The Saudi authorities also imposed further restrictions on the electronic media via the so-called implementing regulations for electronic publication, approved in early 2011. The regulations require all blogs and electronic websites to register with the Ministry of Information and Culture. Under the new regulations, every person who publishes content online, including comments on electronic forums – and even those who send SMS messages via mobile phones – must receive a license, which must be renewed every three years.

Applicants for an electronic publication license must be Saudi nationals, at least 20 years old, and possess a high-school diploma or the equivalent; they must also have a clean record and an email address. The regulations require online newspapers to appoint an editor-in-chief approved by the Ministry, and they impose a fine of 100,000 Saudi riyals (approximately \$26,000) for any blogger who does not obtain a license and allow for the permanent banning of his or her blog.⁵

⁴ Arab Reform Initiative, “Royal Decree Issued to Amend Saudi Media Law,” May 1, 2011, <<http://www.arab-reform.net/spip.php?article4750>>; BBC, “al-‘Ahil al-Sa’udi yu’addil qanun al-matbu’at,” Apr. 30, 2011, <http://www.bbc.co.uk/arabic/multimedia/2011/04/110430_saudi_press.shtml>; download the implementing regulations at <<http://www.info.gov.sa/E-ServicesForm/electronicPublishing.aspx>>.

⁵ BBC, “al-Sa’udiya tufriid quyudan ‘ala-l-nashr al-ilaktruni wa-l-mudawwinat,” Jan. 11, 2011, <http://www.bbc.co.uk/arabic/middleeast/2011/01/110110_saudi_blogging_regulations.shtml>; Arabic Network for Human Rights Information, “al-La’iha al-tanfidhiya li-nashat al-nashr al-ilaktruni fi-l-Sa’udiya muthir li-l-qalaq,” Jan. 14, 2011, <<http://www.anhri.net/?p=22643>>.

Ongoing pressure on human rights defenders and reform advocates:

On March 21, 2011, Mohammed Saleh al-Bejadi, a member of the Saudi Civil and Political Rights Association (ACPRA), was arrested while taking part in a demonstration demanding the release of detainees in front of the Saudi Interior Ministry. Al-Bejadi had previously been imprisoned twice and has been banned from travel for the last three years.⁶ Al-Bejadi was referred to trial in August, after four months of detention in solitary confinement, on charges of supporting the revolution in Bahrain and forming an illegal organization. He was denied contact with his lawyers and family, and motions filed by lawyers to defend him were denied based on the claim that he did not wish to appoint defense counsel but instead wanted to defend himself. Notably, al-Bejadi did not ask to defend himself and was not informed of the presence of the attorneys.⁷

The fate of Syrian publisher and member of the Arab Commission for Human Rights, Alaa al-Din al-Rashi, remained unknown after his disappearance on March 23, 2011, when he was kidnapped in front of the place where he was staying in Riyadh. He had been invited to attend the Riyadh International Book Fair by the Saudi Ministry of Culture and Information as a publisher; his publishing house has released several works by the prominent reformist writer Abdullah al-Hamed calling for the establishment of a constitutional monarchy in Saudi Arabia.⁸

On March 20, activist Mubarak Bin Zuair was arrested after meeting with Mohammed Bin Nayef, the deputy minister of interior for security affairs, to discuss the release of several detainees. The secret police stopped and detained him the next day shortly before his meeting with demonstrators to inform them of the outcome of the meeting.⁹

In early May, rights activist Fadhil Makki al-Manasif was arrested in al-Awwamiya in the Eastern Province. It was suspected that his arrest was linked to his writings on human rights abuses in the kingdom, violations

⁶ Human Rights First Society, "HRFS Calls for the Immediate Release of Mr. Mohamed Albjadi," Mar. 23, 2011, <https://acrobat.com/app.html#d=5W3Pgr*WKvLEGOk4zIC*Hw>.

⁷ Alkarama, "al-Sa'udiya: al-muhakama al-sirriya li-l-sayyid Muhammad Salih al-Bijadi," Sep. 6, 2011, <<http://goo.gl/j4I7G>>.

⁸ HRFS, "Immediate Freedom for the Syrian Publisher Dr. Alaaeddin al-Rashi," Mar. 23, 2011, <<https://acrobat.com/app.html#d=7JOTmFiIHNvSaZBLi96brg>>.

⁹ HRFS, "HRFS Strongly Condemns the Illegal Arrest of Dr. Mubarak Bin Zuhair on March 20, 2011," Mar. 30, 2011, <<https://acrobat.com/app.html#d=7JOTmFiIHNvSaZBLi96brg>>.

targeting Shiites, and detentions of peaceful demonstrators.¹⁰ Al-Manasif was released in August 2011 only to be arrested again on October 2, when he was taken to the General Intelligence prison in Dammam. It is feared that he may be subjected to torture, particularly since he has not been permitted to contact his attorney or receive visits from his family.¹¹

On July 8, the Saudi authorities detained Dr. Yousuf al-Ahmad, a religious scholar and academic at the Imam Muhammad Ibn Saud Islamic University, after his criticism of the government - particularly for its practices of arbitrary arrest - in a video made public on YouTube. Al-Ahmad criticized the long-term detention of security suspects without charge or trial, as well as the arrest of women peacefully protesting the long-term detention of their male relatives.¹²

On September 11, the trial of rights activist Waleed Abulkhair began; Abulkhair is accused of insulting the judiciary, contacting foreign bodies, demanding a constitutional monarchy, participating in defamatory media programs, and inciting public opinion against the public order. He is a prominent reform advocate who in February 2011 gathered thousands signatures on a petition calling for change and democratic reform.¹³

On September 26, 2011, the Saudi authorities detained social activist Ali Hussein al-Dubaisi. He was stopped at a checkpoint at the northern entrance of al-Awwamiya, located in the eastern part of the country, and his car was thoroughly searched before he was taken to an undisclosed location.¹⁴

Torture:

Murad al-Mukhlif, a detainee in the Dammam prison, was subjected to severe physical torture, including beatings with wooden canes on his back

¹⁰ Human Rights Watch, "Saudi Arabia: Rights Activist, Bloggers Arrested," May 2, 2011, <<http://www.hrw.org/en/news/2011/05/03/saudi-arabia-rights-activist-bloggers-arrested>>.

¹¹ Amnesty International, "Saudi Arabia Detains Human Rights Activist Again," Oct. 14, 2011, <<http://www.amnesty.org/en/news-and-updates/saudi-arabia-detains-human-rights-activist-again-2011-10-14>>.

¹² Human Rights Watch, "Saudi Arabia: Free Islamic Scholar Who Criticized Ministry," July 14, 2011, <<http://www.hrw.org/news/2011/07/14/saudi-arabia-free-islamic-scholar-who-criticized-ministry>>.

¹³ Committee for the Defense of Human Rights in the Arabian Peninsula, "Mahkama Sa'udiya tattahim al-muhami Abu al-Khayr bi-l-mutalaba bi-malakiya dusturiya," Sep. 12, 2011, <<http://goo.gl/OaHXY>>; Amnesty International, "Saudi Activist Defiant in Face of State Intimidation," Sep. 14, 2011, <<http://www.amnesty.org/en/news-and-updates/saudi-activist-defiant-face-state-intimidation-2011-09-14>>.

¹⁴ CDHRAP, "al-Sultat al-Sa'udiya ta'taqil al-nashit al-Dubaysi al-Hajj Al Yasin," Sep. 27, 2011, <<http://goo.gl/FaSvB>>.

and being bound in painful positions for long periods, which eventually caused paralysis of his legs. His family was also threatened with arrest after they demanded that the authorities investigate the torture and filed a complaint with the grievance office of the Administrative Court.¹⁵

Rights activist Mekhlef al-Shammari was also tortured in prison as punishment for filing a complaint about the conditions of his imprisonment. He was informed that he would be moved to the prison hospital for a medical examination, but he was actually taken to a room in the prison where he was restrained and beaten until he lost consciousness. An officer then poured a chemical disinfectant down his throat, which led to the deterioration of his condition and required his admittance to the prison hospital. The hospital recorded his case as an attempted suicide and placed him in solitary confinement under even more severe conditions.¹⁶

Three detainees—Fadel Ali al-Suleiman, Raed Abd al-Mohsen al-Abd al-Karim, and Mohammed Nabil al-Mohammed Saleh—were subjected to extreme sectarian abuse and torture. They were forced to confess that they had attacked a riot policeman during demonstrations in the country in March 2011. The three were among 53 demonstrators arrested at that time. They were detained until September 2011. The bones of al-Suleiman’s hands were reportedly crushed due to the severity of the beatings he endured.¹⁷

Right to peaceful assembly:

Despite severe restrictions on the right to peaceful assembly and protest, protests and demonstrations increased in Saudi Arabia with the wave of democratic uprisings and protests demanding political change and socioeconomic reforms in other Arab countries.

The demonstrations began in Jeddah, in protest of government mismanagement of the floods earlier in the year. The Saudi government surrounded the demonstrators and arrested some 50 people.¹⁸ The Interior Ministry then imposed a ban on demonstrations, claiming that they violate Islamic law and stating that security forces were authorized to take all

¹⁵ Alkarama, “Saudi Arabia: A Detainee Paralyzed Following Severe Acts of Torture,” Aug. 5, 2011, <<http://goo.gl/CkTCC>>.

¹⁶ Alkarama, “Saudi Arabia: 56-Year-Old Human Rights Defender, Mokhlif al-Shammari, Still Illegally Detained and Tortured,” Aug. 23, 2011, <<http://goo.gl/tS7Ki>>.

¹⁷ CDHRAP, “Istimrar ihtijaz thalathat muwatinin mundh masirat Maris fi-l-Ahsa,” Sep. 13, 2011, <<http://goo.gl/HmH8l>>.

¹⁸ Arabian Business, “Jidda: i’ tiqal al-‘asharat ba’d ihtijajat ghayr masbuqa bi-sabab al-suyul,” Jan. 26, 2011, <<http://arabic.arabianbusiness.com/society/politics-economics/2011/jan/28/49982/>>.

measures to prohibit attempts to undermine the regime. A statement from the spokesman of the Interior Ministry said that existing regulations in the kingdom ban absolutely all types of demonstrations, marches, or sit-ins, as well as calls for them, as these are incompatible with the principles of Islamic law and the values and customs of Saudi society.¹⁹ The authorities also printed 1.5 million copies of a statement issued by the Council of Senior Religious Scholars declaring demonstrations in the kingdom illicit, as a means of encouraging Saudis to reject the idea of demonstrations and steer clear of them.²⁰

During the demonstrations of March 2, the authorities arrested some 220 people, about 30 of whom were still detained more than six months later.²¹ The detainees included several minors between 14-17 years of age, some of whom were detained for nearly two months.²² Demonstrators were reportedly met with tear gas and live ammunition, leading to numerous injuries among protestors, who were taken to hospitals.²³

The demonstrations, which were crushed some two months after they erupted, were able to spread to several cities, including al-Qatif, al-Ahsa, and Riyadh.²⁴ Causes promoted by these protests ranged from demands for reform to demands for the release of detainees.

On July 3, 2011, 15 women and 5 children were arrested outside the Interior Ministry building while again assembling to demand fair trials for their relatives, who had been detained without trial for long periods, some up to ten years. All but two of the women and children were released after being

¹⁹ BBC, "al-Sa'udiya: al-ihitijajat mamnu'a li-annaha 'tu'arid al-shari'a'," Mar. 5, 2011, <http://www.bbc.co.uk/arabic/middleeast/2011/03/110305_saudi_protest_ban.shtml>.

²⁰ al-Ittihad, "al-Sa'udiya tatba' 1.5 milyun nuskha min fatwa tahrim al-tazahur," Mar. 30, 2011, <<http://www.alittihad.ae/details.php?id=30117&y=2011>>; Asharq al-Awsat, "Hay'at kubar al-'ulama fi-l-Sa'udiya tuharrim al-muzaharat fi-l-bilad," Mar. 7, 2011, <<http://www.aawsat.com/details.asp?section=4&issueno=11787&article=611299>>.

²¹ CDHRAP, "Itlaq thamaniya min al-mu'taqalin 'ala khalfiyat al-masirat al-silmiya fi-l-Qatif," Sep. 25, 2011, <<http://goo.gl/YADec>>; BBC, "Tawqif 16 shakhsan sharaku bi-tazahur li-l-mutalaba bi-l-ifraj 'an mu'taqalin," Mar. 4, 2011, <http://www.bbc.co.uk/arabic/middleeast/2011/03/110304_saudi_protests.shtml>; France 24, "Tazahura fi sharq al-mamlaka ghadat i'tiqalat fi sufuf al-Shi'a," Mar. 4, 2011, <<http://www.france24.com/ar/20110304-saudi-arabia-demonstration-hundreds-east-shiits-arrestations-anger>>.

²² CDHRAP, "Saudi Security Authorities Released Shiite Juveniles and Arrested Other Citizens," May 23, 2011, <<http://goo.gl/Vch3Z>>.

²³ France 24, "Saudi Police Wound 3 Shiite Protestors: Witness," Mar. 10, 2011, <<http://www.france24.com/en/20110310-saudi-police-wound-3-shiite-protesters-witness>>.

²⁴ Rasid "al-I'lan 'an waqf al-masirat al-ihitijajiya fi-l-Qatif," May 14, 2011, <<http://rasid108.homeip.net/artc.php?id=44352>>.

forced to sign a pledge not to protest again. The two remaining women—Rima Abdul Rahman al-Jareesh, a member of ACPRA, and Sharifa al-Saqaabi—had both signed a petition demanding reforms in the country.²⁵

On September 24, Saudi security forces arrested seven people, including three women, after a sit-in in front of the Eastern Province Directorate to demand the release of their forgotten relatives, detained by the Interior Ministry without trial or charges since 1996 following the bombing of a US military barracks in Khobar. These Shiite detainees were released two days after their arrest.²⁶

On August 12, security forces arrested 164 Syrian nationals residing in Saudi Arabia after they organized a peaceful demonstration in Riyadh to condemn the crackdown on demonstrators in Syria.²⁷

Freedom of expression:

The Saudi authorities continued to monitor and block websites that publish material they do not like. The blog of Saudi activist Omaima al-Najjar was blocked on May 22 after she expressed her solidarity with activist Manal al-Sharif, who was arrested for driving as part of a campaign to win women the right to drive in the kingdom. On her blog, al-Najjar published a statement signed by more than 200 activists demanding the release of al-Sharif.²⁸

The website of Amnesty International was also blocked less than a week after the organization published criticisms of the proposed repressive counterterrorism law on July 22.²⁹

²⁵ Amnesty International, “Saudi Arabia Detains Women Protestors,” July 4, 2011, <<http://www.amnesty.org/en/news-and-updates/saudi-arabia-detains-women-protesters-2011-07-04>>.

²⁶ CDHRAP, “Sultat al-kayan al-Sa’udi ta’taqil ‘adad min al-sayyidat i’tasamu amam imarat al-Sharqiya,” Sep. 25, 2011, <<http://goo.gl/SFhKE>>.

²⁷ Syrian Observatory for Human Rights, “al-Marsad al-Suri yunashid al-‘ahil al-Sa’udi al-ifraj ‘an Suriyin tazaharu fi-l-Riyad,” Aug. 25, 2011, <<http://www.syriahr.com/25-8-2011-syrian%20observatory.htm>>; al-Watan Online, “I’tiqal mutazahirin Suriyin fi-l-Sa’udiya,” Aug. 25, 2011, <http://www.alwatanonline.com/policy_news.php?kind=2&id=2314>.

²⁸ ANHRI, “al-Sa’udiya: al-sultat lam tata’ allam ba’d lughat al-hiwar wa la tujid siwa al-man’ wa-l-hajb,” May 25, 2011, <<http://www.anhri.net/?p=32224>>.

²⁹ BBC, “Tasa’ud al-intiqadat li-mashru’ qanun al-irhab fi-l-Sa’udiya,” July 26, 2011, <http://www.bbc.co.uk/arabic/middleeast/2011/07/110726_saudi_terror_law.shtml>; Amnesty International, “Amnesty International Website ‘Blocked in Saudi Arabia,’” July 25, 2011, <<http://www.amnesty.org/en/news-and-updates/amnesty-international-website-%E2%80%98blocked-saudi-arabia%E2%80%99-2011-07-25>>.

The rights of many media workers and holders of dissenting opinions continued to be violated. On January 26, Syrian national Bashar Mehrez Abboud, an editor at *My Mobile* magazine, was arrested from his office in Riyadh after he published an article about a Syrian activist calling for the end of emergency law in Syria.³⁰

On March 11, Khaled al-Johani was arrested after an interview he gave with BBC³¹ in which he discussed how he felt after taking to the streets in response to the call for demonstrations and how he no longer feared the threats against demonstrators. During the interview he predicted that he would be arrested, and he was indeed detained from his home later the same day.³²

On March 15, the authorities revoked the press accreditation of journalist Ulf Laessing, a Reuters correspondent in Riyadh, which forced him to leave Saudi territory. The government claimed that Laessing's coverage of the peaceful protests in the country was inaccurate.³³ The Saudi authorities also placed an open-ended ban on three critical journalists with *al-Watan*, offering no reason for the measure. The three journalists—Amal Zahid, Aameera Khashghari, and Adwan al-Ahmari—had written about the political unrest in the region before being banned.³⁴

Sheikh Hamad al-Majed, a professor of jurisprudence at the Faculty of Islamic Law of al-Imam University, was arrested on March 23 because of an article he wrote entitled, “What if Saudis Said: The People Want the Fall of the Regime?”³⁵

Saudi security forces also arrested liberal writer Nadhir al-Majid on April 17 at his place of work and again later his home. The forces confiscated his personal computer and some personal items, although no charges have been brought against him as of the time of this writing. These measures are the result of an article he wrote on April 2 titled “I Protest, Therefore I Am,” in

³⁰ Human Rights Watch, “Saudi Arabia: Arrests for Peaceful Protest on the Rise,” Mar. 27, 2011, <<http://www.hrw.org/en/news/2011/03/27/saudi-arabia-arrests-peaceful-protest-rise>>.

³¹ Interview conducted on Mar. 11, 2011, see <<http://www.youtube.com/watch?v=UQEIH-0WMmw>>.

³² Human Rights Watch, “Saudi Arabia: Dissident Writer Arrested,” Apr. 20, 2011, <<http://www.hrw.org/news/2011/04/20/saudi-arabia-dissident-writer-arrested>>.

³³ IFEX, “Mob Damages Press in Bahrain; Saudis Oust International Reporter,” Mar. 15, 2011, <http://www.ifex.org/bahrain/2011/03/16/al_wasat_stormed/>.

³⁴ Ibid.

³⁵ CDHRAP, “Sultat al-kayan al-Sa’udi al-amniya ta’taqil al-shaykh Hamad al-Majid,” Mar. 28, 2011, <<http://goo.gl/fZ52R>>.

which he criticized the Saudi government's policy on demonstrators. He was detained in solitary confinement for five full months.³⁶

In late July, the Saudi authorities banned Sheikh Salman Bin Fahd al-Ouda, the deputy secretary-general of the International Union of Muslim Scholars, from leaving the kingdom after he expressed support for the Arab revolutions. Prior to that, his religious television program was banned, at which time MBC refused to continue to carry the program and the Iqra channel refused to host it under pressure from the Saudi government; when he agreed to present a program on the Egyptian Hayat channel, he was banned from travel.³⁷

In October 2011, the authorities detained Firas Baqna, Hussam al-Nasser, and Khalid al-Rasheed, the team behind YouTube video channel "Mala'ub 'alayna", after one episode of their show, aired on October 10, addressed poverty in the kingdom.³⁸

On February 16, at least five men were arrested after they attempted to receive legal recognition for the first Saudi political party. The arrest came one week after they filed an application for recognition of the Islamic Umma Party with the Royal Court and the Shura Council, despite the fact that Saudi Arabia does not permit the establishment of political parties. The arrestees included Dr. Ahmed Bin Saad al-Ghamidi, Sheikh Abd al-Aziz al-Wuhaibi, Sheikh Mohammed Bin Hussein al-Qahtani, university professor Mohammed Bin Nasser al-Ghamidi, and Walid al-Majid. They were asked to sign a pledge withdrawing their names from the party's founding document, but they refused.³⁹

Systematic discrimination against Shiites:

Shiites in the kingdom, who constitute approximately 15 percent of the Saudi population, continue to face manifold forms of systematic discrimination, particularly in obtaining employment with the government,

³⁶ HRFS, "Urgent: Immediate Freedom for the Writer and Intellectual Alsaeed Natheer Almagid," Apr. 19, 2011, <<https://acrobat.com/app.html#d=Xg0E1nx3FV6H5PzbUa4Icg>>; Reuters, "Saudi Arabia Arrests Shi'ite Writer After Protests," Apr. 19, 2011, <<http://in.reuters.com/article/2011/04/19/idINIndia-56432920110419>>; "Saudi Arabia: Dissident Writer Arrested."

³⁷ Rasid, "al-Sa'udiya tamna' al-shaykh al-'Awda min al-safar li-ta'yidihi al-thawrat al-'Arabiya," July 31, 2010, <<http://www.rasid.com/artc.php?id=45375>>.

³⁸ ANHRI, "al-Shabaka al-'Arabiya tastankir istimrar khanq hurriyat al-ta'bir fi-l-Sa'udiya," Oct. 18, 2011, <<http://www.anhri.net/?p=41827>>.

³⁹ Human Rights Watch, "Saudi Arabia: Free Political Activists," Feb. 19, 2011, <<http://www.hrw.org/news/2011/02/19/saudi-arabia-free-political-activists>>.

education, and the occupation of high-level government and security positions. The government has no Shiite ministers, and only 3 of the 150 members of the Saudi Shura Council are Shiites. Restrictions are maintained on the construction on mosques and *husseiniyat*, and the government does not allow such sites to reopen after they have been ordered to close. Shiites are prohibited from holding religious celebrations, congregating outside *husseiniyat*, and using microphones. If they do, they are subjected to assaults by the security authorities and arbitrary arrest. The growing pressure on the Shiite community at the end of the year threatened to prompt violent clashes with the authorities.

During the peaceful protests in the kingdom in 2011, particularly in the Eastern Province, the majority of those arrested were Shiites, who accounted for 150 out of 220 detainees.⁴⁰

A summary court in Qatif sentenced Shiite citizen Mohsen Ali al-Uqayli to 90 days in prison after he wrote slogans in support of the Islamic resistance in Lebanon on the windows of his car. The judge gave him the three-month sentence for writing “sectarian slogans.”⁴¹

The Saudi security authorities arrested Sheikh Tawfiq Jabir Ibrahim al-Amer on February 27 while on his way home from performing the prayer. According to his brother, al-Amer was taken to the General Intelligence Directorate. Al-Amer, a Shiite religious leader in the al-Ahsa region, had given a sermon a few days prior to his arrest advocating a constitutional monarchy for the kingdom.⁴² The authorities were forced to release al-Amer on March 6 after a wave of demonstrations swept al-Qatif and al-Ahsa in the Eastern Province,⁴³ but he was again detained on August 3 on charges of inciting public opinion, due to statements he made in a Friday sermon at a mosque in al-Hofuf.⁴⁴

⁴⁰ US Commission on International Religious Freedom, Annual Report 2011, May 2011, <<http://www.uscirf.gov/images/book%20with%20cover%20for%20web.pdf>>.

⁴¹ CDHRAP, “al-Sajin 90 yawman li-l-muwatin al-Shi’i Muhsin ‘Ali al-‘Uqayli li-kitabatihi shi’arat tumajjid al-muqawama al-Lubnaniya,” Jan. 9, 2011, <<http://goo.gl/gMzXr>>.

⁴² Rasid, “al-Sultat al-Sa’udiya tutliq sarah da’iyat huquq al-insan al-shaykh Tawfiq al-‘Amir,” Mar. 6, 2011, <<http://www.rasid.com/artc.php?id=43227>>.

⁴³ BBC, “al-Sultat al-Sa’udiya tufrij ‘an rajul din Shi’i mu’arid,” Mar. 7, 2011, <http://www.bbc.co.uk/arabic/middleeast/2011/03/110306_saudi_demo.shtml>.

⁴⁴ Amnesty International, “Shi’a Cleric Held in Saudi Arabia for ‘Inciting Public Opinion,’” Aug. 11, 2011, <<http://www.amnesty.org/en/news-and-updates/shia-cleric-held-saudi-arabia-inciting-public-opinion-2011-08-11>>.

The government also detained Shiite citizen Abdullah Mohammed al-Mabyouq on June 9, 2011. He has not been charged or tried and has been denied all visits; his fate remains unknown.⁴⁵

Clashes in the Eastern Province in October 2011 indicate the possibility of a turn to violence if the authorities continue their policy of arbitrarily arresting peaceful Shiite protestors and continue to resort to collective punishment by arresting the relatives of wanted persons. In clashes in the Shiite-majority town of al-Awwamiya on October 3 and 4, 11 security personnel and three local residents, among them two women, were injured. The clashes erupted after two elderly Shiite residents were detained to pressure their sons to turn themselves in to the police. The men are wanted in connection with the peaceful demonstrations which took place in the Eastern Province earlier in the year.⁴⁶

Discrimination against women:

Women still face legal and customary discrimination and remain subject to male custodianship in their personal lives. Women are not permitted to leave the country or receive treatment in a hospital without the approval of a male guardian.⁴⁷ Women are also prohibited from working in numerous fields and are denied many rights, particularly political rights.⁴⁸

In a departure from the norm, the Saudi monarch affirmed his rejection of the marginalization of women, announcing that Saudi women will be admitted to membership in the Shura Council starting with the assembly's next term and will be permitted to vote and run for office in future municipal elections.⁴⁹ However, women were not allowed to run for office in the municipal elections held on September 29.

⁴⁵ CDHRAP, "The Saudi Authorities Arrested the Shi'a Citizen Abdullah Mohammad al-Mabyouq," July 30, 2011, <<http://goo.gl/2Bmkz>>.

⁴⁶ Human Rights Watch, "Saudi Arabia: Stop Arbitrary Arrests of Shia," Oct. 11, 2011, <<http://www.hrw.org/news/2011/10/11/saudi-arabia-stop-arbitrary-arrests-shia>>.

⁴⁷ US Commission on International Religious Freedom, Annual Report 2011.

⁴⁸ Deutsche Welle, "al-Ibqa' 'ala iqsa' al-Sa'udiyat 'an al-musharaka fi-l-intikhabat al-baladiya," Mar. 28, 2011, <<http://www.dw-world.de/dw/article/9799/0,,14950529,00.html>>; Human Rights Watch, "Saudi Arabia: Let Women Vote, Run for Office," Mar. 31, 2011, <<http://www.hrw.org/en/news/2011/03/31/saudi-arabia-let-women-vote-run-office?print>>.

⁴⁹ Reuters, "'Ahil al-Sa'udiya yaqul inna al-nisa' sayakun lahunna dawr siyasi," Sep. 25, 2011, <<http://ara.reuters.com/article/topNews/idARACAE78O0DB20110925>>; BBC, "al-'Ahil al-Sa'udi: al-qiyada aqarrat musharakat al-mar'a fi majlis al-shura wa-l-intikhabat al-baladiya," Sep. 25, 2011, <http://www.bbc.co.uk/arabic/middleeast/2011/09/110925_saudi_king.shtml>.

Women are still denied the right to drive in Saudi Arabia. On May 22, Manal al-Sharif, a women's rights activist, was arrested while driving as part of a campaign to win the right of women to drive in the kingdom. The campaign urged women to start driving on June 17 using licenses issued in foreign countries. Although no law in the kingdom explicitly prohibits women from driving, it requires a locally issued license, which women are denied.⁵⁰

Despite these violations of women's rights and a record replete with systematic discriminatory practices against women, Saudi Arabia is a member of the body established by the UN to promote women's rights.⁵¹

Only days after King Abdullah Bin Abd al-Aziz announced that women would be permitted to vote in 2015, a Saudi court sentenced a woman to ten lashes for violating the ban on driving.⁵² The Saudi king pardoned her after rising criticism, especially given the timing of the verdict and sentence.⁵³ In addition, six Saudi girls between the ages of 12-18 were sentenced to ten lashes each after their conviction on charges of striking the director of the orphanage in which they reside.⁵⁴

⁵⁰ BBC, "al-Qabd 'ala Sa'udiya li-qiyadatiha sayyara raghm al-hazr al-mafrud," May 22, 2011, <http://www.bbc.co.uk/arabic/middleeast/2011/05/110522_saudi_driving.shtml>.

⁵¹ Asharq al-Awsat, "al-Umam al-muttahida tastab'id Iran wa takhtar al-Sa'udiya fi majlis huquq al-mar'a," Nov. 11, 2010, <<http://www.aawsat.com/details.asp?section=4&article=594806&issueno=11671>>.

⁵² BBC, "Hukm bi-l-jald 'ala imra'a Sa'udiya li-qiyadatiha al-sayyara," Sep. 27, 2011, <http://www.bbc.co.uk/arabic/middleeast/2011/09/110926_saudi_women_lashes.shtml>.

⁵³ BBC, "al-Sa'udiya: al-'afw 'an al-mar'a al-lati hukimat bi-l-jald bi-tuhmat qiyadat al-sayyara," Sep. 28, 2011, <http://www.bbc.co.uk/arabic/middleeast/2011/09/110929_saudi_women_amnesty.shtml>.

⁵⁴ Reuters, "Jald sitt fatayat Sa'udiyat li-muhajamatihunna mudirat dar al-yatimat al-lati yaqumna biha," May 10, 2011, <<http://ara.reuters.com/article/topNews/idARACAE7490PX20110510>>.

Bahrain

The human rights situation in Bahrain in 2011 witnessed unprecedented deterioration at almost all levels, especially in light of the repressive retaliatory action aimed at crushing the popular uprising which demanded far-reaching democratic reforms, including punishing those who participated in or supported the demonstrations and peaceful sit-ins. The crackdown on the uprising was directly supported by Saudi Arabian and Emirati military and security forces, which ostensibly intervened in the country to “maintain stability and secure vital institutions.”

The most significant feature of the decline in human rights was seen in the suppression of peaceful protests through excessive force, which killed more than 30 people, the intensification of the practice of torture inside detention facilities, and the establishment of an exceptional military court before which hundreds of political activists and prominent rights advocates were tried, some of whom received life terms in prison and even the death sentence. Massive pressure was brought to bear on freedom of expression, as websites were shut down, publications banned, and journalists arrested; two journalists were killed in mysterious circumstances shortly after their detention. A state of emergency was imposed under Royal Edict 18/2011, calling it a “state of national safety.” The edict gave broad powers to the general commander of the Bahrain Defense Force to preserve the “safety of the nation”, including the authority to issue arrest and search warrants, evacuate or isolate certain areas, restrict the freedom of assembly and movement, prohibit gatherings, deport foreigners, censor and restrict various

media, suspend the activities of associations on the grounds of inciting to strife or civil disobedience, and revoke the citizenship of Bahrainis and deport them from the country.¹

Human rights defenders faced increased threats and abuses, including unfair trials, physical attacks, and torture. Masked men and riot police raided the homes of rights defenders, and some of their homes were pelted with tear gas canisters. Retaliatory acts included arbitrary dismissals or suspensions from work for thousands of citizens thought to have supported the popular uprising. Numerous academics and students were also denied the right to study or recalled from their study-abroad programs. The reinstatement of workers, academics, and students was dependent on their signing pledges declaring their loyalty to the king and the government and promising to refrain from joining any activities of a political nature.

During this year, it was the Shiite community that bore most of the violations and retaliatory acts that accompanied the crackdown on the pro-democracy uprising, as they were the most heavily involved in supporting it. Little relief was offered by the royal amnesty issued early in the year for 23 political and rights activists who had been prosecuted in unfair trials prior to the 2010 parliamentary elections; only a few weeks later, most of them had been targeted in renewed detentions, referrals to military courts, or various other types of hostile practices aimed at harassing those involved in or supportive of the Bahraini uprising. The formation of the Bahrain Independent Commission of Inquiry (BICI) in June 2011 has done little to ensure progress on human rights reform or address rights violations. The violations to be investigated by the commission continued even after the commission had been formed and began operations. Nor was the formation of the commission accompanied by any indication that the authorities had adopted different policies, particularly regarding the release of prisoners of conscience or the hundreds detained without trial, amnesty for those convicted before the exceptional courts or at least a retrial before the courts of rightful jurisdiction, or the suspension of campaigns aimed at forcing broad swathes of the population to sign oaths of loyalty and refrain from any sort of political activity. Nevertheless, the final report issued by the BICI remains significant, as the Bahraini authorities will find it difficult to cast doubt on its conclusions. The report condemned the excessive use of force against civilians and the use of torture or other forms of deliberate physical or psychological abuse against many detainees with the goal of punishing them, taking vengeance, or extracting specific confessions from them. The

¹ Report of the Bahrain Independent Commission of Inquiry, Dec. 10, 2011, <files.bici.org.bh/BICIreportEN.pdf>; the text of Royal Edict 18/2011 can be viewed at <<http://www.fajrbh.com/vb/showthread.php?t=18107>>.

report also condemned the lack of accountability and, consequently, the prevalence of a culture of impunity within the security apparatus. The report urged the Bahraini authorities to publicly respond to the commission's recommendations, especially regarding the establishment of an independent, impartial mechanism that would guarantee accountability for crimes and abuses committed since the eruption of the Bahraini uprising, fairly compensate victims of these abuses, and void the sentences and charges against hundreds of individuals due to their exercise of the freedom of political expression, assembly, and peaceful protest.² However, the Commission's findings have largely been ignored by the government in terms of policy creation, with little or no enforcement and implementation of its recommendations.

Suppression of peaceful popular protests:

At least 33 people were killed in 2011 as a result of excessive force used against peaceful demonstrators since the beginning of the widespread popular protests on February 14, 2011. The protests advocated reforms leading to the establishment of a democratic constitutional monarchy that would entrench the separation of powers and promote the principles of citizenship, equality, and non-discrimination. Since the protests began, Bahraini security forces have used excessive force against demonstrators, including beatings, rubber bullets, birdshot, tear gas, and hot water, to disperse the crowds,³ killing seven people between February 14-21 and injuring dozens of other protestors.⁴ Among the injured were medics attempting to aid wounded protestors in or near the Pearl Roundabout. Security forces and the army opened fire without warning on a group preparing to pray near the Pearl Roundabout. Security forces also prevented ambulances from reaching the square, and some medics were threatened that they would be shot.⁵ Paramedics who attempted to help the wounded the morning of the same day were beaten and assaulted by riot police. As the protests intensified, Saudi Arabia sent in 1,000 troops at the behest of the government of Bahrain; they arrived in tandem with police forces sent by the UAE. On March 13, security forces, riot police, and a group of thugs armed

² Ibid.

³ Annasr Online, "Isabat al-'asharat khilal qam' muzaharat jadida fi-l-'asima al-Bahrayniya," Mar. 13, 2011, <<http://goo.gl/DJSHa>>.

⁴ Human Rights Watch, "Bahrain: Hold Perpetrators of Crackdown Accountable," Feb. 28, 2011, <<http://www.hrw.org/news/2011/02/28/bahrain-hold-perpetrators-crackdown-accountable>>.

⁵ Human Rights Watch, "Army, Police Fire on Protestors," Feb. 18, 2011, <<http://www.hrw.org/news/2011/02/18/bahrain-army-police-fire-protesters>>.

with swords, wooden planks, and iron rods attacked those occupying the Pearl Roundabout and the University of Bahrain, with security forces using tear gas canisters, clubs, rubber bullets, and birdshot. More than 1,000 protestors were wounded, some with serious injuries such as skull fractures, serious eye injuries, and broken bones and other wounds in various parts of their bodies.⁶ Ambulances were also destroyed and paramedics attacked. On March 15, the King of Bahrain declared a general state of emergency for three months. The next day, security forces broke up the sit-in and forcibly evacuated the roundabout, using tanks, water cannons, and helicopters and opening fire on demonstrators, killing at least six people and injuring hundreds. During these two days, the army and riot police denied the injured access to health centers and hospitals, and the Bahrain Defense Force declared a curfew in several areas of the kingdom from 4 pm to 4 am.⁷

Reports documented the widespread targeting of health workers, medical facilities, the sick, and the injured suspected of taking part in the demonstrations and sit-ins.

Medics were prevented from aiding the wounded, while doctors and nurses were charged with participating in criminal activities such as anti-government demonstrations. Several hospitals were surrounded, including the Suleimaniya Medical Complex, the largest public hospital in the country, where tanks were deployed at the entrance. Ambulances were prevented from entering or exiting, and tear gas canisters, rubber bullets, and birdshot were fired at the complex's entrances and windows, as well as those of several other medical centers. The Suleimaniya Medical Complex and other medical centers were effectively converted into detention centers, as security forces moved the injured within and between hospitals without consulting doctors and detained them in isolation from the outside world. Some of the injured were even tortured inside hospitals, and medics were intimidated to prevent them from publicly discussing the abuses they saw at health institutions. Doctors and medics were also arrested and prosecuted. A total of 48 medical personnel, most of them from the Suleimaniya Medical Complex, were referred to a military trial.⁸ On September 29, the court

⁶ Bahrain Human Rights Society, "Taqrir mushtarak bayn al-jam'iyah al-Bahrayniyah li-l-shafafiya wa-l-jam'iyah al-Bahrayniyah li-huquq al-insan hawl ahdath 13 Maris (Adhar) 2011," Mar. 13, 2011, <<http://www.bhrs.org/viewnews/15/89/statements.aspx>>.

⁷ Amnesty International, "Ensuring Accountability for Excessive Force and Protection for Protestors," Mar. 24, 2011, <<http://www.amnesty.org/en/appeals-for-action/bahrain-ensuring-accountability-excessive-force-and-protection-protesters>>.

⁸ Human Rights Watch, "Bahrain: Systematic Attacks on Medical Providers," July 18, 2011, <<http://www.hrw.org/news/2011/07/18/bahrain-systematic-attacks-medical-providers>>.

convicted 20 medical providers, sentencing them to prison terms of 5 to 15 years.⁹

Broad assault on human rights defenders:

On April 9, 2011, Abdul Hadi al-Khawaja, the former Arab world coordinator for Front Line Defenders and the former president of the Bahrain Center for Human Rights (BCHR), was arrested by masked police officers from his daughter's home in Manama. According to the testimony of al-Khawaja's oldest daughter, her father was brutally beaten until he lost consciousness, after which he was taken to an undisclosed location along with two of his sons-in-law. His third son-in-law, Mohammed al-Maskati, the president of the Bahrain Youth Society for Human Rights (BYSHR), was also brutally beaten, as was al-Khawaja's oldest daughter, who tried to intervene to protect her father.¹⁰ Abdul Hadi al-Khawaja was brought before an exceptional military court on May 8, charged with attempting to forcibly overthrow the regime in cooperation with a terrorist organization working for a foreign nation, receiving funds from a foreign terrorist organization, insulting the army, disseminating false news and rumors that threaten public security, inciting sectarianism, and organizing and participating in marches without the necessary permits. At the trial, Al-Khawaja bore clear signs of ill treatment and torture.¹¹ On June 22, the National Safety Court sentenced al-Khawaja to life imprisonment.¹² Twenty other political dissidents and human rights defendants were also convicted on charges of participating in a terrorist organization working to forcibly overthrow the regime in the Kingdom of Bahrain and spying for a terrorist organization working for foreign nations. Seven of them received life sentences, ten of them were sentenced to 15 years in prison, and three received five-year prison sentences.¹³

On March 20, some 25 masked civilians armed with rifles, supported by dozens of riot police, raided the home of Nabeel Rajab, the president of the BCHR. They searched the house, overturned his belongings, and confiscated his personal computer and some files related to human rights. Rajab was

⁹ Report of the Bahrain Independent Commission of Inquiry.

¹⁰ CIHRS, "al-Bahrayn: istimrar hamalat al-qam' didd al-mudafi' in 'an huquq al-insan," Apr. 12, 2011, <<http://www.cihrs.org/Arabic/NewsSystem/Articles/2834.aspx>>.

¹¹ Human Rights Watch, "Bahrain: Activist Bears Signs of Abuse," May 10, 2011, <<http://www.hrw.org/news/2011/05/10/bahrain-activist-bears-signs-abuse>>.

¹² CIHRS, "Bahraini Authorities Continue to Abuse Human Rights Advocates, Doctors, and Reformers in the Absence of International Accountability," June 28, 2011, <<http://www.cihrs.org/?p=2070&lang=en>>.

¹³ Ibid.

then cuffed and placed in the back of an Interior Ministry vehicle, where he was insulted, kicked, and cursed before he was taken to the Criminal Investigations Directorate, where he was interrogated.¹⁴ After two hours of questioning, he was released without charge.¹⁵ At the same time, another group of masked civilians accompanied by riot police raided the home of Yousif al-Mahafzah, a blogger and member of the BCHR, coming in through a window on the second story of his house. They searched the home without showing a warrant. Al-Mahafzah was not at home at the time, but they threatened his family saying they would return to storm and search the house every night if he did not turn himself in.¹⁶ On April 18, Nabeel Rajab's home was again attacked by unknown persons, who threw two tear gas canisters, which landed inside the adjacent house.¹⁷ On April 10, the Interior Ministry had issued a statement declaring it intended to refer Rajab to the Military Prosecutor after he published an allegedly fabricated photo of deceased citizen Ali Issa Saqer on his Twitter feed.¹⁸ Rajab had disputed the official cause of death, saying it was likely that Saqer died as a result of torture in prison.

In the campaign of repression ongoing since March, more than 600 people, among them human rights defenders and political dissidents, have been detained in prisons and are at risk of torture, which was increasingly and systematically used against activists over the past year.¹⁹ On the evening of April 15, 24 security officers, most of them masked, stormed the home of lawyer Mohammed al-Tajer, known for his defense of prominent opposition figures and rights activists. His home was searched and personal items were confiscated, including a computer, mobile phones, and documents, before al-Tajer was arrested; he was not told of the reason for his detention.²⁰ Mohammed al-Maskati, the president of the BYSHR, was detained for one

¹⁴ Bahrain Center for Human Rights, "Bahrain's Authorities Target the President of Bahrain Center for Human Rights and Its Members," Apr. 17, 2011,

<<http://bahrainrights.hopto.org/en/node/3972>>.

¹⁵ Al-Wasat, "al-Ifraj 'an Nabil Rajab ba'd sa'atayn min i'tiqalih," Mar. 20, 2011, <<http://www.alwasatnews.com/3117/news/read/533235/1.html>>.

¹⁶ Bahrain Center for Human Rights, "Bahrain's Authorities Target the President of Bahrain Center for Human Rights and Its Members."

¹⁷ Human Rights Watch, "Attack on Rights Defender's Home," Apr. 18, 2011, <<http://www.hrw.org/news/2011/04/18/bahrain-attack-rights-defender-s-home>>.

¹⁸ Police Media Center, "Ihalat Nabil Rajab ila-l-na'ib al-'amm al-'askari bi-sha'n nashrihi sura li-mutawaffan mutala'ab fih," Apr. 10, 2011, <http://www.policemc.gov.bh/news_details.aspx?type=1&articleId=7631>.

¹⁹ CIHRS, "al-Bahrayn: istimrar hamalat al-qam' didd al-mudafi'in 'an huquq al-insan."

²⁰ Human Rights Watch, "Bahrain: Defense Lawyer Detained after Night Raid," Apr. 16, 2011, <<http://www.hrw.org/news/2011/04/16/bahrain-defense-lawyer-detained-after-night-raid>>.

week before being released on April 7. On April 3, security forces raided the home of human rights defender Suhail al-Shihabi, a member of the Committee of the Unemployed and one of the 11 human rights defenders who were detained from September 2010 to February 2011 on terrorism-related charges. Security forces assaulted his brothers and threatened to rape their wives if they did not reveal al-Shihabi's whereabouts.

Maryam Khawaja, who heads the foreign relations office at BCHR, received death threats, which forced her to remain abroad in fear of her safety.²¹ At the end of the year, the intimidation of rights advocates by former officials of the security apparatus and those close to the authorities intensified, as part of which Nabeel Rajab, Yousif al-Mahafzah, and Mohammed al-Maskati received death threats.²² The pressure extended to international rights groups. In mid-April, the authorities refused to renew the entry visa of a researcher with the US-based Human Rights Watch (HRW), ordering him to leave the country within 24 hours. The authorities also denied entry to the group's legal representative on May 4, who was coming to observe trials before the exceptional military court, forcing him to return upon arrival at the airport. On May 12, the government of Bahrain informed HRW that the Deputy Director of the Middle East division of the organization was no longer welcome in the country. The government did not respond to requests by other HRW researchers for visas to visit the country.²³

The Bahraini authorities have also fabricated statements of senior UN human rights officials. After a meeting on June third between Navi Pillay, the UN High Commissioner for Human Rights (UNHCHR), and Fatima Al Balooshi, the Bahraini minister of social development, the official Bahrain News Agency (BNA) reported that Pillay admitted to having received erroneous information about the human rights situation in Bahrain. The statement was denied by the official spokeswoman for the UNHCHR on June 7, who said that the BNA story "grossly misrepresented" the meeting and noted that the agency did not attend the meeting. Pillay's spokeswoman

²¹ Front Line Defenders, "'al-Bahrayn: Akhir al-anba' 'an wad' al-mudafi' in 'an huquq al-insan fi-l-Bahrayn,'" April 6, 2011, <<http://www.frontlinedefenders.org/ar/node/14907>>.

²² CIHRS, "Crackdown on Human Rights Defenders Sweeps Arab Region: Seeds of Repression Planted in Year of Revolution," Dec. 14, 2011, <<http://www.cihrs.org/?p=494&lang=en>>.

²³ Human Rights Watch, "Bahrain's Human Rights Crisis," July 5, 2011, <<http://www.hrw.org/news/2011/07/05/bahrains-human-rights-crisis>>.

described Pillay as being “disturbed by this blatant distortion of her words” and asked for an official correction from Al Balooshi.²⁴

Undermining due process on a broad scale:

The Bahraini authorities undermined due process on a broad scale by depriving civilians of their right to appear before a civilian court, instead referring them to the National Safety Court, an exceptional military court. As of mid-June, 82 defendants had been prosecuted before the court, 77 of whom were convicted. They received sentences ranging from five-years to life imprisonment and the death penalty in connection with political charges of participating in demonstrations, inciting hatred of the regime,²⁵ conspiring to overthrow the regime, or establishing terrorist organizations. In the trial of Abdul Hadi al-Khawaja, the former president of the BCHR, he and seven other prominent opposition figures and democracy advocates were sentenced to life in prison. The other defendants included Hasan Mushaima, the secretary-general of the Movement for Civil Liberties and Democracy (HAQ), and Abduljalil Alsingace a leading member of the same movement. Thirteen other defendants received terms of 2 to 15 years in prison. The investigating authorities in the case did nothing about the brutal physical assault on Abdul Hadi al-Khawaja during his arrest, his torture in prison, or the attempt to sexually assault him. The torture left him with a broken jaw and other serious injuries that required surgical intervention at a military hospital. Judges on the military court also refused to hear al-Khawaja’s complaint of torture or to investigate it.²⁶

On June 12, two opposition figures, Matar Ibrahim Matar and Jawad Fairooz, both former parliamentarians, were referred to the exceptional military court without notification of their attorneys or families. They were arrested in May 2011 on charges of giving false statements to the media and participating in illegal assemblies. Matar and Fairooz are members of the Wefaq National Islamist Society bloc, which includes 18 parliamentarians

²⁴ Office of the High Commissioner for Human Rights, “Press Briefing Note on Bahrain,” June 7, 2011, <<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11116&LangID=E>>.

²⁵ Human Rights Watch, “Bahrain: Stop Military Court Travesty of Justice,” June 14, 2011, <<http://www.hrw.org/news/2011/06/14/bahrain-stop-military-court-travesty-justice>>.

²⁶ CIHRS, “Sultat al-Bahrayn tuwasil al-tankil bi-du’at huquq al-insan wa-l-atibba’ wa-l-mutalibin bi-l-islah.”

who resigned in protest of the use of excessive force to suppress peaceful demonstrations.²⁷

The military court also sentenced Ayat al-Qurmuzi to one year in prison after she took part in popular protests in the Pearl Roundabout. She was accused of inciting hatred of the regime by reciting poetry critical of the King and the Prime Minister.²⁸ On March 28, the military prosecutor issued Edict 5/2011 prohibiting the publication of any information about its investigations for reasons of national security.²⁹

Violations of freedom of opinion and expression:

The authorities tightened restrictions on freedom of expression and information and placed increasing pressure on local journalists and crews working with foreign media outlets, in some instances resulting in death. Bloggers and journalists were arrested, and some journalists were forced to resign. The government also blocked several websites, among them those of the BCHR and the Bahrain Online Forum, and banned publications, including those issued by legally recognized political opposition groups. Electronic activist Zakariya al-Aushayri was killed on April 9 in mysterious circumstances while in the custody of the authorities. Karim Fakhrawi, a founding member of *al-Wasat*, was killed on April 12 two days after his arrest. Reports based on his family's viewing of the body point to his subjection to physical abuse and serious torture.³⁰ Journalists Faisal Hayat, Haidar Mohammed, and Ali Jawad were arrested, along with several bloggers and online activists, while arrest warrants were issued for others, compelling some to leave Bahrain to preserve their personal safety.³¹ On April 3, the Minister of Information announced that *al-Wasat*, the country's sole independent newspaper, would be shut down and its website blocked; it was permitted to resume publication the following day, but three of the paper's most prominent journalists were forced to resign: Mansoor al-Jamri, the editor-in-chief; Walid Nouwaihith, the managing editor; and Aqeel Mirza, the local news editor. The government accused *al-Wasat* of

²⁷ Human Rights Watch, "Bahrain: Stop Military Court Travesty of Justice."

²⁸ Ibid.

²⁹ International Federation for Human Rights, "Bahrain: Risk of Blackout on Human Rights Violations," Apr. 1, 2011, <<http://www.fidh.org/Bahrain-risk-of-blackout-on-human>>.

³⁰ International Federation for Human Rights, "IFEX Members Appeal to World Leaders to Take Action against Rights Abuses," May 11, 2011, <http://www.ifex.org/bahrain/2011/05/11/appeal_to_world_leaders/>.

³¹ Bahrain Center for Human Rights, "Journalists in Bahrain: The Murder of Free Speech and the Siege of Freedom," May 3, 2011, <<http://bahrainrights.hopto.org/en/node/3992>>.

attempting to undermine security and stability by publishing false and misleading news liable to damage the country's reputation.³²

Journalist Reem Khalifa faced severe pressure, including death threats, after speaking at a press conference with the Bahraini Foreign Minister on February 17, 2011. She was referred to trial in November on charges of libeling pro-government elements who had harassed³³ and cursed her as she left a press conference with an Irish delegation in July. At the time, Khalifa filed a complaint against these persons accusing them of defamation and physical assault. The accusation was ignored and Khalifa is facing charges carrying a penalty of at least one year in prison.³⁴ On June 9, Ali Hussein Ali Makki, the manager of the Rasd News Network's pages on Facebook and Twitter, was arrested; Rasd is an important source of information about human rights violations in Bahrain. The security apparatus assumed control of the pages and published content justifying the authorities' crackdown, forcing Rasd to establish a new page.

The authorities also blocked the website of *al-Quds al-Arabi* on May 23, after it published an article by editor-in-chief Abd al-Bari Atwan criticizing Saudi Arabia's deployment of 1,000 troops to participate in the crackdown on the peaceful protests.³⁵ The website of the Bahrain Justice and Development Movement was also blocked, because it allegedly violated Bahraini law.³⁶ Lulu TV, a satellite channel launched in London by the Bahraini opposition, was constantly jammed from the first day of broadcast, although it repeatedly changed frequencies. The channel was slated to launch its programs from Bahrain, but the authorities refused to grant it a license.³⁷ The authorities also exerted heavy pressure on Al-Jazeera International after

³² Reporters Without Borders, "Bahraini and Syrian Authorities Try to Impose News Blackout, Kidnapping in Yemen," Apr. 4, 2011, <<http://en.rsf.org/bahraini-and-syrian-authorities-04-04-2011,39946.html>>.

³³ Bahrain Center for Human Rights, "Bahrain: Continued Harassment of Journalists," July 16, 2011, <<http://bahrainrights.hopto.org/en/node/4396>>.

³⁴ Bahrain Center for Human Rights, "al-Mudafi'a 'an huquq al-insan wa-l-sahafiya Rim Khalifa tuwajih al-muhakama natija li-itthamat mulaffaqa," Oct. 12, 2011, <<http://www.bahrainrights.org/ar/node/4835>>.

³⁵ Arabic Network for Human Rights Information, "al-Bahrain: al-intarnat akbar dahaya al-harb al-lati tashunnuha al-sultat didd al-hurriyat al-'amma," May 24, 2011, <<http://www.anhri.net/?p=32156>>.

³⁶ Reporters Without Borders, "Violence, Blocked Websites and Prosecutions—Anti-Media Offensive Continues," Aug. 20, 2011, <<http://en.rsf.org/bahrain-violence-blocked-websites-and-20-08-2011,40811.html>>.

³⁷ Reporters Without Borders, "Arab Spring and Repression Continue from Rabat to Manama," Aug. 4, 2011, <<http://en.rsf.org/saudi-arabia-arab-spring-and-repression-04-08-2011,40746.html>>.

it broadcasted a documentary film on August 4 titled, “Bahrain: A Cry in the Dark,” which forced the channel to refrain from re-broadcasting the film.³⁸

The Bahraini government prevented several international correspondents and independent human rights organizations from entering the country or broadcasting without restrictions. At least four foreign journalists were physically assaulted, while five others were detained by the government. Four journalists were deported, and at least four were denied entry to the country at the Bahrain airport.³⁹

Arbitrary dismissal and denial of education:

Arbitrary dismissals and suspensions from work were used to retaliate against those who took part in the protests. The authorities fired more than 2,600 employees within ministries, government bodies, and private, state-controlled firms. Although the government repeatedly promised to reinstate those who had been illegally fired, only 134 workers were reinstated, according to the General Federation of Bahrain Trade Unions, and only after they pledged to refrain from participating in any political activity, conceded their right to sue to the government, and pledged not to return to their local union.

The University of Bahrain fired 20 professors⁴⁰ and seven administrators, while issuing warnings to two more professors. It also suspended the foreign doctoral studies of five students and asked them to return to the university.⁴¹ On April 19, the university suspended some 200 students, administrators, academics, employees, and security guards after demonstrations at the university on March 13.⁴² On May 25, the Minister of Education claimed that some students in Bahrain and abroad who participated in the anti-government protests were denied the opportunity to continue studying

³⁸ Bahrain Center for Human Rights, “Bahrain’s Authorities Strive to Muzzle and Intimidate the Independent Channels That Cover Violations in Bahrain,” Aug. 14, 2011, <<http://bahrainrights.hopto.org/en/node/4568>>.

³⁹ Bahrain Center for Human Rights, “Foreign Journalists Face Continued Harassment and Restrictions by Bahrain Authorities,” July 6, 2011, <<http://bahrainrights.hopto.org/en/node/4361>>.

⁴⁰ Arab Foundation for Civil Society and Human Rights Support, “al-Munazzama al-‘Arabiya li-huquq al-insan tahuthth malak al-Bahrayn ‘ala ilgha’ al-qarar al-idari ghayr al-shar’i bi-fasl al-akadimiyyin min al-jami’a,” Aug. 21, 2011, <<http://madanya.net/?p=10987>>.

⁴¹ Al-Wasat, “Jami’at al-Bahrayn: fasl 5 asatidha akadimiyyin wa 7 idariyyin wa indhar akadimiyatayn wa iqaf 5 mubta’ithi dukturah,” Apr. 2, 2011, <<http://www.alwasatnews.com/3130/news/read/535469/1.html>>.

⁴² Bahrain News Agency, “Jami’at al-Bahrayn yu’lin ‘an fasl 200 talib wa akadimi wa muwazzaf,” Apr. 19, 2011, <<http://www.bna.bh/portal/news/453445?date=2011-04-20>>.

abroad, while others were facing a similar fate due to their engagement in political activities considered detrimental to the kingdom. He added that those targeted by these measures would be asked to sign a pledge not to repeat these crimes and to refrain from defaming Bahrain at home or abroad. The University of Bahrain also asked each student individually to sign an oath of loyalty as a condition for reinstatement in the university when it reopened in early May. The university's board of trustees approved a compulsory oath of loyalty for all students before permitting them to resume their studies, in addition to another oath signed by their parents.⁴³

Bahrain also asked several British universities to suspend six Bahraini students after they took part in a solidarity march in London to support the protests in Bahrain. Bahrain then demanded that the students return home immediately and threatened them with the suspension of their grants.⁴⁴ By late September, more than 100 academics and administrators had been dismissed from the University of Bahrain, and more than 500 students had faced arbitrary suspension or expulsion.⁴⁵

Escalation in the use of arbitrary detention and torture:

Hundreds who were arrested and detained during the crackdown on the Bahraini popular uprising remain in detention at the time of this report. Some received unfair prison sentences in the exceptional military Court of National Safety.⁴⁶ According to the final report of the BICI, it is estimated that 2,929 people were detained pursuant to the declaration of a state of national safety, 2,178 of whom were released without any charges having been brought against them.⁴⁷

The Bahraini authorities instituted a campaign of systematic repression and torture against political detainees and human rights activists held in detention centers, leading to four deaths in nine days due to torture, ill-treatment, and medical neglect,⁴⁸ among them Karim Fakhrawi, a journalist

⁴³ Human Rights Watch, "Bahrain's Human Rights Crisis."

⁴⁴ Bahrain Center for Human Rights "Bahrain: Urgent Appeal: Growing Violations to the University Students' Rights to Education and Freedom of Expression," June 6, 2011, <<http://bahrainrights.hopto.org/en/node/4190>>.

⁴⁵ Human Rights Watch, "Bahrain: Reinstate Ousted Students, Faculty," Sep. 24, 2011, <<http://www.hrw.org/news/2011/09/24/bahrain-reinstate-ousted-students-faculty>>.

⁴⁶ Human Rights Watch, "Bahrain: Release People Jailed for Speaking Out," Dec. 6, 2011, <<http://www.hrw.org/news/2011/12/06/bahrain-release-people-jailed-speaking-out>>.

⁴⁷ Report of the Bahrain Independent Commission of Inquiry.

⁴⁸ Human Rights Watch, "Bahrain's Medics Are the Targets of Retribution," May 5, 2011, <<http://www.hrw.org/news/2011/05/05/bahrains-medics-are-targets-retribution>>.

with *al-Wasat*, and Zakariya Rashid Hassan, an online activist.⁴⁹ Before turning the bodies of the deceased over to their families for burial, the authorities required them to sign death certificates that contain no mention of the signs of torture and beatings, with the goal of evading accountability in the future. Rights activist Abdul Hadi al-Khawaja was also tortured, as a result of which he sustained broken bones in the face and head injuries that required a four-hour surgical procedure. The injuries were the result of the brutal beatings he was given after the authorities detained him on April 9.⁵⁰ Four men also attempted to sexually assault him.⁵¹ During al-Khawaja's trial on May 8, two defendants—Hasan Mushaima, the secretary-general of HAQ, and Abd al-Wahab Hussein, a member of al-Wefaq—asked to speak about the ill treatment they faced in detention, but security forces forcibly removed them from the courtroom.

Dozens of doctors and nurses who were prosecuted in military courts were also tortured during their detention, including being forced to stand for extended periods of time, deprived of sleep, and beaten with rubber hoses and wooden planks studded with nails. In this way, they were forced to give false confessions.⁵² The victims include a female Shiite doctor who was whipped with a thick hose and called a “whore” and a “dirty Shiite.” She was also forced to dance and sing, “All the people want Khalifa Bin Salman [the king],” while being filmed.⁵³ Naziha Said, a correspondent with France 24 and Radio Monte Carlo in Bahrain, was tortured and degraded by the authorities, and accused of lying in her stories and dealing with foreign entities. While being interrogated, she was kicked, beaten, and slapped by four policewomen, her shoes were stuffed in her mouth, and she was beaten with a plastic canister.⁵⁴ Several others detainees said they were given

⁴⁹ Bahrain Center for Human Rights, “al-Bahrayn: al-ta'dhib wa-l-ikhtifa' al-qasri li-l-mu'taqalin 'ala khalfiyat al-ihitijajat al-mutaliba bi-l-hurriya wa-l-dimuqratiya,” May 5, 2011, <<http://bahrainrights.hopto.org/ar/node/4011>>.

⁵⁰ Human Rights Watch, “Bahrain: Activist Bears Signs of Abuse.”

⁵¹ Front Line Defenders, “al-Bahrayn: mu'assasat al-khatt al-amami qaliqa 'ala hayat 'Abd al-Hadi al-Khawaja ba'd iddi'a'at dhat misdaqiya bi-sha'n ta'arrudihi ila-l-ta'dhib wa-l-i'tida' al-jinsi,” May 22, 2011, <<http://www.frontlinedefenders.org/ar/node/15475>>.

⁵² Arabic Network for Human Rights Information, “al-Bahrain tuwajih iddi'a'at jadida bi-l-ta'dhib tata'allaq bi-muhakamat 'amilin fi-l-majal al-sihhi,” June 11, 2011, <<http://www.anhri.net/?p=33271>>.

⁵³ Bahrain Center for Human Rights, “‘An sahfah al-indibandant al-Britaniya: ‘laqad qamu bi-darbi wa saf'i wa munadati bi-l-'ahira wa-l-shi'iyah al-qadhira,” May 10, 2011, <<http://bahrainrights.hopto.org/ar/node/4068>>.

⁵⁴ Reporters Without Borders, “Ta'dhib Naziha Sa'id li-taghtiyatiha al-tazahurat al-da'iyah ila-l-dimuqratiya,” May 3, 2011, <http://arabia.reporters-sans-frontieres.org/article.php3?id_article=32038>.

electroshocks to sensitive parts of their bodies, denied sleep for several days, and hung up while being beaten on their legs and soles of their feet.⁵⁵

Discrimination against Shiites:

Systematic discrimination against the Shiite community continued. Along with measures to suppress the popular pro-democracy uprising, attacks continued on Shiite areas, their places of worship, and even on their cemeteries.

It was reported that security personnel in several Shiite areas vandalized citizens' cars, robbed some homes during arrests, harassed women, and assaulted men.⁵⁶ Some Shiite villages were also subjected to collective punishment, including heavy bombardments of tear gas and the humiliation of and assault on citizens at checkpoints.⁵⁷ The Bahraini authorities, supported by Saudi forces, demolished several Shiite religious sites, leveling them to the ground without prior warning, on the grounds that they were unlicensed. According to official statistics issued by the Jaafari Awqaf Directorate, at least 35 mosques were demolished or damaged.⁵⁸ Among the most prominent mosques attacked were al-Kuweikabat, al-Sayyeda Zeinab, Karim Ahl al-Beit, and Abu Taleb, all facilities for the Shiite religious rites.⁵⁹ The Ministry of Information blocked the website of the Jaafari Awqaf after it published documents showing that several of the mosques demolished were licensed and documented on the official government site.

Nor were Shiite cemeteries immune from assault; the Muharraq, Beni Jamra, al-Nuweidarat, and al-Sayyed Mohammed Abu Khalis cemeteries were all attacked. Shiite students were also subjected to sectarian discrimination, as sectarian incitement in schools increased. At least 12 girls' schools were repeatedly raided by security personnel, and female Shiite students were arrested, beaten, tortured, humiliated, and detained for several

⁵⁵ Bahrain Center for Human Rights, "Taqrir khas 'an al-ta'dhib wa intihakat huquq al-insan li-l-mu'taqalin fi qadiyat tahaluf al-jumhuriya," June 5, 2011, <<http://bahrainrights.hopto.org/ar/node/4360>>.

⁵⁶ Bahrain Center for Human Rights, "Markaz al-Bahrayn li-huquq al-insan yujaddid idanatahu li-l-'unf al-rasmi wa-l-'unf al-mudadd," May 26, 2011, <<http://www.bchr.net/ar/node/4122>>.

⁵⁷ Al-Wasat, "Muwatinun yashkun al-i'tida' 'alayhim athna' mururhim min khilal nuqat al-taftish," Mar. 23, 2011, <<http://www.alwasatnews.com/3120/news/read/533679/1.html>>.

⁵⁸ Al-Wasat, "al-Awqaf al-Ja'fari: 45 dar 'ibada hudimat wa khuribat," May 25, 2011, <<http://www.alwasatnews.com/3182/news/read/562698/1.html>>.

⁵⁹ Bahrain Center for Human Rights, "Bahraini Security Forces and Army Destroying Mosques and Religious Facilities of the Shiite Sect, Some Dating Back over a Century," June 8, 2011, <<http://bahrainrights.hopto.org/en/node/4295>>.

days before they were released; they were given no opportunity to request a legal guardian during questioning.⁶⁰ In addition, hundreds of Shiite students were suspended from universities, and their foreign study grants were revoked.⁶¹

⁶⁰ Bahrain Center for Human Rights, “Tullab al-madaris dafa’u daribat intima’ihim li-ta’ifa tushakkil ghalibiyat nasij al-Bahrain,” July 30, 2011, <<http://www.bchr.net/ar/node/4441>>.

⁶¹ Project on Democracy in the Middle East, “POMED Notes: ‘Human Rights in Bahrain’,” May 14, 2011, <<http://pomed.org/blog/2011/05/pomed-notes-human-rights-in-bahrain.html/#.Tv2zukqtz4g>>.

Section two
Countries under Occupation and Armed Conflict

The Occupied Palestinian Territories

The situation in the occupied Palestinian territories remained critical in the midst of ongoing violations by both the Israeli occupation authorities and the governments of Fatah and Hamas in the West Bank and Gaza Strip, respectively.

The year 2011 saw some limited progress on the issue of Palestinians held in Israeli detention facilities when Israeli soldier Gilad Shalit was exchanged for nearly 1,000 Palestinian detainees. Israel continued its unjust siege and collective punishment of the captive population of the Gaza Strip for the fifth year in a row and illegally annexed more land in the Palestinian territories for its settlements and the expansion of buffer zones.

The right to life continued to be widely violated given the ongoing siege, Israel's shelling of civilians, and extrajudicial killings of those believed by Israel to be involved in military acts against it or its settlers. Israeli abuses were accompanied by increased attacks on Palestinian journalists and human rights activists in the West Bank and Jerusalem.

The security apparatus of both the Ramallah government in the West Bank and the Hamas authority in the Gaza Strip continued to commit violations against perceived enemies. Thus, Fatah loyalists, among them media and civic institutions and their staffs, remained a target for repression by the Hamas authorities, while Hamas partisans were targets for similar repression in the West Bank. This was reflected in the perilous status of the freedom of expression, freedom of assembly, and freedom of civic action, and the situation of detainees on both sides deteriorated. However, abuses were more frequent in the Gaza Strip as compared to the West Bank. Indeed,

incidents of death due to torture were limited last year to the Gaza Strip and the Hamas security apparatus, and the Hamas judiciary alone issued several arbitrary death sentences.

Although a Fatah-Hamas reconciliation agreement was signed in May 2011, it led to no fundamental changes in the status of human rights in either the West Bank or Gaza Strip, nor did it end factionalism, produce a national unity government, or lead to the reform of the security and justice sectors.

I. Human rights violations by the Israeli occupation authorities

Arbitrary detention and torture

Thousands of Palestinians continued to be arbitrarily detained and imprisoned in Israeli prisons. As of April 2011, Israeli detention facilities held some 6,000 prisoners, among them dozens of Arab prisoners of various nationalities; only 820 prisoners had been convicted and sentenced. The list of detainees includes 37 women and 245 minors, among them 180 administrative detainees.

Many detainees were subjected to torture, medical neglect, solitary confinement, denials of visits and education, and poor living conditions in detention centers.¹ Means of physical and psychological torture include insults, beating, dragging, threats of death and rape, and the arrest of family members, as well as cigarette burns, sleep deprivation, forced standing for long periods, denial of medical treatment, and prohibition of performing religious rites.²

On June 7, the occupation authorities in the Nablus district of the West Bank arrested Ahmed al-Hajj Ali, a member of the Palestinian National Legislative Council, and Mustafa al-Nashar, a Hamas leader.³ In early December, a broad arrest campaign was launched against members of the Popular Front for the Liberation of Palestine and Hamas. The detainees included Ayman Daraghma, an MP with the Change and Reform Bloc

¹ Field data. See also, Palestine Behind Bars, "Taqrir shamil bi-munasabat yawm al-asir al-Filistini 17 Abril," Apr. 16, 2011, <<http://www.palestinebehindbars.org/ferwana13ap2011.htm>>.

² Arabic Network for Human Rights Information, "Isra'il tastakhdim akthar min mi'at wasilat ta'dhib bi-haqq al-usra," June 26, 2011, <<http://www.anhri.net/?p=34211&print=1>>.

³ Felesteen online, "Iqtiham makatib nuwwab Hamas fi Nablus," June 7, 2011, <<http://goo.gl/TaOwm>>.

(Hamas), bringing the total number of detained MPs up to 24, most of them from Hamas.⁴

There was some improvement in the sphere of prison affairs last year as a result of the prisoner exchange that saw Israeli soldier Gilad Shalit, held by Hamas, swapped for some 1,000 Palestinian prisoners.⁵

Shelling of civilians and extrajudicial killing

Occupation forces continued to launch missiles and artillery at various areas of the Gaza Strip, causing heavy civilian casualties and damage to property. Extrajudicial killings continued as well in the form of assassinations of those believed by occupation forces to be involved in military actions against Israel. In the first quarter of the year, shelling led to the deaths of 10 people, among them 5 children.⁶ In April, repeated Israeli shelling of residential areas in the Gaza Strip caused 16 deaths, among them a child and two women.⁷

On August 18, Israeli planes fired two missiles targeting a group of leaders of the Popular Resistance Committees in Rafah, killing five of them and one child. On August 24, Ismail Zuhi al-Asmar, a leader of the Quds Brigades, the military wing of the Islamic Jihad, was killed after an Israeli plane fired a missile at his car in Rafah. A similar strike was launched against Mutazz Bassem Hamdan, also with the Quds Brigades, killing him, his brother, and one of his children.⁸

⁴ Palestinian Center for Human Rights, "IOF Conduct Wave of Arrests against Leaders and Members of Hamas and PFLP in the West Bank," Dec. 7, 2011, <<http://goo.gl/HSnzc>>; Palestinian Center for Human Rights, "PCHR Condemns Detention of PLC Member by IOF," Dec. 15, 2011, <<http://goo.gl/v62yF>>.

⁵ Palestine Behind Bars, "Farwana: 453 asiran min al-mufraj 'anhum fi-l-duf'a al-thaniya hum min al-shabab wa-l-atfal," Dec. 20, 2011, <<http://www.palestinebehindbars.org/ferwana20dec2011.htm>>.

⁶ al-Mezan Center for Human Rights, "Taqrir maydani rub' sanawi hawl intihakat huquq al-insan al-Isra'iliya yughatti al-fatra min 1 Yanayir 2011 ila 31 Maris 2011," <www.mezan.org/upload/12002.pdf>.

⁷ al-Mezan Center for Human Rights, "Intihakat quwat al-ihtilal al-Isra'ili li-qawa'id al-qanun al-dawli al-insani fi ta'amuliha ma' al-madaniyin fi qita' Ghazza khilal shahr Abril 2011," <www.mezan.org/upload/12101.pdf>.

⁸ al-Mezan Center for Human Rights, "Intihakat quwat al-ihtilal al-Isra'ili li-qawa'id al-qanun al-dawli al-insani fi ta'amuliha ma' al-madaniyin fi qita' Ghazza khilal shahr Aghustus 2011," <www.mezan.org/upload/12785.pdf>.

Continued siege and collective punishment of Gazan population

For the fifth year in a row, the Israeli authorities continued their siege of the Gaza Strip, which constitutes a form of collective punishment levied on the area's 1.6 million residents. Despite claims made by Israel since mid-2010, no fundamental changes have been made with regards to border crossings, whose closure is controlled by Israel. Despite an increase in imports permitted to enter the Gaza Strip, imports are still largely limited to food and consumer goods, while most basic commodities, raw materials, building materials, and industrial equipment are banned. As a result, the reconstruction of Gaza has stalled, and the humanitarian situation, as well as the population's economic and social rights, continues to decline due to the ongoing siege.

Although the occupation authorities partially opened the Mintar Crossing, the biggest commercial passage to the Gaza Strip, they closed it again in March 2011, making the Karam Bin Salem Crossing, unequipped for commercial goods, the principal crossing for goods.

At the same time, Israel continues its naval siege of the Gaza Strip, denying fishers access to the source of their livelihood. Fishermen at sea face grave dangers including gunfire or death, pursuit, and detention. Last year, one fisherman was killed and 11 others injured, while 24 were detained, in addition to the confiscation and destruction of fishing boats and equipment. Israel continues to expand its buffer zone inside the Gaza Strip, eating up agricultural land and water wells and restricting access to these zones. A total of 77 Palestinians were killed and more than 300 injured from June 2010 to November 2011 as a result of incursions into the buffer zones and the targeting of their residents.⁹

Gazans continued to die in underground tunnels between the Gaza Strip and Egypt, built by the local population to smuggle goods and fuel into the besieged area. In the first nine months of 2011, 17 people died¹⁰; 3 more were killed in October.¹¹

⁹ Palestinian Center for Human Rights, "Qita' Ghazza: hisar lam yatawaqqaf wa i'mar lam yabda'," Dec. 21, 2011, <http://www.pchrgaza.org/portal/ar/index.php?option=com_content&view=article&id=9290:-q-q-&catid=96:2009-12-29-09-16-15&Itemid=173>.

¹⁰ al-Mezan Center for Human Rights, "17 qatilan khilal al-'amm al-jari wa 'adad al-qatla yartafi' ila 179 qatilan mundh al-'amm 2006," Sep. 25, 2011, <http://www.mezan.org/ar/details.php?id=12602&ddname=tunnel&id2=9&id_dept=9&p=center>.

¹¹ Independent Commission for Human Rights, "al-Taqrir al-shahri hawl al-intihakat al-waqi'a 'ala huquq al-insan wa-l-hurriyat fi manatiq al-sulta al-wataniya al-Filistiniya," Oct. 2011, <<http://goo.gl/J4AYh>>.

Violations of freedom of opinion and expression

Attacks by Israeli occupation forces on journalists and media crews who were carrying out their professional duties continued, and some were taken into custody or placed in administrative detention.

On February 4, 2011, occupation forces fired percussion grenades and tear gas directly at six journalists and correspondents who were covering the occupation forces' crackdown on groups of Palestinian youths in the Bab al-Amoud area of Jerusalem, injuring a photographer with the Japanese News Agency with burns.¹²

On February 25, occupation forces targeted journalists in Hebron, injuring photographers with AFP and German Television, one of them with a rubber bullet.¹³ At the same time, the occupation authorities arrested al-Jazeera correspondent Mahmoud al-Jaabari while he was covering a solidarity march for martyrs' families in Hebron. Al-Jaabari was assaulted and cursed and detained until March 3.¹⁴

On April 21, researcher and writer Ahmed Qatamesh was arrested.¹⁵ The next month, journalist Walid Khaled, the editor-in-chief of Gaza-based *Filistin* was also arrested.¹⁶ On May 15, photojournalist Mohammed Othman was seriously injured after a Palestinian march in commemoration of the *nakba*, the dispossession of 1948.¹⁷ In July, Nawaf al-Amer, the program director for the Quds satellite channels, was sentenced to five months in prison after being placed in administrative detention on June 28.¹⁸ On August 21, Amer Abu Arafa, a correspondent for the Shihab news agency in

¹² Arabic Network for Human Rights Information, "Intihakat al-hurriyat al-i'lamiya fi-l-aradi al-Filistiniya khilal shahr kanun al-thani 2011," Feb. 7, 2011, <<http://www.anhri.net/?p=23617>>.

¹³ Mada Center, "Various Violations against Journalists in OPT during February 2011," Mar. 10, 2011, <http://www.madacenter.org/report.php?lang=1&id=867&category_id=13&year=>.

¹⁴ Ibid.

¹⁵ Amnesty International, "Palestinian Facing Indefinite Detention," May 6, 2011, <<http://www.amnesty.org/en/library/asset/MDE15/024/2011/en/86c03f49-18ac-4845-a6a0-56518d294e16/mde150242011en.html>>.

¹⁶ Mada Center, "Violations of Media Freedoms in OPT during May 2011," <http://www.madacenter.org/report.php?lang=1&id=870&category_id=13&year=>; Arabic Network for Human Rights Information, "I'tiqalat jadida bi-haqq sahafiyin Filistiniyin fi Isra'il," Nov. 23, 2011, <<http://www.anhri.net/?p=43678>>.

¹⁷ Mada Center, "Violations of Media Freedoms in OPT during May 2011."

¹⁸ SKEYES, "al-Sultat al-Isra'iliya tahkum 'ala-l-i'lami Nawaf al-'Amir bi-l-sajn al-idari khamsat ashhur," July 8, 2011, <<http://skeyes.wordpress.com/2011/07/08/6546546546546546546/>>.

Hebron, was detained for six months, while Asyad Amarna, a photographer for al-Aqsa satellite channel was detained for one week.¹⁹

In November, the occupation authorities in Ramallah arrested Raed Sherif, the announcer for Radio Marah, while announcer Isra Salhab, who presents a program on Palestinian prisoners on al-Quds satellite channel, was detained after being questioned without the presence of a lawyer and without being presented with the reasons behind her arrest.²⁰

Pressures on human rights defenders

On June 28, the occupation authorities arrested Fouad al-Khafsh, the director of the Ahrar Center for Prisoner Studies in Nablus, after storming his home; he was taken to an undisclosed location. Al-Khafsh is also a member of Karama for the Right to Travel and Movement and is among those forbidden from travel by order of the occupation authorities.²¹

The Magistrate's Court in Kfar Saba in Jerusalem ruled to extend the detention of 8 activists with the Freedoms Foundation and other organizations and to "release" 7 more activists and instead place them under house arrest, on charges of chanting slogans in a demonstration of November 20 calling for the abduction of Israeli soldiers in order to exchange them for Palestinian prisoners. The ruling was issued even though the police were unable to provide video footage proving their allegations.²²

Shawan Jabarin, the director of the Palestinian foundation "al-Haq" in Ramallah, remains under a travel ban which has been in effect since 2006. He was denied permission to leave the West Bank to attend a ceremony in his honor after he was awarded an international prize from a Danish institution for his defense of human rights. He was also unable to participate in the EU human rights forum or attend a Human Rights Watch advisory committee meeting in New York.²³

¹⁹ Arabic Network for Human Rights Information, "Mada: intikasa jadida li-hurriyat al-i'lam khilal al-shahr al-madi," Sep. 11, 2011, <<http://www.anhri.net/?p=39072>>.

²⁰ Arabic Network for Human Rights Information, "I'tiqalat jadida bi-haqq sahafiyin Filistiniyin fi Isra'il."

²¹ SKEYES, "al-Quwat al-Isra'iliya ta'taqil mudir markaz ahrar li-dirasat al-asra," June 1, 2011, <<http://skeyes.wordpress.com/2011/07/01/6546546546545/>>.

²² SKEYES, "Mahkamat al-sulh al-Isra'iliya tumaddid i'tiqal thamaniyat nashitin huquqiyin," Oct. 28, 2011, <<http://skeyes.wordpress.com/2011/10/28/64987987987987987987987987987465465/>>.

²³ Human Rights Watch, "Israel: Lift Travel Ban on Human Rights Defender," Nov. 29, 2011, <<http://www.hrw.org/news/2011/11/29/israel-lift-travel-ban-human-rights-defender>>.

II. Violations by parties to the Palestinian National Authority

Arbitrary detention and torture

Arbitrary arrests and the torture and ill treatment of detainees by security services in the West Bank and Gaza Strip continued, despite the reconciliation agreement concluded in May 2011, which required the governments of both areas to release all political detainees.²⁴

Forms of physical and psychological torture in detention centers in the West Bank and Gaza Strip include severe beatings on all parts of the body, blindfolding, beatings while suspended, cigarette burns, forced shaving, solitary confinement, threats of rape or murder, and forced standing for long periods in the cold or sun. In the Gaza Strip, there were reports of deaths likely due to torture,²⁵ including:

- Adel Saleh Rizq, who died a few days after being detained in April 2011 by the Internal Security Agency.
- Hassan Mohammed al-Hamidi, who died in the Gaza Shifa Hospital one week after his arrest by members of the police on charges of drug trafficking.
- Ibrahim Akram al-Araj, who died only two days after his arrest by counternarcotics police on June 23.²⁶

Many people who were arrested for participating in peaceful protests calling for the end of the division between the West Bank and the Gaza Strip were beaten, cursed, and insulted during arrest and forced to sign a pledge to obey the law and inform the Gazan Interior Ministry before taking part in peaceful assemblies.²⁷ The pressures on activists in the popular movement against factionalism in Gaza did not stop even after the reconciliation; they were again summoned and questioned, beaten and threatened, and accused of receiving funds from Fatah to bring down the Gazan government. Those who were repeatedly subjected to these measures include activists Asaad al-

²⁴ International Crisis Group, "Palestinian Reconciliation: Plus Ça Change...", July 20, 2011, <<http://www.crisisgroup.org/en/regions/middle-east-north-africa/israel-palestine/110-palestinian-reconciliation-plus-ca-change.aspx>>.

²⁵ Palestinian Center for Human Rights, "Taqrir hawl mumarasat al-ta'dhib fi sujun wa marakiz al-tawqif al-tabi'a li-l-sulta al-Filistiniya," Oct. 4, 2011, <<http://www.pchrgaza.org/files/2011/pchr-report-5-10-2011.pdf>>.

²⁶ Ibid.

²⁷ Ibid.

Saftawi and Samer Abu Rahma, journalist Majed Abu Salama, and several Fatah members, among them Dr. Fayez Abu Eita.²⁸

Violations of freedom of expression

Freedom of expression continued to be eroded, and the reconciliation between Fatah and Hamas brought with it no marked improvement. The West Bank government continued to ban the distribution of *Filistin* and *al-Risala*, both issued in the Gaza Strip, while the Hamas government in Gaza banned the entry and distribution of three daily newspapers issued in the West Bank, *al-Quds*, *al-Hayah al-Jadida*, and *al-Ayyam*.²⁹

Last year in the Gaza Strip, various violations of freedom of expression were documented, including the confiscation of literary works and widespread attacks on journalists who were performing their professional duties. Other journalists had their right to expression attacked due to their opinions or political affiliations.

In January 2011, General Investigations Police in Gaza confiscated copies of two novels, *A Banquet for Seaweed*, by Syrian writer Haidar Haidar, and *Chicago*, by Egyptian novelist Alaa al-Aswani, on the grounds that the books violated Islamic law.³⁰ On February 17, Sameh Dib Ramadan, a journalist and radio presenter on Voice of the People appeared for questioning before the Internal Security Agency in Khan Younis because of opinions expressed on social media websites and his radio program. Several journalists and correspondents were harassed and beaten and their equipment confiscated by security personnel and persons wearing civilian clothes and armed with batons and clubs while they were covering activities of the March 15 peaceful popular movement calling for the end of Palestinian factionalism. Four days later, security authorities raided the offices of French and Japanese Television, the local al-Manabir Radio, and several media production offices, looking for photojournalists, photography equipment, and videotapes. During a raid on the Reuters office, several televisions and

²⁸ SKEYES, "al-Ajhiza al-amniya fi Ghazza tastada'i sahafiyin wa nashitin min shabab 15 Maris wa tahtajizuhum wa tadribuhum," June 27, 2011, <<http://skeyes.wordpress.com/2011/06/27/654654654654564/>>; SKEYES, "Hamis tahtajiz al-mutahaddith bi-ism Fath fi Ghazza Fayiz Abu 'Ita," June 16, 2011, <<http://skeyes.wordpress.com/2011/06/16/454545454545454/>>.

²⁹ Palestinian Center for Human Rights, "al-Haqq fi hurriyat al-ra'i wa-l-ta'bir wa-l-haqq fi-l-tajammu' al-silmi fi zill al-sulta al-wataniya al-Filistiniya," Dec. 11, 2011, <<http://www.pchrgaza.org/files/2011/freedom-2011.pdf>>.

³⁰ Independent Commission for Human Rights, "al-Taqrir al-shahri hawl al-intihakat al-waqi'a 'ala huquq al-insan wa-l-hurriyat fi manatiq al-sulta al-wataniya al-Filistiniya," January 2011, <<http://ichr.ps/pdfs/HRV12011.pdf>>.

computers were smashed.³¹ On March 30, foreign journalists and correspondents were assaulted by police while covering the crackdown on a peaceful march to commemorate Land Day; Gazan authorities had warned media outlets prior to the day not to cover any unlicensed marches or assemblies. The Hamas government in September denied entry to Gaza to BBC correspondent John Donnison, after first asking him to sign a form pledging not to disparage Hamas as a prerequisite to entry.³²

On April 25, Hamas police arrested journalist Youssef Abd al-Rahim and his trainee colleague Omar Kheiri al-Balaawi while they were shooting footage in Deir al-Balah; they were both questioned by the Internal Security Agency before being released late the same day. On May 19 journalist Salama Salah Atallah, a correspondent for France 24, was questioned by the same agency because of material broadcast by his station.³³ In August, several blogger activists and unity activists were summoned and questioned, including Ebaa Rezeq al-Barai, Mohammed Kamal Matar, and Asaad Alaa al-Saftawi, after they took part in international conferences and seminars for bloggers. Al-Saftawi was detained for 48 hours, while the others had their computers and mobile phones confiscated.³⁴ On August 16, journalist Fathi Mahmoud Tabil with the Palestinian news agency “Wafa” was detained while covering a protest against massacres in Syria; he was released the evening of the same day after being forced to sign a pledge not to take part in unlicensed activities.³⁵

On November 23, the Hamas security apparatus arrested blogger and activist Mahmoud al-Barbar after he advocated the formation of a youth shadow government to respond to the aspirations of the Palestinian street. Other bloggers, including Asaad al-Saftawi, Bashar Bin Ali, and Mohammed al-Sheikh Youssef, were also questioned.³⁶

³¹ Palestinian Center for Human Rights, “al-Haqq fi hurriyat al-ra’i wa-l-ta’bir wa-l-haqq fi-l-tajammu’ al-silmi fi zill al-sulta al-wataniya al-Filistiniya.”

³² SKEYES, “Hamas tamna’ murasil al-Bi Bi Si min al-dukhl ila Ghazza wa tujbir akharin ‘ala tawqi’ ta’ahhudat bi-‘adam al-isa’a ilayha,” Sep. 30, 2011, <<http://skeyes.wordpress.com/2011/09/30/65456456465-2/>>.

³³ Ibid.

³⁴ Ibid; Human Rights Watch, “Gaza: Stop Harassing Activists,” Aug. 22, 2011, <<http://www.hrw.org/news/2011/08/22/gaza-stop-harassing-activists>>; SKEYES, “Taqrir ‘Skyz’ ‘an intihak al-hurriyat al-i’lamiya wa-l-thaqafiya fi shahr Aghustus 2011,” Sep. 8, 2011, <<http://goo.gl/I53jR>>.

³⁵ Palestinian Center for Human Rights, “al-Haqq fi hurriyat al-ra’i wa-l-ta’bir wa-l-haqq fi-l-tajammu’ al-silmi fi zill al-sulta al-wataniya al-Filistiniya.”

³⁶ SKEYES, “Amn Hamas ya’taqil al-mudawwin wa-l-nashit Mahmud al-Barbar fi Ghazza,” Nov. 28, 2011, <<http://skeyes.wordpress.com/2011/11/28/87984984984987979/>>.

In the last week of November, journalist Salah Abu Salah, Aswar Press correspondent Ziad Awad, and Hani al-Agha, editor-in-chief of the Nahar news agency, were detained, and Manal Khamis, a journalist at both *Sawt al-Nisa* and *al-Ayyam al-Thaqafiya*, was questioned. Some reports explained these measures by suggesting that Hamas believed the journalists to be Fatah loyalists in contact with the Ramallah government's intelligence.³⁷

In the West Bank, the Preventive Security Agency in Qalqaliya on January 16, 2011, detained writer Essam Shower and questioned him about articles published in *Filistin*, which is banned from publication and distribution in the West Bank. The Public Prosecution later charged him with undermining national unity and destabilizing the nation. Shower was provisionally detained for nearly a month before being released on bail on February 13.³⁸

On February 7, Preventive Security arrested Mamdouh Hamamra, a correspondent with the Quds satellite channel, which broadcasts out of the Gaza Strip; he was questioned about his work and advised to search for a job with another employer. Before his release, he was forced to sign a form pledging not to undermine the public order and to stop working for a channel that is illegal in the West Bank.³⁹

Two brothers of journalist Magdalene Reda Hassouna were detained for three days by Preventive Security in August to pressure Hassouna, who works as a correspondent for *Sawt al-Shabab* and the online Akhbariyat, after she had refused to respond to a summons from Preventive Security in Nablus. According to her, she had received several telephone threats from persons claiming to work for the security apparatus after she published a story about a sit-in by the families of political prisoners in Nablus and several investigative pieces about medical malpractice at Palestinian hospitals.⁴⁰

Security personnel prevented journalist Ibtihal Jamal Mansour, who works with the Middle East Media Observation Center and is the media

³⁷ SKEYES, "Amn Hamas ya'taqil sahafiyin bi-tuhmat al-ta'amul ma' harakat Fath," Dec. 1, 2011, <<http://www.skeyesmedia.org/ar/News/Palestine/246>>.

³⁸ Palestinian Center for Human Rights, "al-Haqq fi hurriyat al-ra'i wa-l-ta'bir wa-l-haqq fi-l-tajammu' al-silmi fi zill al-sulta al-wataniya al-Filistiniya"; SKEYES, "Taqrir 'Skyz' hawl intihak al-hurriyat al-i'lamiya wa-l-thaqafiya fi shahr Fabrayir 2011," Mar. 9, 2011, <<https://skeyes.wordpress.com/2011/03/09/256696/>>.

³⁹ Palestinian Center for Human Rights, "al-Haqq fi hurriyat al-ra'i wa-l-ta'bir wa-l-haqq fi-l-tajammu' al-silmi fi zill al-sulta al-wataniya al-Filistiniya; Mada Center, "Various Violations against Journalists in OPT during February 2011."

⁴⁰ Palestinian Center for Human Rights, "al-Haqq fi hurriyat al-ra'i wa-l-ta'bir wa-l-haqq fi-l-tajammu' al-silmi fi zill al-sulta al-wataniya al-Filistiniya."

coordinator for Hamas MPs of the Change and Reform Bloc in Nablus, from covering a peaceful assembly by the families of political prisoners on June 13. Policewomen asked her to turn over her camera, and when she refused, they physically assaulted her.⁴¹

Suppression of peaceful assemblies and protests

Both the Ramallah and Gaza governments continued to exert pressure on public assemblies, imposing strict, extralegal conditions on assemblies. Whereas the law merely requires that the official bodies be notified in advance of such gatherings, both governments required an official permit for any public meetings or activities.

To prevent Fatah members from organizing celebrations in early January 2011 to commemorate the 46th anniversary of the movement's founding, the security apparatus in the Gaza Strip summoned Fatah cadres from all over the Strip to question and detain them, subjecting some to brutal beatings and degrading treatment.

On February 11, Hamas security forces suppressed a protest demanding the end of Palestinian factionalism, detaining dozens of Fatah members in Rafah, Khan Younis, and Deir al-Balah. On the day set for the demonstration, Hamas loyalists clashed with demonstrators in Khan Younis. Police intervened to break up the demonstration, arresting numerous protestors who were then questioned about the demonstration; they were released the following day.⁴²

Following a call issued by several youth groups for demonstrations on March 15 to demand that the Ramallah and Gaza governments end the political polarization in Palestine, the Gaza Strip saw increasing measures taken against youth activists starting in mid-February, with many summoned, questioned, and detained. Some were forced to sign statements pledging to obey the law before their release.⁴³ On March 15, numerous persons in civilian clothes carrying batons and clubs were deployed on the streets of Gaza and demolished the tents set up by demonstrators for the planned sit-in. Police cooperated with these people to pursue and arrest demonstrators and attack demonstrators and journalists. The same practices were seen the following day during a sit-in organized by hundreds of

⁴¹ Ibid.

⁴² Ibid.

⁴³ Ibid; al-Haq, "Bayan sahabi sadir 'an mu'assasat al-haqq bi-sha'n al-i'tida' 'ala-l-tajammu'at wa-l-masirat al-silmiya fi qita' Ghazza," Mar. 16, 2011, <<http://www.alhaq.org/atemplate.php?id=141>>.

students on the Azhar University campus; the campus was stormed and the occupying students assaulted. On the same day, a number of people armed with clubs and batons, in cooperation with police personnel, stormed the campus of al-Quds University, brutally beating students. The next few days saw similar violent clashes at several assemblies demanding an end to factionalism.⁴⁴ These repressive practices accompanied by arrests of demonstrators were again repeated during the march to commemorate Land Day on March 30.⁴⁵

A spontaneous assembly on April 27 to celebrate Palestinian reconciliation was also suppressed, as police attacked participants in Unknown Soldier Square in western Gaza, arresting five people who were taken to General Investigations headquarters before being released.⁴⁶

A sit-in held in solidarity with the popular uprising in Egypt was broken up by Hamas police on January 31, 2011, and eight participants were referred to interrogation before being released the same day. They were forced to sign statements pledging not to participate in any further unlicensed demonstrations. On August 16, the Hamas security apparatus arrested several people who took part in a protest to show solidarity with the Syrian people.

On May 31, after the conclusion of the Palestinian reconciliation agreement, Hamas police prevented a conference organized by the March 15 youth coalition calling for reconciliation. Police surrounded the site of the conference and dispersed those assembled using batons and clubs. They arrested five young people who were later released.⁴⁷

The West Bank saw similar violations of the freedom of peaceful assembly on various occasions. The security apparatus prevented a meeting to show solidarity with the popular revolution in Egypt in Ramallah on February 2, 2011, detaining some of the organizers for not obtaining a permit. They also attacked those taking part in a similar solidarity assembly on February 5. On February 17, school students were beaten after taking part in a peaceful march in Ramallah in show of solidarity with the Egyptian uprising.

On May 15, the anniversary of the *nakba*, security forces intervened to prohibit a peaceful march in Hebron, attacking participants with clubs. On

44 Palestinian Center for Human Rights, "al-Haqq fi hurriyat al-ra'i wa-l-ta'bir wa-l-haqq fi-l-tajammu' al-silmi fi zill al-sulta al-wataniya al-Filistiniya."

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Ibid.

June 13, police dispersed a sit-in by detainees' families attended also by several members of the Palestinian legislature from the Hamas Change and Reform bloc. The security apparatus used force to prevent marches called for in early July by the Islamic Liberation Party to commemorate the 90th anniversary of the collapse of the caliphate. Dozens of party loyalists were beaten and detained in Hebron, Tulkarm, Nablus, and Ramallah.⁴⁸

Pressures on civil society organizations and human rights defenders

The authorities in Gaza imposed further restrictions on the work of civic associations. In August, it was revealed that a decree had been issued by the Cabinet in Gaza introducing changes to the implementing regulations of the law on charitable and civic associations, although they were not published in the Official Gazette. The amendments require all branches of associations and local bodies to supply the competent ministry with any documents, papers, or forms upon request. They also give the ministry the authority to monitor the activities of associations to ensure that their funds are spent on the purposes for which they are allotted. The changes made branches of foreign bodies and associations registered in the Palestinian territories subject to all the provisions to which local associations are subject under the law.

On August 2, the Gaza government issued a decree banning charitable and non-profit institutions from carrying out any donor-funded project without first obtaining the consent of the Interior Ministry, National Security, and the competent bodies, a measure that constitutes a fundamental violation of the associations law itself. The Gaza Interior Ministry's General Directorate for Public Affairs and NGOs also issued directives regarding travel for participation in NGO programs and activities in the West Bank or other countries. The directives require two-weeks advance notification to the directorate before such travel, stating the purpose of travel, participants' information, and the hosting body. The measure lacks any legal basis in the NGO law.⁴⁹

The Palestinian Center for Human Rights was subjected to a smear campaign supported by the Ministry of Prisoners and the Ezz al-Din al-Qassam Brigades, after it signed a joint statement on June 24 urging that

⁴⁸ Palestinian Center for Human Rights, "PCHR Condemns Dispersal of Hizb ut Tahrir's Demonstrations in the West Bank," July 3, 2011, <<http://goo.gl/DrkWw>>.

⁴⁹ Palestinian Center for Human Rights, "Taqrir hawl al-intihakat al-Filistiniya li-l-haqq fi takwin al-jam'iyat fi-l-sulta al-Filistiniya," Nov. 2011, <http://www.pchrgaza.org/files/REPORTS/arabic/pdf_spi/ngo2.pdf>.

Israeli soldier Gilad Shalit, detained by Hamas, be treated as a prisoner of war under international law.⁵⁰

Over the year, the Hamas government in Gaza shuttered and dissolved several associations, among them the Palestinian Boy Scouts and Girl Scouts, which received a closure order from the internal security apparatus in February 2011. While security claimed that the groups had not received a license, in fact they had received a permit before the split in the PA between the West Bank and Gaza Strip, based on which they founded five chapters in the Gaza Strip.⁵¹ On April 1, internal Security in Gaza also shut down the office of al-Baqiyat al-Salihah Association in the northern Gaza Strip, one day after the group published a report on factionalism in Gaza.⁵² In July, the Interior Minister of the Gaza government issued an order dissolving the Participate Forum, a charitable youth group, on the grounds that its branch in Gaza was unlicensed. Yet, the association had been registered with the PA Interior Ministry since 2004, with its main headquarters in Jerusalem. The license allows it to open branch offices in the Palestinian territories without the need to register anew.⁵³

On April 30, the security apparatus in Gaza summoned lawyer Karem Mahmoud Nashwan, the director of the Center for Democracy and Workers Rights, for questioning, along with several employees of the center and labor rights activists, prior to marches scheduled the next day to mark Labor Day.⁵⁴ Gaza police also banned a conference on interactive media organized by the Amin Media Network, along with a conference on women's rights organized by the Palestinian Center for Independence of the Bar and Judiciary (Musawa).⁵⁵

In the West Bank, restrictions on civil society organizations continued on the basis of the arbitrary guidelines adopted after the Fatah-Hamas conflict erupted in 2007, under which the Interior Ministry reviews all licenses granted to associations and foundations. Although the year 2011 saw the conclusion of a Fatah-Hamas reconciliation agreement, it was not reflected in the status of NGOs, as dissolution orders for 103 associations—most of

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Palestinian Center for Human Rights, "PCHR Condemns Continued Restrictions Imposed on the Right to Peaceful Assembly by the Palestinian Government in Gaza; Peaceful Assembly of Workers on International Workers' Day Banned," May 2, 2011, <<http://goo.gl/ZdcX9>>.

⁵⁵ Palestinian Center for Human Rights, "Taqrir hawl al-intihakat al-Filistiniya li-l-haqq fi takwin al-jam'iyat fi-l-sulta al-Filistiniya."

them pro-Hamas—remained in effect. Similarly, the draconian restrictions on the registration of Hamas NGOs continued, either on the grounds of security considerations or based on the claim that the law does not permit the establishment of political or religious civic associations. The Ramallah government refused to implement rulings issued by the Supreme Court overturning arbitrary restrictions by the Interior Ministry imposed on some civic associations.⁵⁶

Hamas and arbitrary execution

The Hamas government continued to employ the PLO's Revolutionary Penal Code to refer civilians to permanent military courts in the Gaza Strip on charges punishable by the death penalty, despite the fact that the law faces constitutional challenges since it was never brought before the legislature. The Hamas government also continued to carry out death sentences, although this constitutes a violation of basic Palestinian law, which requires the approval of the president of the PA for all death sentences.

In 2011, military courts sentenced six people to death following their conviction on charges of treason, espionage, or terrorism. Four people were executed who had been previously convicted on similar charges.⁵⁷

⁵⁶ al-Mezan Center for Human Rights, "Police Obstructs Meeting of the Ameen Media Network and Disperses Meeting of MUSAWA; al Mezan Calls for the Respect of Law," Dec. 5, 2011, <http://www.mezan.org/en/details.php?id=13064&ddname=peaceful%20assembly&id_dept=9&id2=9&p=center>.

⁵⁷ For further details on the death sentences issued and executed in 2011, see, Independent Commission for Human Rights, "Monthly Report on Violations of Human Rights and Public Freedoms in the Palestinian-controlled Territory," Mar. 2011, <[ichr.ps/pdfs/marhrvhr.pdf](http://www.ichr.ps/pdfs/marhrvhr.pdf)>; Independent Commission for Human Rights, "Monthly Report on Violations of Human Rights and Public Freedoms in the Palestinian-controlled Territory," May 2011, <www.ichr.ps/attachment/99/ICHR%20%20monthly%20report-%20%20May%202011.pdf?g_download=1>; Independent Commission for Human Rights, "Monthly Report on Violations of Human Rights and Public Freedoms in the Palestinian-controlled Territory," Apr. 2011, <[ichr.ps/pdfs/ICHR%20monthly%20report%20-%20april%202011%20-%20eng.pdf](http://www.ichr.ps/pdfs/ICHR%20monthly%20report%20-%20april%202011%20-%20eng.pdf)>; Palestinian Center for Human Rights, "PCHR Condemns Implementation of Death Penalty against Palestinian in Gaza," May 4, 2011, <<http://goo.gl/mpKiK>>; Independent Commission for Human Rights, "Monthly Report on Violations of Human Rights and Public Freedoms in the Palestinian-controlled Territory," July 2011, <www.ichr.ps/attachment/100/ICHR%20JULY%202011.pdf?g_download=1>; Palestinian Center for Human Rights, "Military Court in Gaza Issues Three New Death Sentences," Oct. 13, 2011, <<http://goo.gl/bCmuc>>.

Iraq

In 2011, Iraq remained the stage of grave human rights abuses, the immensity of which differed little from the patterns detailed in reports of recent years. This raises serious questions about the development and reform of the Iraqi security apparatus and exposes the inability of the political process to incorporate broad segments of the population. It might have appeared relatively positive that Iraq no longer led the Arab world as the most violent Arab country; however, this was not due to a marked decline in the level of repression and lethal violence in Iraq, but rather to the fact that Libya and Syria vied for this rank due to the broad crackdown and crimes against humanity perpetrated by the regimes of Moammar al-Qaddafi and Bashar al-Assad with the goal of crushing the popular revolutions in their countries.

The most conservative numbers indicate that from January 1 to October 30, 2011, 3,430 civilians were killed in Iraq, compared to 4,045 in 2010 and 4,704 in 2009.¹

¹ These numbers are taken from Iraq Body Count (IBC), an independent NGO established after the invasion of Iraq. Despite the credibility accorded the organization's reports, independent observers doubt the accuracy of the numbers of actual casualties because of the methodology used to document deaths. IBC counts only documented deaths and injuries rather than using surveys of samples of the Iraqi population to deduce the number of casualties, as is done by other organizations. This approach may seem sound at first glance, but because of the weakness of Iraqi state agencies, particularly the Ministries of Defense, Interior, and Health—the bodies responsible for documenting the number of dead and wounded—in addition to the absence of local and international media coverage across the country due to barriers to movement and limited resources, arriving at accurate statistics

Challenges in Iraq are not limited to the continued deterioration of the security situation, nor to the failure to reach a consensus regarding the political process, nor to the inability to agree on political ground rules for the constitution, for laws governing the distribution of wealth, and for drawing the borders of areas disputed by the region of Kurdistan and the central government. Rather, there are also challenges that test the very legitimacy of the government, particularly in the midst of growing waves of protests and peaceful demonstrations all over Iraq sparked by rampant corruption, poor government services, and a sense among growing numbers of Iraqis of the flagrant lack of mechanisms of oversight to monitor government performance. Exacerbating the situation is the fact that the Parliament is the least effective of the constitutional institutions, as it is characterized by extreme sectarianism. Moreover, the electoral process imposed the need for broad coalition governments, thus stripping the Parliament of any genuine opposition force. The Anti-Corruption Agencies and the Office of Financial Oversight also face various forms of interference, manipulation, and pressure by the government, made worse by the chronic weakness of the judiciary, which has not yet cast off its old subordination to the executive which has characterized its work since the era of Saddam Hussein.²

Given the inability to address structural problems in the system of governance, authoritarianism has been further entrenched. This is demonstrated in the growing tendency to use excessive force to suppress peaceful protests, as Iraq follows the model of other Arab regimes in using hired thugs to attack demonstrators, opening fire with live ammunition, and subjecting protestors to arrest, torture, or kidnapping.

There are no indications of improved conditions in detention facilities and prisons, as complaints continue to be heard of detention without charge or trial. Moreover, there is little or no judicial inspection of detention centers, and some illegal, secret prisons have been exposed.

Journalists and media workers continue to be targeted in killings, although less frequently, as well as subjected to physical assaults, threats,

regarding casualties proves to be a difficult task, with the exception of troop casualties maintained by the American forces. Moreover, the causes of death of Iraqi victims is at times unknown, especially when bodies are found thrown in the streets, making it difficult to determine whether the deaths were politically or criminally motivated. According to IBC, 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; 24,534 in 2007; and 9,357 in 2008. For more information see the IBC website, <http://www.iraqbodycount.org/>.

² International Crisis Group, "Failing Oversight: Iraq's Unchecked Government," Sep. 26, 2011, <<http://goo.gl/TggP9>>.

and judicial harassment. The Christian and Yazidi minorities were also targeted in some attacks.

The legislative framework of the country remains in need of a genuine push to promote and protect liberties, yet changes in this area often involve the imposition of more restrictions, especially on the freedom of expression and the freedom of assembly and peaceful demonstration.

Violence, arbitrary killing, and the targeting of civilians:

Data on violence and killings from January to October, 2011, reveal numerous worrying quantitative and qualitative indicators. First and foremost, an improvement of the security situation remains dependent on domestic and regional developments unlikely to occur in the near future.

Even though the average death rate settled at 11.4 per day in 2011, compared to an average of 12.2 per day in 2010,³ a closer examination reveals less encouraging findings. Iraq has still not transitioned to the post-conflict phase predicted by numerous studies following the civil war of 2006-2008, in which more than 60,000 people were killed.

In the period covered by this report, acts of violence each month ranged from a low of 250 deaths in February to a high of 398 deaths in August.⁴ The delay in reducing the number of civilian deaths can be attributed to various internal and external factors, especially when compared to the steep decline in victims after 2008, which was also due to internal and external factors. Firstly, the type and level of violent operations is linked to the political process, as violence has become an extension of debates at the negotiating table between Iraqi politicians, whether for those at the center of government or those on its margins. This indicates that an embrace of peaceful politics is still distant.⁵

A second factor is that Iraq remains an arena for settling regional scores between the country's neighbors, and between these neighbors and the US. This year a new element was introduced with the revolutions of the Arab Spring, which swept over Syria, Iraq's western neighbor, and sparked

³ Iraq Body Count.

⁴ Ibid.

⁵ For example, see the following article, which links increasing violence to negotiations over the withdrawal of American troops: Washington Post, "Iraq Violence Intensifies As Talks Continue on U.S. Troop Presence," June 22, 2011, <http://www.washingtonpost.com/world/iraq-violence-intensifies-as-talks-continue-on-us-troop-presence/2011/06/21/AG3pX3eH_story.html>.

demonstrations of varying intensity demanding political and economic reform in Jordan, Saudi Arabia, and Kuwait.

The impacts of the Arab Spring led Iraqi politicians to accuse regional parties of backing violence in Iraq with the goal of diverting attention away from domestic conflicts in these states or of sending a message to the region and the world that the cost of ousting these regimes would be high and would be reflected in the level of stability and preservation of the social fabric of the religiously and ethnically diverse Arab Levant.⁶

The UN Assistance Mission in Iraq (UNAMI) also offered a new explanation for the continued elevated levels of violence, stating that violent ideological and political groups were increasingly turning to ordinary crime to fund their terrorist activities.⁷ A prominent security leader estimated that business owners in Mosul alone pay some \$7 million every month as protection money to the group Islamic State of Iraq, which is linked to al-Qaeda.⁸

Data indicates that suicide missions, explosive devices, and car bombs still claim the most Iraqi lives, compared to assassinations or gunfights.⁹ On August 28, 2011, 30 Iraqis, most of them Sunnis, were killed when a suicide bomber targeted the Umm al-Qura Mosque in Baghdad. Khaled al-Fahdawi, an MP for the Anbar province allied with the Sunni Iraqi list, and Sheikh Ahmed Abd al-Ghafur al-Samarra'i, the imam of the mosque and known for his sermons against Islamic extremism, died in the blast.¹⁰

On September 12, 2011, armed men killed 22 Shiite pilgrims from the province of Karbala after attacking a bus in the desert area of al-Nakhb in

⁶ For example, the leader of the Iraqi Awakening Council, Ahmed Abu Risha, accused Syrian intelligence in September of involvement in planning a series of bombings against Iraqi civilians to draw attention away from popular protests against the Assad regime. See Hathalyoum News Network, "Abu Risha yattahim Suriya bi-qatl 'Iraqiyin shi'a, Sep. 13, 2011, <<http://www.hathalyoum.net/news.php?action=view&id=2136>>.

⁷ UNAMI, Human Rights Report: 1 January 2010 to 31 December 2010, <www.uniraq.org/documents/UNAMI_HR%20Report_English_FINAL_1Aug11.pdf>. See also Iraq Body Count, where data on daily deaths points to increased targeting of jewelry stores, banks, and exchange offices.

⁸ See statements made by Mahdi Subbeih al-Azzawi, commander of the third division of the Federal Police, to Radio Sawa, Nov. 8, 2011. The Iraqi Interior Ministry says that dozens of small and medium business owners and professionals have been kidnapped for ransom by militias over the past few years.

⁹ Iraq Body Count states that an average of 6.6 Iraqis died every day from January to October 2011 in suicide missions and car bombs, compared to 4.8 per day as a result of assassinations over the same period.

¹⁰ BBC Arabic, "Maqal 28 'ala-l-aqall fi hujum intihari 'ala masjid fi Baghdad," Aug. 28, 2011, <http://www.bbc.co.uk/arabic/worldnews/2011/08/110828_iraq_bomb.shtml>.

the Anbar province on the international highway between Iraq and Syria. Press reports stated that the militants ordered them off the bus, released the women, and took the men aside and shot them with automatic weapons.¹¹

On October 27, 2011, two explosions of IEDs planted on the roadside targeted two shops selling music tapes in a majority-Shiite neighborhood of Baghdad, killing 40 and wounding 78, among them policemen.¹²

In this context, various political forces in Iraq have raised doubts about the professionalism and neutrality of Iraqi security forces, pointing to the questionable loyalties of their members and divisions among their ranks along political, sectarian, and ethnic lines, which ultimately affects their ability to fairly enforce the law.¹³ The US has voiced similar concerns. US Secretary of Defense Leon Panetta complained that the Iraqi army is unwilling to pursue Shiite militias, which killed 14 US soldiers in June 2011, according to Washington – the highest number of US military casualties in the previous three years.¹⁴

Violence struck all Iraqi provinces, whether Sunni, Shiite, or Kurdish, but cities with a Sunni majority, particularly al-Ramadi, Mosul, and Baquba, bore the lion's share, along with the capital of Baghdad. Iraqi police and military personnel remained targets, as did members of the Sunni Awakening Councils established by the US army in 2006 to combat al-Qaeda cells. On June 11, unknown militants assassinated Saber Mahmoud, a prominent leader of the Awakening Councils, along with three of his relatives, in the Sunni-majority city of Samarra' in northern Iraq.¹⁵ On October 24, five citizens, among them two policemen, were killed and 30 injured in four separate attacks carried out by suicide bombers and militants against Iraqi traffic police in Baghdad.¹⁶

¹¹ BBC Arabic, "Mas'ul 'askari 'Iraqi yattahim musallahin 'Araban bi-qatl 22 'Iraqiyan 'ala-l-tariq ila Suriya," Sep. 18, 2011, <http://www.bbc.co.uk/arabic/middleeast/2011/09/110918_iraq_arab_gunmen.shtml>.

¹² Al-Wasat News, "Maqtal 32 shakhsan fi hujum bi-Baghdad," Oct. 29, 2011, <<http://www.alwasatnews.com/3339/news/read/604988/1.html>>.

¹³ See, for example, Yezid Sayigh, "Armies and Civilians in the Arab Awakening: An Inevitable Compromise?" Oct. 27, 2011, Sada, <http://carnegieendowment.org/sada/2011/10/27/armies-and-civilians-in-arab-awakening-inevitable-compromise/8b2y?solr_hilite=Yezid>.

¹⁴ Asharq al-Awsat, "Banita yuhadhdir min taharruk quwatih bi-shakl munfarid didd milishiyat al-shi'iya idha lam taf' al al-sultat al-'Iraqiya dhalik," July 12, 2011, <<http://www.aawsat.com/details.asp?section=4&issueno=11914&article=630690&feature=>>>.

¹⁵ Sawt al-Arab, <www.alarabnow.com/2011/06/11/مقتل-عضو-من-قوات-الصحو-العراقية/>.

¹⁶ BBC Arabic, "al-'Iraq: maqtal 5 fi silsilat hajamat istahdafat shurtat al-murur bi-Baghdad," Oct. 24, 2011,

Iraqi civilians continued to be targeted and killed by US forces, although the numbers declined markedly in the period covered by this report. On March 7, 2011, according to Iraqi sources, US military forces killed Iyad Ibrahim Mohammed, a Iraqi university professor, in a village in al-Huweija, near the city of Kirkuk, after an air strike. The forces took Mohammed's body and detained his brother. Official US clarifications later stated that the role of US forces was limited to providing support and air transport to Iraqi forces.¹⁷

Minorities and refugees:

The year 2011 saw a decline in the death rate of members of religious and ethnic minorities which had been most subjected to acts of violence and killings since the 2003 US invasion. These minorities were targeted due to the dominance of extremist religious discourses and groups in the political and cultural arenas, including among the security apparatus responsible for protecting these minorities. Most of these minorities also lacked armed militias to defend themselves.¹⁸ Despite the decline in violence, members of the Christian and Yazidi minorities continued to complain of being targeted in the street and of their homes coming under armed assault to expel them from the area, especially in the north.

On August 2, 16 Iraqis were injured when a car bomb exploded near the Catholic church in northern Kirkuk. The police said the explosion was part of a wider attack that involved two additional car bombs near two churches in the same city which were defused before they went off.¹⁹ A Christian

<http://www.bbc.co.uk/arabic/middleeast/2011/10/111023_iraq_gunmen_traffic_police.shtml>

¹⁷ Iraq News Network, "al-Mustashar al-i'lami li-l-ihtilal: lam nusahim fi qatl al-duktur Iyad Ibrahim bal qaddamna al-da'm wa-l-isnad li-l-quwat al-'Iraqiya faqat," Mar. 10, 2011, <http://www.aliraqnews.com/index.php?option=com_content&view=article&id=25242:2011-03-10-08-39-35&catid=13:politics&Itemid=26>.

¹⁸ The year 2010 was the bloodiest for Iraqi Christians, with 92 killed and 280 injured in a series of attacks targeting churches and Christian homes. Review the report of the Hammurabi Human Rights Organization in Iraq at al-Mowaten News, "Akthar min 822 masihi 'Iraqi qutil khilal sab' sanawat wa al-'am al-madi kan al-aswa'," May 23, 2011, <<http://www.almowatennews.com/news.php?action=view&id=21133>>.

¹⁹ Huffington Post, "Iraq Catholic Minority Target of Three Car Bombs," Aug. 2, 2011, <http://www.huffingtonpost.com/2011/08/02/iraq-catholic-minority_n_915970.html>. Data indicates that the Christian population of Iraq dropped from some 1.5 million in 2003 to 850,000 by mid-2011. According to the Hammurabi Human Rights Organization, 882 Christians have been killed since the US invasion of 2003.

citizen named Bassam Boulos was also killed on October 2, when unknown persons shot him in the eastern part of Mosul.²⁰

The Christians minority also complained that the Iraqi security apparatus failed to arrest those involved in violence against them, although the government did, for example, build cement walls around churches, some of them as high as 3 meters, turning many churches into military barracks.²¹

Members of Iraq's Yazidi community, most of whom live in the Nineveh province in northern Iraq, also continued to be targeted with violence. On September 19, Yazidi leader Sheikh Elias Badal was killed and his son seriously injured when Iraqi army forces raided his home in Qada Sinjar, near Mosul.²²

Sites where Iraqi citizens gather to express their faith also continue to be targets. On February 12, 2011, for example, at least 33 people were killed and around 20 more injured following an attack by a suicide bomber on a bus carrying Shiite pilgrims headed to Samarra' to commemorate the death of Imam al-Hassan al-Askari, the eleventh Shiite imam.²³

The status of refugees and internal displaced persons (IDPs) continued to be a major social and political issue in Iraq. According to information from the UN High Commissioner for Refugees, as of January 2011 Iraq was home to 1,343,568 IDPs. UNAMI stated that Baghdad alone is hosting 358,457 IDPs, many of whom do not have adequate access to basic services such as water, sewage, and electricity.²⁴ These groups face numerous problems because of administrative and practical obstacles hindering them from exercising their basic rights, such as obtaining civil status documents in a timely manner and the provision of housing and work; they also risk expulsion from shelters.

Some 3,250 Iranian refugees, members and supporters of the dissident Iranian group Mujahedeen-e Khalq, continue to reside in Camp Ashraf in Diyala, where their situation is extremely worrying. Reports continue that food and fuel are being denied entry to the camp, which has been under

²⁰ Iraq Body Count.

²¹ Al-Mowaten News, "Akthar min 822 masihi 'Iraqi qutil khilal sab' sanawat wa al-'am al-madi kan al-aswa'."

²² Lalish Media Network, "al-Hay'a al-'ulya li-markaz lalish tastankir 'amaliyat mudahamat manzil al-shahid Ilyas Badal fi-l-Khansur," Sep. 21, 2011, <<http://www.lalishduhok.com/2010-10-12-15-22-02/2011-01-05-15-01-47/6578-2011-09-21-12-56-50.html>>.

²³ AFP, Feb. 12, 2011.

²⁴ UNAMI, Human Rights Report: 1 January 2010 to 31 December 2010.

partial siege since Iraqi forces assumed the responsibility of securing the camp in July 2009. International reports in November warned that the camp's residents faced "serious danger" if the Iraqi government proceeds with its plan to close the camp by December 31, 2011.²⁵ According to these reports, 36 residents of the camp, among them 8 women, were killed and some 300 injured after Iraqi forces raided the camp on April 8, 2011. On November 4, Mujahedeen-e Khalq said that Iraqi authorities had denied entry to fuel supplies needed for cooking and heating, threatening a disaster with the onset of winter.²⁶

The Iraqi authorities' continued harassment of the camp's residents and the ongoing siege impede attempts by the EU to find a solution for camp residents. The EU has proposed to the Iraqi authorities settling and hosting all the camp's residents in EU and non-EU countries, including the US, Canada, and Australia, but the success of these efforts requires Iraqi forces to withdraw from the boundaries of the camp, lift the siege, allow the entry of medical services, launch an independent investigation by a delegation of rights advocates on the attack on the camp in April, and return all camp residents' property confiscated during the attack.²⁷

Media freedoms:

Iraq remains one of the most dangerous places in the world for journalists; in terms of the number of murders and abductions of journalists and media workers, it is surpassed only by Pakistan, thereby topping the list among Arab countries. The period from January 1 to October 30, 2011 saw the deaths of 7 Iraqi journalists, the same number of victims as in 2010 but significantly fewer than in 2008 and 2007, when 14 and 47 journalists were killed, respectively.²⁸

On September 8, an armed militant assassinated Hadi al-Mahdi, a journalist with Radio Tammouz known for his activities denouncing

²⁵ Amnesty International, "Iraq: Iranian Asylum-Seekers in Iraq at Risk," Nov. 2, 2011, <<http://www.amnesty.org/en/library/asset/MDE14/043/2011/en/129408bd-ea14-4a55-89c5-b89aeee3fce3/mde140432011en.html>>.

²⁶ al-Youm al-Sabia, "Munazzamat 'khlaq' tattahim 'Iraq bi-fard al-hisar 'ala sukkan mukhayyam Ashraf," Nov. 4, 2011, <<http://www.youm7.com/News.asp?NewsID=526861&SecID=88&IssueID=0>>.

²⁷ "Awdat al-idtirabat al-amniya fi-l-'Iraq," <<http://www.tunisia-sat.com/vb/showthread.php?t=1737217>>.

²⁸ Figures from Reporters Without Borders and the Committee to Protect Journalists. According to the former, 8 journalists were killed in Pakistan in 2011. Yemen was second among Arab countries, with 6 journalists killed in 2011.

corruption in state institutions. The assassination of al-Mahdi, who had led anti-corruption demonstrations in the past, came one day before a demonstration organized by civil society and activists demanding the dismissal of the Maliki government, dubbed the Friday of Freedom. Al-Mahdi had previously been arrested on February 25, 2011, days after organizing a demonstration against the Maliki government. At the time, he said he was tortured by the security apparatus.²⁹

On June 21, Salem Elwan al-Gharabi, a photographer with the Iraqi Afaq channel, was killed in a suicide bombing of the city council building of al-Diwaniya, in southern Iraq.³⁰ On March 29, 2011, Iraqi journalists Sabah al-Bazi of Reuters and Muammar Khodeir Abd al-Wahed of the Eye Media Agency were killed in a suicide attack against the provincial council building of Salah al-Din in Tikrit. The attack left at least 65 people dead and over 100 wounded.³¹

Iraqi journalists continued to face other forms of harassment as well, including physical assaults, threats, and what are thought to be politically motivated prosecutions. On August 29, the founder of the Kurdish independent *Awena*, Asos Hardi, was brutally beaten in the Kurdish city of Suleimaniya by an unidentified person in black clothing. He required surgery for a head wound. Reporters Without Borders reported increased attacks on journalists in the Kurdistan province since the beginning of the protest movement of February 17, 2011, which demanded an end to corruption.³²

On October 19, unidentified armed men attacked Abd al-Hassan al-Rikabi, a correspondent with the Iraqiya channel, while on the road in his car from al-Rifai to Nasiriya in the south. He sustained light injuries to his neck after leaving his car and fleeing the gunfire.

On October 1, the director of the Kurdish News Network, Hoshiyar Abdullah, affiliated with the opposition Kurdistan Movement for Change, was summoned to a court in Suleimaniya. He was released on bail of 145,000 Iraqi dinars (EU90), after being charged with defaming the former minister of water resources, Abd al-Latif Mohammed Jamal, who is

²⁹ Al-Hayat, "Igthiyal al-sahafi al-'Iraqi Hadi al-Mahdi fi manzilih qabl tazahurat al-ghad," Sep. 8, 2011, <<http://international.daralhayat.com/internationalarticle/305469>>.

³⁰ Reporters Without Borders, "Maqtal musawwir fi hujum fi janub al-'Iraq," June 22, 2011, <http://arabia.reporters-sans-frontieres.org/imprimer_ar.php3?id_article=32055>.

³¹ Reporters Without Borders, "Sahafiyan min bayn dahaya al-hujum al-sittin," Mar. 30, 2011, <http://arabia.reporters-sans-frontieres.org/article.php3?id_article=31993>.

³² Reporters Without Borders, "Darb Asus Hardi min abraz wujuh fi-l-sahafa al-mustaqilla fi Kurdistan al-'Iraq," Aug. 30, 2011, <http://arabia.reporters-sans-frontieres.org/article.php3?id_article=32093>.

suspected of corruption.³³ American journalist Daniel Smith was also arrested on October 21 while at a demonstration in Baghdad. He was held in a detention center near the Muthana airport before being released and deported on October 26.³⁴

Authorities in the province of al-Qadisiya, south of Baghdad, cut the transmission of the sole independent radio station in the province, on the grounds that the music programs were contrary to public morals; according to the station director, the station broadcasts classic Iraqi songs.³⁵

This year saw limited positive development in the legislative arena after the parliament passed a law on the protection of journalists on August 9, more than two years after the Iraqi government approved it. The law partially expanded the definition of a journalist, formerly limited to members of the Journalists Syndicate, to include any person who works in journalism on a regular basis, excepting those who work on a temporary basis and unpaid bloggers. Nevertheless, many observers saw the law as merely a statement of intentions, as it contained no provisions prescribing penalties for institutions or persons who violated the theoretical safeguards for journalists enshrined in the law. The law also contains no provisions for the establishment of a compensation fund for journalists harmed by violations, or procedural provisions for prosecuting violations against the press. More importantly, the guarantees upheld by the law in theory that allow journalists freedom of opinion, access to information, and freedom to publish appear meaningless or, at the least, are subject to provisions in other laws. The law repeatedly states that the rights of journalists apply “within the bounds of the law,” or “in the framework of respect for laws and court orders,” or “insofar as they do not violate the law and the public order.”³⁶

³³ Reporters Without Borders, “I’tida’at wa mudayaqat yawmiya li-l-i’lamiyin,” Oct. 21, 2011, <http://arabia.reporters-sans-frontieres.org/article.php3?id_article=32121>.

³⁴ Reporters Without Borders, “Mawja jadida min al-intihakat wa-l-tarhib didd al-sahafiyin,” Oct. 31, 2011, <http://arabia.reporters-sans-frontieres.org/article.php3?id_article=32128>.

³⁵ Ibid.

³⁶ Reporters Without Borders, “Qanun li-himayat al-sahafiyin: ta’widha tashri’iya ‘amiqa wa hatta khatira,” Sep. 6, 2011, <http://arabia.reporters-sans-frontieres.org/article.php3?id_article=32096>.

Repression of the freedom to peaceful assembly, protest, and expression:

The authorities cracked down on numerous peaceful demonstrations, largely free of sectarian discourses, which erupted with the wave of Arab revolutions. Several people were killed in the crackdown due to excessive use of force, while the government is currently preparing legal restrictions that would largely criminalize freedom of expression, assembly, and peaceful demonstration.

On February 17, 2011, thousands of Iraqis took to the streets in several cities, including Suleimaniya and al-Kut, to protest the rampant corruption in state institutions and the deterioration of services, particularly electricity, education, health, and sanitation. Iraqi forces dealt harshly with the protests, killing at least 4 people.³⁷

Borrowing from the lexicon of the Egyptian revolution, civil and youth groups on February 25 organized a Day of Rage in several Iraqi cities, which was met with extreme brutality by Iraqi security forces supported by groups of hired thugs,³⁸ a scenario seen repeatedly in several Arab countries. As a result, at least 8 people were killed and dozens injured.³⁹

On June 10, groups of pro-government thugs, observed by security forces, attacked a peaceful protest in Baghdad with clubs, knives, and iron rods. The demonstration was held in protest of corruption and poor government services. Thugs beat and stabbed several demonstrators and sexually harassed female protestors, attempting to strip some of them, calling them whores and using other sexually provocative language.⁴⁰

The Iraqi authorities at times intentionally harass and abuse demonstration organizers. In this context, security forces stormed a meeting of protest organizers in Baghdad on June 28, leading away 13 activists handcuffed and blindfolded and confiscating documents and their phones and computers. Some of the activists were beaten and kicked on various parts of their bodies while blindfolded.

³⁷ Human Rights Watch, "Iraq: Investigate Protester Deaths," Feb. 17, 2011, <<http://www.hrw.org/news/2011/02/17/iraq-investigate-protester-deaths>>.

³⁸ Human Rights Watch, "Iraq: Attacks by Government-Backed Thugs Chill Protests," June 30, 2011, <<http://www.hrw.org/news/2011/06/30/iraq-attacks-government-backed-thugs-chill-protests>>.

³⁹ Human Rights Watch, "Iraq: Open Immediate Inquiry into Protester Deaths," Feb. 25, 2011, <<http://www.hrw.org/news/2011/02/25/iraq-open-immediate-inquiry-protester-deaths>>.

⁴⁰ Human Rights Watch, "Iraq: Attacks by Government-Backed Thugs Chill Protests."

Abuses of protest organizers by the central authorities differ little from those meted out by the authorities in the Kurdistan province, although the regional government of Kurdistan issued a report on the findings of its investigations into acts of violence over 60 days of demonstrations. Although the report ultimately held both demonstrators and security forces responsible for the violence, it admitted that the police and security forces lack adequate training to deal appropriately with protests.⁴¹

Instead of engaging with growing peaceful protests using political means, putting an end to corruption, improving government performance, and strengthening oversight instruments, an increasing authoritarianism is evidenced as in the government's approval on May 16 of the law on freedom of expression of opinion, assembly, and peaceful demonstration, which undermines Iraqis' right to protest and express themselves freely. The bill gives the authorities broad prerogatives to circumscribe Iraqis' liberties and rights on the pretext of public interest, public order, or public morals, without defining or setting limits to any of these terms. Although the bill recognizes in theory the right of Iraqis to peacefully demonstrate to express their opinions or demand their rights, Article 7 requires demonstration organizers to obtain a permit at least five days in advance of any demonstration. The application for a permit must be accompanied by a statement of the subject and purpose of the demonstration and the names of organizers, although no standards are specified by which the Iraqi authorities will approve or reject the application. Some of the provisions of the bill criminalize freedom of expression, prescribing penalties of up to ten years in prison. The bill imposes a one-year prison term on any person who attacks the belief of any religious sect, shows contempt for its rites, or insults religious symbols.⁴²

Freedom to form parties:

Iraqi legislation still lacks a law regulating political parties in the country, although over 500 political parties exist, the vast majority of which were founded after the fall of the Saddam Hussein regime in 2003. The Iraqi Council of Representatives took a serious step forward in this regard in October when its Legal Committee began discussing a bill for political parties, thought to have been approved by the Presidential Council of Iraq in

⁴¹ Human Rights Watch, "Iraq: Protest Organizers Beaten, Detained," June 2, 2011, <<http://www.hrw.org/news/2011/06/02/iraq-protest-organizers-beaten-detained>>.

⁴² Human Rights Watch, "Iraq: Revise Draft Law that Curbs Protests, Speech," July 13, 2011, <<http://www.hrw.org/news/2011/07/13/iraq-revise-draft-law-curbs-protests-speech>>.

May 2008. Press leaks indicate that in the first reading of the bill the committee focused on the establishment of parties, funding bodies, and the licensing body. It appears that Iraqi MPs agree on the need to put licensing for political parties under the sole authority of the judiciary.⁴³

Under the terms of the law, creating a party would require 2,000 founding members from six provinces, with at least 100 members from each province. Many consider this an arbitrary condition, biased towards groups with adequate funding and broad organizational capabilities.⁴⁴ The bill also includes a controversial provision in Article 19 which creates a directorate for the affairs of political parties within the Ministry of Justice, to be charged with overseeing parties' compliance with the law in their articles of incorporation and their political activities. The danger is that the article pits the ministry, alleged to be politicized, against political parties. The same objective could be realized by charging the judiciary with this task.

The law criminalizes the receipt of foreign funds by parties and requires them to disclose their annual budgets, which may help somewhat—if the provision is applied transparently and impartially—to resolve the debate over parties' affiliations with foreign agendas. If the law is passed, it will also facilitate the receipt of funds from the state budget by nascent parties.

Independence of the judiciary and the right to a fair trial:

Investigations and prosecutions before Iraqi courts remain the object of strong criticism by Iraqi and international human rights organizations, as they fail to meet the minimum international standards for a fair trial.

According to a UNAMI report, the Code of Criminal Procedure is marred by serious shortcomings. Rather than being grounded in a prosecutorial system based on evidence and proof, it is based on confessions, which are often obtained under duress and by torture.⁴⁵ The report notes that the Iraqi authorities do not seriously comply with the demands of fair legal procedure. There have been repeated failures to inform persons under arrest of the charges against them, defendants are often detained for long periods before a trial, and the defendants' or detainees' right to a lawyer is disregarded. The Public Prosecution makes only rare visits to detention centers, and there

⁴³ Alsumaria, "al-Lajna al-qanuniya al-niyabiya tunaqish qanun al-ahzab al-siyasiya fi-l-'Iraq," Oct. 10, 2011, <<http://www.alsumaria.tv/ar/Iraq-News/1-69317-.html>>.

⁴⁴ See a copy of the bill here: <<http://goo.gl/P7nQh>>.

⁴⁵ UNAMI, Human Rights Report: 1 January 2010 to 31 December 2010.

have been repeated delays in having detainees' legal status reviewed by an investigating judge.

The UNAMI report details allegations from numerous detainees who say they were not informed of the reason for their arrest or detention nor of the charges against them, whether orally or in writing. A number of detainees claim to have been detained for reasons unrelated to any violation of criminal law but simply because they were unable to pay bribes to security officials or for sectarian or other reasons.⁴⁶ The report also documents claims by prisoners and detainees who say they have not been brought before an investigating judge or that the judge merely complied with formal procedure by signing off on their alleged confessions, which are often obtained by the arresting authorities before the defendant is presented to a court and usually without the presence of an attorney.⁴⁷

Human rights groups complained that those responsible for human rights abuses are not brought before Iraqi courts. In addition, sentences issued by US courts against American military personnel responsible for human rights violations are often light. In the case of eight US marines accused of killing 24 Iraqi civilians in Haditha in 2005, the US military court dropped the charges against six of the defendants and acquitted the seventh defendant. The US military judge denied a motion from the defense to drop the charge of murder against the commander of the group, Frank Wuterich. An appeal on the case is scheduled for January 4, 2012.⁴⁸

Conditions in prisons and detention facilities:

Although the Iraqi government joined the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, the situation inside prisons and detention facilities continued to deteriorate in the period covered by this report. It is estimated that some 35,000 people were being detained and imprisoned by the Iraqi authorities in January 2011, including more than 20,000 detained without trial, despite the issuance of the Iraqi amnesty law in 2008, which mandates the release of all those detained without charge for six months to a year after their arrest.⁴⁹

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ North Country Times, "Military: Wuterich Trial in Hadith Killings Set," Oct. 13, 2011, <http://www.nctimes.com/news/local/military/article_4d3b0f3a-7bf4-5f83-bbe7-a288abe09097.html>.

⁴⁹ UNAMI, Human Rights Report: 1 January 2010 to 31 December 2010.

On March 14, 2011, an Iraqi parliamentary committee exposed the practice of systematic torture in the Camp Honor detention center run by the 56th Brigade, also known as the Baghdad Brigade, and the counterterrorism agency under the Prime Minister's office. Members of the parliamentary committee said that they observed 175 prisoners in an "unfortunate" state in the prison, located in the heavily fortified Green Zone of Baghdad, and that they saw signs of physical harm, including traces of electroshocks and scars running down the length of detainees' backs. Although the Iraqi government announced its intention to close the facility, no official has been held criminally accountable.⁵⁰

Secret prisons still exist, the most prominent being the prison at al-Adl military airport, exposed in February 2011, which was thought to hold some 300 detainees at that time.⁵¹ On January 13, 2011, the Iraqi Minister of Justice complained to the Prime Minister's office that the officer in charge of the prison refused to permit a group of inspectors to enter the facility. According to the testimonies of former detainees, they were held in solitary confinement and in inhumane conditions for several months. Detainees described in detail the abuses they faced during interrogations with the purpose of obtaining false confessions. They said that interrogators beat them, hung them from their legs, at times for hours, and administered electroshocks to various parts of their bodies, including their genitals. Interrogators also repeatedly threatened to suffocate them using plastic bags, putting the bags over their heads until they fainted.

According to Interior Ministry officials: "Citizens come to police stations or prisons looking for their family members who have been arrested. If we find they were taken by Prime Minister Nour al-Maliki's forces, we don't get any information about them or have jurisdiction to do anything." Forces of the 54th and 56th Brigades, though technically subordinate to the Ministry of Defense, are in fact subordinate to al-Maliki, who has direct control over the counterterrorism agency, which also worked closely with American Special Forces.⁵²

⁵⁰ Human Rights Watch, "Iraq: Closing Torture Prison Won't End Abuse," Mar. 31, 2011, <<http://www.hrw.org/news/2011/03/31/iraq-closing-torture-prison-wont-end-abuse>>.

⁵¹ Human Rights Watch, "Iraq: Secret Jail Uncovered in Baghdad," Feb. 1, 2011, <<http://www.hrw.org/news/2011/02/01/iraq-secret-jail-uncovered-baghdad>>.

⁵² Ibid.

Sudan

Sudan continued to be the stage of extensive human rights abuses as a result of the spread of armed conflicts and the Bashir regime's systematic repression of its opponents, which continued even after the independence of South Sudan. In the referendum of self-determination in early 2011, the overwhelming majority of Sudanese from the south chose secession and the establishment of an independent state, confirming the failure of the Sudan government to make unity attractive to southerners. Although the Sudanese government abided by the outcome of the referendum, negotiations between Khartoum and the government of South Sudan failed to resolve several outstanding issues, especially concerning disputed border areas. This led to the eruption of newly armed conflicts in South Kordofan and the Blue Nile states, even as the Sudanese government continues its armed conflict in the province of Darfur. It was reported that more than 350,000 residents of conflict areas were displaced, while government armed forces and pro-Khartoum militias committed abuses potentially amounting to war crimes and crimes against humanity, particularly in South Kordofan. These crimes included shelling civilian-inhabited areas and refugee camps as well as extrajudicial executions of persons suspected of being associated with the Sudanese People's Liberation Movement-North (SPLM-North). Several churches were burned, destroyed, and looted, women were raped, and the Khartoum authorities blocked relief supplies and prohibited international institutions from entering South Kordofan.

This year witnessed an increase in the use of excessive force to suppress peaceful protests, particularly those inspired by popular uprisings in Tunisia and Egypt. These crackdowns were accompanied by increased arrests, torture, and physical attacks and even included sexual assaults on female political and rights activists. The year 2011 also witnessed extensive attacks on freedom of expression and the press. Journalists were arrested, detained, and attacked, and several newspapers were prohibited from distribution while others were confiscated or shut down. Harassment of opposition figures continued, and clashes escalated with members of the SPLM-North, which is seen as being loyal to or an extension of the SPLM, now the ruling party in independent South Sudan. Human rights defenders also continued to be targeted for detention and prosecution on numerous occasions.

Suppression of Political Protest and Peaceful Gatherings:

The authorities increasingly used force to crush peaceful political protest. Starting on January 30, 2011, thousands of Sudanese students and their supporters rallied in the capital and several other northern cities, inspired by the popular uprisings in Tunisia and Egypt. Among their chief demands were an end to the rule of the National Congress Party (NCP) and revocation of price hikes imposed by the government. During these protests, more than 100 people were arrested, among them 9 journalists; some of the arrested protestors were beaten and subjected to ill treatment and/or torture; one student died from his wounds. 80 of those arrested were released hours after their arrest.¹ On February 10, security forces repressed a demonstration by mothers and families of detainees, and some of the demonstrating women were abducted. They were later released in various locations.² In subsequent marches in February and March, female demonstrators were beaten, cursed, and sexually harassed, and their signs confiscated.³

On February 28, security forces surrounded the headquarters of the Popular Congress Party (PCP), where families of detainees were holding a sit-in and a coalition of opposition forces featured the testimony of Safia Ishaq, an activist with the Girifna movement, discussing her abduction and

¹ Human Rights Watch, "Sudan: Violent Response to Peaceful Protests," Feb. 3, 2011, <<http://www.hrw.org/news/2011/02/03/sudan-violent-response-peaceful-protests>>.

² Sudan Tribune, "Sultat al-amn al-Sudani tulahi q nisa' talabna al-ifraj 'an al-mu'taqilin," Feb. 11, 2011, <<http://goo.gl/A0QkJ>>.

³ Human Rights Watch, "Sudan: Protestors Describe Torture by Security Officers," Mar. 4, 2011, <<http://www.hrw.org/news/2011/03/04/sudan-protesters-describe-torture-security-officers>>.

rape by members of the Sudanese security apparatus.⁴ On January 20, 2011, security forces forcibly broke up a demonstration calling for the release of opposition leader Sheikh Hassan al-Turabi, who had been detained the previous day. He was to be held for four months on charges of attempting to overthrow the regime. The Sudanese authorities also detained ten members of the PCP led by al-Turabi; they were released in May.⁵

On February 27, 2011, security forces surrounded the offices of the National Elections Commission and prevented opposition forces from holding a protest there. A protest brief was presented to the commission accusing the ruling NCP of violations in preparation for election fraud in South Kordofan.⁶ On March 9, the police brutally crushed a youth demonstration in the capital, throwing some protestors in pick-up trucks and kicking and beating them with batons. Several demonstrators were also detained inside police stations.⁷ On March 21, the authorities took preventive measures to stop several marches which had been called for by Youth for Change (Spark). Those who managed to take to the streets in the provinces of al-Jazirah and Sennar and in some parts of Khartoum were met with violence, and many were arrested.⁸ In February 2011, the authorities imposed restrictions on assemblies of journalists protesting the detention of colleagues and the closure of newspapers. Authorities prevented them from raising any signs stating their demands, and cameras of journalists covering the protest were confiscated.⁹ In May, five people were referred to trial in “Mayo,” a suburb south of Khartoum, after they joined a demonstration demanding the fall of the regime that included supporters of the Sudanese Liberation Movement (MLS) headed by Abdul Wahid Nour. They were charged with working to destroy the regime, opposing the public authorities, and infringing on public safety.¹⁰ In December, the authorities used excessive force to disperse peaceful protests held by students of Khartoum University, using clubs and tear gas; the students were protesting in solidarity with residents of the River Nile province who had been displaced

⁴ Sudan Tribune, “Haraka Sudaniya tad’u li-ihitijajat fi 21 Maris,” Feb. 1, 2011, <<http://goo.gl/6q80k>>.

⁵ Sudan Tribune, “al-Mu’arada al-Sudaniya tatawa’ad bi-isqat al-hukuma wal-shurta taqma’ muzahara,” Jan. 20, 2011, <<http://goo.gl/BZVFp>>.

⁶ Al-Sahafa, “al-Shurta mana’at mawkiban li-l-mu’arada wa-l-sha’biya,” Feb. 28, 2011, <<http://www.alsahafa.sd/details.php?articleid=23087>>.

⁷ Sudan Tribune, “al-Bulis al-Sudani yaqtul qiyadat mu’arida wa yaqma’ muzaharat didd al-nizam,” Mar. 10, 2011, <<http://goo.gl/1UAmA>>.

⁸ Field testimony collected by the researcher.

⁹ Radio Banga, “al-Sahafiyun yatazaharun amam majlis al-sahafa wa-l-sultat al-amniya ta’tadi ‘ala-l-musawwirin,” Feb. 14, 2011, <<http://www.radiodabanga.org/ar/node/9534>>.

¹⁰ Sudan Tribune, “Muhakamat mu’ayyidin li-ra’is harakat tahrir al-Sudan ‘Abd al-Wahid Nur bi-l-Khartum,” May 18, 2011, <<http://goo.gl/R3jKA>>.

by the construction of a dam. The authorities arrested dozens of students. Security forces stormed a student dormitory building on December 22, beating students, and then stormed the Khartoum University campus on December 25; the university was closed on December 29. It was reported that more than 250 people involved in demonstrations were detained from October to December. Bloggers and political activists were also arrested, among them blogger Ali Zein al-Abdin, who was held in solitary confinement for eight days and questioned about his links with the SPLM-North. In addition, a number of members of the opposition PCP were detained, among them the party's secretary-general Ibrahim al-Sanousi.¹¹

Increasing clampdown on the political opposition and on freedom of expression:

The year 2011 saw more violations aiming to restrict freedom of opinion and expression and further suppress critics of the Bashir regime and its policies.

In January and February 2011, the security apparatus surrounded the offices of the newspaper *al-Maidan* and arrested any person who came out. They confiscated the newspaper's archive and copies of the paper awaiting distribution and detained several of the paper's journalists and employees. These measures came after the paper covered popular demonstrations in several Sudanese cities on January 30.¹² The authorities also arrested several journalists, among them Hamza Baloul, a correspondent with the Qatar-based *al-Sharq*, Sara Tag of *al-Sahafa*, Ali Haj al-Amin of *Ajras al-Hurriya*, and Hussein Khogali, the editor-in-chief of *Alwan*. Some websites advocating demonstrations were blocked, and several issues of *al-Sahafa* and *Ajras al-Hurriya* were confiscated.¹³ Around ten journalists were referred to criminal investigations based on complaints filed by the security apparatus, after they declared their solidarity with rights activist Safia Ishaq and demanded an investigation into claims she made via a video recording regarding the torture and rape she endured after being arrested by intelligence personnel. The journalists questioned included Faisal Salih of the paper *al-Akhbar*; Babakr al-Qaray, a writer with *Ajras al-Hurriya*;

¹¹ Human Rights Watch, "Sudan: End Violence against Peaceful Protestors," Jan. 3, 2012, <<http://www.hrw.org/news/2012/01/03/sudan-end-violence-against-peaceful-protesters>>.

¹² Arabic Network for Human Rights Information, "Nizam al-Khartum yaqma' usbu'iyatibi'a li-l-mu'arada wa yuwaqqif 'adadan min muwazzafiha," Feb. 7, 2011, <<http://www.anhri.net/?p=23626>>.

¹³ Reporters Without Borders, "Journalists Censored, Held in Sudan Protests," Jan. 31, 2011, <<http://en.rsf.org/sudan-journalists-censored-held-in-sudan-31-01-2011,39433.html>>.

Abdullah al-Sheikh, the Editor-in-Chief of *Ajras al-Hurriya*; Saad eldin Ibrahim, the Editor-in-Chief of *al-Jarida*; and Amal Habbani and Fatima Ghazali, journalists with *al-Jarida*.¹⁴

A publication crimes court sentenced journalist Fatima Ghazali to one month in prison after she refused to pay the fine levied by the court following her conviction of publishing false news; she had published a story on the assault on activist Safia Ishaq by security personnel. Saad eldin Ibrahim was fined \$1,670,¹⁵ while Amal Habbani was sentenced to one month in prison after she also refused to pay the fine demanded by the court.¹⁶ For some two months, copies of *Ajras al-Hurriya* were routinely confiscated. Without citing a reason, the National Security and Intelligence Agency banned the distribution of five issues of the paper between April 6 and June 21.¹⁷ On September 4 and 6, two consecutive issues of *al-Maidan*, the official organ of the Sudanese Communist Party, were also banned.¹⁸ On July 9, the Sudanese Press Council issued a decree suspending six newspapers (*Ajras al-Hurriya*, *Khartoum Monitor*, *Juba Post*, *Sudan Tribune*, *The Advocate*, and *The Democrat*)¹⁹ because some of the owners and publishers are southerners, who, following secession, became foreigners in the country and are thus prohibited from owning or publishing newspapers under Article 28 of the press law, which requires newspaper owners and publishers to be Sudanese nationals.

On September 27, the Sudanese authorities shut down the independent daily *al-Jarida* and confiscated its property without citing a reason. *Al-Jarida* had been banned from publishing from August 20 to 22, and its September 4th issue was confiscated. The authorities also banned *al-Maidan* and *al-Sahafa* on September 8. This offensive came during a media

¹⁴ Reporters Without Borders, “al-Tankil bi-’asharat sahafiyin bi-sabab maqalat tafdah intihakak huquq al-insan,” June 18, 2011, <http://arabia.reporters-sans-frontieres.org/article.php3?id_article=32051>.

¹⁵ Arabic Network for Human Rights Information, “al-Sudan: al-shabaka al-’Arabiya tastankir habs al-sahafiya al-Sudaniya Fatima Ghazali,” July 17, 2011, <<http://www.anhri.net/?p=35409>>.

¹⁶ International Freedom of Expression Exchange, “al-Sudan: al-Shabaka al-’Arabiya tastankir habs al-sahafiya al-Sudaniya Amal Habbani,” July 26, 2011, <http://www.ifex.org/sudan/2011/07/26/habani_jailed/ar/>.

¹⁷ Arabic Network for Human Rights Information, “al-Sudan: istimrar al-tadyiq wa-l-mulahaqat al-qada’iya didd hurriyat al-sahafa,” June 25, 2011, <<http://www.anhri.net/?p=34199>>.

¹⁸ Sudanyia, “Shabakat sahafiyin li-huquq al-insan/jahr, sijill mukhzi fi-l-i’ tida’ ala hurriyat al-sahafa,” Sep. 8, 2011, <<http://goo.gl/cZGjR>>.

¹⁹ International Freedom of Expression Exchange, “Post-Split, Governments Silencing Voices,” July 13, 2011, <http://www.ifex.org/sudan/2011/07/13/post_split_media_problems/>.

campaign in which the government accused opposition parties and papers of maintaining ties with the SPLM-North. At the same time, the Sudanese authorities attempted to prevent the media from publishing any information about the SPLM-North movement and imposed a media blackout on the abuses taking place in South Kordofan and the Blue Nile province. In this context, Jazeera correspondent Osama Ahmed and journalist Tagwa Ahmed were attacked while covering developments in these regions.²⁰

On October 23, the security apparatus confiscated the newspaper *Alwan* after it came off the press.²¹ The fate of Eritrean journalist Jamal Osman Hamad, the editor-in-chief of the *al-Khartoum* website, remained unknown. He was detained in Khartoum on October 24 and taken to an undisclosed location. Observers fear that he may have been repatriated, which may put him at risk of persecution due to his repeated criticism of the situation in Eritrea. He was detained less than a week after the Eritrean president visited Sudan and 300 Eritrean nationals were deported to Eritrea, without their cases being referred to the UN High Commissioner for Refugees.²² In August, the authorities released Jaafar Alsabki, a journalist with *al-Sahafa*, after he spent more than ten months in detention on charges of spying and showing hatred of the state, after he sent news stories to Radio Dabanga, which broadcasts from the Netherlands.²³ Also in August, well-known journalist Abuzar Ali al-Amin, the Deputy Editor of the journal *Sawt al-Shaab*, was released after being detained in May 2010. He was sentenced to five years in prison on charges of spying, incitement against the government, undermining the constitutional system, and promoting sectarian hatred. Even though the Supreme Court reduced his sentence to one year in May 2011, he continued to be held after completing his sentence because the security apparatus filed new complaints against him, alleging that he attacked a security officer during his detention. No investigation was conducted into the

²⁰ Reporters Without Borders, "A Newspaper Closed, Others Suspended or Seized, Journalists Physically Attacked," Sep. 29, 2011, <<http://en.rsf.org/sudan-a-newspaper-closed-others-29-09-2011,41081.html>>.

²¹ BBC Arabic, "Ittihad al-sultat al-Sudaniya bi-waqf sahifat alwan wa musadarat mumtalakatiha," Jan. 13, 2012, <http://www.bbc.co.uk/arabic/middleeast/2012/01/120113_sudan_censorship_alwan.shtml>.

²² International Freedom of Expression Exchange, "Detained Eritrean Journalist Faces Possible Forced Repatriation," Oct. 27, 2011, <http://www.ifex.org/sudan/2011/10/27/hamad_incommunicado/>.

²³ Al-Sahafa, "al-Sabki taliqan," Aug. 29, 2011, <<http://www.alsahafa.sd/details.php?articleid=33318>>.

complaints of torture filed by al-Amin during his detention, as the authorities sufficed by simply denying the allegations.²⁴

Meanwhile, the authorities also targeted opposition party members and others. In the first three weeks of September 2011, the authorities detained more than 500 opposition figures and those believed to be supporters of the SPLM-North. Many were detained for several days and released only after signing affidavits renouncing their party affiliations. Several offices belonging to the movement in various Sudanese cities, including in Darfur, were also closed. It is important to note that in July, the government had announced a ban on 17 political parties, among them the SPLM-North, based on their alleged ties to “foreign entities,” an allusion to the newly independent South Sudan.²⁵ On October 13, Farouk Abu ‘Eissa, the chair of the Alliance of Opposition Forces, was detained in a political security office in Khartoum before being released.²⁶

Continued torture and ill treatment of prisoners and detainees:

Reports confirm the continued use of torture and sexual assault against persons detained by the National Security apparatus. Students and young people detained during protests in January and February were subjected to various abuses, such as beatings, electroshocks, sleep deprivation, and various forms of physical and psychological assault, including threats of death and rape. According to the testimony of detainee Youssef al-Mahdi, he was blindfolded, forced to kneel facing a wall, and then brutally beaten with iron rods, clubs, and whips. He heard screams of intense pain coming from other detainees in the building in which he was held. He said that he observed some detainees crawling, as they were unable to walk due to the assaults they endured. According to the student Mohammed Osman, who was detained on February 14, 2011, he was blindfolded, interrogated, and

²⁴ Hurriyat Sudan, “Ba’d tankil wa ta’ dhib itlaq sarah al-sahafi Abu Dhar ‘Ali al-Amin bi-l-diman al-shakhsi,” Aug. 23, 2011, <<http://www.hurriyatsudan.com/?p=33358>>; Reporters Without Borders, “Two Weeks Ahead of Release, Jailed Editor Suddenly Facing Possible Death Penalty or Life Imprisonment,” June 28, 2011, <<http://en.rsf.org/sudan-two-weeks-ahead-of-release-jailed-28-06-2011,40541.html>>.

²⁵ Human Rights Watch, “Sudan: Political Repression Intensifies,” Sep. 21, 2011, <<http://www.hrw.org/news/2011/09/21/sudan-political-repression-intensifies>>.

²⁶ Sudanile, “Itlaq sarah Abu ‘Isa,” Oct. 13, 2011, <www.sudanile.com>.

beaten all over his body with batons and water hoses, then forced to stand throughout the night.²⁷

Sexual violence is also employed against female activists in detention, as is clearly illustrated by the case of activist Safia Ishaq. Security personnel on February 13, 2011 took her to the National Security Agency offices, where they questioned her about her political affiliations. They then beat her until she lost consciousness and raped her. Female members of the PCP also reported being sexually harassed by National Security officials during a peaceful assembly on February 16. Other female activists who were detained reported that they were beaten, cursed, and called whores.²⁸

Human rights defenders under siege:

Attacks continued on human rights organizations and other civil society institutions, and human rights defenders continued to be targets of prosecution and interrogation due to their advocacy work.

Seven human rights defenders were detained for nearly a year after being taken into custody in October and November of 2010 following their broadcast of human rights material on Radio Dabanga. They were charged in June 2011 with conspiracy against the state and espionage. On December 4, the charges against four of them—Zakaria Yacoub, Abdelrahman Gasim, Khalid Ishaq, and Adam al-Nur— were dropped, while the charges against the others—Abdelrahman Adam, Jaafar Ibrahim, and Kawthar Abdel Haqq—were reduced to disturbing public security and publishing lies, which carry a penalty of up to three years in prison.²⁹ On May 6, an armed group of National Security personnel kidnapped social activist Hawa Abdullah from the Abu Shouk refugee camp in northern Darfur. Government newspapers reported that the activist, a member of the joint UN-AU peacekeeping mission (UNAMID), was proselytizing Christianity to children in the camps.³⁰ Rights activist Bushra Gammar was still detained at the end of the year after being arrested in Kadugli on June 25 and placed in Kober

²⁷ Human Rights Watch, “Sudan: Protestors Describe Torture by Security Officers,” Mar. 4, 2011, <<http://www.hrw.org/news/2011/03/04/sudan-protesters-describe-torture-security-officers>>.

²⁸ Ibid.

²⁹ Front Line Defenders, “Sudan: Update—Four Human Rights Defenders Acquitted and Charges against Three Others Downgraded,” Dec. 14, 2011, <<http://www.frontlinedefenders.org/node/16905>>.

³⁰ Human Rights Watch, “Sudan: Free Female Activist,” May 11, 2011, <<http://www.hrw.org/news/2011/05/11/sudan-free-female-activist>>.

Prison.³¹ Gammar worked with the Sudanese Development Organization in Nyala before establishing a human rights and development organization in the Nubian mountains area. The authorities detained several human rights defenders following the peaceful sit-in called for by the No to Oppression of Women initiative and launched on International Women's Day to protest the failure of the authorities to investigate the rape of Safia Ishaq, an activist with Girifna, by security personnel.³² In addition, many writers, journalists, activists, and rights workers were questioned, detained, and prosecuted after demonstrating solidarity with Ishaq. Among those summoned for questioning were al-Baqiq al-Afif, Abd al-Moneim al-Jak, and Omar al-Qaray of the al-Khatim Adlan Center for Enlightenment and Human Development.³³

Expanded armed conflicts and further violations of international humanitarian law:

Despite the formal declaration of an independent South Sudan on July 9, 2011, constructive relations between north and south are threatened by problems which include determining the shared borders of the two countries, especially in the disputed Abyei area, as well as establishing permanent arrangements to settle issues of citizenship, nationality, and the division of oil revenues.³⁴ As a result of failed negotiations over these issues, tensions and armed conflicts are increasing in sensitive border areas.

Khartoum's armed forces launched an air and land offensive on Abyei in May, which lasted more than three weeks, left thousands homeless, and was accompanied by acts of looting and arson. The operation came as a response to attacks by southern forces, which reflects both parties' desire to reinforce their control over the Abyei area by force.³⁵

On May 20, the Sudanese government, represented by the NCP, and the SPLM, which has become the ruling party in South Sudan, signed a transitional agreement for security and administrative arrangements for the

³¹ Human Rights Watch, "Sudan: End Violence against Peaceful Protestors."

³² Hurriyat, Mar. 8. 2011.

³³ Hurriyat Sudan, "Hiwar hurriyat ma' al-batala Safiya Ishaq," May 28, 2011, <<http://www.hurriyatsudan.com/?p=24465>>.

³⁴ International Crisis Group, "Janub al-Sudan: al-'amal al-shaqq yabda' al-an," Feb. 2011, <<http://www.crisisgroup.org/en/regions/africa/horn-of-africa/sudan/op-eds/Real-Work-Begins-Now-Arabic-Zach.aspx>>.

³⁵ International Crisis Group, "al-Sudan wa hisabat Abyei," June 2011, <<http://www.crisisgroup.org/en/regions/africa/horn-of-africa/south-sudan/arabic-vertin-abyei-is-burning.aspx>>.

Abyei region. The agreement, signed in Addis Ababa, mandates the withdrawal of Sudanese forces from Abyei and the deployment of Ethiopian peacekeeping forces. The UN Security Council ratified the deployment of Ethiopian troops under Chapter 7 of the UN Charter, but although the troops were deployed, Sudanese troops still had not withdrawn from the area at the time of the writing of this report.³⁶ A few weeks after Khartoum extended military control over Abyei, areas in South Kordofan became the stage of wide-ranging abuses by Sudanese armed forces. The conflict between government forces and the Sudanese People's Liberation Army (SPLA) in this area began on June 5, with reports of Sudanese forces shelling civilian areas and looting homes and churches. There were also reports of extrajudicial killings targeting citizens suspected of ties to the SPLM. These acts took place as soldiers and pro-Khartoum militias were searching homes in the city of Kadugli. Clerics stated that soldiers and militia members looted four churches and the Sudanese Council of Churches in Kadugli, while eyewitnesses told rights organizations that Sudanese government soldiers committed acts of rape. The almost daily shelling forced thousands of civilians to flee, bringing the number of displaced persons to more than 150,000. Camps for the displaced were also not safe from air strikes, which killed dozens of civilians, most of them women and children. The Sudanese government prevented the entry of humanitarian aid to several areas in South Kordofan, and on August 23, the Sudanese president declared that no foreign agencies would be granted entry to the province of Kordofan.³⁷

Darfur also saw grave abuses. In the first six months of the year, the increased attacks by the government on inhabited areas of Darfur—including air strikes—led to the deaths of dozens of civilians, the destruction of the targeted areas, and the displacement of some 70,000 people, most of them from the Zaghawa and Fur communities. Reports described the difficulty of determining the extent of the humanitarian suffering of the region's population given the restrictions imposed by the Sudanese government on

³⁶ UN Press Center, "Majlis al-amn yushakkil quwa amniya li-hifz al-salam fi mintaqat Abyei fi-l-Sudan," June 27, 2011, <<http://www.un.org/arabic/news/fullstorynews.asp?newsID=15180>>.

³⁷ For more details on abuses in South Kordofan, see Human Rights Watch, "Sudan: Southern Kordofan Civilians Tell of Air Strike Horror," Aug. 30, 2011, <<http://www.hrw.org/news/2011/08/30/sudan-southern-kordofan-civilians-tell-air-strike-horror>>; and Human Rights Watch, "UN/Sudan: Southern Kordofan Need International Monitors," July 27, 2011, <<http://www.hrw.org/news/2011/07/27/unsudan-southern-kordofan-needs-international-monitors>>.

entry to most areas of Darfur, hindering the work of both peacekeeping forces and humanitarian aid organizations.³⁸

³⁸ Human Rights Watch, "Sudan: As South Split Looms, Abuses Grow in Darfur," June 6, 2011, <<http://www.hrw.org/news/2011/06/06/sudan-south-split-looms-abuses-grow-darfur>>.

Yemen

This past year saw appalling human rights abuses in Yemen. The regime continued to cling to power and refused to cede to popular demands for peaceful reform and democratization, as expressed by a broad popular uprising that saw civilians subjected to all manner of violent repression. The grave and systematic nature of violence waged against civilians by the government of Yemen may have amounted to crimes against humanity.

Although the uprising has, for the most part, preserved its peaceful nature in expressing its demands for the ouster of Ali Abdullah Saleh's regime, the government has persistently responded with excessive and lethal force. As of early November, more than 250 people had been killed and over 15,000 injured due to attacks on protestors by security forces, the army, militias, and government-sponsored thugs.

Instead of adopting policies that addressed the democratic aspirations of its people, the regime chose to respond to peaceful protests with repressive security measures, declaring a state of emergency after the approval of a new law that gives the authorities additional exceptional prerogatives to arrest and detain individuals and to censor the media.¹

As part of their attempts to crush the revolution, the authorities used various types of collective punishment against the populace, including

¹ Human Rights Watch, "Yemen: Emergency Law Does Not Trump Basic Rights," Mar. 23, 2011, <<http://www.hrw.org/news/2011/03/23/yemen-emergency-law-does-not-trump-basic-rights>>.

cutting off communications, random shelling that hit populated areas and hospitals, and resorting to economic restrictions to debilitate citizens' living conditions, thereby exacerbating the problem of internal displacement. Hundreds of political activists and numerous rights activists were abducted or forcibly disappeared, and many detainees were tortured in illegal detention camps run by the Central Security Forces, the Republican Guard, or the air force.

Human rights organizations and those helping to document human rights violations or to support the peaceful protests were intensely targeted, including through death threats, attempted assassinations, or arrests at airports. Artillery was used to shell the offices of one human rights organization, and their case files were burned.

The wide-scale repression extended to the media as well, in an attempt to impose an information blackout on the revolution and the violence used to crush it. A number of journalists were killed while others were harassed and physically assaulted while performing their professional duties. Numerous foreign correspondents and journalists were detained and deported, and the authorities repeatedly intervened arbitrarily to confiscate newspapers or to prohibit their distribution in various provinces. The office of al-Jazeera was shut down, and the crews of other satellite channels were attacked.

Despite the strong international condemnation of the crimes and grave abuses documented by the report of the UN mission that visited Yemen and by the UN Security Council resolution of October 21,² the regime of Ali Abdullah Saleh continued to commit further atrocities and abuses, including the brutal shelling of cities and civilian populated areas. It should be noted that the Gulf Initiative put forward by Saudi Arabia with the support of the US and the EU gave the Yemeni president, his aides, and his relatives immunity from judicial prosecution in return for Saleh's renunciation of power.³

It is doubtful that the Gulf Initiative, which entered into force after it was signed by the Yemeni vice-president and the opposition Joint Meeting Parties (JMP), will successfully end the unrest in Yemen. It calls for a period

² Report of the High Commissioner on OHCHR's Visit to Yemen, Sep. 13, 2011, <<http://www.ohchr.org/Documents/Countries/YE/YemenAssessmentMissionReport.pdf>>; and United Nations Security Council Resolution 2014, Oct. 21, 2011, <<http://www.un.org/News/Press/docs/2011/sc10418.doc.htm>>.

³ Amnesty International, "Yemen Transition Tainted by 'Immunity' Deal," Nov. 24, 2011, <<http://www.amnesty.org/en/news/yemen-transition-tainted-%E2%80%98immunity%E2%80%99-deal-2011-11-24>>.

of partnership between the ruling party, which provided the umbrella for Saleh regime's crimes, and the traditional opposition parties. The operational provision of the initiative gives the Yemeni vice-president some of the constitutional powers enjoyed by the president, who will remain in office for 90 days, during which time early presidential elections will be held. Under this provision, the presidential elections will be no more than a show, as it requires the parties of the agreement to refrain from fielding or supporting a candidate other than the consensus candidate, who is none other than Vice-President Abed Rabbo Mansour al-Hadi.

The agreement also provides for the formation of a national consensus government with ministerial positions to be divided evenly between the ruling party and its allies on one hand and the JMP and its allies on the other. The elected president and the national consensus government will administer a two-year transitional period during which they will manage a national dialogue and form a constituent committee to draft a new constitution, under whose provisions parliamentary and presidential elections will later be held.⁴

In such a context, renewed clashes with the youth movement that ignited the revolution are not unlikely. Heightened military confrontations are also probable given the struggle between various centers of power competing to fill the impending power vacuum. There are increasing indications of a conflict between Saleh's oldest son, the commander of the Republican Guard, and two powerful figures in the tribal alliance: General Ali Mohsen al-Ahmar, who defected with the First Armored Division and announced his support for the popular revolution, and Sadeq al-Ahmar, the son of the late president of the Reform Party, who is close to a group of tribes and businessmen. Numerous clashes have been reported between the al-Ahmar tribe and government forces, and the rogue forces under General Ali Mohsen al-Ahmar recently joined al-Ahmar tribal fighters to confront government forces, after their role in the early months of the revolution had been limited to protecting demonstrators.⁵

⁴ Asharq al-Awsat, "Nass al-mubadara al-khalijiya li-hall azmat al-Yaman," Nov. 24, 2011, <<http://www.aawsat.com/details.asp?section=4&article=651308&issueno=12049>>; and al-Masdar Online, "al-Masdar unlayn yanshur al-nass al-kamil li-l-aliya al-tanfidihiya li-l-mubadara al-khalijiya al-khassa bi-naql al-sulta fi-l-Yaman," Nov. 23, 2011, <http://www.almasdaronline.com/index.php?page=news&news_id=25831>.

⁵ On fears of a possible civil war, see Human Rights Watch, "Yemen's Hijacked Revolution," Sep. 26, 2011, <<http://www.hrw.org/news/2011/09/26/yemen-s-hijacked-revolution>>.

Potential crimes against humanity in the suppression of peaceful protests:

At least 225 people were killed in attacks by security forces, militias, or pro-government thugs in the first nine months of the protests that erupted in January 2011 and spread to numerous provinces demanding democratic change and the ouster of Ali Abdullah Saleh's regime, which has clung to power for 33 years.⁶ Dozens were also killed in the brutal shelling of some provinces, which continued even after the ruling party and the opposition JMP signed the Gulf Initiative.

In light of the abuses documented by rights reports and the UN mission, the repression and the atrocities that accompanied it likely constitute crimes against humanity and a flagrant violation of international humanitarian law. Excessive and lethal force was used against peaceful assemblies of thousands of unarmed demonstrators, the wounded were pursued and hospitals raided, and medical care needed to save the lives of the injured was impeded. Abductions, involuntary disappearance, and extrajudicial killings were reported, including by snipers on rooftops and the attempted assassinations of activists. Various forms of collective punishment were also evidenced, including communication cuts, the interruption of electricity and the destruction of some major electricity networks,⁷ and economic "punishment" such as withholding or freezing civil servants' wages, as was the case when teachers staged a sit-in, on the grounds of their participation in anti-regime protests. These sanctions also included suspending the pensions of numerous retired military personnel in the south, who had been released from service and forced into involuntary retirement.⁸

As of July 2011, 15,000 people had been injured due to the repression of peaceful protests,⁹ among them more than 1,100 injured by live ammunition.¹⁰ More than 200 people had been forcibly disappeared.¹¹

⁶ Ibid.

⁷ Report of the High Commissioner on OHCHR's Visit to Yemen; United Nations Security Council Resolution 2014; and BBC Arabic, "Inqita' al-tayyar al-kahraba'i fi San'a' natijat 'amal takhribi," Apr. 14, 2011, <http://www.bbc.co.uk/arabic/middleeast/2011/04/110414_yemen_sana_sabotage.shtml>.

⁸ Human Rights Watch, "Gulf Cooperation Council: Revoke Immunity Promise to Saleh," May 12, 2011, <<http://www.hrw.org/news/2011/05/12/gulf-cooperation-council-revoke-immunity-promise-saleh>>.

⁹ Al-Tagheer, "al-Lajna al-qanuniya bi-sahat al-taghyir tusallim bi'that al-umam al-muttahida taqrir 'an intihak huquq al-insan fi-l-Yaman," July 3, 2011, <<http://184.107.208.115/news31092.html>>.

The authorities prohibited citizens from conducting funeral processions for the dead in order to limit the opportunities for demonstrations. They also pursued the injured, arrested them inside hospitals, and threw them into detention camps. Prominent leader of the Southern Movement Hassan Ahmad Baoum was arrested while receiving treatment in a hospital in Aden; he was first taken to a military hospital and later to an undisclosed location. Political activist Nasser Ali al-Qadi was arrested in the same hospital after being shot during the dispersal of a protest on February 11, 2011.¹² Medics and ambulances were denied access to save the wounded,¹³ and some ambulances were shelled while trying to reach the injured. Security forces also occupied several hospitals and used some to target demonstrators with snipers.¹⁴ Victims' bodies were even abducted and moved to undisclosed locations.¹⁵

In this context, children were subjected to grave attacks. Dozens were conscripted as armed soldiers to confront demonstrators,¹⁶ and the use of excessive force in shelling assemblies led to the death of at least 26 children in the first three months of the protests. More than 800 children have been injured.¹⁷

Several brutal massacres were also perpetrated. Hurriya (Freedom) Square in Taiz witnessed one of the gravest of these atrocities on May 30, when Republican Guards and thugs stormed the square using live ammunition, tear gas, and hand grenades against demonstrators. Bulldozers

¹⁰ Ibid; and Arabic Network for Human Rights Information, "Taqrir hawl al-intihakat al-jasima bi-haqq al-mu'tasimin silmiyan fi-l-jumhuriya al-Yamaniya," June 23, 2011, <<http://www.anhri.net/?p=34124>>.

¹¹ Al-Tagheer, "al-Lajna al-qanuniya bi-sahat al-taghyir tusallim ba'that al-umam al-muttahida taqrir 'an intihak huquq al-insan fi-l-Yaman."

¹² Southern Observatory for Human Rights, "al-Taqrir al-dawri li-l-marsad al-janubi li-huquq al-insan li-shahr Fabrayir 2011," Mar. 18, 2011, <<http://sohr-aden.org/?p=1601#more-1601>>.

¹³ Arabic Network for Human Rights Information, "'Adin 25 Fabrayir 2011 al-jum'a al-dami," Feb. 26, 2011, <<http://www.anhri.net/?p=25115>>.

¹⁴ Human Rights Watch, "Yemen: Protestor Killings Show Perils of Immunity Deal," Sep. 20, 2011, <<http://www.hrw.org/news/2011/09/20/yemen-protester-killings-show-perils-immunity-deal>>.

¹⁵ Alkarama, "al-Yaman: al-qam' ya'khudh manhan jadidan bi-ikhtitaf juthath al-qatla wa ta'dhib al-jarha," Apr. 29, 2011, <<http://goo.gl/xIvL4>>.

¹⁶ Human Rights Watch, "Yemen: Stop Using Children in Armed Forces," Apr. 14, 2011, <<http://www.hrw.org/news/2011/04/14/yemen-stop-using-children-armed-forces>>.

¹⁷ BBC Arabic, "Da'wa li-zabt al-nafs wa hiwar wa khilafat fi majlis al-amn bi-sha'n al-Yaman," Apr. 20, 2011, <http://www.bbc.co.uk/arabic/middleeast/2011/04/110420_yemen_unsc_demos.shtml>; and UNICEF, "Statement by UNICEF Executive Director Anthony Lake on Situation of Children in the Middle East and North Africa," Apr. 20, 2011, <http://www.unicef.org/media/media_58332.html>.

were used to raze the tents in the square, which were subsequently burned, with no regard for the presence of the disabled and elderly who were trapped inside and burned as a result. Some 57 people were killed and 1,000 injured in the massacre.¹⁸

Shortly before this, Taghyir (Change) Square in the capital of Sana'a was the target of a no less brutal massacre when security forces and pro-Saleh militias opened fire on demonstrators after the prayer on Friday, March 18, killing 41 people. The death toll later rose to 53 when 12 of those injured died of their wounds.¹⁹

The acts of lethal repression abated temporarily after unidentified groups shelled the presidential palace in an attempt to kill the Yemeni president. After the president was moved to Saudi Arabia for treatment, it was expected that Yemen would begin arrangements for a transfer of power that would meet the demands of the people for peaceful democratic change, but Saleh's return to Yemen after his convalescence frustrated these hopes. Saleh believed that the Gulf Initiative, sponsored by Saudi Arabia with the support of the EU and the US, gave him the green light to defy his people and continue the crackdown, as the initiative gave him, his aides, and his children immunity from accountability for these crimes.²⁰ With the return of Saleh, the atrocities against his opponents resumed, as illustrated particularly in the massacre seen in Taghyir (Change) Square in Sana'a which started on September 18 and lasted for three days. More than 85 people were killed in this incident by security forces' ammunition, snipers, and heavy weaponry, including anti-aircraft artillery and mortars.²¹

¹⁸ IRIN, "al-Yaman firar al-madaniyin min al-'unf fi-l-janub," June 1, 2011, <<http://arabic.irinnews.org/ReportArabic.aspx?SID=2660>>; BBC Arabic, "al-Yaman: mazid min al-qatla fi muzaharat Ta'iz wa ishtibakat San'a'," May 31, 2011, <http://www.bbc.co.uk/arabic/middleeast/2011/05/110531_yemen_taiz_new.shtml>; and al-Jazeera, "al-Yaman: dima' wa nar bayn Ta'iz wa Zinjibar," May 30, 2011, <<http://aljazeera.net/NR/exeres/0C1193BF-AC6C-4F2F-9FB6-A1D5E5737209.htm>>.

¹⁹ Alkarama, "al-Yaman: al-karama tunashid al-mujtama' al-dawli tahammul mas'uliyatihi fi himayat al-madaniyin min nizam 'Ali Salih," Mar. 19, 2011, <<http://goo.gl/P73ce>>; and al-Tagheer, "al-Lajna al-qanuniya bi-sahat al-taghyir tusallim ba'that al-umam al-muttahida taqrir 'an intihak huquq al-insan fi-l-Yaman."

²⁰ Amnesty International, "Yemen: No Immunity for Serious Violations under President Saleh," Oct. 17, 2011, <<http://www.amnesty.org/en/news-and-updates/yemen-no-immunity-serious-violations-under-president-saleh-2011-10-17>>; and Human Rights Watch, "Yemen: Protestor Killings Show Perils of Immunity Deal."

²¹ Arabic Network for Human Rights Information, "al-Shaqa'iq yudin majazir San'a' wa yubdi khashiyatahu min tasmim musbaq 'ala irtikab jara'im didd al-insaniya," Sep. 19, 2011, <<http://www.anhri.net/?p=39662>>; and Reuters, "Inhiyar hudna hashsha fi-l-Yaman bi-fi'l al-qadha'if wa rasas al-qannasa," Sep. 21, 2011, <<http://ara.reuters.com/article/topNews/idARACAE78K12J20110921>>.

On November 11, security and army forces randomly shelled residential areas of the city of Taiz, killing at least ten people, among them three women and one child. The shelling was accompanied by arbitrary arrests of numerous citizens, particularly among the residents of the Sharab and Samia districts, who were then taken to undisclosed locations.²² It was reported that inhabited areas in the province of Taiz were subjected to repeated shelling, resulting in at least 35 documented deaths between late October and November 25.²³

Even after the signing of the Gulf Initiative, the killing did not stop. Security forces used live ammunition to disperse a peaceful demonstration protesting the signing of the initiative in Taghyir Square in Sana'a on November 24, killing six demonstrators.²⁴

The continued bloody confrontations over the course of the year led to a significant decline in the population's living conditions, particularly as a result of the acute shortage of water and fuel supplies, the increasing displacement of the population from areas witnessing clashes, the spread of illness such as cholera, the severe food shortage, and the steep price hikes in food that outstripped the purchasing power of broad swathes of the citizenry. It is estimated that some 350,000 people have been displaced since the uprising began.²⁵

The popular uprising united the Yemeni people around the goal of ousting the Saleh regime, and geographic conflicts waned, as did calls for southern secession. Nevertheless, the Saleh regime did not hesitate to target its political enemies in the south. A leader of the opposition Socialist Party, Ahmed Shamlan, was targeted in an assassination attempt in June in the

²² Arabic Network for Human Rights Information, "Istihdaf al-madaniyin fi Ta'iz tahaddin li-l-hay'at al-dawliya wa istihana bi-qararatiha wa muwafaqatiha," Nov. 12, 2011, <<http://www.anhri.net/?p=43057>>.

²³ Human Rights Watch, "Yemen: Spate of Killings Defy UN Order," Nov. 25, 2011, <<http://www.hrw.org/news/2011/11/25/yemen-spate-killings-defy-un-order>>.

²⁴ Arabic Network for Human Rights Information, "Taqrir al-marsad al-Yamani li-huquq al-insan-YOHR al-khass bi-l-intihakat al-lati ta'arrad laha al-madaniyun wa-l-musharikun fi-l-fa'aliyat wa-l-i'tisamat al-silmiya khilal al-fatra min 22 Uktubir hatta 24 Nufimbir 2011," Nov. 26, 2011, <<http://www.anhri.net/?p=43831>>.

²⁵ AlterNet, "Yemen Facing Humanitarian Crisis-UNICEF," June 7, 2011, <<http://www.trust.org/alertnet/news/interview-yemen-facing-humanitarian-catastrophe-unicef/>>; OCHA, "Yemen Humanitarian Emergency Situation Report no. 6," Aug. 3, 2011, <http://reliefweb.int/sites/reliefweb.int/files/resources/fullreport_77.pdf>; al-Hadath-Yemen, "Mu'anat nazih Abyan tatazayad fi Ramadan," Aug. 6, 2011, <<http://www.alhadath-yemen.com/news14080.html>>; and BBC Arabic, "Dhu'r bayn sukkan al-mudun al-Yamaniya li-itlaq al-nar fi-l-hawa' wa makhawif min al-kulira," June 8, 2011, <http://www.bbc.co.uk/arabic/middleeast/2011/06/110608_yemen_latest.shtml>.

district of al-Sayani in the province of Ibb, where armed men opened fire on him, injuring him and killing one of his companions.²⁶

Several political activists in the south were also prosecuted. The chair of the Southern Movement's National Council in the district of Dhala was tried on charges of insulting the president and disturbing the general peace. Eleven southern activists, among them leader Abduh al-Maatari, are facing charges of calling for unlicensed marches that resulted in riots and violence.²⁷ Ali Naji al-Maqra was accused of participating in marches, chanting anti-regime slogans, and carrying out bombings in the provinces of Dhala and Lahij.²⁸ Shalal Ali Shaea was brought before the exceptional Specialized Criminal Court on charges of participating in an armed gang, advocating secession, and spreading a culture of hate.²⁹

Crackdown on human rights defenders:

Human rights organizations were targeted with various types of harassment and threats because of their active participation in supporting the goals of the Yemeni revolution for democratic change, their ongoing professional role in exposing crimes against Yemenis' human rights committed by the Yemeni regime, and their cooperation with international mechanisms to stop these violations and hold those responsible to account.

Prominent rights advocate and Nobel Peace Prize laureate Tawakkol Karman, who heads Reporters Without Borders, was abducted by an armed group, some of them in military uniform and some in civilian clothing, on a public road on January 22, 2011 while returning home with her husband; her mobile phone and laptop computer were also confiscated.³⁰ She was detained until January 24. According to the website of the Yemeni Ministry of Defense, Karman's arrest was based on allegations including "organizing unlicensed assemblies and marches," "inciting acts of chaos and riots," and "undermining the general social peace." Karman staged a sit-in inside the

²⁶ al-Tagheer, "Muhawalat ightiyal ahad qiyadat al-mu'arida fi Ibb wa maqtal ahad murafiqihi," June 9, 2011, <<http://www.al-tagheer.com/news30347.html>>.

²⁷ Southern Observatory for Human Rights, "al-Taqrir al-dawri li-l-marsad al-janubi li-huquq al-insan li-shahr Fabrayir 2011."

²⁸ Southern Observatory for Human Rights, "al-Taqrir al-dawri li-l-marsad al-janubi li-huquq al-insan li-shahr Abril 2011," <<http://sohr-aden.org/?p=1653>>.

²⁹ Southern Observatory for Human Rights, "al-Taqrir al-dawri li-l-marsad al-janubi li-huquq al-insan li-shahr Fabrayir 2011."

³⁰ Al-Masdar Online, "Ikhtitaf al-nashita al-huquqiya Tawakkul Karman bi-San'a'," Jan. 22, 2011, <http://almasdaronline.com/index.php?page=news&article-section=1&news_id=15334>.

Public Prosecution office after her release order, demanding the release of dozens of people who had been arrested during demonstrations and acts of solidarity with her. The public prosecutor later released them.³¹ Among them was Ali al-Dailami, the executive director of the Yemeni Organization for the Defense of Rights and Democratic Freedoms (YODRDF), and rights activist Khaled al-Anesi, both of whom accompanied a group of students from Sana'a University to the public prosecutor's office to file a complaint regarding Karman's abduction.³² According to Karman, after her release she received death threats via a telephone call from the president to her brother, asking him to control her and keep her confined to her house and citing as a threat the prophetic *hadith*, "Kill him who breaks the bonds of obedience."³³

On February 28, 2011, prominent rights advocate Mohammed Sadeq al-Udaini, the founder and executive director of the Center for Training and Protection of Journalists' Freedoms (CTPJF), received a torrent of insults, curses, and death threats over the telephone, including explicit statements that putting an end to his writings, his anti-regime stances, and his work on human rights abuses would require no more than a bullet to the head. The CTPJF stated that it would consider the president and the national and political security apparatus responsible for any acts against the life of al-Udaini or the members of this family.³⁴

Well-known rights activist Amal al-Basha, the president of the Sisters Arab Forum for Human Rights (SAF), received threats from an unknown person over the telephone warning her not to leave her house lest she face an "unfortunate" incident. The threat came after her attempts to publicize Yemen's rights violations by providing information on the human rights situation in the country to the UN Security Council.³⁵ Within two weeks of

³¹ Al-Hayat, "al-Ifraj 'an al-nashita al-Yamaniya al-mu'arida Tawakkul Karman," Jan. 24, 2011, <<http://international.daralhayat.com/internationalarticle/227075>>.

³² Hurriyat, "I'tiqal 'Ali al-Daylami al-mudir al-tanfidhi li-l-munazzama al-Yamaniya li-l-difa' 'an al-huquq wa-l-hurriyat al-dimuqratiya," Jan. 23, 2011, <<http://www.hurriyat.org/?p=1221>>; and National Organization for Defending Rights and Freedom, "Athna' tawajjuhuhim li-maktab al-na'ib al-'amm al-amn ya'taqil muhamun wa sahafiyun wa yahtajiz kamaratay al-jazira wa-l-'Arabiya wa yamna' al-taswir," Jan. 27, 2011, <http://www.hoodonline.org/news_details.php?lang=arabic&sid=2769>.

³³ Women Journalists Without Chains, "Balagh hawl al-tahdid bi-qatl Tawakkul Karman wa-l-talab minha al-baqa' rahn al-iqama al-jabriya," Jan. 26, 2011, <http://womenpress.org/news_details.php?lang=arabic&sid=1954>.

³⁴ Center of Training and Protection of Journalists' Freedoms, "Markaz al-hurriyat al-sahafiya CTPJF yudin jarimat tahdid mu'assisih wa ra'isihi al-tanfidhi," Mar. 2, 2011, <<http://www.ctpjf.org/ara/news.php?recordID=164>>.

³⁵ Amnesty International, "Yemeni Activist at Risk as Death Toll Mounts," Apr. 20, 2011, <<http://www.amnesty.org/en/news-and-updates/yemeni-activist-threatened-death-toll-mounts-2011-04-20>>.

receiving the threat, al-Basha was stopped by the national security apparatus at the Sana'a airport and her passport held for one hour. She was on her way to Kuwait at the time to take part in a conference.³⁶

On November 26, al-Basha was again stopped in the Sana'a airport upon her return from Cairo and questioned for two hours by members of the national security apparatus on charges of ripping up a photo of the president and his son in the airport before leaving for Cairo on November 16. Members of National Security threatened her with prosecution and a six-month prison sentence for ripping up the president's photo.³⁷ It should be noted that Anis Ahmed Abu Said al-Asadi, a staff member at SAF, was killed when security forces opened fire on thousands of protestors in Sana'a on April 20.³⁸

On July 7, rights activist Ahmed Hashem, a member of the YODRDF, narrowly escaped an assassination attempt as he left the organization's office. Two masked men on a motorcycle drove by and one of them shot at him but missed. The incident took place only meters from a weapons checkpoint run by Central Security. The organization considered the incident a threat aimed at intimidating it, especially as it came only a few days after organization officials met with members of the UNHCHR fact-finding mission, during which the organization submitted a complete file documenting the violations against various occupied squares in several provinces.³⁹

On July 18, a large fire broke out that consumed the most extensive archive of human rights files in Yemen, belonging to the National Organization for Defending Rights and Freedom (HOOD). The fire broke out in the office of the Allaw law firm, located in the same building as HOOD, which offers legal aid to victims of human rights abuses through Allaw. The fire destroyed more than 5,000 files on human rights cases and a law library containing more than 6,000 printed volumes. Allaw and HOOD ruled out an electrical fire, as the electricity was shut off in the office when the fire ignited. Rights organizations believe the sole beneficiary of the fire to be the Yemeni regime, which may have targeted the office to obliterate information related to human rights crimes for which it should be held

³⁶ Arabic Network for Human Rights Information, "al-Shaqa'iq yudin ihtijaz Amal al-Basha wa musadarat jawaz safariha min qibl al-amn al-qawmi fi matar San'a'," May 4, 2011, <<http://www.anhri.net/?p=30453>>.

³⁷ Arabic Network for Human Rights Information, "al-Shaqa'iq yudin ihtijaz al-amn al-qawmi li-l-Basha fi matar San'a'," Nov. 27, 2011, <<http://www.anhri.net/?p=43931>>.

³⁸ Amnesty International, "Yemeni Activist at Risk as Death Toll Mounts."

³⁹ Hurryat, "al-Munazzama al-Yamaniya tudin istimrar al-hamla al-sharisa diddiha wa istihdaf 'udwiha Hashim," July 7, 2011, <<http://www.hurryat.org/?p=1268>>.

accountable. The fire occurred after HOOD gave the UN mission information about the Yemeni regime's crimes in June. On September 19, HOOD was forced to evacuate its offices after they came under heavy artillery and machine gun fire, which severely damaged the building.⁴⁰

Two field workers with the same organization were beaten by government forces this past year. In June, the Air Defense Forces abducted journalist Yahia al-Thalaya, the head of one of HOOD's field teams, and held him for ten days before he was released. This incident occurred after al-Thalaya revealed that air force camps were being used as illegal detention centers.⁴¹

The office of the Yemeni Observatory for Human Rights was also looted and its contents taken to an undisclosed location by security forces and armed men subordinate to the regime, who had occupied the building where the offices had been located until September, converting them into military barracks. Staff and activists with the observatory were threatened that they would be targeted by the forces occupying the building.⁴²

On October 23, rights activist Ammar Abdullah al-Saqqaf was abducted by the security apparatus while on his way to Taghyir (Change) Square in Sana'a; he was taken to an undisclosed location.⁴³ On October 26, rights activist Murad al-Gharati, the president of Tamkin for Development, was detained by the Republican Guard from his car, because he had in his possession pamphlets about the Yemeni "Revolution of Change" that allegedly constituted incitement against the regime. He was taken to the Republican Guard headquarters where his personal computer, cell phones, and documents belonging to the organization were confiscated and he was questioned for four hours before being released.⁴⁴

⁴⁰ Alkarama, "al-Yaman: hariq ghamid yaltahim akbar arshif huquqi yuwatthiq jara'im al-nizam," June 18, 2011, <<http://goo.gl/LjUfi>>; and Human Rights Information and Training Center, "Markaz al-ma'lumat wa-l-ta'hil li-huquq al-insan yudin bi-shidda istihdaf maqarr munazzamat Hud bi-San'a'," Sep. 22, 2011, <<http://hritc.net/index.php?action=showNews&id=234>>.

⁴¹ Al-Tagheer, "Hud tutalib bi-l-ifraj 'an al-sahafi Yahya al-Thalaya," June 22, 2011, <<http://www.al-tagheer.com/news.php?id=30726>>.

⁴² Arabic Network for Human Rights Information, "al-Marsad al-Yamani li-huquq al-insan (YOHR) yukhatib al-mujtama' al-dawli bi-sha'n iqtiham maqarrihi wa musadarat muhtawayatihi," Nov. 14, 2011, <<http://www.anhri.net/?p=43141>>.

⁴³ Hurryat, "Istinkar li-ikhtitaf al-nashit al-huquqi 'Ammar 'Abdullah al-Saqqaf," Oct. 28, 2011, <<http://www.hurryat.org/?p=1274>>.

⁴⁴ Hurryat, "al-Munazzama al-Yamaniya tastankir ihtijaz al-nashit Murad al-Gharati ra'is mu'assasat tamkin," Oct. 31, 2011, <<http://www.hurryat.org/?p=1272>>.

Massive violations of freedom of expression and opinion:

The past year saw an expanded war against freedom of the press and all forms of media with the goal of covering up crimes committed by the Yemeni authorities while crushing the uprising. Several photographers and journalists were killed while carrying out the duties of their professions, and journalists, correspondents, and satellite channel crews were physically assaulted, abducted, and arbitrarily arrested. The offices of newspapers and satellite channels were raided, and newspapers were confiscated, banned from being distributed in several provinces, or burned. Journalists also continued to be prosecuted on trumped-up charges.

Four journalists and correspondents were killed. On March 18, photojournalist Jamal al-Sharabi was killed when security forces opened fire on a demonstration in front of Sana'a University. On September 24, Hassan al-Wadhaf, a cameraman with the Hurra channel, died in a hospital in Sana'a five days after he was shot by a sniper as he was covering the protests.⁴⁵ On October 4, photojournalist Abdel Hakim al-Nour died during a military offensive in the province of Taiz. The following day, journalist Abdel Majid al-Samawi died of wounds sustained after being shot by a sniper on September 25.⁴⁶

In the district of Dhala, police forces opened fire on the home of journalist Ahmed Harmal on January 18, 2011, as a warning to stop criticizing the government.⁴⁷

On April 16, military personnel attacked a group of female activists and journalists, beating them and opening fire to intimidate them while they were taking part in a march in Sana'a. Among the journalists were Arwa Abduh Othman, Hoda al-Attas, Widad al-Badawi, and Sara Jamal.⁴⁸ The same day, the Republican Guard summoned opposition journalist Ahmed al-Mohammedi for questioning; he is still missing and his fate is unknown. Two days earlier, two officers with the Republican Guard contacted al-

⁴⁵ Committee to Protect Journalists, "Sniper Fire Claims Life of Yemeni Cameraman," Sep. 26, 2011, <<http://www.cpj.org/2011/09/sniper-fire-claims-life-of-yemeni-cameraman.php>>.

⁴⁶ Reporters Without Borders, "Two More Journalists Killed in Saleh Regime Violence," Oct. 5, 2011, <http://en.rsf.org/yemen-two-more-journalists-killed-in-05-10-2011_41128.html>.

⁴⁷ Southern Observatory for Human Rights, "al-Taqrir al-dawri li-shahr Yanayir 2011 al-sadir 'an al-marsad al-janubi li-huquq al-insan," Feb. 7, 2011, <http://ia700407.us.archive.org/31/items/report_109/2011.pdf>.

⁴⁸ Arabic Network for Human Rights Information, "al-Shaqa'iq yudin al-i'tida' 'ala-l-nashitat wa-l-sahafiyat wa yubdi istighrabahu min hamlat al-tadlil al-lati a'qabatha," Apr. 19, 2011, <<http://www.anhri.net/?p=29478>>.

Mohammedi and threatened to have him dismissed from his position at the news station.⁴⁹

On May 25, Kamal Mohammed Naji al-Mohafadi, a cameraman with the opposition Suhail satellite channel, was kidnapped while covering clashes between the government and the forces of Sheikh Sadeq al-Ahmar.⁵⁰ On June 8, well-known journalist Abdul Karim al-Khaiwani faced an attempted abduction.⁵¹ On August 12, military forces arrested Ahmed Firas, who works with the Suhail channel, after he was abducted near the Sana'a international airport. His wife, mother, and children were also abducted and taken to the Dailami air force base. His relatives were later released, and he was referred to the Interior Ministry's criminal investigations agency.⁵²

Many journalists were also subjected to attacks by security forces. On February 13, 2011, journalist Khalil al-Barh was detained for 30 minutes in a car belonging to the security apparatus in Sana'a. His camera was confiscated and only returned to him after its memory card was erased. The same day, Khaled al-Mahdi, a Reuters photographer, was attacked in a street of the capital. His camera was broken, and a camera belonging to Associated Press photographer Hani al-Ansi was confiscated. The next day, men armed with clubs and knives attacked Majid al-Shueibi, a correspondent for the Marib News Agency, while he was covering student demonstrations in Sana'a.⁵³ A group of Yemeni journalists was beaten by security forces, pro-government mobs, and security personnel in civilian clothing; during the assault, media content was confiscated.⁵⁴

⁴⁹ Committee to Protect Journalists, "Summoned by Yemeni Authorities, Journalist Is Now Missing," Apr. 18, 2011, <<http://cpj.org/2011/04/summoned-by-yemeni-authorities-journalist-is-now-m.php>>.

⁵⁰ Reporters Without Borders, "Attacks on Journalists and Media in Iraq and Yemen, Two Bloggers Freed in Saudi Arabia," June 1, 2011, <<http://en.rsf.org/saudi-arabia-attacks-on-journalists-and-media-01-06-2011,40389.html>>.

⁵¹ Arabic Network for Human Rights Information, "al-Yaman: al-shabaka al-'Arabiya tudin istimrar musadarat al-suhuf wa-l-i'tida' 'ala-l-sahafiyin, muhawalat ikhtitaf 'Abd al-Karim al-Khaywani wa-l-i'tida' 'ala murasilay qanat al-hurra," June 11, 2011, <<http://www.anhri.net/?p=33260>>; and Reporters Without Borders, "Abdul Karim al-Khaiwani Threatened," June 8, 2011, <<http://en.rsf.org/+abdul-karim-al-khaiwani-threatened+.html>>.

⁵² Committee to Protect Journalists, "Yemeni Government Forces Arrest Cameraman," Aug. 22, 2011, <<http://cpj.org/2011/08/yemeni-government-forces-arrest-cameraman.php>>; and Alkarama, "al-Yaman: al-karama tusharik fi masira samita tutalib bi-itlaq sahafiyin mu'taqalin," Aug. 24, 2011, <<http://goo.gl/Nkpl4>>.

⁵³ Arabic Network for Human Rights Information, "I'tida' at 'ala sahafiyin yughattun tazahurat didd al-hukuma," Feb. 19, 2011, <<http://www.anhri.net/?p=24419>>.

⁵⁴ Human Rights Watch, "Yemen: Security Forces Assaulting Activists," Feb. 14, 2011, <<http://www.hrw.org/news/2011/02/14/yemen-security-forces-assaulting-activists>>.

The bureau chief of al-Arabiya channel in Yemen was also attacked along with one of the channel's cameramen,⁵⁵ as were a correspondent with the Iranian al-Alam and a cameraman with Qatari television.⁵⁶ The authorities in the province of Taiz detained Waddah al-Yemen Abd al-Qader, a journalist with *Hadith al-Medina*, and a correspondent with the British *Guardian* was attacked in Sana'a by a group of men who tried to confiscate the camera in his possession.⁵⁷

Numerous newspaper reporters came under similar attack, including correspondents for the Emirati *al-Shuruq* and the independent *al-Ghad*. Journalist Muhi al-Din Jarma was brutally beaten while in the street covering events and while in the ambulance as he was being transported to the hospital. Wajdi al-Salimi, an editor with *Hadith al-Medina*, was beaten, as was Hamoud Hazza, a journalist with the Saba News Agency. Three security personnel in civilian clothing and driving a police car raided the office of the Journalists Syndicate in Sana'a on the morning of February 26, 2011, insulting and threatening the journalists present.⁵⁸ The day before, security forces in the Aden province physically assaulted a cameraman with the opposition al-Sahil channel, while journalists Marzouq Yassin, Abdel Rahman Anis, Bassem al-Shaabi, and Fares Jalal were arrested while covering a demonstration.⁵⁹

Violations escalated against media outlets broadcasting content exposing the crackdown on the uprising, with the Qatari al-Jazeera bearing the brunt of these violations. On January 21, Fadl Mubarak, a correspondent with the channel in southern Yemen, was threatened with arrest while covering events of the popular movement in Aden on January 18-20, 2011.⁶⁰ On January 23, security forces in Sana'a confiscated al-Jazeera's cameras,⁶¹ while the channel's crew was prevented from filming a sit-in on February 26

⁵⁵ Committee to Protect Journalists, "Journalists Targeted in Bahrain, Yemen, and Libya," Feb. 18, 2011, <<http://cpj.org/2011/02/journalists-targeted-in-bahrain-yemen-and-libya.php>>.

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ Center of Training and Protection of Journalists' Freedoms, "Markaz al-ta'hil wa himayat al-hurriyat al-sahafiya CTPJF yarsud akthar min 50 jarimat i'tida' wa istihdaf li-l-sahafiyin fi-l-Yaman khilal aqall min usbu'," Feb. 20, 2011, <<http://www.ctpjf.org/ara/news.php?recordID=163>>.

⁵⁹ Reporters Without Borders, "Forced Being Used to Restrict Media Coverage of Street Protests," Mar. 1, 2011, <<http://en.rsf.org/middle-east-north-africa-forced-being-used-to-restrict-01-03-2011,39655.html>>.

⁶⁰ Southern Observatory for Human Rights, "al-Taqrir al-dawri li-shahr Yanayir 2011 al-sadir 'an al-marsad al-janubi li-huquq al-insan."

⁶¹ National Organization for Defending Rights and Freedoms, "Athna' tawajjuhuhim li-maktab al-na'ib al-'amm al-amn ya'taqil muhamun wa sahafiyun wa yahtajiz kamaratay al-jazira wa-l-'Arabiya wa yamna' al-taswir."

in Taghyir (Change) Square in Sana'a. The Yemeni authorities asked al-Jazeera correspondents Abdulhaq Sadah and Ahmed Zaidan, who were dispatched to cover the Yemeni revolution, to leave the country immediately,⁶² and both were deported soon after.⁶³ On March 17, members of the ruling party confiscated the camera of the al-Jazeera crew in the Taiz province, while Hamdi al-Bokari, the channel's correspondent, was covering the assaults on demonstrators.⁶⁴ On March 22, the al-Jazeera offices were stormed by some 20 armed men in civilian clothing, led by police officers.⁶⁵

BBC correspondent Abdullah Gharab and photographer Zein al-Saqqaf were attacked on August 27 while covering events in Yemen. Armed men attempted to break and confiscate their cameras before expelling them from the filming location.⁶⁶

On the morning of March 15, 2011, security authorities deported seven journalists working for several foreign periodicals, among them Oliver Holmes, a British journalist working for the *Wall Street Journal* and *Time* magazine; Haley Sweetland Edwards, an American journalist with the *Los Angeles Times*; Joshua Maricich, an American photographer; Portia Walker, a British journalist working with the *Washington Post* and the *Telegraph*; Patrick Symmes, an American journalist working with *Outside* magazine; and Marco Di Lauro, an Italian photographer. Authorities at the Sana'a airport also detained Robert Worth, a journalist with the *New York Times*, for more than 12 hours before denying him entry to Yemen.⁶⁷

⁶² Reporters Without Borders, "Forced Being Used to Restrict Media Coverage of Street Protests."

⁶³ Center of Training and Protection of Journalists' Freedoms, "Markaz al-hurriyat al-sahafiya CTPJF yarsud akthar min 168 jarimat i'tida' wa istihdaf li-l-sahafiyin fi-l-Yaman khilal aqall min shahrayn," Apr. 12, 2011, <<http://ctpjf.org/ara/news.php?recordID=171>>.

⁶⁴ Reporters Without Borders, "More Harassment of Journalists Covering Pro-Democracy Demonstrations, One Killed in Yemen," Mar. 19, 2011, <<http://en.rsf.org/arabie-saoudite-more-harassment-of-journalists-19-03-2011,39826.html>>.

⁶⁵ Committee to Protect Journalists, "al-Jazeera Raided in Sana'a; Attacks in Libya, Syria, Bahrain," Mar. 22, 2011, <<http://www.cpj.org/2011/03/al-jazeera-raided-in-sanaa-attacks-in-libya-syria.php>>.

⁶⁶ BBC Arabic, "Fariq Bi Bi Si fi-l-Yaman yata'arrad li-i'tida'," Aug. 27, 2011, <http://www.bbc.co.uk/arabic/middleeast/2011/08/110827_bbc_yemen_attack.shtml>.

⁶⁷ Center of Training and Protection of Journalists' Freedoms, "Markaz al-hurriyat al-sahafiya CTPJF yarsud akthar min 168 jarimat i'tida' wa istihdaf li-l-sahafiyin fi-l-Yaman khilal aqall min shahrayn."

On June 25, New Zealander reporter Glen Johnson, who works with the *New York Times* and *Le Monde*, was arrested;⁶⁸ he was deported to the UAE on July 6.⁶⁹ On April 12, British journalist Leila Johnson was arrested.⁷⁰

On April 25, security forces surrounded the home of journalist Mohammed al-Lozy for several hours after he published an article on events in Yemen. The same day, Republican Guard forces arrested the editor-in-chief of *al-Shahed*, Abd al-Aziz al-Mejidi; he was also denied entry to the province of Taiz, and an issue of the newspaper was confiscated.⁷¹ On June 14, a group of armed men under orders from the Yemeni government raided the office of *al-Adwa* in the capital, where they attacked the staff, tampered with the contents of the office, and confiscated equipment. The paper's website was hacked the same day.⁷²

On August 29, the security apparatus at the Sana'a airport detained Egyptian Islamist preacher Wagdi Ghoneim and his wife, confiscating all their communications devices and deporting them to Qatar the next day.⁷³ The same day, journalist Mohammed Saleh al-Bakhiti, a member of the National Dialogue Committee, was arrested as he was leaving the country from the Sana'a airport.⁷⁴

The authorities also continued to impede the distribution of some newspapers. In March 2011, copies of *Akhbar al-Youm* slated for distribution in the provinces of Aden, Dhala, Lahij, and Abyan were sequestered in the Sana'a airport. The authorities also banned the distribution

⁶⁸ Al-Sahwah, "Mudir al-ma'had al-dawli li-l-sahafa yad'u li-sur'at itlaqihi wa-l-samah li-l-murasilin al-ajanib bi-dukhl al-Yaman," June 28, 2011, <<http://www.alsahwa-yemen.net/arabic/subjects/1/2011/6/28/10951.htm>>.

⁶⁹ Arabic Network for Human Rights Information, "al-Quwa al-amniya tastahdif al-i'lamiyin fi Suriya wa-l-Urdun wa-l-Yaman," July 17, 2011, <<http://www.anhri.net/?p=35917>>.

⁷⁰ Southern Observatory for Human Rights, "al-Taqrir al-dawri li-l-marsad al-janubi li-huquq al-insan (sahir) li-shahr Abril," May 14, 2011, <<http://sohr-aden.org/?p=1653>>.

⁷¹ International Freedom of Expression Exchange, "Musadarat al-suhuf bi-l-jumla wast fawda a'mal al-'unf wa hamalat al-tashhir didd al-sahafiyin," Apr. 28, 2011, <http://www.ifex.org/bahrain/2011/04/28/smear_campaigns/ar/>.

⁷² Arabic Network for Human Rights Information, "al-Yaman: al-shabaka al-'Arabiya tastankir iqtiham sahifat al-adwa' wa ikhtiraq mawqa'iha al-ilaktruni," June 16, 2011, <<http://www.anhri.net/?p=33639>>.

⁷³ Al-Tagheer, "al-Shaykh Ghunaym: al-amn al-Yamani i'taqalni laylat al-'id wa ahanatni bi-shakl mukhzin," Aug. 31, 2011, <<http://al-tagheer.com/news32680.html>>; and al-Fath News, "I'tiqal al-shaykh Wajdi Ghunaym," Aug. 29, 2011, <<http://goo.gl/6ijHX>>.

⁷⁴ Yemenat, "Dimn musalsal i'tiqal al-sahafiyin wa-l-i'lamiyin al-amn al-qawmi ya'taqil al-ustadh Muhammad Salih al-Bakhiti," Aug. 29, 2011, <<http://www.yemenat.net/master33/story15169.htm>>.

of *al-Umana*, issued in the province of Aden.⁷⁵ In late April, several newspapers were unable to be distributed in Aden, Taiz, and Sana'a, either because they had been confiscated or their distributors detained. Several issues of *al-Qadiya*, *al-Yaqin*, *al-Sharia*, and *al-Ula*, all opposition newspapers, were confiscated, and the distributor of *October* was attacked while moving copies of the paper to Taiz. The distributor of *al-Ula* was also detained.⁷⁶ On July 13, copies of the independent *al-Ula* were confiscated in Taiz. Prior to that, 11,000 copies of *Akhbar al-Youm* were confiscated while on route to Taiz and Ibb.⁷⁷

On May 24, 2011, government forces attacked the office of the al-Sahwah Internet site and the office of the Saba News Agency. The next day, security forces opened fire on the office of the Suhail channel because of its coverage of events in Yemen.⁷⁸

Security forces confiscated copies of the independent *Ahdath al-Medina* for the second time on August 7 to prevent its distribution in Taiz, Ibb, Aden, Dhamar, and al-Hadida.⁷⁹ In mid-August, Yemeni security forces also confiscated copies of *al-Umana* and *al-Thawri*, both independent papers, at government security checkpoints, burning the papers and assaulting the distributors.⁸⁰

On February 26, Masdar Online, an independent online news site, was blocked by the authorities after it provided broad coverage of protests in Aden, Sana'a, and other provinces, accompanying its stories with recordings.⁸¹ Aden Online, another news site run by journalist Abdel Raqib

⁷⁵ Reporters Without Borders, "More Harassment of Journalists Covering Pro-Democracy Demonstrations, One Killed in Yemen."

⁷⁶ International Freedom of Expression Exchange, "Musadarat al-suhuf bi-l-jumla wast fawda a'mal al-'unf wa hamalat al-tashhir didd al-sahafiyin."

⁷⁷ Arabic Network for Human Rights Information, "al-Quwa al-amniya tastahdif al-i'lamiyin fi Suriya wa-l-Urdun wa-l-Yaman."

⁷⁸ Reporters Without Borders, "Attacks on Journalists and Media in Iraq and Yemen, Two Bloggers Freed in Saudi Arabia."

⁷⁹ Arabic Network for Human Rights Information, "al-Yaman: al-shabaka al-'Arabiya tudin musadarat sahafat ahdath al-madina," Aug. 19, 2011, <<http://www.anhri.net/?p=37277>>.

⁸⁰ Arabic Network for Human Rights Information, "al-Yaman: amn al-diktatur al-Yamani 'Ali 'Abdullah Salih yusadir sahafatay al-thawri wa-l-umana'," Aug. 27, 2011, <<http://www.anhri.net/?p=38317>>; Aden Online, "Musadarat sahafat al-umana' al-janubiya wa man'uha min dukhul Ta'iz," Aug. 25, 2011, <<http://aden-online.com/news/878.htm>>; and al-Masdar Online, "Niqabat al-sahafiyin tudin musadara wa ihraq sahafat al-thawri min qibl al-haras al-jumhuri bi-San'a'," Aug. 18, 2011, <<http://goo.gl/HAcNg>>.

⁸¹ Reporters Without Borders, "Forced Being Used to Restrict Media Coverage of Street Protests."

al-Hadiani, was also blocked on July 12.⁸² In September, the authorities blocked access to the independent news site Yemen Nation to web users in Yemen,⁸³ and the Ministry of Communications blocked the website of al-Tajdid News.⁸⁴

At the same time, exceptional trials of journalists continued, based on their alleged memberships in terrorist networks and armed groups. Journalist Abdul Elah Haidar Shaya, a researcher specialized in al-Qaeda and Islamist studies, was sentenced to five years in prison on January 18, 2011 as well as two years of house arrest after the completion of his sentence. The ruling, issued by the Specialized Criminal Court, which is considered an exceptional State Security court, also sentenced Abd al-Karim al-Shami to two years in prison on charges of membership in an armed group. The case began on August 16, 2010 when a security force arrested Shaya and al-Shami, illegally detaining them for more than one month, during which time they were tortured and then brought to trial on terrorism-related charges.⁸⁵

Torture, abduction, and arbitrary detention:

Torture and abuses against detainees increased last year, just as abductions and involuntary disappearances became even more widespread, especially in light of increased arbitrary arrests and imprisonment in illegal detention centers not subject to judicial oversight.

As of October 2011, Yemeni rights groups had received more than 1,240 complaints of abduction, only 80 of which had been released. There are numerous abductees being held in detention in the military intelligence prison, while the others are distributed between the criminal investigations

⁸² Arabic Network for Human Rights Information, "al-Quwa al-amniya tastahdif al-i'lamiyin fi Suriya wa-l-Urdun wa-l-Yaman."

⁸³ Arabic Network for Human Rights Information, "al-Yaman: hurriyat al-ra'i wa-l-ta'bir ma zalat tu'ani min alat al-qam' al-amniya," Sep. 26, 2011, <<http://www.anhri.net/?p=40081>>; and al-Tagheer, "Hajb mawqa' Yaman nayshun al-ikhbari al-mustaqill dun ibda' al-asbab," Sep. 25, 2011, <<http://www.al-tagheer.com/news33389.html>>.

⁸⁴ Arabic Network for Human Rights Information, "al-Yaman: al-sultat tulahiqa mawqa' al-intarnat wa takbit al-hurriyat al-sahafiya," Sep. 28, 2011, <<http://www.anhri.net/?p=40255>>; and Ray News, "al-Ittisalat tahjub mawqa' al-tajdid niyuz," Sep. 26, 2011, <<http://www.raynews.net/index.php?action=showNews&id=5596>>.

⁸⁵ Arabic Network for Human Rights Information, "al-Yaman: darba muji'a jadida li-hurriyat al-sahafa al-shabaka al-'Arabiya tudin al-hukm al-sadir min mahkama istithna'iya bi-sajn al-sahafi 'Abd al-Ilah Sha'i 5 sanawat," Jan. 19, 2011, <<http://www.anhri.net/?p=22575>>.

prison in Sana'a and illegal or secret detention facilities, primarily camps run by the Republican Guard, the air force, or the Central Security Forces.⁸⁶

Testimonies of victims who have been released exposed grave abuses experienced by demonstrators after their abduction by security forces or militias loyal to the Yemeni president. These abuses include the denial of food, water, and medicine for over one week, sleep deprivation, holding detainees blindfolded with their hands cuffed from behind, beatings and death threats, placing detainees in dark rooms with snakes, burns with wax and electroshocks, prohibiting religious practices, and spraying detainees with human excrement. Soldiers also reportedly stood on victims' chests with the goal of humiliating them and tried to force abductees to repeat slogans insulting military or religious leaders who had announced their support of the peaceful protests.⁸⁷

In police stations, abductees and wounded demonstrators were forced to wear the official uniform of the First Armored Division, which defected and announced its support for the revolution, while giving false confessions about helping these rogue forces kill demonstrators. These confessions were then broadcast over official television channels.⁸⁸

It is thought that there have been deaths under torture in prisons and detention facilities, among them Hamdi Tawfiq, a soldier who died in January 2011 in the political investigations prison in Khor Maksar,⁸⁹ and political activist Muti Naji al-Naqib, who died under torture after he was arrested in February 2011 in the city of Zinjibar.⁹⁰

⁸⁶ Alkarama, "al-Yaman: al-karama tunashshit ma' munazzamat mahaliya li-kashf jara'im al-ta'dhib wa-l-ikhtitaf," Oct. 19, 2011, <http://ar.alkarama.org/index.php?option=com_content&view=article&id=4272:2011-10-19-06-31-52&catid=164:2009-03-08-12-08-04&Itemid=140>.

⁸⁷ Ibid.

⁸⁸ Ibid.

⁸⁹ Southern Observatory for Human Rights, "al-Taqrir al-dawri li-shahr Yanayir 2011 al-sadir 'an al-marsad al-janubi li-huquq al-insan."

⁹⁰ Southern Observatory for Human Rights, "al-Taqrir al-dawri li-l-marsad al-janubi li-huquq al-insan li-shahr Abril 2011."

Lebanon

The chronic political crisis afflicting Lebanon since the assassination of Prime Minister Rafiq al-Hariri continued to cast its shadow over institutions of governance and the rule of law. The sharp political polarization between the March 14 bloc, led by the Sunni Future movement, and the March 8 movement, led by the Shiite Hezbollah and Amal movements, continues to foster a state of political paralysis. This political rivalry came to a head when the March 8 movement succeeded in bringing down the Saad al-Hariri government, which had enjoyed the confidence of the parliamentary majority, and forming a new government led by Najib al-Mikati in mid-July with a majority of 68 of the 128 members of parliament.

The new government took no steps to fulfill its pledges to accept the recommendations of the UN Universal Periodic Review or activate the national human rights plan initiated in late 2010. The most important legislative developments were limited to amendments to the Penal Code to combat violence against women committed as “honor crimes.” The likelihood of impunity for the series of assassinations and bombings in Lebanon since the assassination of Prime Minister Rafiq al-Hariri in February 2005 continued to grow; although the international tribunal on the Hariri assassination issued an indictment and arrest warrants for four suspects affiliated with Hezbollah, the latter challenged the court order and refused to turn over the suspects.

Neither did the country take any serious steps to discover the fate of the thousands of people missing since the civil war that erupted in 1975; the fates of many who have been abducted in recent years remain similarly unknown.

Pressures on freedom of expression and creativity continued to grow, especially in relation to the issues of the Hariri assassination or the status of Syria and Iran, including displays of solidarity with the Syrian people or any examination of the popular Iranian uprising.

Over the past year, violations committed by the army and military intelligence increased. Numerous journalists and rights advocates were questioned by these bodies, and increasing complaints were heard of arbitrary detention and torture in military barracks and the prosecution of civilians before military courts. There were also increasing fears that Syrians escaping the repression of the Syrian regime would be repatriated to Syria. Several instances of the abduction and involuntary disappearance of foreigners were reported; those disappeared were apparently transferred to Syria before being released. Finally, no real change was seen in the conditions of Palestinian refugees, and the amendments to the labor and social solidarity law were not translated into effective measures to improve their status or ability to obtain employment. Restrictions on their freedom of movement remained in place, and armed clashes between Palestinian factions within refugee camps persisted.

The political process and criminal impunity:

The government of Saad al-Hariri, which acquired an exceptional majority in the parliament in December 2009 with 122 of the 128 seats, was nonetheless unable to endure.¹ Over the following year, the Hezbollah-led minority was able to thwart the majority through its shows of military force or escalations of media attacks, threatening to ignite a civil war if the majority continued to raise the issues of the parallel power structure and Hezbollah's arms and if it continued to support the special tribunal looking into the Hariri assassination.²

¹ BBC Arabic, "al-Hukuma al-Lubnaniya bi-ri'asat al-Hariri tanal thiqat al-barlaman," Dec. 10, 2009, <http://www.bbc.co.uk/arabic/middleeast/2009/12/091210_ra_lebanon_tc2.shtml>.

² On these campaigns of intimidation, see CIHRS, Roots of Unrest: Human Rights in the Arab Region, 2010 annual report, Mar. 29, 2011, <<http://www.cihrs.org/?p=1164&lang=en>>.

In January 2011, these campaigns resulted in the collapse of the government after ten ministers from the March 8 bloc withdrew from their posts because of the international tribunal.³

Although the prosecutor of the international tribunal issued an indictment and officially submitted it to the government, along with arrest warrants for four persons affiliated with Hezbollah,⁴ the latter ignored these orders, and the party leader challenged the tribunal in a televised speech, saying, “Not in 30 or 60 days, or 60 or 300 years, will they be able to find or arrest these people.”⁵ The indictment named Mustafa Badreddine, Salim Ayyash, Hassan Oneissi, and Assad Sabra.⁶

Although the leadership of Hezbollah is still determined to block the role of the international tribunal, the political landscape shifted near the end of the year, when the prime minister announced the unexpected allocation of \$33 million to fund the court, via the Higher Relief Fund, which is subject only to the authority of the prime minister. The development reflects the desire of the prime minister to preserve his status as a consensual figure who seeks to avoid clashing with the Sunni majority, which supports al-Hariri and the court. It may also reflect the keen desire of the March 8 bloc to avoid dismantling or obstructing the government while looking for another consensual Sunni partner.⁷ The curtain closed on 2011 leaving Lebanon at a crossroads for the political crisis and the stability of institutions of governance, as the country is held hostage to the challenges of the dual power structure, Hezbollah’s weapons, and the demands of justice and preventing criminal impunity.

³ France 24, “Suqut hukumat Sa’d al-Hariri ba’d istiqlalat al-wazir al-hadi ‘ashar,” Jan. 12, 2011, <<http://www.france24.com/ar/20110112-hezbollah-allies-resign-lebanon-unity-government-hariri-un-tribunal-assassination>>.

⁴ al-Mustaqbal, “Ba’d al-haqiqa tabqa al-‘adala wa-l-Hariri yu’akkid intiha’ zaman al-kutla,” July 1, 2011, <<http://www.almustaqbal.net/storiesv4.aspx?storyid=474173>>.

⁵ al-Mustaqbal, “Nasrallah yughatti Miqati wa-l-muttahimin bi-ighiyal al-Hariri,” July 3, 2011, <<http://www.almustaqbal.com/storiesv4.aspx?storyid=474456>>; Asharq al-Awsat, “Nasrallah yattahim al-mahkama a-dawliya bi-l-fasad wa-l-inhiyaz li-Isra’il,” July 3, 2011, <<http://www.aawsat.com/details.asp?section=4&issueno=11905&article=629338>>.

⁶ Paul Salem, “Lebanon after the Indictments—the Arab World’s Next Crisis?” July 2, 2011, Carnegie Endowment for International Peace, <<http://carnegieendowment.org/2011/07/02/lebanon-after-indictments-arab-world-s-next-crisis/luxr>>; al-Seyassah, “al-Mahkama al-dawliya tanshur tafasil al-qarar al-ittihami fi ighiyal al-Hariri,” Aug. 18, 2011, <<http://www.al-seyassah.com/AtricleView/tabid/59/smld/438/ArticleID/152697/Default.aspx>>.

⁷ Rudy Sassine, “A Turning Tide in Lebanon,” Dec. 15, 2011, Sada, Carnegie Endowment for International Peace, <<http://carnegieendowment.org/2011/12/15/turning-tide-in-lebanon/89zb>>.

Increasing pressures on freedom of expression:

Pressures increased on freedom of expression, including creative freedom and freedom of the media, revealing a growing refusal to tolerate such liberties. Journalists and media figures have increasingly become targets for attacks, fed by the persistence of political and sectarian polarization and state institutions' inability to protect reporters or apprehend and punish those responsible for these attacks. Some of the violations affecting journalists and creative works were linked to perceived infringements on the army or discussion of the Hariri assassination.

In Beirut, Tripoli, and Sidon, press workers were the targets of intentional attacks while covering protests that took a violent turn on January 25, 2011, after Najib Mikati's appointment as prime minister was announced. Crews with the Qatari al-Jazeera channel—which protesters considered pro-Hezbollah—were assaulted, along with workers with New TV in Tripoli. Hariri supporters were accused of torching al-Jazeera's mobile live transmission vehicle and setting fire to the office of Public Prosecutor Mohammed al-Safadi, where the journalists had sought shelter. They also attacked Mohammed al-Sahili, a photographer with the National News Agency (NNA), and threw stones at an NBN crew.⁸

Journalists and media professionals faced similar attacks on February 22 while covering a shooting on the Syrian-Lebanese border, which occurred at the same time as people were injured in the Tariq al-Jadida area of Beirut. A correspondent with al-Fajr Radio was prohibited from covering the incident and his cell phone was confiscated. A crew with OTV was attacked, and all audiovisual media were prevented from covering clashes between Syrian and Lebanese students which occurred after Syrian students had staged a sit-in at the Lebanese University demanding an end to administrative procedures they viewed as discriminatory.⁹

In what was considered an act of intimidation, on March 22 unknown persons threw sticks of dynamite at the offices of Free Lebanon Radio, and a sound grenade was also detonated near the offices.¹⁰ Photographer Wael al-

⁸ Reporters Without Borders, "Black Day for Media in Lebanon," Jan. 25, 2011, <<http://en.rsf.org/liban-black-day-for-media-in-lebanon-25-01-2011,39395.html>>; International Freedom of Expression Exchange, "News Teams Attacked while Covering Protests," Jan. 25, 2011, <http://www.ifex.org/lebanon/2011/01/27/aljazeera_attack/>.

⁹ SKEYES, "SkYZ yastankir man' idha'at al-fajr min al-taghtiya wa-l-i'tida' 'ala fariq mahattat u ti fi fi mustashfa al-maqasid wa man' al-i'lam min taghtiyat ashkal al-ihitaj fi-l-jami'a al-Lubnaniya," Feb. 23, 2011, <<http://skeyes.wordpress.com/2011/02/23/inth8j/>>.

¹⁰ SKEYES, "SkYZ yastankir muhawalat tarhib idha'at Lubnan al-hurr," Mar. 22, 2011, <<https://skeyes.wordpress.com/2011/03/23/546532132134654/>>.

Ladqi was physically assaulted by a group of young people during a demonstration on March 27 calling for the end of sectarianism in Lebanon. During the same demonstration, Nadine al-Ali, a journalist with Now Lebanon, was also harassed.¹¹

According to Nadim Qatish, a media worker with Future News, he received explicit threats against himself and his child over Facebook. He believed that the threats came in response to statements he had signed in solidarity with the Syrian people's right to freedom and a video he posted online documenting Syrian popular protests.¹²

Ali Hamadi, a media worker with Future News, received death threats over Facebook in October 2011, the second such threat he received in four months against the background of his support for the Syrian revolution.¹³

On April 22, unknown persons attempted to burn a vehicle with New TV, drenching it with gasoline, while the television crew covered a demonstration organized in solidarity with the Syrian uprising.¹⁴

In August, the crackdown on acts of solidarity with the Syrian people escalated, and security forces paid "visits" to media offices to influence their media coverage of the practices of the Syrian regime. Lebanese rights activists and bloggers were also assaulted by *shabiha* (thugs) of both Lebanese and Syrian nationality, while taking part in a peaceful sit-in in front of the Syrian embassy on August 2.

Stories by the NNA, the official news agency, were redacted to remove statements by Lebanese political figures sympathizing with the Syrian people, and the website of Free Citizens was hacked by a group from the

¹¹ International Freedom of Expression Exchange, "Protestor Assaulted, Journalist Harassed during Peaceful Demonstration," Mar. 30, 2011, <http://ifex.org/lebanon/2011/03/30/photographer_journalist_targeted/>.

¹² Catholic Information Center, "al-Haqq al-ainsani wa Skyz yastankiran tahdidat li-l-i'lami Nadim Qatish wa tiflih," Apr. 18, 2011, <<http://www.centre-catholique.com/newsdetails.asp?newid=48635>>; Arabic Network for Human Rights Information, "Skiy yudin tahdid al-i'lami Nadim Qatish wa yutalib al-sultat al-ma'niya bi-l-taharruk al-fawri," Apr. 18, 2011, <<http://www.anhri.net/?p=29415>>.

¹³ SKEYES, "Skiy yastankir tahdid al-i'lami 'Ali Hamada bi-l-qatl wa qarسانat mawqa'ih al-ilaktruni," Oct. 12, 2011, <<http://skeyes.wordpress.com/2011/10/11/6546546546546545-4/>>.

¹⁴ SKEYES, "Skiy yastankir sabb al-banzin 'ala sayyarat al-naql al-mubashir li-qanat al-jadid fi Tarabulas," Apr. 26, 2011, <<http://skeyes.wordpress.com/2011/04/26/8765456456465/>>.

“electronic Syrian army,” which placed a photo of the Syrian president on the main page of the website.¹⁵

In September, the bureau chief of *Time* and a journalist at the magazine were referred to questioning before the Public Prosecutor after the magazine interviewed one of the suspects wanted in connection with the Hariri assassination. Maria al-Maalouf, the managing editor of the Lebanese *al-Ruwad* was also referred to questioning after an interview with a suspect in the assassination of President Bashir Gemayel.¹⁶

Security authorities revoked permission to screen “Green Days,” a film by Iranian director Hana Makhmalbaf about the protests in Iran.¹⁷ In October, authorities denied Iranian director Nader Daoudi entry to the country and removed his documentary, “Red, White, and Green,” from the official competition of the Beirut International Film Festival and cancelled all screenings. The film looks at developments in Iran in the three weeks leading up to the presidential elections won by Ahmadinejad.¹⁸

In November 2011, pressure by the General Security Censor led to the elision of an entire scene from “Rue Huvelin” before it was screened. The film looks at student protest movements in Beirut against the Syrian military presence prior to its withdrawal from Lebanon in 2005. The deleted scene showed students chanting against Syria while they burned the Syrian flag and raised the Lebanese flag.¹⁹

The authorities also banned a film by director Daniel Arbid entitled “Beirut at Night,” as the film implicitly touched on the assassination of Rafiq al-Hariri. The film censorship committee, part of the General Security Agency, announced that the film constituted a danger to Lebanon’s security, but the agency’s media bureau denied this claim and explained that the

¹⁵ Arabic Network for Human Rights Information, “Taqrir Skyz al-shahri ‘an al-intihakat ‘ala-l-saha al-i’lamiya wa-l-thaqafiya fi Lubnan wa Suriya wa Filistin wa-l-Urdun,” Sep. 8, 2011, <<http://www.anhri.net/?p=38891>>.

¹⁶ Arabic Network for Human Rights Information, “Taqrir Skyz al-shahri ‘an al-intihakat ‘ala-l-saha al-i’lamiya wa-l-thaqafiya fi Lubnan wa Suriya wa Filistin wa-l-Urdun,” Oct. 11, 2011, <<http://www.anhri.net/?p=41287>>.

¹⁷ Arabic Network for Human Rights Information, “al-Shabaka al-‘Arabiya tastankir man’ ‘ard al-film al-Irani ‘ayyam khadra’ fi Lubnan,” June 21, 2011, <<http://www.anhri.net/?p=34003>>.

¹⁸ Arabic Network for Human Rights Information, “al-Shabaka al-‘Arabiya: ‘ala-l-sultat muraja’at al-anzima al-raqabiya wa waqf al-tadakhkhul al-amni,” Oct. 9, 2011, <<http://www.anhri.net/?p=41066>>.

¹⁹ SKEYES, “al-Amn al-‘amm al-Lubnani yahdhif mashhadan min film ‘shari’ hufilan’ qabl al-samah bi-‘ardih,” Nov. 29, 2011, <<http://skeyes.wordpress.com/2011/11/29/1121323232656565/>>.

security agency prohibited discussion of the assassination since the case was still pending before the judiciary.²⁰

Based on a complaint from the Defense Ministry, George al-Alam, who wrote *The Press* in which he discusses his imprisonment and torture for two and a half years in a Defense Ministry prison after his arrest in 1996, was summoned for questioning by criminal investigations. The writer was released on his own recognizance on December 7, 2011.²¹

On July 27, the authorities arrested musician Zeid Hamdan on charges of libeling and slandering the president, after he released the song “General Suleiman” criticizing the Lebanese president and demanding his ouster.

The authorities evinced a desire to pressure websites and limit their role. The National Media Council established a special register for websites, saying it would issue a list of documents to be appended to all applications to create websites pending the issuance of a law on electronic media, thus allowing conditions to be imposed on licensing renewals.²²

The electronic media also witnessed more cyber attacks, including the hacking of Janubiya, an independent website focusing on news from southern Lebanon. According to the editor of the site, the site was repeatedly attacked over the nine months following its establishment due to its coverage of events in Syria and content critical of some Lebanese parties loyal to the Syrian regime.²³

On March 13, the Future Forum website was hacked, as was the official site of Saad al-Hariri, the head of the Future bloc, and the Hariri Foundation website, and the databases of all three sites were destroyed. A group calling itself “the electronic resistance” claimed responsibility for the attacks in an aired statement titled “At your command, Nasrallah,” reinforcing the belief

²⁰ SKEYES, “al-Amn al-‘amm al-Lubnani yamna’ filman yatadamman ishara ila ightiyal al-Hariri,” Dec. 13, 2011, <<http://goo.gl/m71Th>>.

²¹ SKEYES, “Ikhla’ sabil sahib kitab ‘al-ma’sara’ Jiyurj al-‘Alam bi-sand al-iqama,” Dec. 8, 2011, <<http://goo.gl/hngbG>>; Arabic Network for Human Rights Information, “Lubnan: al-shabaka al-‘Arabiya tudin al-tahqiq ma’ sahib kitab ‘al-mi’sara’,” Dec. 6, 2011, <<http://www.anhri.net/?p=44457>>.

²² SKEYES, “Skysz yastaghrib qarar al-majlis al-watani li-l-i’lam fath sijjil bi-l-mawaqi’ al-ilaktruniya wa rabt tajdid tarakhis al-mu’assasat bi-l-mukhalafat,” Oct. 23, 2011, <<http://skeyes.wordpress.com/2011/10/21/685467897894765468798798798/>>.

²³ SKEYES, “Skysz yastankir qarsanat mawqa’ ‘janubiya’ li-l-marra al-rabi’a khilal shahr,” Dec. 8, 2011, <<http://goo.gl/Y90FK/>>.

that the attacks were a response to calls from prominent Future movement members for Hezbollah's disarmament.²⁴

Arbitrary detention, torture, and involuntary disappearance:

The fate of thousands of people who disappeared during the civil war remains unknown, and the authorities have taken no serious steps to expose the truth. At the same time, torture and arbitrary arrest continued, especially in detention facilities of the Defense Ministry, and a number of people were prosecuted before military courts lacking guarantees of due process. Additionally, it was increasingly feared that the Lebanese authorities were forcibly repatriating Syrians who had fled the repression of the Syrian regime.

On July 12, 2010, Lebanese national Tareq Rabaa was arrested and detained in a detention center of the Defense Ministry, where he was subjected to torture and degrading treatment for 108 days; he had been summoned for questioning on suspicion of receiving phone calls from the Israeli Mossad. After being questioned, Rabaa was forced to strip and his hands were cuffed. He was forced to stand for 20 days, during which time he was subjected to electroshocks and beaten brutally on his ears. He was not permitted to meet his sister or his lawyers until 32 days after his arrest. His trial began before the military judiciary on February 7, 2011, on charges of dealing with Israel. Although Rabaa was examined by a forensic physician whose report confirmed that he had been exposed to torture, the court did not take the report into consideration. It is feared he will be convicted based on confessions extracted from him under duress, even though he refused to sign them.²⁵

Similar fears have been voiced regarding the military trial of Mohammed Dib Oeiza on charges of telephone contact with the Israeli authorities. During the trial, the defendant repudiated the confessions exacted from him during preliminary questioning at the Ministry of Defense after his arrest by military intelligence in April 2010. He was then detained incommunicado for 12 days, after which he was referred to a military court. While detained by the Defense Ministry before his transfer to the Roumieh Prison, he was

²⁴ SKEYES, "Skyz tastankir tadmīr qa'idat bayanat 'muntada al-mustaqbal' wa 'Sa'd al-Hariri' wa 'mu'assasat al-Hariri'," Mar. 14, 2011, <<http://skeyes.wordpress.com/2011/03/14/55669698/>>.

²⁵ Alkarama, "Lebanon: Promptly investigate torture and arbitrary detention allegations in the case of Mr. Tarek Rabaa," Nov. 9, 2011, <<http://goo.gl/iwGqo>>.

reportedly brutally beaten, tortured, hung from his wrists, forced to stand for long periods in painful positions, and denied sleep.²⁶

Four other persons would face death sentences on charges of committing terrorist acts if convicted by a military court that first convened in June 2011. The four were tortured after being arrested in June and July 2009. They were then taken to the Defense Ministry and held incommunicado in a series of military police facilities for eight months, during which time they were brutally beaten, suspended for days, forced to stand for hours, and threatened and humiliated. They were also forced to sign incriminating confessions and threatened lest they change their statements before the judge.²⁷

Two prisoners died and 45 were injured in the Roumieh Prison, after joint security-military forces stormed the prison in April 2011 to end rioting by prisoners demanding better prison conditions and reduced pre-trial detention times. Security forces used rubber bullets, sound grenades, and tear gas. According to the Defense Ministry, the prison holds 3,700 inmates, or about twice its intended capacity.²⁸

Some 101 Syrian refugees in Lebanon were detained last year, after having escaped the violence and repression inside Syria; this raised fears of that they may have been forcibly repatriated to Syria.²⁹

The fate of numerous Syrian activists is also unknown. Some were reportedly abducted in Beirut in March 2011, among them Jasem Marei Jasem and his brothers.³⁰ Syrian human rights groups noted that veteran Syrian politician Shibli Alayssami, age 87, was abducted on May 24, 2011, in the city of Aliya by a Lebanese security patrol led by an officer known for his affiliation with allies of the Syrian regime.³¹

²⁶ Alkarama, "Lubnan: muhakamat najl asir muharrar bina'an 'ala i'tirafat taht al-ta'dhib," Mar. 22, 2011, <<http://goo.gl/SQ6J5>>.

²⁷ Alkarama, "Lebanon: Four Individuals at Risk of Death Penalty following Confessions Extracted under Torture," May 30, 2011, <<http://goo.gl/H7G40>>.

²⁸ Human Rights Watch, "Prison Deaths, Injuries Need Independent Investigation," Apr. 8, 2011, <<http://www.hrw.org/news/2011/04/08/lebanon-prison-deaths-injuries-need-independent-investigation>>.

²⁹ Human Rights Watch, "Lebanon: Stop Detaining Syrian Refugees," May 20, 2011, <<http://www.hrw.org/news/2011/05/20/lebanon-stop-detaining-syrian-refugees>>.

³⁰ SKEYES, "Skuz wa 'maharat' tunashidan wazir al-dakhiliya wa-l-sultat al-amniya al-taharruk al-sari' li-l-kashf 'an masir al-nashitin al-Suriyin al-ladhin khutifu fi Bayrut," Mar. 9, 2011, <<http://skeyes.wordpress.com/2011/03/10/455696/>>.

³¹ Syrian Human Rights Committee, "Mutaba'at tafasil ikhtitaf Shibli al-'Aysami min Lubnan," July 27, 2011, <<http://www.shrc.org/data/asp/d15/4525.aspx>>.

In addition, seven Estonian nationals were kidnapped in the Lebanese plains of al-Beqaa on March 23, 2011; their fate remained unknown until they were released on July 14 thanks to French mediation. It emerged that they spent most of this time detained in Syria; the identity and motives of the kidnappers remains unknown.³²

The fates of thousands of people who disappeared during the civil war in Lebanon (1975-1990) remain unknown as well, and the authorities took no serious steps to establish an independent commission to find and expose the truth of what happened to them.³³ Nor was any progress made to resolve several cases of abductions which took place over the past few years, such as that of Joseph Sader, who was kidnapped on the airport road in Beirut on February 12, 2009, and is still missing.

The status of human rights defenders:

Human rights defenders came under increasing pressure. On July 25, 2011, military intelligence summoned rights activist Saad al-Din Shatila, a member of Alkarama for Human Rights, after he documented cases of torture. He was questioned for more than seven hours before being released.

This came in the wake of a series of acts of harassment against several rights activists. On March 22, the Public Prosecutor opened a criminal investigation into the Lebanese Center for Human Rights, after the Amal movement filed a complaint against the center for publishing a report of torture of detainees by persons affiliated with the movement. During the investigation, representatives of the center asked for a copy of the complaints brought against them but were denied.

Pressures which had begun in 2010 continued to target the Palestinian Human Rights Organization (Huquq), following a report issued by the group on conditions in the Nahr al-Barid refugee camp. The organization's director, Ghassan Abdullah, was questioned by military authorities, while the program coordinator in Nahr al-Barid, Hatem Miqdadi, was detained for five days in November 2010 without charge. During this time, Miqdadi was questioned about the organization's programs and meetings held between its director and representatives from foreign embassies. During his detention in

³² al-Balad, "al-Ifraj 'an al-Istuniyin fi Lubnan: injaz man?" July 14, 2011, <<http://kw.albaladonline.com/ar/NewsDetails.aspx?pageid=9701>>.

³³ Amnesty International, "Lebanon Urged to Investigate Civil War Missing," Apr. 14, 2011, <<http://www.amnesty.org/en/news-and-updates/report/lebanon-urged-investigate-civil-war-missing-2011-04-14>>.

a military barracks, Miqdadi suffered humiliating treatment; he was stripped of his clothes and denied sleep. As a result of the pressure on the organization and the restrictions impeding its representatives' entry to Nahr al-Barid, the organization was forced to shut down its site in the camp.

When Ghassan Abdullah visited the camp on May 11, 2011, he was asked to leave by military intelligence. Every time he seeks a new permit to visit the camp, Abdullah must first visit military intelligence.³⁴

Limited developments on the legislative front:

The year 2011 was characterized by a state of legislative stasis given the difficulties of forming a new government after Hezbollah succeeded in bringing down the Saad al-Hariri government early in the year.

The most important development came in addressing gender-based violence. The Lebanese parliament abolished Article 562 of the Penal Code, which had previously imposed reduced penalties for those condemned of murder or violence in what is known as "honor crimes" against women in their own families. However, the new government contained no female representatives and took no further steps to end discrimination against women enshrined in other sections of the Penal Code. The law remains prejudicial against women in penalties related to crimes of adultery.

Although the former government had prepared a draft law on domestic violence in May 2010, the bill, which criminalizes physical, psychological, and sexual abuse against women, including marital rape, is still under review by the competent parliamentary committee, having met with objections from both Sunni and Shiite religious institutions. On June 28, the Fatwa Office announced its rejection of the law, stating that Islamic law is the adequate framework for addressing problems of domestic violence and warning that the law would lead to the disintegration of the family and undermine the authority of the father and his ability to raise his children.³⁵

³⁴ Alkarama, "Lubnan: munazzamat huquqiya tatalib al-hukuma al-Lubnaniya bi-l-kaff 'an al-ta'arrud li-l-mudafi' in 'an huquq al-insan bi-sabab tawthiqihim li-halat al-ta'dhib," Aug. 4, 2011, <<http://goo.gl/752jp>>.

³⁵ Human Rights Watch, "Lebanon: Law Reform Targets 'Honor' Crimes," Aug. 11, 2011, <<http://www.hrw.org/news/2011/08/11/lebanon-law-reform-targets-honor-crimes>>; Human Rights Watch, "Lebanon: Enact Family Violence Bill to Protect Women," July 6, 2011, <<http://www.hrw.org/news/2011/07/06/lebanon-enact-family-violence-bill-protect-women>>.

Status of Palestinian refugees:

The status of Palestinian refugees in Lebanon witnessed no marked improvement. The amendments introduced to the labor and social security law to partially permit Palestinians to work in Lebanon were not effective. During the UN Universal Periodic Review of human rights in Lebanon, representatives of the Lebanese government announced in March 2011 their acceptance of recommendations related to improving employment opportunities and work conditions of Palestinian refugees and to issuing identity documents for Palestinians without them. However, crucial recommendations related to Palestinian ownership rights, their right to work in the free professions, and ending restrictions on their freedom of movement were rejected, as the government representatives denied the existence of any restrictions on Palestinian refugees' movements.³⁶

At least six people were killed and 120 injured by Israeli soldiers who opened fire on a march organized by civic groups, Palestinian factions, and Lebanese political parties on the anniversary of the 1948 Palestinian dispossession (“*an-Nakba*”) on May 15 in Maroun al-Ras in southern Lebanon. Field reports stated that the soldiers sought to inflict lethal injuries on the demonstrators.³⁷

It was reported that UNRWA intentionally reduced its services to refugees in Lebanese camps, and several sick people died after they were denied the permits necessary for hospital admittance.³⁸

In June, the mufti of Lebanon made racist statements when meeting with a Palestinian delegation to discuss the issue of construction on *waqf* property. “You’ve trespassed and usurped *waqf* land,” the mufti said. “We hosted you here and we don’t want you as guests anymore. You’re trash and your cause will not be victorious.”³⁹

The Ain Helwa refugee camp in August 2011 saw armed clashes between Fatah and militants affiliated with the Jund al-Sham organization; 10 people

³⁶ CIHRS, “Istimrar al-fashal al-Lubnani fi-l-ta’amul ma’ huquq al-laji’ in al-Filistiniyin min manzur huquq al-insan ‘ala-l-raghm min ihraz ba’d al-taqaddum,” Mar. 22, 2011; on the amendments to the labor and social security law, see CIHRS, 2010 annual report.

³⁷ Alkarama, “Isra’il tuwasil tanfidh ‘amaliyat i’dam kharij nitaq al-qada’ bi-haqq al-mutazahirin wa-l-nushata’ al-silmiyin,” July 1, 2011, <<http://goo.gl/WmfYH>>.

³⁸ Palestinian Association for Human Rights, “Rasid tudin siyasad unrawa tujah al-laji’ in al-Filistiniyin fi Lubnan,” Mar. 30, 2011, <<http://www.pal-monitor.org/Portal/modules.php?name=News&file=article&sid=597>>.

³⁹ “al-Jam’iya al-Filistiniya li-huquq al-insan-rasid: tasrihat al-mufti bi-haqq al-Filistiniyin fi Lubnan ‘unsuriya wa marfuda wa ‘alayhi al-i’tidhar fawran,” June 16, 2011, <<http://www.atarakji.com/pal/news.php?action=view&id=459>>.

were injured and homes and shops were severely damaged. The clashes erupted after the discovery of an explosive device targeting Col. Mahmoud Eissa al-Nino, a leader of the Palestinian armed resistance in Lebanon; two suspects, who confessed to planting the bomb, were turned over to Lebanese intelligence.⁴⁰ In December, Ashraf al-Qadiri of the Fatah movement was assassinated in the same camp, and it was strongly suspected that the responsibility lied with elements of Jund al-Sham and Fatah al-Islam.⁴¹

⁴⁰ Arabic Network for Human Rights Information, "Rasid tudin al-ahdath al-akhira fi 'Ayn al-Hulwa," Aug. 10, 2011, <<http://www.anhri.net/?p=37328>>.

⁴¹ Palestinian Association for Human Rights, "Rasid tudin jarimat ightiyal 'anasir fath fi 'Ayn al-Hulwa," Dec. 17, 2011, <<http://www.pal-monitor.org/Portal/modules.php?name=News&file=article&sid=662>>.

Why this report?

The Cairo Institute for Human Rights is pleased to present its fourth annual report on the state of human rights in the Arab world throughout the year 2011. Whereas the previous three reports tried to identify the most significant advances and regressions in the sphere of human rights in the countries under study, the current report adds to this and effort to address and analyze the ramifications of the revolutionary winds that swept over the region and successfully toppled long-standing symbols of autocracy, tyranny, and corruption in Tunisia, Egypt, Libya, and Yemen.

This report pays special attention to the consequences of the so-called “Arab Spring” for the promotion of human rights and the new horizons it has opened for democratic transformation or transition. In its assessment, this report uses the same approach as the previous reports, adopting a framework of civil and political rights and their major themes, focusing largely on:

- The political transition in countries that saw the ouster of former ruling figures and an analysis of the extent to which these transitions promoted aspirations for democratization, helped to entrench mechanisms for accountability, the exposure of truth, and just retribution for the crimes committed by these regimes, and represented a genuine break with the types of abuses prevalent during the decades of absolutist rule.
- The most important constitutional and legislative reforms in the countries under review and an analysis of the extent to which these constituted a genuine response to the aspirations of the popular revolutionary movements or, alternatively, aimed to outmaneuver or contain these aspirations to avoid the fallout of the waves of change.

- The approaches used to deal with widespread political protest in numerous countries under study here and an examination of how the systematic tools of repression or containment were used against various forms of peaceful demonstrations, protests, sit-ins, and strikes.
- The relaxation or tightening of restrictions on press freedoms and freedom of expression.
- Practices related to either the promotion or suppression of the right to association in political parties, civic associations, or labor unions.
- The status of human rights defenders and the pressures and threats aimed at advocacy groups and those involved in them.
- Pressures on religious liberties and the rights of religious, sectarian, or ethnic minorities.
- Manifestations of the erosion of due process and fair trials, especially the prosecution of peaceful activists, political dissidents, and human rights defenders.
- Gross violations of human rights, particularly the torture and abuse of prisoners, extrajudicial killings, involuntary disappearance, and collective punishment.

This report covers the same set of countries as in previous reports, as this permits report researchers to build a cumulative information base about these countries and facilitates comparative analysis and objective evaluations of the degree of progress or regression in the status of human rights from one year to the next, both within each individual country and holistically across all countries examined in the report, which include: Egypt, Tunisia, Algeria, Morocco, Sudan, Syria, Lebanon, Palestine, Iraq, Saudi Arabia, Bahrain, and Yemen.

As in previous reports, this report devotes special attention to those countries experiencing armed conflict - whether under occupation or in the midst of civil strife - such as the Palestinian territories, Iraq, and Sudan. Also included in this set of countries is Yemen, although the popular uprising overshadowed long-standing geographic conflicts. Lebanon, despite the waning danger of renewed civil conflict over the last two years, also continues to be classified among those countries living in exceptional circumstances, as the chronic political crisis combined with regional rivalries and sectarian polarization have engendered a parallel power structure within the country that impacts the institutions of government and impedes them from performing their respective responsibilities.

This report also devotes a special chapter to a description and analysis of the performance of Arab governments before human rights bodies within the United Nations, including at the United Nations Human Rights Council.

The current report relies on background papers prepared by CIHRS researchers and rights experts from the countries under review, documented information made available by Arab and international human rights groups, assessments, observations, and information provided by members of the advisory board of the International Advocacy Program, and several Arab experts whose opinions were sought on the final drafts of this report. Some of those consulted prefer to remain anonymous due to the security risk their participation may entail.

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The Cairo Institute for Human Rights Studies (CIHRS) would like to express its appreciation for the many national, regional, and international human rights organizations that persistently monitor, study, and analyze important developments to the situation of human rights in the Arab region. Without their efforts, it would have been impossible to prepare the present report, for the information that these organizations have provided - whether through their various publications or on their websites - was essential to its writing and preparation. Furthermore, several of these organizations reviewed early drafts of this report and provided up-to-date information to be included in the final version. CIHRS would also like to thank the researchers in several Arab states who worked with us to prepare this report. Finally, CIHRS expresses its gratitude for the contributions and recommendations from members of the CIHRS International Advocacy Program's Advisory Board, which includes members from 11 Arab countries as well as members of the CIHRS Board of Directors.

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

CIHRS notes that the order of the following list of organizations whose research and consultation aided the creation of this report does not have any special significance. All of the organizations mentioned below have made important contributions that are of equal importance - not only to this report, but also in the defense of human rights and the dissemination of a culture of rights across 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://www.bhrs.org>
4. Bahrain Transparency Society <http://alshafafeyabh.org/>

Iraq

5. NGO Coordination Committee for Iraq <http://www.ncciraq.org/>
6. Iraq Body Count www.iraqbodycount.org
7. Hammurabi Human Rights Organization <http://www.hhro.org/hhro/index.php?lang=en>

Egypt

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

Lebanon

23. The Foundation for Human and Humanitarian Rights <http://fhrl.org>
24. Maharat Foundation <http://www.maharatfoundation.org/>
25. Palestinian Human Rights Foundation (Monitor) <http://www.pal-monitor.org>
26. The Palestinian Human Rights Organization <http://www.palhumanrights.org>

Morocco

27. The Moroccan Organization for Human Rights <http://www.omdh.org>
28. The Moroccan Association for Human Rights <http://www.amdh.org.ma>
29. The Moroccan Observatory for Public Liberties <http://www.forumalternatives.org/observatoire/>
30. Instance Marocaine des Droits Humains <http://www.instance-mdh.org/ar/>
31. The Sahrawi Association of Victims of Grave Human Rights Violations Committed by the Moroccan State www.asvdh.net/
32. Association ADALA <http://www.justicemaroc.org/>

33. The Collective of Sahrawi Human Rights Defenders (CODESA) <http://www.codesaso.com/>
34. The Moroccan League for the Defense of Human Rights <http://lmdhd.tadwena.com/>
35. Association des Blogueurs Marocains <http://maghrebblog.maktoobblog.com/>
36. Comité pour la défense du droit à l'autodétermination pour le Peuple du Sahara Occidental <http://www.codapso.org/>
37. Trade Union Confederation for Sahrawi Workers <http://ardihurra.blogspot.com>
38. National Human Rights Council <http://ccdh.org.ma/?lang=en>

Saudi Arabia

39. Human Rights First Society www.hrfssaudiArabia.org
40. Saudi Human Rights Center <http://www.saudihr.org/>
41. The Committee for the Defense of Human Rights in the Arabian Peninsula <http://www.cdhrap.net>
42. Saudi Civil and Political Rights Association http://www.acpra.info/news.php?action=list&cat_id=12

Sudan

43. Darfur Bar Association
44. Journalists for Human Rights (JHR) <http://www.anhri.net/?cat=343>
45. Syrian Human Rights Organization <http://www.shro-syria.com>
46. Kurdish Organization for the Defence of Human Rights and Public Freedoms in Syria <http://dadkurd.co.cc>
47. Syrian Human Rights League <http://www.shrl.org>
48. Syrian Observatory for Human Rights <http://www.syriahr.com>
49. The Syrian Human Rights Committee <http://www.shrc.org>
50. Committees for the Defence of Democracy Freedoms and Human Rights in Syria <http://www.cdf-sy.org/>
51. The Arab Organization for Human Rights-Syria <http://www.aohrs.org/>
52. The Syrian Center for Media and Freedom of Expression <http://www.kurdistanabinxete.com/>
53. Damascus Centre for Human Rights Studies <http://www.dchrs.org>
54. Kurdish Committee for Human Rights – Syria <http://www.kurdchr.de/>
55. National Organization for Human Rights in Syria <http://www.nohr-s.org/new/>

Tunisia

56. Tunisian League for the Defense of Human Rights <http://ltdh-tunisie.org/>
57. The International Association for the Support of Political Prisoners <http://tunisiawatch.rsfblog.org>
58. Committee for the Respect of Liberties and Human Rights in Tunisia
59. Association Tunisienne Des Femmes Démocrates <http://femmesdemocrates.org/>
60. National Council for Liberties in Tunisia
61. Observatory for the Defence of Press, Publishing and Creation Freedom <http://www.anhri.net/tunisia/olpec>
62. Association Against Torture in Tunisia <http://www.anhri.net/?cat=193>
63. The Tunisian Observatory for Union Rights and Freedoms <http://nakabi.maktoobblog.com/>
64. Liberté et Equité <http://liberte.equite.jeblog.fr/>

Yemen

65. Sisters' Arab Forum for Human Rights <http://saf-yemen.org>
66. Yemen Observatory for Human Rights <http://www.yohr.org/>
67. National Organization for Defending Rights and Freedoms (Hood) <http://www.hoodonline.org>
68. Yemeni Organization for Defending Rights and Democratic Freedoms <http://www.hurryat.org/en/>
69. Southern Observatory for Human Rights <http://sohr-aden.org/>
70. The Center for Training and Protecting Journalists' Freedoms (CTPJF) <http://ctpjf.org/>
71. SEYAJ Organization for Childhood Protection <http://www.seyaj.org/en/default.aspx>
72. Yemen Centre for Human Rights <http://ycfhr.org/>
73. Women Journalists Without Chains <http://womenpress.org/index.php?lng=english>
74. Human Rights Information and Training Center <http://www.hritc.net/>

Occupied Palestinian Territory

75. Al-Haq (Ramallah) <http://www.alhaq.org/>
76. Palestinian Centre for Human Rights (Gaza) <http://www.pchrgaza.org/portal/en/>
77. Al Mezan Center for Human Rights <http://www.mezan.org/en/>
78. The Independent Commission for Human Rights (ICHR) <http://www.ichr.ps/en>
79. The Prisoners' Center for Studies <http://www.alasra.ps/>
80. Palestinian Center for Development and Media Freedoms <http://www.madacenter.org/index.php?lang=1>

Algeria

81. Collective of the Families of the Disappeared <http://www.algerie-disparus.org/cfdal/index.php>
82. Algerian League for the Defense of Human Rights www.la-laddh.org

Regional Organizations

83. The Arabic Network for Human Rights Information <http://www.anhri.net>
84. Arab Organization for Human Rights <http://www.aohr.net/>
85. Alkarama for Human Rights <http://en.alkarama.org/>
86. Skeyes Center for Media and Cultural Freedoms <http://www.skeyesmedia.org/en/Home>
87. Arab Reform Initiative <http://www.arab-reform.net/>
88. Working Group on Press Freedom and Free Expression in North Africa <http://www.anhri.net/mena/wgfena/>

International Organizations and Institutes

89. Euro-Mediterranean Human Rights Network <http://www.euromedrights.net>
90. Observatory for the Protection of Human Rights Defenders <http://www.fidh.org/-human-rights-defenders.180>
91. Human Rights Watch <http://www.hrw.org>

92. Article 19 <http://www.article19.org/>
93. Amnesty International <http://www.amnesty.org/>
94. International Crises Group <http://www.crisisgroup.org>
95. Intentional Federation for Human Rights <http://www.fidh.org/>
96. Front Line Defenders, International Foundation for the Protection of Human Rights Defenders <http://www.frontlinedefenders.org/>
97. Reporters without Borders <http://www.rsf.org>
98. Committee to Protect Journalists <http://www.cpj.org/>
99. International Committee of the Red Cross <http://www.icrc.org/>
100. Carnegie Endowment for International Peace <http://www.carnegieendowment.org>
101. Humanitarian News and Analysis (IRIN) <http://www.irinnews.org/>
102. United States Commission on International Religious Freedom <http://www.uscirf.gov/>
103. UN News Centre <http://www.un.org/news/>
104. United Nations Children's Fund-UNICEF <http://www.unicef.org>
105. United Nations Office for the Coordination of Humanitarian Affairs <http://www.unocha.org/>

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