

2017

Annual Report

Alkarama Foundation



Table of contents

Foreword by the Board of Trustees.....	5
Glossary of terms.....	7
About us.....	9
Who is Alkarama?.....	9
Mission.....	9
The team.....	9
Our budget.....	10
How do we work?.....	11
Assisting victims of human rights violations.....	11
Advocating for reforms to respect and protect human rights in all Arab countries...11	
Raising awareness of human rights in the Arab world.....	11
Strengthening the UN human rights mechanisms.....	12
Fostering a culture of human rights in the Arab world.....	13
2017 Statistics of submissions.....	15
#SpeakUp4Egypt: Alkarama’s 2017 international advocacy campaign.....	16
Countries.....	18
Algeria.....	18
Bahrain.....	22
Djibouti.....	26
Egypt.....	30
Iraq.....	35
Jordan.....	40
Kuwait.....	44
Lebanon.....	48
Libya.....	52
Mauritania.....	56
Morocco.....	60
Oman.....	64
Palestine.....	68
Qatar.....	73

Saudi Arabia.....	77
Sudan.....	82
Syria.....	86
Tunisia.....	91
UAE.....	95
Yemen.....	100
List of Publications.....	104

Foreword by Alkarama's Board of Trustees

Over the course of 2017, the Arab region has once again been the scene of the most serious human rights violations. While there are still no credible peace processes under way in the countries with open armed conflicts such as Iraq, Libya, Syria and Yemen, most other countries in the region are, to varying degrees, witnessing rising tensions with their neighbours. Coupled with foreign military intervention, this situation has wreaked havoc on the safeguard of the most fundamental human rights across the region.

As protests demanding more freedoms and social rights have swept across the Arab world, dictatorships and autocracies in the region have continued to repress dissenting voices, with the aim of bringing an end to the ideals of the Arab Spring. Under the pretext of the fight against terrorism, these regimes are, in fact, directing this repression against peaceful activists and human rights defenders. Scores of individuals have been tortured, imprisoned, or even executed as a result, while states are continuously enacting new repressive laws in blatant violation of the fundamental rights of their citizens.

At this tense time, the action of organisations like Alkarama, which envision an Arab world where all individuals can live dignified lives, free from injustice, is vital. While most Western states seem to turn a blind eye to ongoing human rights violations as a result of either the rise of populism or geostrategic considerations, victims of gross abuses need our unabated support and action. We must also be aware that this escalation in human rights violations in the Arab region is a clear indicator that a new wave of the Arab Spring is to be expected. The question in this respect is definitely not *if* but *when*, and *under which circumstances* that will happen.

In 2017, Alkarama provided legal assistance to 516 victims of enforced disappearances, torture, arbitrary detention and summary and extrajudicial executions. We have also produced and submitted nine reports to the UN Treaty Bodies as well as three reports to the Human Rights Council in the context of the Universal Periodic Review. Despite recurring resistance and limited resources, we have had some notable achievements and we remain hopeful that our work will lead to some positive change in the region. Over the course of the year, we have observed a pattern of Arab governments targeting primarily human rights defenders and punishing those who dare to seek remedy before the UN mechanisms. Not only are these governments violating human rights, but they are also engaging in systematic reprisals against those who denounce these violations. In this respect, Alkarama has sought the intervention of the UN Assistant Secretary General for human rights, who stated that “[w]hen those engaging with the UN face intimidation, threats, imprisonment and worse for doing so, we all lose, and the credibility of the UN is damaged. The UN as a whole has a collective responsibility to stop and prevent these reprehensible acts”.

This year, Alkarama has again been targeted by smear campaigns orchestrated by states known for their appalling human rights records. A new development, however, has been an open attack against Alkarama led by the government of the United Arab Emirates. This took the form of defamatory declarations from government officials, as well as the introduction of a resolution before the UN Economic and Social Council (ECOSOC) aimed at denying Alkarama the ECOSOC consultative status in spite of a positive recommendation made by the ECOSOC's

Committee on Non-Governmental Organisations. Such a gross manifestation of political meddling into human rights issues must be denounced. States should not be allowed to hinder the work of human rights defenders within international mechanisms set up to safeguard those very rights. Regardless, Alkarama is more determined than ever before to continue its professional and recognised work in providing legal assistance to victims in the Arab region.

We wish to thank the UN independent experts and the dedicated staff of the Office of the High Commissioner for Human Rights for their lasting and fruitful collaboration. We also thank all organisations, partners and friends who have expressed support for our organisation during the defamatory attacks to which we have been subjected. Finally, our work would not be possible without the dedication and steadfastness of the men and women across the Arab region often risking their lives defending human rights. We will always stand by them and express to them our most sincere recognition.

Alkarama's Board of Trustees

Glossary of Terms

Acronyms

CAT	Committee Against Torture
CED	Committee on Enforced Disappearances
Col	UN Commission of Inquiry
HC	UN High Commissioner for Human Rights
HRC	Human Rights Council
HR Committee	Human Rights Committee
ICC	International Criminal Court
GANHRI	Global Alliance of NHRIs
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP1	First Optional Protocol to the ICCPR
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance
NGO	Non-Governmental Organisation
NHRI	National Human Rights Institution
NPM	National Preventive Mechanism
OHCHR	Office of the High Commissioner for Human Rights
OPCAT	Optional Protocol to the UNCAT
SCA	Subcommittee of the GANHRI
SPT	Subcommittee on Prevention of Torture and other cruel, inhuman or degrading treatment
SR FPAA	Special Rapporteur on the rights to freedom of peaceful assembly and of association
SR FRDX	Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression
SR HRD	Special Rapporteur on the situation of human rights defenders
SR IJL	Special Rapporteur on the independence of judges and lawyers
SR SUMX	Special Rapporteur on extrajudicial, summary or arbitrary executions
SR CT	Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism
SRT	Special Rapporteur on torture and other cruel, inhuman or degrading treatment
UN	United Nations
UNCAT	Convention against Torture

UNSC	UN Security Council
UNSG	UN Secretary General
UPR	Universal Periodic Review
WGAD	Working Group on Arbitrary Detention
WGEID	Working Group on Enforced and Involuntary Disappearances

Other terms

COMMUNICATION	A letter sent by Alkarama to UN protection mechanisms on an individual case of a human rights violation
SHADOW REPORT	A report to the HR Committee, CAT or CED providing information about the implementation of the relevant treaty by the State Party under review
FOLLOW UP REPORT	A report to the HR Committee, CAT or CED providing information about the implementation of the recommendations issued by the relevant Treaty Body to the state
LIST OF ISSUES	A contribution to the list of questions drawn up by the experts of the HR Committee, CAT or CED for a State Party before its review

Who is Alkarama?

Mission

Alkarama is a Geneva-based non-governmental human rights organisation established in 2004 to assist all those in the Arab world subjected to or at risk of extrajudicial execution, enforced disappearance, torture, and arbitrary detention. Acting as a bridge between individual victims and international human rights mechanisms, Alkarama works towards an Arab world where all individuals live in freedom and dignity, and are protected by the rule of law. In Arabic, Alkarama means dignity.

The team

Since 2007, Alkarama has been registered as a Swiss foundation. It is headed by a Board of Trustees, has an Advisory Board and is composed of a diverse and experienced staff.

Our Board of Trustees

Khalifa Mohamed Rabban, a Qatari businessman, who is active in a number of humanitarian, charity, and human rights organisations. Mr Rabban is the President of the Board;

Abbas Aroua, a Doctor of Medical Physics from Lausanne Medical School, who is a renowned Algerian expert on humanitarian issues, human rights, conflict resolution, and intercultural communication. Dr Aroua is the Board's Secretary;

Ahcene Kerkadi, a Swiss-Algerian national, who works as a dentist. Holding political refugee status in Switzerland since 1994, he has been active in a number of human rights initiatives and organisations, including Amnesty International's Swiss Section.

Our Advisory Committee

The statutes of the Foundation establish an Advisory Committee. The Committee advises Alkarama on its global strategy and issues relating to ethical standards and good governance. Its members are:

- **Maha Azzam**, a leading policy expert on the Middle East and political Islam. She is Egyptian and holds a PhD from Oxford University;
- **François Burgat**, a French political scientist and Senior Research Fellow at the French National Centre for Scientific Research;
- **Richard Falk**, an American Professor Emeritus of International Law at Princeton University.

From 2008 to 2014, Professor Falk served as the UN Special Rapporteur on the situation of human rights in Palestine;

- **Mutaz Qafisheh**, a French-Palestinian international lawyer and the Dean of the College of Law and Political Science at Hebron University, Palestine.

Our Staff

Alkarama is composed of a multicultural team of 12 staff members with 9 different nationalities working in Geneva and Beirut. The employees, as of December 31, 2017, are:

- **Catherine Anderson**, *Junior Media Assistant*
- **Youssef Coulibaly**, *Finance and Administration Officer*
- **Mourad Dhina**, *Executive Director*
- **Célia El Motie**, *Human Rights Officer for the Maghreb and Nile regions*
- **Julia Legner**, *Regional Legal Officer for the Gulf region*
- **Rachid Mesli**, *Legal Director*
- **Radidja Nemar**, *Regional Legal Officer for the Maghreb and Nile regions*
- **Hassan Nouhaili**, *Arabic Media Editor*
- **Inès Osman**, *Coordinator of the Legal Department & Regional Legal Officer for the Mashreq region*
- **Saadeddine Shatila**, *Lebanon Country Representative*
- **Iman Taha**, *Translation Officer*
- **Alexis Thiry**, *Human Rights Officer for the Mashreq region*

Our Interns

In 2017, Alkarama welcomed three interns in both our legal and communication departments, allowing young graduates with an interest in the Arab world to gain experience in a multicultural non-governmental organisation (NGO) and to work in cooperation with the UN to defend victims of human rights violations in the region. Alkarama's interns contribute significantly to the work of the organisation and are fully integrated therein, thus gaining valuable experience and knowledge of

the main issues at stake in the region. Alkarama supports its interns with a monthly stipend and, in 2016, joined the "We pay our interns" initiative along with several other Geneva-based NGOs.

Our budget

Salaries and charges: CHF 702,136.54

Rent and charges: CHF 124,905.83

IT, Telecoms, shipping costs: CHF 9,606.42

Travel: CHF 10,921.35

Third party services: CHF 19,644.70

Total: CHF 867,214.84

How do we work?

Assisting victims of human rights violations

Alkarama offers *pro bono* legal assistance to victims of the most serious human rights violations, without discrimination. The organisation focuses its efforts on violations of the right to life, human dignity, physical integrity, and fundamental freedoms, such as extrajudicial executions, enforced disappearances, torture, and arbitrary detention.

Using the international human rights mechanisms and working closely with the Office of the UN High Commissioner for Human Rights (OHCHR), we document individual cases of violations through direct contact with the victims, their families or lawyers, and submit complaints on their behalf to the UN Special Procedures and Treaty Bodies, asking them to intervene with the state in question to put an end to these violations.

Alkarama also gives a voice to the victims or their families by sharing their stories, as well as the recommendations issued by the various UN mechanisms on their cases, both on our website and through our social media channels. We also make use of the media, lobbying, advocacy campaigns, and collaboration with other NGOs and civil society to ensure the protection of victims.

Advocating for reforms to respect and protect human rights in all Arab countries

Based on our expertise on the Arab world and the individual cases Alkarama documents, we prepare in-depth reports on the human rights situation in each of the 20 countries we cover. These may include public reports, submissions to the UN Treaty Bodies – such

as the Committee against Torture (CAT), the Human Rights Committee (HR Committee), and the Committee on Enforced Disappearances (CED) – ahead of a country's review, or contributions to the Human Rights Council's Universal Periodic Review (UPR) that reviews the human rights record of UN Member States every four to five years. We also work with local civil society to participate in the reviews of National Human Rights Institutions in the Arab region by the Sub-Committee on Accreditation of the GANHRI.

On the basis of the information submitted to them, all of these mechanisms issue recommendations aimed at improving the human rights situation in a given country, which can in turn be used by the local civil society to lobby for their implementation.

Raising awareness of human rights in the Arab world

Alkarama also brings media attention to the cases and situations it covers, helping victims to have their voices heard and to shed light on the human rights situation of a country, through press releases as well as public reports and analyses published in various media outlets. In order to reach a broader audience, we increasingly rely on social media, particularly Twitter and Facebook.

From 2009 to 2015, we organised the Alkarama Award to highlight the work of human rights defenders who have most significantly contributed to the promotion and protection of human rights in the region. As of 2016, and in order to achieve a greater impact, we have decided to replace the annual award ceremony with an international advocacy campaign in support of Alkarama's "human rights defenders of the year".

Strengthening the UN human rights mechanisms

Acting as a bridge between victims of severe human rights violations and the UN human rights mechanisms, Alkarama makes every effort to ensure that these mechanisms are strengthened and able to protect and promote human rights in the MENA region.

Supporting the UN Special Procedures

Throughout the year, Alkarama met with several Special Procedures mandate holders with whom it works closely.

- February 28 – March 1: Regional consultation with the Special Rapporteur on freedom of opinion and expression

Alkarama's legal team based in Beirut participated in a two-day regional consultation with the Special Rapporteur David Kaye and other civil society organisations to discuss freedom of expression and digital rights in the Middle East and North Africa region.

- June 7: Consultation between civil society and the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association

As Annalisa Ciampi took up her functions on May 1 as the new mandate holder, a meeting was organised to meet with key civil society partners of the mandate in order to allow her to share her preliminary ideas for the implementation of the mandate. The meeting provided a platform for NGOs and human rights defenders to discuss the key issues relating to the mandate, as well as gaps and challenges.

- June 8: Meeting with the Special Rapporteur on extrajudicial, summary or arbitrary executions

During the 34th session of the Human Rights Council in June, the staff of Alkarama met with Agnes Callamard – who took up her position as mandate holder in 2016 – to raise concerns over the use of the death penalty and extrajudicial executions, particularly in countries including Bahrain, Egypt, Iraq, Saudi Arabia, Syria and

Yemen.

- June 29: Annual meeting of the Special Procedures

As it does every year, Alkarama participated in the annual meeting of the Special Procedures. Alkarama welcomed the launch of the new searchable database platform for communications, which made the information more easily accessible to the public and also increased visibility. Alkarama raised the issue of the lack of follow-up on communications and the low pick-up rate of communications by Special Procedures mandate holders due to a lack of capacity.

- August 23: Meeting of the Working Group on Arbitrary Detention with NGOs

Among the topics raised with the experts of the WGAD were the handling of communications, country visits and the follow-up procedure. Regarding the latter, the WGAD explained that it had introduced a new procedure by which a state was asked to provide information on the implementation of the Opinion within six months.

- December 15: Meeting with the Coordination Committee of Special Procedures

Alkarama's staff participated in a meeting between the Coordination Committee of Special Procedures – a body of six independent experts which coordinates and facilitates the work of Special Procedures as a whole – and civil society. The objective was to discuss issues related to the role of the Committee – which is to enhance coordination among mandate holders and to act as a bridge between them and the OHCHR, as well as the broader UN human rights framework and civil society – and to discuss the issue of cooperation between states and special procedures.

- December 18: Expert consultation on a joint communications strategy

Alkarama's legal team participated in a consultation organised by three mandate holders: the UN Special Rapporteur on the situation of human rights defenders, the Rapporteur on the right to freedom of peaceful assembly and of association, and the Rapporteur on the right to freedom of opinion and expression. The aim of the consultation was to explore further cooperation between the three mandates in addressing issues

related to public freedoms, and to maximise the usefulness of the communications procedure for both victims and civil society.

Supporting the UN Treaty Bodies

In 2017, Alkarama continued to support the work of the Treaty Bodies, in particular through the submission of nine reports on eight countries to the HR Committee, the CAT, and the CED. Alkarama participated in the reviews of Bahrain, Jordan and Lebanon, and submitted four follow-up reports on Iraq, Kuwait, Saudi Arabia and Tunisia to assess the implementation of the Treaty Bodies' previous recommendations. Lastly, Alkarama submitted a contribution to the List of Issues of the Human Rights Committee ahead of Algeria's review in 2018.

- March-April: Contribution to the review of Lebanon and Bahrain by the Committee against Torture

Ahead of both Bahrain and Lebanon's reviews, Alkarama submitted a shadow report to the Committee highlighting its main concerns and recommendations, and met with the UN independent experts to brief them on key concerns. After the issuance of the Committee's Concluding Observations, Alkarama ensured their wide diffusion within local civil society.

- August 21-22: Consultation on Treaty Body Reform facilitated by Columbia University

Alkarama was invited to participate in a workshop facilitated by Columbia University on the reform of Treaty Bodies, which was held in Amman, Jordan. During the event, attended by UN experts and civil society from the Arab region, strategies for improving the Treaty Bodies' working methods were discussed, as well the possible synergies with other UN human rights protection mechanisms and the necessity to encourage follow-ups. The role of civil society was also raised together with the pressing issue of reprisals.

- September-October: Contribution to the review of Jordan by the Human Rights Committee

In preparation for Jordan's review by the Human Rights Committee, Alkarama submitted a shadow report highlighting its main concerns and recommendations. Together with other civil society organisations, Alkarama's staff also

participated in a formal and informal meeting with the Committee's members to brief them on our key concerns.

Strengthening civil society action in the framework of the Universal Periodic Review

This year, Alkarama took part in several initiatives ahead of the third Universal Periodic Review of Bahrain, Tunisia, Algeria and Morocco in May 2017. Prior to the review, Alkarama had submitted shadow reports to UN Member States highlighting our key concerns and also briefed state delegations, as well as the European Union in Geneva, to ensure that recommendations would be made on our key concerns.

Fostering a culture of human rights in the Arab world

Strengthening civil society in the Arab world and denouncing reprisals

Alkarama believes that it is essential to empower local civil society, since an experienced and competent civil society plays a crucial role in ensuring the promotion and protection of human rights in a country.

Therefore, Alkarama participated in several workshops on the documentation of individual cases of human rights violations as well as on the UN mechanisms. For example, in January, Alkarama participated in a thematic workshop on "Mapping Enforced Disappearances and the Missing" that took place in Istanbul. Our Legal Director provided training to human rights defenders on the use of the UN protection mechanisms available to address the issue of enforced disappearances.

In addition, Alkarama provides support to human rights defenders from the region and encourages them to address human rights violations before the UN human rights mechanisms. Among others, Alkarama assisted several relatives of missing persons in Algeria who came to Geneva to meet with the UN Working Group on Enforced or Involuntary Disappearances in May as well as to

attend their country's Universal Periodic Review.

Lastly, in 2017, Alkarama continued to denounce reprisals against numerous human rights defenders with whom we work, who were targeted for their work and their cooperation with the UN protection mechanisms. As it does every year, in June 2017, Alkarama submitted a report to the UN Secretary General (UNSG) documenting such instances of reprisals.

On September 20, the UN Assistant Secretary-General for Human Rights presented the UNSG annual report on the subject of reprisals against persons who cooperated with the UN to the Human Rights Council. The report named 29 countries where individuals have been subjected to reprisals – including asset freezes, travel bans, arbitrary arrests, enforced disappearances and torture – for having cooperated with the UN. Alkarama is very concerned that the MENA region accounts for a third of the countries named since Algeria, Bahrain, Egypt, Israel, Mauritania, Morocco, Oman, Saudi Arabia, Sudan and the United Arab Emirates were included.

Building a constructive dialogue with states

Through its work, Alkarama tries to engage in a constructive dialogue with states in the Arab region to promote better respect for human rights and the rule of law in the region. However, this has proven difficult considering the shrinking civil society space in the region and the fact that states have increasingly subjected anyone who reports human rights abuses to the UN human rights mechanisms to reprisals.

However, we have undertaken several initiatives to this end, especially in Lebanon, where Alkarama established an office in 2007.

- March 2: Consultation with the OHCHR Regional Office on Lebanon's National Human Rights Institution

Our Lebanon country representative attended a consultation with civil society organisations organised by the Beirut office of the OHCHR to discuss the establishment of a national human rights institution, including a national preventive mechanism for torture.

- March 9: Meeting with the Legal Advisor to the Lebanese Ministry of State for Human Rights

The meeting's objective was to discuss the structure of the newly established Ministry of State for Human Rights. Alkarama suggested that it be vested with the preparation of state reports to the UN mechanisms as well as ensuring follow-ups.

- April 20: Roundtable following the recommendations issued by the Committee against Torture on Lebanon

Alkarama's country representative attended a roundtable organised by Restart Center for rehabilitation of victims of violence and torture with other civil society organisations and representatives of the Ministry of Justice, Ministry of Defence, Ministry of Interior as well as Sébastien Touzé, member of UN Committee against Torture. The meeting aimed at presenting the NGOs' shadow reports as well as civil society's strategy following the issuance of the Committee's recommendations.

- April 27: OHCHR roundtable on Lebanon's National Human Rights Institute

Alkarama's staff attended a roundtable organised by the OHCHR in Lebanon on the National Human Rights Institute, which is yet to become operational, and its relationship with NGOs. Representatives of the Moroccan and Irish National Human Rights Institutions provided insights on their respective experience.

- November 27: Parliamentary roundtable discussion on Lebanon's new Anti-Torture Law

Lebanon country representative attended a roundtable discussion organised by the Rapporteur of the parliament's Human Rights Committee, Mr Ghassan Moukheiber, with civil society organisations to analyse the new anti-torture legislation enacted in October.

Increase public awareness on human rights issues in the Arab world

Media is an essential tool for raising awareness of major human rights issues and increasing visibility for victims of violations in the Arab world. This year, Alkarama has been an important source of

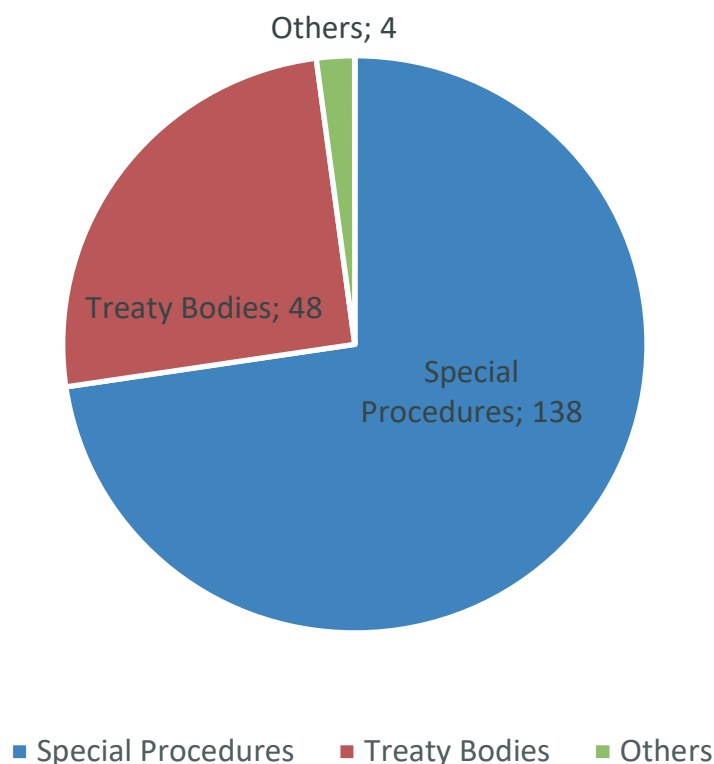
independent and expert information for several Arab and international media outlets.

Our staff participated in press conferences and live debates broadcast on TV stations to discuss the human rights situation in Arab countries and/or cases of victims of human rights violations. Moreover, many articles cited the work of our organisation or shared testimonies of victims whose cases were handled by Alkarama. Among these media outlets were Al Jazeera, Middle East Eye, Middle East Monitor, Open Democracy, L’Orient Le Jour, the Daily Star, Al Mayadeen and Aliwaa.

Furthermore, Alkarama continued to strengthen its presence on social media, including Facebook and Twitter, to shed light on the plight of the victims of violations and to provide reliable information on the general human rights situation in Arab countries. This has allowed us to reach a broader audience and increase the dissemination of information on human rights in the region, particularly in countries where access to our website is blocked, namely Egypt, the UAE and Saudi Arabia.

2017 Statistics of submissions

In 2017, Alkarama submitted a total of 190 complaints to the UN Special Procedures and Treaty Bodies as well as other international human rights mechanisms such as the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Independent International Commission of Inquiry on the Syrian Arab Republic. A number of these complaints concerned more than one individual.



#SpeakUp4Egypt: Alkarama's 2017 international advocacy campaign

On November 24, 2017, Alkarama launched its second annual international advocacy campaign, this year dedicated to raising awareness of Egypt's crackdown on freedom of expression. The campaign drew attention to the breadth and severity of this crackdown while calling upon the UN High Commissioner for Human Rights and UN experts – as well as the larger global community – to take a stand.

NGOs estimate that more than 60,000 individuals have been arrested and detained in Egypt since 2013, a majority of whom are deprived of their liberty after merely exercising their right to freedom of expression. The country has become the third worst jailer of journalists worldwide, and since May 2017, more than 400 websites – including those belonging to news outlets and human rights organisations – have been blocked.

In recent years, the authorities have established an extremely restrictive legal framework – including the Anti-Protest Law, the NGO Law, the Anti-Terrorism Law, and the Press Law – enabling them to severely violate the fundamental rights of their citizens while acting in a climate of complete impunity. Abductions, secret detention, torture, rape, arbitrary arrests, unfair trials, and summary executions are used against students, journalists, lawyers, professors, human rights defenders, activists, unionists and politicians, in order to instil fear and silence any form of dissent.

#SpeakUp4Egypt launched on November 24 with an open letter to the UN High Commissioner for Human Rights (HC), urging him to publicly condemn this crackdown and to call upon the Egyptian authorities to respect their international human rights obligations. The letter, signed by Alkarama along with 10 other NGOs – Adalah Center for Rights & Freedoms, ARTICLE 19, Committee for Justice, Egyptian Coordination of Rights and Freedoms, El Nadim Center against Torture and Violence, EuroMed Rights, Front Line Defenders, Index on Censorship, PEN International, and the World Organisation Against Torture (OMCT) –

urged the HC to “call upon the authorities to put an end to these violations and establish the necessary prevention and accountability mechanisms to avoid their repetition.”

Following the publication of the open letter, the campaign continued on social media channels, raising awareness of the scale of the crackdown and telling the stories of those at its receiving end. By providing facts, figures and legal analyses as well as by highlighting individual cases of violations against individuals from all backgrounds and walks of life, the campaign aimed to show that the crackdown is systematic, widespread and pervasive. For example, the campaign used social media channels to draw attention to a number of pieces of legislation used by the Egyptian authorities since 2013 in an effort to consolidate its crackdown on freedom of expression, and also highlighted the UN Committee against Torture's four-year-long confidential inquiry, which was triggered by Alkarama, after which members of the committee concluded that torture in Egypt is “habitual, widespread and deliberate”.

Since July 2013, Alkarama has filed complaints to the UN on behalf of more than 2,600 victims of extrajudicial execution, enforced disappearance, torture, and arbitrary detention in Egypt, and this is only a fraction of the thousands of individuals who have fallen victim to the authorities' crackdown on freedom of expression. The #SpeakUp4Egypt campaign told the stories of three of these individuals: Omar Mohamed Ali, a 25-year-old student and filmmaker who was sentenced to life imprisonment in May 2016 despite no evidence having ever been found against him, Reem Kotb Gobara, a filmmaker charged with “promoting a misleading image of Egypt”, who is being held in inhuman conditions and is yet to appear before a court, and Sherine Bekhit, a freelance journalist and reporter who remains arbitrarily detained to date on charges of “spreading false news”, among other charges. #SpeakUp4Egypt was designed as a platform for collective engagement, and we encouraged the use of the hashtag #SpeakUp4 to support campaigns for individual victims of this crackdown.

The campaign was successful in achieving these aims, producing a high level of engagement both within Egypt and internationally, with numerous

individuals and organisations sharing information and raising awareness of Egypt's widespread and pervasive crackdown on freedom of expression. While the campaign was effective in shining a light on this practice, there is a need for continued international pressure in order to put an end to these human rights violations. It is vital that individuals urge their governments to take the Egyptian authorities' human rights record into consideration in their relationships with Egypt. Moreover, it is essential that the global community continues to speak up for the thousands of individuals who are being silenced by this crackdown. In the upcoming year, Alkarama will continue to monitor the human rights situation in Egypt, and will provide *pro bono* legal assistance to victims of this crackdown regardless of their background or political affiliation.



Algeria



Families of the disappeared, Geneva, May 2017 (Source: Alkarama)

Our concerns

- Denial of the right to truth and justice of families of the disappeared, and continuous refusal to implement the decisions of the Treaty Bodies and to cooperate with the UN Working Group on Enforced or Involuntary Disappearances;
- Undue restrictions on the rights to freedom of expression, peaceful assembly and association and ongoing ban on demonstrations in Algiers;
- Repression and reprisals in the form of judicial harassment and unfair trials of human rights defenders, journalists and anyone critical of the authorities.

Upcoming

- **July 2018:** Review of Algeria by the Human Rights Committee.

On May 4, 2017, Algeria held its parliamentary elections, which were marked by a record low voter turnout, with only 30% of the electorate taking part in the elections, according to the authorities. This figure has been contested by the opposition and civil society members as being much higher than the real rate of participation. Local and international analysts stated that this lack of political engagement, which has been constant in the past decade, illustrates the extent of the population's confidence crisis in its political leaders, and that it undermines the legitimacy of the current political system. The results of the elections, announced on May 6, 2017, gave a majority of seats to the ruling party, the National Liberation Front and its political ally, the Rally for National Democracy.

Furthermore, the authorities have failed to engage in sustainable legal, political, and economic reforms. Lower oil prices have restricted the government's budget for public spending, seriously affecting the living standards of the population. As of the end of 2017, inflation has become rampant, leading to social upheavals as protests over the increasing costs of living have erupted in different parts of the country.

“The refusal of the authorities to shed light on the fate of the disappeared continues, in spite of several decisions from UN Treaty Bodies urging them to respect their international obligations by investigating these crimes and prosecuting perpetrators.”

Most of these social protests were met with violent dispersal by the security forces, illustrating the recurring violations of the rights and freedoms of Algerian civil society by the authorities. As the ban on demonstrations in the capital remained in place in 2017, the year was marked by arbitrary arrests of peaceful protesters, human rights defenders and bloggers who publicly expressed discontent and criticism against their government. This crackdown has affected critical voices from the families of victims of crimes committed by the security forces during the civil war who

advocate for truth and justice, to youth activists and bloggers who denounce corruption and poor governance.

Persistent violations of the rights of families of the disappeared to seek truth and justice

More than 25 years after the beginning of the civil war, thousands of families are still denied the right to know the truth about the fate of their relatives who disappeared after their abductions by the security forces in the 1990s. Algeria has the world's fifth highest rate of cases pending before the UN Working Group on Enforced or Involuntary Disappearances (WGEID), and the visit requested by UN experts in 2000 has continuously been postponed by the government.

The refusal of the authorities to shed light on the fate of the disappeared continues, in spite of several decisions from UN Treaty Bodies urging them to respect their international obligations by investigating these crimes and prosecuting perpetrators. In May 2017, several families of disappeared persons travelled to Geneva to meet with the WGEID. The families shared their testimonies, raising issues such as the refusal of the authorities to implement UN decisions demanding the respect of their rights, as well as the social stigma and reprisals they face. They also raised the issue of the psychological suffering of entire families and the marginalisation of children of victims in public employment. They requested that the UN group of experts take a strong stance to denounce the lack of cooperation of the Algerian authorities as well as the reprisals they face.

Furthermore, ahead of the 2018 review of Algeria by the Human Rights Committee (HR Committee), Alkarama submitted its contribution to the Committee's List of Issues on July 24, 2017. In its report, Alkarama raised 51 questions relating to a wide range of topics, including the lack of willingness of the authorities to investigate past crimes, and expressed concern over the 2006 Charter for Peace and National Reconciliation

which enshrined in domestic law a blanket amnesty for state and state-affiliated forces for all crimes committed during the civil war. The Charter also constitutes an obstacle to the investigation of crimes committed during the war by non-state actors and to the prosecution of perpetrators.

Lastly, during Algeria's third Universal Periodic Review, which took place on May 8, 2017, several UN Member States noted the absence of progress in the establishment of truth and justice for families of the disappeared, and recommended that Algeria accede to the International Convention for the Protection of All Persons from Enforced Disappearance, cooperate with the Human Rights Committee and fully implement its decisions, and that it send, without undue delay, a standing invitation to the WGEID for a country visit.

Violations of rights to freedom of expression, association and peaceful assembly

In 2017, violations to fundamental rights including freedom of expression, association and peaceful assembly continued to be reported. Such violations took various forms, including the persistent ban on demonstrations in Algiers as well as the violent crackdown against peaceful demonstrators. As a result, peaceful protesters defying the ban on demonstrations in the capital are systematically suppressed, as illustrated by the dispersal of demonstrations in Algiers against the recognition of Jerusalem as the capital of Israel by the United States in December 2017. In other parts of the country where the ban is not enshrined in law, protests continue to be violently dispersed, including those that erupted over social demands in the eastern part of the country in December.

During the Universal Periodic Review in May 2017, numerous UN Member States expressed concerns over the limitations to freedoms of expression, association and peaceful assembly. In particular, a large majority of states called on the authorities to abolish all prison sentences for press-related offences, to decriminalise defamation and to adopt a framework to protect journalists from

intimidation and harassment. In fact, the Criminal Code still imposes heavy fines on every person who causes offence to the president, including any "offensive, insulting or defamatory expression, through writings, drawings or discourse".

"In 2017, violations to fundamental rights including freedom of expression, association and peaceful assembly continued to be reported."

With regards to freedom of association, states called on Algeria to lift all restrictions on the registration of associations to make procedures more flexible and to ensure a safe working environment. They further encouraged the authorities to reform the 2012 Association Law to provide a clear and unambiguous legal foundation for the work of civil society organisations as well as to refrain from hampering the legitimate work of NGOs and human rights defenders. In fact, the executive still holds discretionary power to refuse the registration of associations under the pretext of non-compliance with "national values, public order, public decency and the provisions of existing legislation".

However, these recommendations to lift undue restriction on freedom of peaceful assembly, association and expression were rejected by the Algerian authorities who argued that such "violations did not exist" or were "justified by security concerns".

Reprisals against the son of a victim of summary execution following a decision by the Human Rights Committee

In 2017, Alkarama raised the case of Rafik Belamrania with the HR Committee as well as with the UN Secretary General. Belamrania, a human rights defender and co-founder of the Mish'al association advocating on behalf of children of victims of enforced disappearance, has been the victim of continuous reprisals by the Algerian authorities.

In May 2012, after being unable to claim his right to truth and justice at the domestic level, he submitted a complaint to the HR Committee on the abduction and extrajudicial execution of his father, Mohammed Belamrania, who was arrested in 1995, tortured and executed by members of the Algerian army.

In late 2016, the HR Committee adopted its decision on the case, finding that the Algerian authorities had subjected Mohammed Belamrania to torture and extrajudicial execution and his family to cruel treatment. The UN experts therefore requested that the authorities fully investigate his execution, inform his family of the investigation and prosecute the perpetrators.



Rafik Belamrania

However, instead of implementing the decisions of the Committee, on February 17, 2017, two weeks after the decision was transmitted to the Algerian authorities, Rafik Belamrania was summoned to the Central Security Police Station of the Jijel wilaya. He was interrogated about

his publications on Facebook, interrogated over his complaint to the Committee and his activism with Mish'al. He was subsequently placed in custody and a search was carried out at his home, resulting in the seizing of all the documents related to the Mish'al association as well as to the complaint he filed with the UN Committee.

Belamrania was subsequently charged with "supporting terrorism" by the Public Prosecutor of the Jijel Court under article 87 bis (4) of the Penal Code, establishing an alarming precedent in which the authorities equated the recourse to the UN human rights mechanisms to a form of "terrorism". Upon Alkarama's request, on March 31, 2017, a group of UN experts sent an urgent letter to the Algerian authorities expressing their great concern about these acts of intimidation, and denouncing the fact that Belamrania's detention and the charges held against him were "related to his legitimate and peaceful activities in defending human rights and in particular his right to freedom of expression". In addition, in September 2017, UN Secretary-General Antonio Guterres raised the case of Rafik Belamrania in his annual report on reprisals against those who collaborate with the UN.

On November 15, 2017, Belamrania was sentenced to five years imprisonment by the Jijel Criminal Court for "supporting terrorism" despite the absence of any material evidence. He was also sentenced to a fine of 100,000 Algerian dinars and three years' deprivation of his civil and political rights, which entails that he cannot be a member of any association nor can he take part in human rights activism. During the hearing, Belamrania was asked to explain the files of victims of enforced disappearances seized by the police, and accused of "holding a grudge against the state", thus underscoring the politicised nature of his condemnation.

Bahrain



Protesters at Pearl roundabout, Manama, February 2011 (Source: Bahrain in pictures/Wikimedia Commons)

Our concerns

- Ongoing crackdown on freedom of expression, peaceful assembly and association;
- Repression and systematic harassment of peaceful dissidents, political opponents and human right defenders;
- Persistent use of torture by the security forces, absence of independent investigations into allegations of torture and lack of accountability for perpetrators.

Upcoming

- **July 2018:** Review of Bahrain by the Human Rights Committee.

In early 2017, the Bahraini authorities executed three men convicted of killing three police officers in a 2014 bomb attack. The executions were the first to be carried out in Bahrain since 2010. Human rights experts, including the UN Special Rapporteur on extrajudicial executions, expressed concern over reports that the men had been forced to confess under torture and were denied access to legal counsel.

Furthermore, tensions remained high as a result of the ongoing campaign of repression against political opponents. After the dissolution of the main opposition group Al Wefaq in 2016, the Bahraini authorities continued to further crackdown on political opposition. In March 2017, the Bahraini High Civil Court ordered the dissolution of the opposition group, the National Democratic Action Society (Waad), which was accused of “advocating violence, supporting terrorism and encouraging crimes”. This ruling followed a statement issued by Waad on the anniversary of the 2011 uprising, warning that Bahrain was suffering from a “constitutional political crisis”.

Moreover, in May 2017, Sheikh Isa Qassem, spiritual leader of Al Wefaq, was handed a one-year suspended prison sentence on trumped-up charges of illegal fundraising and money laundering for having performed khums, the traditional collection and distribution of charities to the community performed by Shia clerics. In 2016, he had his nationality revoked in retaliation for his criticism of the authorities. On May 23, 2017, Bahraini security forces conducted a security operation in the area of Al Diraz, where supporters of Sheikh Isa Qassem had been holding a sit-in since June 2016. The police opened fire on the protesters, triggering clashes that resulted in mass arrests and the death of five protesters. This operation, the most violent since 2011, received wide international criticism, and was denounced in a statement by the UN High Commissioner for Human Rights.

Ongoing crackdown on freedom of expression

Fundamental freedoms in Bahrain are restricted by an oppressive legal arsenal, particularly the 2006 Anti-Terrorism Law and the 2002 Press Law, both of which were used repeatedly in 2017 to prosecute peaceful dissidents for critical comments made against the authorities, particularly on social media platforms. Furthermore, in March 2017, article 105(b) of the Constitution was amended to grant special military courts the right to try civilians accused of “threatening the security of the state”. In the past, exceptional jurisdictions such as the National Safety Court prosecuted several human rights defenders and peaceful activists under the pretext of “illegal gathering”, “incitement to hatred”, “incitement to overthrow the regime” or “spreading false rumours”.

“Fundamental freedoms in Bahrain are restricted by an oppressive legal arsenal.”

The Anti-Terrorism Law and the Press Law, both of which seriously infringe on the right to freedom of opinion and expression, are used to sustain a campaign of harassment and intimidation against peaceful dissidents in Bahrain, which take the form of arbitrary arrests, trumped-up charges, the stripping of citizenship, and the use of travel bans as reprisals against activists and their relatives.

Over the past year, this clampdown on peaceful dissent has been met with concern from the international community, and, in June, several UN experts spoke out to denounce a “campaign of persecution against human rights defenders, journalists and anyone else with divergent opinions.” The UN High Commissioner for Human Rights (HC) also denounced the widespread acts of reprisals against Bahraini citizens cooperating with international organisations, including with his office. During the 36th session of the Human Rights Council in September, the High Commissioner condemned the Bahraini government’s efforts to conceal human rights violations perpetrated by its own security forces, and criticised the unwillingness of the kingdom to

cooperate with UN human rights mechanisms. In turn, Bahrain's Deputy Foreign Minister, Abdulla Al Doseri, stated on Twitter that the HC's statement was "redundant, baseless and lacking credibility."

Despite the Bahraini authorities' claim that no acts of reprisals against political activists and human rights defenders had been committed in the country, numerous states expressed increasing concern over the restriction of fundamental freedoms as well as the prosecution of dissidents. In May 2017, during the country's third Universal Periodic Review, several states – including traditional allies such as the United States – recommended that Bahrain "review convictions, commute sentences, or drop charges for all persons imprisoned solely for non-violent political expression."

Prevailing impunity for acts of torture and ill-treatment

Torture continues to be systematically practised by law enforcement officials falling under the authority of the Ministry of Interior, and is used both during interrogation to extract incriminating confessions and in detention. The most frequent forms of torture and ill-treatment described by victims include beatings, electrocution, being suspended in painful positions, sleep deprivation, exposure to extreme temperatures and threats of violence against detainees and their families.

On May 12, 2017, the Committee against Torture published its Concluding Observations following the review of Bahrain's compliance with its international obligations under the UN Convention against Torture. The UN experts expressed concern over the "continued, numerous and consistent allegations of widespread torture and ill-treatment of persons deprived of their liberty", as torture is used "to extract confessions or as punishment." The Committee also highlighted the discrepancy between the legal safeguards enshrined in Bahraini law and the regular disregard for these safeguards in practice.

Echoing the concerns expressed by Alkarama in its shadow report to the Committee, the UN experts criticised the climate of impunity in Bahrain for perpetrators of torture, considering

that allegations are not properly investigated, as illustrated by the low number of convictions for acts of torture. The Committee found that the existing mechanisms for prosecuting the perpetrators of acts of torture are ineffective and lack independence, as they are supervised by the Ministry of Interior. The allegations brought forth by victims of torture are by and large ignored, and evidence obtained through torture is routinely admitted into evidence in trials, and used to impose harsh sentences, including the death penalty.

At the same time, the Bahraini authorities are unwilling to cooperate with the UN to eradicate this phenomenon. In its observations, the Committee against Torture noted that the country visit of the UN Special Rapporteur on torture, scheduled to take place in 2012, had been indefinitely postponed by the Bahraini authorities on the grounds that "the request had come at an inopportune time" and that they were unable to fix a date.

In 2017, Alkarama brought several testimonies of torture victims to the attention of the UN mechanisms, including those of minors and people with disabilities. The case of 16-year-old Abbas Aoun Faraj, charged with "participating in demonstrations", is a case in point. In February 2017, Abbas was arrested near his home in a village north of Manama, where riot police conducted indiscriminate mass arrests after a demonstration. Abbas, who did not attend the demonstration, was detained *incommunicado*, denied the right to legal counsel, threatened with torture by his interrogators, and forced to sign a self-incriminating statement. He was sentenced in April to six months in prison on the sole basis of these coerced confessions, although he reported to the Public Prosecutor that they had been extracted under duress.

Alkarama also raised the case of Kumail Hamida, an 18-year-old Bahraini with an intellectual disability, who was arrested on December 13, 2016, detained *incommunicado* for three days, and tortured. He reported that he had been electrocuted on the soles of his feet and had boiling water poured on his body. Hamida also told his family he had been repeatedly beaten and was forced to confess to the charges of "participating

in demonstrations” and “filming protests”. He was forced to sign written statements despite the fact that he is unable to read or write.

Severe reprisals against Ebtisam Al Saegh for cooperating with international NGOs and the UN

In 2017, numerous human rights defenders were arrested, prosecuted and convicted after unfair trials, including under terrorism charges, for either criticising the government on social media or for their cooperation with the UN mechanisms. Such is the case of Ebtisam Al Saegh, a prominent human rights defender who was subjected to harassment and intimidation by the Bahraini authorities on several occasions.

In March 2017, Al Saegh was interrogated over her participation at the Human Rights Council in Geneva, and subsequently subjected to a travel ban. In May, she was summoned again by the National Security Agency and held for interrogations for seven hours before being released. On that occasion, she was blindfolded, forced to stand for prolonged periods of time, repeatedly beaten, sexually assaulted, and threatened with harm to her family in order to extract information and to punish her for her peaceful activism.

Ebtisam Al Saegh was again taken into custody in July 2017 after armed men stormed her home in the middle of the night without presenting an arrest warrant. She was then arbitrarily detained for almost five months, some of which time she spent in prolonged solitary confinement. During this period, she was transferred to an undisclosed location on a daily basis, where she was interrogated for up to 12 hours in a row. On July 18, 2017, a group of UN experts issued a statement expressing “deep concern” over her ongoing arbitrary detention. Nevertheless, Al Saegh was charged with terrorist offences under the 2006 Anti-Terrorism Law, and her pre-trial detention was extended for six months. She was accused of “attempting to thwart the rule of law” and “using human rights work as a cover to

communicate and cooperate with the Alkarama Foundation” to “undermine [Bahrain’s] prestige abroad”.

Although Ebtisam Al Saegh was released on October 22, 2017, she is still facing a trial on terrorism-related charges, and remains at risk of being subjected to harsh measures such as life imprisonment or the revocation of nationality. Al Saegh’s case has set a dangerous precedent in Bahrain, as the authorities criminalised her cooperation with civil society actors as a terrorist offence, exposing victims and their relatives to new, severe forms of reprisals for reporting human rights violations.



Ebtisam Al Saegh

Djibouti



US Secretary of Defense Jim Mattis meets with Djibouti's Minister of Defense Ali Hasan Bahdon at the presidential palace in Djibouti City, Djibouti, April 23, 2017 (Source: Jim Mattis/Wikimedia Commons)

Our concerns

- Arbitrary arrests, secret detention and unfair trials of political opponents and critical voices;
- Practice of torture and ill-treatment especially against political opponents and activists as well as denial of medical care in detention;
- Lack of independence of the judiciary coupled with a climate of impunity for perpetrators of human rights violations.

Upcoming

- **May 2018:** Third Universal Periodic Review of Djibouti before the Human Rights Council.

As Djibouti celebrated the 40th anniversary of its independence from France in 2017, violations of civil and political rights in the country remained widespread and largely underreported. Djibouti's strategic geopolitical location in the horn of Africa has made it a key ally for global powers including China, which built its first overseas military base in the country this year. As a result, Djibouti has benefited from the silence of its allies, who this year continued to turn a blind eye as the authorities systematically repressed the political opposition and dissenting voices within civil society such as journalists, human rights defenders and bloggers.

In a similar vein, the media landscape remains restricted in the country, in large part due to a state monopoly on television and radio channels as well as on the main national newspapers. This monopoly means that civil society actors, members of the political opposition, and individuals presenting alternatives to state narratives are denied their right to freedom of expression and remain largely invisible in the media.

Additionally, in 2017, the authorities continued to subject political opponents, peaceful protesters and other dissenting voices who express criticism through cyber activism or on social media and in the press to judicial harassment and travel bans. The government's restrictions on the rights to freedom of expression, opinion, association and peaceful assembly have led to individuals who took a public stance against the government or in support of opposition parties – particularly on social media – being subjected to torture, ill-treatment, arbitrary arrests and detentions.

Persistent repression against political opponents and peaceful dissenting voices

In 2017, members of the opposition and human rights defenders continued to be targeted within the context of the authorities' repression against dissenting voices. In cases documented by Alkarama, victims were generally arbitrarily arrested by State Security officers without warrants, and held in custody – often in secret – for periods ranging from several days to several

weeks. During this period, they were subjected to torture or other ill-treatment, and deprived of their right to contact their families or lawyers. They were then accused of “spreading false information” or “insulting state officials”, and subjected to unfair trials before being sentenced to several months of imprisonment and/or heavy fines. Unfair and often expeditious trials are symptomatic of the Djiboutian judiciary system, which lacks independence and impartiality as it is used as tool by the government to judicially harass and silence criticism and dissent.

In 2017, Alkarama received information concerning the case of Omar Mohamed Nour, a young blogger who was arrested at his home on June 6 and held *incommunicado* for several days before being released on June 18. He was arrested a second time on July 15 and held in secret for 24 hours after he published a complaint addressed to the Public Prosecutor alleging torture by a senior official of the Research and Documentation Service of the Gendarmerie. A week later, Nour was arrested for a third time, without a warrant and without being informed of the reasons for his arrest, before being released a few weeks later. Since then, Nour has been subjected to constant judicial harassment.

Torture, coerced confessions and poor conditions of detention

The practice of torture and ill-treatment continued in 2017 as a form of reprisal or punishment against activists and political dissidents for having opposed or criticised the authorities publicly, and in order to obtain confessions which would later be used as sole evidence to convict individuals in unfair trials. Over the course of the year, torture and other forms of ill-treatment were inflicted by security forces against political opponents, journalists and other dissenting voices during arrests as well as in police custody and detention.

Moreover, several individuals still remain in detention due to extended procedural delays or following unfair trials. Documented cases show trends in the Djiboutian judiciary system of the

rights of the defence not being respected, and victims' testimonies of ill-treatment or even torture not being taken into account by the judge. By not opening any investigation into such allegations, judges perpetuate impunity for the perpetrators of these violations.

In addition, the particularly appalling conditions of detention in prisons – poor hygiene, severe overcrowding, lack of appropriate nutrition and medical care – constitute by their very nature other forms of cruel, inhuman and degrading treatment. These conditions of detention are used as a means of psychological pressure on detainees, especially political opponents and peaceful activists, to deter them from carrying out their work. The case of Mohamed Ahmed Edou – also known as Mohamed Djabha – a political opponent and member of the Front for the Restoration of Unity and Democracy, illustrates this pattern of violations. Arrested in 2010 and held *incommunicado* for several weeks, Djabha was severely tortured during his detention and forced to sign a self-incriminating statement. These confessions were later used to charge him with creating a “paramilitary organisation” and “collaborating with a foreign power”. On June 18, 2017, after seven years of arbitrary detention, he was sentenced to 15 years of imprisonment following a severely flawed trial. In spite of the numerous calls for his release and the concerning state of his health, Mohamed Djabha remained in detention at the Gabode prison in inhumane conditions and, due to the lack of medical care, the country's oldest political detainee died in detention on August 2, 2017.



Mohamed Djabha

“The particularly appalling conditions of detention in prisons – poor hygiene, severe overcrowding, lack of appropriate nutrition and medical care – constitute by their very nature other forms of cruel, inhuman and degrading treatment.”

Wave of arbitrary arrests against members of the opposition

Between March 13 and 22, 2017, 19 members of the opposition political party Movement for Democratic Renewal (MRD) were arbitrarily arrested by the Research and Documentation Section of the Gendarmerie of Djibouti City. All these arrests were carried out without warrants, and the victims were not officially informed of the reasons for their arrests. The 19 opposition members all reported having been subjected to ill-treatment and torture during their time in custody.

After several days of police custody, nine of these individuals were brought before the Public Prosecutor on March 23, 2017 without the assistance of their lawyers. Among them, Naguib Ali Gouradi, Farah Abadid Hildid, Mohamoud Mohamed Daher and Ibrahim Abdi Indayareh were transferred to Gabode central prison before being sentenced to two months of imprisonment for “illegal political activities”.

On May 10, 2017, the four men were brought before the Court of Appeal and released pending further consideration of their case on May 17. Since then, and after being postponed several times, no decision has yet been issued. Other political opponents have also been subjected to unfair trials, including MRD Secretary General

Djama Houssein Robleh and political activist Hared Daher, who were sentenced to two months of imprisonment for “illegal political activities” on March 28, 2017 after an unfair trial. Furthermore, an arrest warrant was issued by the authorities against MRD president, Daher Ahmed Farah, who is currently living in Europe, on the basis of similar charges of carrying out “illegal political activities”.

All members of the MRD, including its leaders, are still subjected to persistent judicial harassment from the authorities, amounting to a violation of their fundamental rights to freedom of opinion and expression as well as their right to political participation guaranteed under the International Covenant on Civil and Political Rights, which Djibouti ratified in 2002.

Egypt



*Rows of Egyptian Central Security Forces quelling 2011 Egyptian Protests in the Day of Anger 25th of January, 2011
(Source: M. Soli/Wikimedia Commons)*

Our concerns

- Crackdown on peaceful dissent and political opposition through the use of repressive laws including counter-terrorism legislation;
- Systematic practice of torture as well as inhuman conditions of detention and denial of medical care in prisons;
- Arbitrary detention following mass and military trials of individuals including political opponents and peaceful protesters, journalists, human rights defenders.

Upcoming

- **March/April 2018:** Review of the National Council for Human Rights before the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions.

In 2017, the human rights situation in Egypt remained concerning, with an alarming and continuing pattern of severe violations committed by state agents against students, journalists, peaceful activists and human rights defenders in a climate of impunity.

Following deadly attacks across the country, President Al Sisi imposed a nationwide state of emergency in April 2017, which was extended in July 2017. The repressive policies adopted by Al Sisi's government have led to arbitrary arrests and unfair trials, as well as enforced disappearances, torture, and summary and extrajudicial executions. The year ended with the execution of 11 students on December 27, 2017 following an unfair trial based solely on confessions obtained under torture.

This year, further laws restricting fundamental freedoms have been approved by the parliament, including the widely decried NGO Law No.70/2017 of May 24, 2017, which imposed unprecedented restrictions on the right to freedom of association in the country.

Lastly, preparation ahead of the next presidential elections – scheduled for March 26, 2018 – has been marked by the harassment of potential rival candidates of current President Al Sisi, who is expected to run for another term. On December 3, 2017, former Prime Minister Ahmed Shafik was arrested in the United Arab Emirates and deported to Cairo shortly after declaring his intention to run for president in a video announcement. Similarly, on December 19, 2017, an army colonel was sentenced by a military court in Cairo to six years in prison after announcing his plans to run for president, on the basis of the prohibition for military personnel to take public political stances.

Persistent practices of enforced disappearance and extrajudicial execution

In 2017, Alkarama brought numerous cases of disappearances by state actors to the attention of the UN Working Group on Enforced or Involuntary Disappearances (WGEID). Such cases concern both men and women and include a wide range of

individuals, including young students and human rights defenders abducted under the pretext of the fight against terrorism or other matters of state security. After transmitting more than a hundred new cases of disappearances to the government in 2017, the WGEID expressed concern over the alarming reoccurrence of this practice, yet the authorities have failed to address the issue.

The practice of enforced disappearance has taken a particularly alarming turn with several individuals being summarily executed after having been abducted by state agents. The cases followed a similar pattern: victims – mostly young students – were abducted from campuses and dorms by members of the State Security Forces (Amn Al Dawla or Amn Al Watany) before disappearing. Families filed complaints with the authorities but were denied any information on their fates and whereabouts, only to discover several months later, through a statement published on the website of the Ministry of Interior, that they had been killed during an alleged “counter-terrorist operation” in an “exchange of fire” between “terrorists” and security forces in another part of the country. In most cases, the victims' relatives reported that when they were allowed to see and identify their bodies a few days after the incident, they were still bearing marks of torture: bruises, cigarette burns and other mutilations, as well as bullets wounds in some cases. Alkarama brought several of such cases to the attention of the Special Procedures, however the families requested that the names of the victims remain confidential due to a fear of reprisals.

In addition to executions following enforced disappearances, the Egyptian security forces have carried out several extrajudicial executions of peaceful protesters across the country. In 2017, Alkarama documented the cases of 14-year-old Yousuf Abdelkader Mohamed Abdelkader Khafagi, and Heba Gamal Abdelalem Mohamed Soliman, a 19-year-old student, who were summarily executed by security forces and the army for taking part in peaceful protests in 2013 and 2014, respectively. Several years after their executions, and in spite of several complaints filed by their families, no investigations were conducted to bring the perpetrators to justice. Similarly, on April 7, 2017, Mohamed Adel Belboula, a young

student from the Al Azhar University of Cairo, was arrested and shot dead shortly after by members of the security forces after publishing a post on his Facebook page in which he criticised the current regime and called for the respect of civil and political rights.

“The practice of enforced disappearance has taken a particularly alarming turn with several individuals being summarily executed after having been abducted by state agents.”

Severe crackdown on the rights to freedom of opinion, expression, association and peaceful assembly

Again this year, the Egyptian authorities have relentlessly increased their crackdown on all forms of peaceful criticism and dissent through the use of extensive media and online censorship. Since May 2017, more than 400 websites of both independent human rights organisations – including Alkarama, the Arabic Network for Human Rights Information and Human Rights Watch – and media outlets have been blocked in the country under the pretext that they were “spreading lies” or “supporting terrorism”. Subsequently, on August 30, the UN Special Rapporteur on freedom of expression and the Special Rapporteur on human rights and counter-terrorism raised grave concerns with the Egyptian government over this ongoing assault on freedom of expression. The two UN experts stated that “[l]imiting information as the Egyptian Government has done, without any transparency or identification of the asserted ‘lies’ or ‘terrorism’, looks more like repression than counter-terrorism”.

Furthermore, Alkarama brought several cases of reprisals against journalists, human rights defenders, and other peaceful activists to the attention of UN experts. On May 28, 2017, nine journalists prosecuted in the “Raba’a Operations Room” mass trial for having covered the mass execution of protesters in Rabaa Al-Adawiya

Square in July 2013 were included on a “terrorist list” issued by the Egyptian authorities. The effects of this listing include asset freezing, travel bans, as well as a prohibition from engaging in any journalistic work or other publication.

Civil society space has also been drastically restricted after the adoption of Law No. 70/2017 regulating the activities of Associations, Foundations and Other Entities Working in the Civil Sphere on May 24, 2017. Ever since its draft approval in 2016, the NGO Law has received strong criticism, including from the UN High Commissioner for Human Rights, who, on June 1, 2017 stated that the legislation was “deeply damaging for human rights in Egypt”. In fact, the law forbids associations from undertaking any work of “political nature” and puts their work and funding activities under the strict and direct control of the executive. Foreign NGOs are also subjected to increased scrutiny with the creation of an administrative body in charge of monitoring their activities, including field surveys and studies, for which NGOs must obtain prior authorisation. They must also obtain prior validation of their findings before publication. Violations of the law entail penalties of up to five years imprisonment, as well as heavy fines, allowing for an increase in the judicial harassment and prosecution of NGO members and founders arbitrarily accused of “receiving illicit funds” and “carrying out unlawful activities”.

“Again this year, the Egyptian authorities have relentlessly increased their crackdown on all forms of peaceful criticism and dissent through the use of extensive media and online censorship.”

Systematic reprisals against human rights defenders

In the context of an increasing crackdown on civil society, in 2017, Alkarama documented several cases of reprisals against human rights defenders in the form of abduction, torture and arbitrary detention. Among them is Dr Ahmed Shawky Abdelsattar Mohamed Amasha, an

activist advocating for the rights of families of victims of enforced disappearance, a member of the Kefaya opposition movement and a trade unionist. Dr Amasha was abducted on March 10, 2017 at a police checkpoint in Cairo and remained disappeared for 21 days, during which time he was severely tortured and raped. He reappeared on April 1 and was charged with “belonging to a banned group” under the Anti-Terrorism Law. To date, Dr Amasha remains detained at the Tora Prison of Cairo, infamous for being a place where human rights defenders and political opponents are detained in inhumane conditions and subjected to torture and other ill-treatment.

Similarly, Dr Hanane Baderraddine Abdalhafez Othman was arrested on May 6, 2017 by members of the National Security Services while she was enquiring about the fate and whereabouts of her husband. Dr Othman, who, prior to her arrest, had been providing support and assistance to other mothers and wives of the disappeared, was charged with “belonging to a banned group” and “forming a women’s organisation”. She is

currently detained in inhumane conditions at the Al Qanater Al Khayriyah Prison for women, where she is denied the right to receive family visits and remains subjected to constant and severe psychological torture.

“In the context of an increasing crackdown on civil society, in 2017, Alkarama has documented several cases of reprisals against human rights defenders in the form of abduction, torture and arbitrary detention.”

Similarly, Alkarama documented the case of Ebrahim Metwally a 54-year-old lawyer and coordinator of the Association of the Families of the Disappeared, an NGO he founded after his son, Amr Ebrahim Abdelmonem, disappeared in July 2013. Metwally was abducted at Cairo International Airport on September 10, 2017 as he was about to board a flight to Geneva to attend a meeting with the WGEID. He reappeared before the State Security Court on September 12, 2017,



Ebrahim Metwally at a gathering of the Association of the Families of the Disappeared in Cairo

where he was charged with “founding and leading an illegal organisation named Association of the Families of the Disappeared”, “spreading lies” and “conspiracy with foreign entities”, referring to his cooperation with the WGEID. Subsequently, Andrew Gilmour, Assistant Secretary-General for Human Rights, publicly denounced Metwally’s arrest before the UN Human Rights Council in Geneva. Metwally is currently detained at the Tora Liman maximum security prison in appalling conditions.

UN experts denounce “habitual, widespread and deliberate” practice of torture in Egypt

On June 23, 2017, after a four-year-long confidential inquiry initiated by Alkarama, the UN Committee against Torture (CAT) issued its conclusions, stating that the practice of torture is “habitual, widespread and deliberate” in Egypt. This inquiry was based on article 20 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), which enables the Committee to conduct a confidential inquiry if it receives reliable information that torture is being systematically practiced in a State Party to the UNCAT.

In its conclusions, the CAT highlighted that torture in Egypt was systemically “perpetrated by police officers, military officers, National Security officers and prison guards” and that it “appears to occur particularly frequently following arbitrary arrests and is often carried out to obtain a confession or to punish and threaten political dissenters.” Furthermore, the experts emphasised that “prosecutors, judges and prison officials also facilitate torture by failing to curb practices of torture, arbitrary detention and ill-treatment or to act on complaints”, and called on the Egyptian authorities to immediately put an end to the practice, as well as to the impunity enjoyed by its perpetrators. The experts therefore affirmed

that the trends they identified during their inquiry led them “to the inescapable conclusion that torture is a systematic practice”.

However, the Egyptian authorities failed to respond to the allegations, stating that the information provided by Alkarama was “based on hearsay”, despite the corroborating documentation from UN experts and other NGOs. The authorities rejected key recommendations made by the CAT to address the issue of torture, notably to “immediately end the use of *incommunicado* detention; create an independent authority to investigate allegations of torture, enforced disappearance and ill-treatment; restrict the jurisdiction of the military courts to offences of an exclusively military nature; and enforce the prohibition against “virginity tests” and end the practice of forensic anal examinations”.

Iraq



An Iraqi Counter-terrorism Service convoy moves towards Mosul, Iraq, February 23, 2017 (Source: US Department of Defense, Staff Sgt. Alex Manne/Wikimedia Commons)

Our concerns

- Widespread practice of enforced disappearances by state agents and militias affiliated with the Popular Mobilisation Units;
- Systematic use of torture and the use of forced confessions in unfair trials before the Central Criminal Court of Iraq;
- Abusive use of the flawed Anti-Terrorism Law leading to the mandatory imposition of the death sentence.

On December 9, Iraqi Prime Minister Haidar Al Abadi declared military victory over the Islamic State (IS), which had gained control of large sections of Iraq during its 2014 offensive. According to the UN Refugee Agency, there are still 3.2 million people who have been internally displaced as a result of the fighting between IS and the central government forces or affiliated militias of the Popular Mobilisation Units (PMU).

In July 2017, after nine months of intense fighting, Iraqi security forces and affiliated militias retook Mosul. Over the course of the operation, the city was destroyed, thousands of civilians were killed or injured, and 920,000 people – about half of the city’s population – were forced to flee their homes.

Despite the fact that IS has lost most of the territory it gained, the security situation remains precarious in the country. On September 15, IS claimed responsibility for an attack that targeted a checkpoint and restaurants near Nasiriyah, killing more than 80 people.

In the field of justice and reconciliation, the Office of the UN High Commissioner for Human Rights (OHCHR) and the UN Assistance Mission in Iraq (UNAMI) supported efforts to initiate a legal framework to establish a specialised court which would be competent to try alleged perpetrators of international crimes committed since 2014. However, it is not clear whether the court’s jurisdiction will cover crimes committed by government forces as well as affiliated militias.

On August 21, the Iraqi Council of Representatives amended the General Amnesty Law No. 27, which provided for people convicted between 2003 and 2016 to be eligible to apply for amnesty, excluding those convicted of certain types of crimes, among which were acts of terrorism that resulted in death or permanent disability. Also excluded are acts committed after June 10, 2014, the date Mosul was captured by IS. These amendments also provided the right of judicial review to those convicted under the Anti-Terrorism Law.

At the federal level, tensions between the Kurdistan Regional Government and the Federal Government resurfaced in 2017 following a referendum on Kurdish independence on September 25, in which more than 92% voted in

favour of independence. However, on November 21, the Federal Supreme Court deemed the ballot unconstitutional. Although the head of Iraq’s autonomous Kurdistan Regional Government criticised the ruling as “unilateral”, he said he would not challenge the decision. In this context, fighting erupted when Iraqi armed forces moved into the oil-rich city of Kirkuk, which had been under Kurdish control since 2014.

Abuses committed in the context of counter-terrorism

In 2017, numerous reports of summary killings, enforced disappearances, and torture committed during military operations have emerged. In particular, civilians fleeing combat zones have been exposed to revenge attacks from the Iraqi security forces and affiliated militias.

In November, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Agnes Callamard, carried out an official country visit. During her visit, she was informed about a number of arbitrary killings and enforced disappearances committed by the security forces, including the PMU. These include not only the killings of fighters under suspicious circumstances, but also the killings and disappearances of civilians. Callamard also raised the issue of the disproportionate and indiscriminate bombing campaign conducted by coalition forces, which resulted in the deaths of hundreds of civilians.

Furthermore, the Iraqi authorities have continued to resort extensively to the flawed Anti-Terrorism Law of 2005, which contains a broad definition of terrorism and mandatorily applies the death penalty to those convicted of committing – or threatening to commit – such acts. As a result, most executions are carried out based on this legislation, and death sentences are routinely handed down by the Central Criminal Court of Iraq (CCCI) following unfair trials.

When, on September 25, 42 people were executed on “terrorism” charges, the UN High Commissioner for Human Rights declared that he was “extremely doubtful” that the strict due process rules and fair trial guarantees, such as the defendants’ rights to legal assistance or a full appeals process, had

been met in every case.

“The Iraqi authorities have continued to resort extensively to the flawed Anti-Terrorism Law of 2005, which contains a broad definition of terrorism and mandatorily applies the death penalty to those convicted of committing – or threatening to commit – such acts.”

Such arbitrariness is illustrated by the case of Salih Al Dualimi, a 47-year-old professor of engineering at the University of Anbar, who was sentenced to death in May 2016 by the CCCI for “belonging to an armed terrorist organisation” following a flawed trial. The only pieces of evidence used against him were self-incriminating documents he was forced to sign under torture as well as on “secret evidence” allegedly provided by U.S. intelligence. On April 27, 2017, the UN Working Group on Arbitrary Detention (WGAD) ruled that his detention was arbitrary and requested that the Iraqi authorities immediately release him. However, the Iraqi authorities have not implemented the decision and he remains detained to date.

The widespread and systematic practice of enforced disappearance

Between 2014 and 2017, Alkarama, together with its local partner Al Wissam Humanitarian Assembly, submitted more than a hundred recent cases of enforced disappearances to the UN Committee on Enforced Disappearances (CED), all of which have yet to be clarified by the authorities. However, these cases are only the tip of a much larger iceberg in a country where the practice of enforced disappearance is widespread and systematic, and the rate of missing people remains the highest worldwide. This phenomenon began at the time of Saddam Hussein, persisted following the 2003 U.S. invasion, and escalated in the context of the fight against IS.

Enforced disappearances follow the same pattern:

victims are commonly arrested by the security forces during house raids or at checkpoints before being taken to secret places of detention and denied access to the outside world. Their relatives are systematically denied any information as to their fate and whereabouts by the authorities. One such example is the case of Jalal Al Shahmani, a well-known organiser of the protests against corruption that were taking place in Baghdad in the summer 2015, who was arrested by militiamen and subsequently disappeared in September 2015. According to eyewitness, members of a militia group belonging to the PMU carried out the arrest. His relatives have since been left without any official information about his fate and whereabouts.



Jalal Al Shahmani

In addition to enforced disappearances carried out by the Iraqi security services, many individuals are still missing following their abductions by U.S. forces after the 2003 invasion. For example, in October 2017, Alkarama and Al Wissam also submitted to the UN Working Group on Enforced or Involuntary Disappearances (WGEID) the case of a taxi driver who disappeared in 2008 after being arrested by U.S. forces. His case adds to the four other cases of enforced disappearances perpetrated by American forces, which were registered by the WGEID in 2017. These cases are the first to ever have been submitted to this UN protection mechanism; the U.S. authorities have

yet to provide information on the victims' fate and whereabouts.

Freedom of expression and peaceful assembly under threat

On May 13, following popular protests, the Iraqi Parliament decided to indefinitely postpone its vote on the flawed Draft Law on Freedom of Expression and Peaceful Demonstrations. Presented to the Parliament in July 2016, the text was strongly criticised by civil society organisations, which proposed a list of amendments to address its shortcomings. Although the parliamentary committees took some of the NGOs' concerns into account, the draft law still contains a number of problematic provisions. For example, protests can be banned if they are deemed to constitute a "threat to national security or public order and public morals". Such a provision could be invoked by the authorities to stifle criticism of the government and its policies.

Meanwhile, journalists and media figures have continued to suffer from severe interference in the exercise of their profession, infringing their right to freedom of opinion and expression. On October 22, Samir Al Daami, an Iraqi-Norwegian political commentator, was arrested after publishing a post on Facebook criticising Iraq's prime minister, Haider al-Abadi. In his post, Al Daami claimed that Al Abadi had used the country's armed forces to retake Kirkuk so that the foreign oil companies that helped him become prime minister could gain control of the oil fields in Kirkuk. Al Daami was brought before the Public Prosecutor of the CCCI in Baghdad, where he was charged with "broadcasting false or biased information, statements or rumours" under article 210 of the Penal Code. Al Daami was released on December 12, 2017, and the charges held against him were dropped.



Samir Al Daami

"Journalists and media figures have continued to suffer from severe interference in the exercise of their profession, infringing their right to freedom of opinion and expression."

UN Working Group on Arbitrary Detention issues two decisions on Iraq

In April 2017, the UN Working Group on Arbitrary Detention issued two decisions on Iraq upon Alkarama's request, the first calling for the immediate release of 19 staff of the former Vice-President Tariq Al Hashimi, and the second calling for the release of Member of Parliament Ahmad Al Alwani.

Nineteen staff members of Tariq Al Hashimi, a political figure known for being critical of former Prime Minister Nouri Al Maliki, were arrested between November 2011 and March 2012. As Al Hashimi had fled the country after the authorities accused him of terrorism, his staff members, including his secretary Rasha Al Hussein, were found guilty by association.

The victims were all taken to secret places of detention, where they were subjected to severe acts of torture and forced to sign self-incriminating statements. These confessions – some of which were broadcast on Iraqi public TV, in violation of the principle of presumption of innocence – were used as the sole source of evidence during criminal proceedings.

Following heavily flawed trials, the Central Criminal Court sentenced all 19 individuals to death under the 2005 Anti-Terrorism Law. The victims were not provided with the effective means to defend themselves, and their lawyers faced threats from the security forces. On July 24, 2017, the CCCI decided to drop all the charges held against Rasha Al Hussein; however, the 18 other individuals remain arbitrarily detained despite the WGAD's call for their release.

In their decision, the UN experts also stressed that the victims' detention constituted a form of discrimination as they were all targeted because they were perceived as close to Al Hashimi. The experts argued that "while formal collective punishment has become more rare, collective punishment under the guise of individual punishment with its legal trappings is more difficult to discern on its face. Nevertheless,

in the present case of the 19 individuals with alleged connections with Mr Al Hashimi it is difficult for the Working Group not to conclude that they have been subjected to facially neutral but discriminatory wheels of justice."

In another decision, the WGAD called for the release of Parliamentarian and member of the opposition Ahmad Al Alwani. Arrested in December 2013, severely tortured and forced to make false confessions, he was sentenced to death by the CCCI in November 2014 following a flawed trial.

The UN group of experts qualified his detention as "arbitrary" because he "was targeted and discriminated against for his Sunni background and political opinions and activities". The UN experts also found that "Al Alwani had been denied his immunities as a member of the Iraqi Parliament" in violation of Iraqi Constitution and international human rights law. Lastly, the UN experts recalled that "capital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of facts" and that it was "hardly the case in relation to the trial of and conviction of Mr Al Alwani."

Jordan



Jordanian flag, Amman, Jordan (Source: Vyacheslav Argenberg/Wikimedia Commons)

Our concerns

- Abuses committed by the General Intelligence Directorate in the context of counter-terrorism, including the practice of torture and *incommunicado* detention;
- Unfair trials before the State Security Court and the admission of confessions extracted under torture as evidence;
- Judicial harassment of journalists and other dissenting voices under accusations of terrorism or *lèse-majesté*.

Upcoming

- **October/November 2018:** Universal Periodic Review.

In 2017, the number of Syrian refugees registered by the United Nations High Commissioner for Refugees in Jordan reached more than 650,000, while this number is said to have reached 1.3 million according to the Jordanian authorities. The country has the second largest number of refugees per capita after Lebanon.

However, these numbers have remained stable since the closure of the Syrian-Jordanian border in 2015. Nearly 50,000 people remain stranded at Syria's southern border – also called the “berm” – with little access to food and healthcare. Equally concerning is the summary deportation of Syrian refugees: NGOs have reported that approximately 400 registered Syrian refugees were deported per month during the first half of 2017, in violation of the principle of non-refoulement.

Moreover, on March 4, the authorities executed 15 individuals, moving further away from the 2006 moratorium on the use of capital punishment, which was reinstated in 2014. Attorney General Ziad Dmour declared thereafter that the executions were a signal “to anyone trying to tamper with Jordan's security”.

Furthermore, in February, the Royal Committee for Developing the Judiciary and Enhancing the Rule of Law, established by the king in the framework of the Comprehensive National Plan for Human Rights, a 10-year initiative that calls for changes to numerous laws, policies, and practices, published its first report. The report included a set of recommendations to improve the judiciary and criminal justice system, but no recommendations were made for anything related to the intelligence services, who are responsible for the majority of human rights abuses in the country.

Following the report's publication, the parliament adopted a series of measures proposed by the Royal Committee. Among others, amendments were made to the Code of Criminal Procedure as to guarantee all suspects the right to a lawyer from the time of arrest and during interrogations, limits were placed on the use of pre-trial detention, and a legal aid fund was created to provide lawyers for suspects who cannot afford them.

Violations in the framework of counter-terrorism

The advancement of human rights in Jordan continues to be jeopardised by abusive anti-terrorism measures. In October 2017, during the review of Jordan by the HR Committee, the UN experts affirmed that among the most pressing challenges the country faces is finding a “balance between security requests and human rights protection”.

“The advancement of human rights in Jordan continues to be jeopardised by abusive anti-terrorism measures.”

Jordan's Anti-Terrorism Law contains a vague definition of terrorism, allowing for abuses to be perpetrated by both the General Intelligence Directorate (GID), the country's intelligence agency that is controlled directly by the king, and the State Security Court (SSC), an exceptional jurisdiction whose members are appointed by the executive.

Cases follow the same pattern: the GID arbitrarily arrests and detains individuals *incommunicado* for several weeks at a time, including those who have merely exercised their fundamental rights to freedom of opinion, expression, and peaceful assembly. While denied access to the outside world, suspects are tortured and forced to sign self-incriminating statements, before being brought before the SSC Prosecutor, who sits at the GID premises.

This pattern is exemplified by the case of Ramsi Suleiman, a 39-year-old pharmacist, who disappeared in Amman following his arrest by the GID on May 23, 2017. Over the course of two months, his relatives and lawyer went to the GID headquarters repeatedly to enquire about his fate and whereabouts. However, the GID denied his arrest and refused to provide them with any information. It was not until July 16 that his lawyer was allowed to meet with him, and Suleiman was released without any judicial procedure on August 17.

Once victims are charged, they are tried before

the State Security Court, which can be considered as neither impartial nor independent. The SSC systematically admits confessions extracted under torture as evidence to sentence defendants to heavy penalties following unfair trials.

In this regard, following Jordan's review, the HR Committee experts reiterated their recommendation from 1994 and 2010, calling on the authorities to abolish this special court given its lack of independence from the executive and its close relationship with the GID.

Self-censorship and the crackdown on freedom of speech

In Jordan, self-censorship is common among journalists, critics and peaceful activists, who are routinely prosecuted on trumped-up charges of "terrorism", such as disturbing "the public

order" or "relations with a foreign country," which are often coupled with crimes of lèse-majesté, including "insult to the king", which is punishable by one to three years of imprisonment. For example, in January 2017, around 20 activists who had denounced corruption were arrested by the GID and brought before the SSC on charges of "insult to the king" and "undermining the political regime", the latter of which is considered an act of terrorism.

"In Jordan, self-censorship is common among journalists, critics and peaceful activists."

In its concluding observations of November 2017, the HR Committee expressed concern over such a broad definition of terrorism, which can be used to "stifle dissent". The UN experts recommended that Jordan ensure that terrorist acts are defined in accordance with international standards.



Jordan's review at the Human Rights Committee, October 2017

The UN experts also condemned the fact that journalists continue to face prosecution if they express views considered by the authorities to be critical. In 2017, Reporters Without Borders ranked Jordan 138 out of 180 countries with regards to press freedom. Although journalists cannot face imprisonment if they violate the Press and Publication Law, they can be imprisoned under the 2010 Cybercrime Law. The latter seriously hampers the freedom of speech of not only media professionals but also ordinary citizens.

It is under this piece of legislation that Hussam Al Abdallat, a former government official, journalist and anti-corruption activist, was charged with “defamation on social media” and detained for a month in June 2017 for having criticised corruption within the Jordanian government on Facebook. He was released on bail on June 22, 2017, but the charges have not yet been dropped.

UN group calls for release of two arbitrarily detained Jordanian citizens

In 2017, upon Alkarama’s request, the UN Working Group on Arbitrary Detention (WGAD) issued two Opinions on Jordanian cases, both denouncing a pattern of unfair trials and the admission of self-incriminating statements extracted under torture.

At its April session, the WGAD deemed the detention of Ghassan Mohammed Salim Duar as arbitrary. This civil engineer was arrested without a warrant on October 29, 2014 at his house during a night raid conducted by the GID and the General Security. On July 29, 2015, he was sentenced by the SSC to five years of imprisonment under the Anti-Terrorism Law, although his trial was solely based on confessions he was forced to sign under torture while he was detained *incommunicado* in the premises of the GID.

The UN experts pointed out that “Duar was arrested in violation of procedures established by law as no warrant was produced”, “authorities held him *incommunicado* in solitary confinement for 15 days at the GID premises, placing him outside the protection of the law”, and he “was not treated with humanity and respect during his deprivation of liberty as he was subjected to torture”.

At its August meeting, the WGAD adopted another Opinion calling for the immediate release of 20-year-old Hatem Al Darawsheh, who is currently detained in a maximum-

security prison following an unfair trial before the SSC. Al Darawsheh, a high school student at the time, was at home on January 19, 2016 when members of the GID broke in and arrested him without any warrant.

Al Darawsheh was held *incommunicado* for a month, as he was denied all access to the outside world, including his family and lawyer. When his relatives were finally allowed to visit him, they found that he had been severely tortured by GID officers. On December 5, 2016, the SSC sentenced him to three years of imprisonment under the Anti-Terrorism Law for allegedly supporting IS.

However, the WGAD denounced “the failure by the investigative judge to open an investigation into his allegations of torture, despite the testimony provided by other inmates.” Al Darawsheh’s confession extracted under torture during his *incommunicado* detention was used as the sole evidence to indict him with “promoting a terrorist organisation”.

The Jordanian authorities have not yet implemented the decisions and the two men remain in detention despite the WGAD’s calls for their release.

Kuwait



Kuwaiti Appeals Court (Source: Aljarida)

Our concerns

- Legal framework which severely restricts the right to freedom of opinion and expression used to prosecute dissenting voices including human rights defenders, journalists and political opponents;
- Unabated discrimination and marginalisation of the Bidoon community.

In January, Kuwait put an end to its *de facto* moratorium on the death penalty by executing seven people – including a member of the royal family – on charges of murder. This was the first reported use of the death penalty in the country since 2013. Kuwait’s decision to resume its use of capital punishment closely followed the end of a six-year *de facto* moratorium on the death penalty in Bahrain, reflecting a broader increase in executions across the Gulf region.

Furthermore, in 2017, freedom of expression has been further restricted in the country, as the Kuwaiti authorities have continued to arrest and prosecute peaceful activists and any person who criticises the authorities on social media, under the pretext of protecting “national security” and “public order”. Although Kuwait retains a well-established parliamentary system, in 2017, the global public raised concern over a new series of politically-motivated trials against members of the opposition, which was seen as an attempt by the authorities to silence dissenting voices.

Over the past year, and with oil revenues remaining considerably low, the Kuwaiti government faced mounting criticism over cuts to state subsidies and the welfare system, as well as allegations of corruption. The occurrence of frequent disputes between the government and parliament over austerity measures caused numerous cabinet reshuffles and the resignation of the entire government on October 30, 2017.

While facing political turmoil internally, the Kuwaiti authorities actively engaged with regional partners to limit the risk of instability in the Gulf. Kuwait, which has long been a neutral conciliatory actor in the region, acted as the main mediator in the diplomatic standoff between Qatar and three other members of the Gulf Council Cooperation (GCC). Warning against an escalation to the conflict, the Kuwaiti Emir hosted several GCC meetings in the capital and called for talks to resolve the dispute, without success.

Lastly, over the past year, Kuwait has not made any improvement to resolve the longstanding issue of stateless people – also known as the “Bidoon” – while systematically attempting to silence any criticism on the matter. On August 1, 2017, prominent Bidoon activist Abdulhakim Al Fadhli was released from prison after serving a

one-year sentence for his participation in peaceful protests. Al Fadhli was forced to sign a declaration to cease all participation in demonstrations as a condition for his release, and he was threatened with a suspended additional prison sentence and a deportation order.

Violations of the right to freedom of expression

In 2017, the Kuwaiti authorities continued to restrict the right to freedom of opinion and expression by prosecuting peaceful activists, journalists and political opponents on the basis of flawed legislation. Legislation including the 2006 Press and Communications Law, the 2015 Cybercrime Law and the 1971 Law on State Security criminalise peaceful criticism such as “insult to the emir”.

Moreover, the Nationality Law – which contains provisions that allow for the revocation of citizenship for acts such as “threatening the higher interests of the State or its security” – is used by the Kuwaiti authorities to strip government critics of their citizenship. Lastly, the amendments made to the Electoral Law in 2016 – which bar all those convicted of defamation or blasphemy from running or voting in elections – illustrate yet another serious sanction against political opponents peacefully expressing their opinion, since these amendments prevent convicted opposition members of parliament from contesting in future election rounds.

“In 2017, the Kuwaiti authorities continued to restrict the right to freedom of opinion and expression by prosecuting peaceful activists, journalists and political opponents on the basis of flawed legislation.”

On April 24, 2017, upon Alkarama’s request, the UN Working Group on Arbitrary Detention (WGAD) adopted Opinion No. 20/2017 on the case of prominent opposition figure and ex-parliamentarian Musallam Al Barrak. The WGAD qualified his detention as “arbitrary” as

it directly resulted from the exercise of his right to freedom of opinion and expression. The UN experts strongly criticised the use of National Security Law No. 31/1970, which amends provisions of the Penal Code, and which is used to severely restrict freedom of speech.



Musallam Al Barrak

While the decision was adopted following Al Barrak's release from prison on April 21, 2017 – after serving his two-year sentence – it remains significant as it serves to exemplify the Kuwaiti authorities' crackdown on peaceful dissent, and recommends ways to improve national legislation to guarantee the promotion and protection of the rights to freedom of opinion and expression. For example, the UN experts harshly criticised article 25 of the Kuwaiti National Security Law, under which Musallam Al Barrak was sentenced in 2015 for having delivered a speech critical of Kuwait's policies and the emir. This provision punishes with a maximum of five years in prison "anyone who publicly or in a public place [...] challenges the rights or the authority of the emir, commits lèse majesté, or disrespects the emir."

Hence, the WGAD expressed concern over "its nature as a lèse majesté law" and emphasised that it was in breach of article 19 of the International Covenant for Civil and Political Rights (ICCPR), which guarantees freedom of expression, and requested that article 25 be amended or repealed. It further recalled the Human Rights Committee's comment that "all public figures, including [...] heads of state and government, are legitimately subject to criticism and political opposition."

Acts of retaliation against the political opposition

On November 27, 2017, a Kuwaiti appeal court sentenced 68 Kuwaiti opposition activists and parliamentarians to prison terms ranging from one to nine years. Those convicted – including eight former MPs and three current deputies – were prosecuted for "storming the National Assembly building in November 2011" during a demonstration against political corruption.

Back then, Kuwaiti media revealed prominent cases of corruption, including politicians and parliamentarians, which sparked peaceful demonstrations across the country calling on the authorities to launch investigations and to hold those responsible to account. On November 16, 2011, hundreds of protesters gathered in front of the National Assembly building after the parliament refused to launch an investigation into corruption allegations regarding then Prime Minister Sheikh Nasser Mohammed Al Ahmed Al Sabah. Pushed by the police, which came with batons to block the march and disperse the demonstrations, dozens of demonstrators joined by several oppositions MPs sought shelter inside the National Assembly building. The demonstrators left a few hours later, after the intervention of a mediator.

The Public Prosecution then launched an investigation against 70 individuals who entered the building, accusing them of, among others things, "illegal gathering", "assaulting public officers" and "causing damage to public property". On December 9, 2013, the accused were acquitted of all charges by the court of first instance, which found that the protesters' acts were related to the expression of their political opinions, and that there was no evidence that any of the defendants "had the intention to undermine the public order, threaten national unity or had other criminal intents."

On December 18, 2013, the Public Prosecution appealed this ruling, arguing that the court of first instance showed signs of bias and used a faulty reasoning in its interpretation of the law. On November 27, 2017, after a four-year long litigation, the court overturned the previous

decision and sentenced 68 MPs and activists to prison terms, arguing that the accused “abused their right to freedom of opinion and expression to endanger public security and to cause chaos”. Several of those convicted claimed they were not granted the opportunity to defend themselves, while others were tried *in absentia*. Although a final ruling from the court of cassation is still pending, the sentences were implemented immediately.

Constitutional Court rules against DNA Law

On October 5, 2017, Kuwait’s Constitutional Court repealed Law No. 78/2015 on compulsory DNA collection, declaring that some of its provisions contravened the rights to privacy and personal liberty enshrined in the Constitution.

Passed in July 2015, the law on compulsory DNA collection was, according to the Kuwaiti authorities, introduced as part of a wider counter-terrorism legal framework as an immediate response to the deadly terrorist attack of June 26, 2015 against the Imam Sadiq mosque in Kuwait City, in which 27 people were killed and more than 200 wounded. The law not only made DNA collection compulsory, but also prescribed “one year in prison and ten thousand dinars fine for anyone who deliberately and without any excuse refrains from giving a sample of his DNA.” The Ministry of Interior was vested with the establishment and management of the DNA database.

In its contribution to the List of Issues and shadow report to the HR Committee, Alkarama had expressed its concern that this law would violate the right to privacy as enshrined in article 17 of the ICCPR. In July 2016, after reviewing Kuwait’s compliance with the ICCPR, the HR Committee, echoing Alkarama’s concern, published its concluding observations and recommended that the authorities limit DNA collection to individuals suspected of having committed serious crimes and only on the basis of a court decision. Moreover, it also raised the necessity of allowing individuals to challenge

the state’s request and further asked that an oversight mechanism, independent from the Ministry of Interior, be established to monitor the collection and use of DNA samples.

The review by the UN Committee not only brought international attention to the issue, but also initiated an active discussion within Kuwaiti society. In October 2016, the Kuwaiti parliament announced that it would revise the law, and the Emir requested that the parliament reassess the scope of the law, limiting compulsory DNA collection to criminal suspects only. Following lobbying by local civil society and petitions filed by Kuwaiti citizens demanding the cancellation of the law, the Constitutional Court decided to repeal it on October 5, 2017. The Court ultimately declared that the law contravened the Kuwaiti Constitution, which protects the right to privacy in articles 30 and 31.

Lebanon



Lebanese Military Court (Source: Al Joumhouria)

Our concerns

- Recurrent violations committed by the security services in the context of counter-terrorism, including the routine practice of torture, regularly used to extract confessions;
- Trial of civilians by exceptional jurisdictions, namely military courts and the Judicial Council;
- Judicial harassment of citizens for expressing their opinions, including on social media.

Upcoming

- **March 2018:** Review of Lebanon by the Human Rights Committee.

The Syrian conflict continued to spill over into Lebanon in 2017. The country hosts 1.5 million Syrian refugees, 70% of whom are living below the poverty line. Although the security situation does not allow it, an ever-growing number of politicians are calling for Syrian refugees to be sent back to their country, and violence and hate-motivated crimes against Syrian refugees have risen sharply over the course of the year.

With regards to the military, Hezbollah launched a military operation in the region of Jurd Aarsal in July 2017. A month later, the Lebanese army launched an offensive against Islamic State's last stronghold, located in the areas of Ras Baalbeck and Al Qaa. Although the Lebanese authorities denied any form of coordination, the Syrian army and Hezbollah launched a simultaneous offensive on the Syrian side of the Qalamoun mountains. After a week-long battle, an evacuation deal facilitated by Hezbollah was concluded, allowing Islamic State (IS) militants to evacuate the Syrian-Lebanese border towards the Syrian town of Deir Ez Zor. In exchange, militants identified where they had buried the remains of Lebanese soldiers captured in Aarsal in 2014.

On November 4, in the context of growing tensions between Saudi Arabia and Iran, the prime minister of Lebanon, Saad Hariri, announced his resignation in a speech made while in Saudi Arabia, citing assassination fears and Iran's "unacceptable influence" over Lebanese politics via Hezbollah. Given the ambiguous circumstances of the announcement, both the Lebanese government and the public demanded the return of Saad Hariri, accusing the Saudi Kingdom of holding the outgoing prime minister against his will. Following international pressure, notably from France, Saad Hariri returned to Lebanon on November 22. On this occasion, he offered his resignation to President Michel Aoun, but accepted the president's suggestion to "postpone" the decision. Two weeks later, he reversed his decision to resign.

In June, the parliament approved a new electoral law, which will govern the parliamentary elections scheduled for spring 2018. The text replaced the former "winner takes it all" system with proportional representation, and reduced the number of electoral districts in the country. Lebanon has not held parliamentary elections

since 2009 as polls have been repeatedly postponed.

Lastly, although the Lebanese Parliament approved a law establishing a National Human Rights Institute - including a national preventive mechanism against torture - in 2016, the institute is not yet operational, its members are yet to be appointed by the government, and no budget has been allocated.

Abuses committed in the fight against terrorism

In an unstable security context, individuals suspected of terrorism have continued to be subjected to abuses, in particular periods of *incommunicado* detention during which they are subjected to torture and other ill-treatment, and forced to make self-incriminating statements. Furthermore, under article 108 of the Code of Criminal Procedure, pre-trial detention can be renewed indefinitely for those charged for attacks against state security and acts of terrorism.

"In an unstable security context, individuals suspected of terrorism have continued to be subjected to abuses."

In July, reports of death under torture emerged following raids conducted by the Lebanese army on June 30 on two unofficial refugee camps in the north-eastern border town of Aarsal. In retaliation to an attack by five suicide bombers, the army arrested around 350 people, four of whom died in military custody. Despite visible signs of torture on their bodies, the military prosecutor issued a statement saying that a forensic report had concluded that they died of "natural causes". The full investigation file has been neither published nor provided to the families, casting serious doubts over the independence, impartiality and thoroughness of the investigation.

In May, the UN Committee against Torture (CAT) published its Concluding Observations following its first review of Lebanon. The UN experts deplored the fact that security forces "continue to routinely use torture" on detainees, including children, to "extract confessions to be used in

criminal proceedings or as a form of punishment". They recalled that no exceptional circumstances whatsoever – including the threat of terrorist acts – could be invoked as a justification of torture.

The CAT also addressed the issue of refugees, and expressed concern over practices contrary to the principle of non-refoulement. The experts reminded Lebanon that the Convention afforded "absolute protection" to anyone under its jurisdiction, "regardless of the person's nationality, judicial status or the danger that he or she may pose to society".

In this regard, they echoed Alkarama's concerns by raising the case of an Iraqi refugee who was at risk of extradition to his home country despite risks of torture and even execution. He had been arrested in Lebanon in January 2016 and subsequently sentenced by the Military Court for allegedly "joining a terrorist group" on the sole basis of information provided by the Iraqi intelligence services. Despite the UN experts' intervention, on May 3, he was extradited to Iraq, in violation of the Convention against Torture.

Freedom of expression increasingly under attack

Although Lebanon is often portrayed as a model in the region when it comes to freedom of expression, there are a number of red lines, such as criticising the Lebanese president or army, which should not be crossed. Peaceful criticism is systematically considered as libel or defamation of public officials and punished with up to a year in prison under the Penal Code. In recent years, there has been an increased crackdown on citizens peacefully expressing political opinions on social media.

For instance, on May 26, 2017, Selman Samaha was summoned by the Military Tribunal to appear on charges of "offending the reputation of the military institution" after publishing comments regarding the Lebanese military on his Facebook page. In an open letter, Alkarama and other local and international NGOs expressed concern over his prosecution and emphasised that his

case was "only the latest in a series of arrests, investigations, and trials of citizens for expressing political opinions on social media" which was "threatening the right to freedom of expression in Lebanon".



Selman Samaha

In preparation for Lebanon's review, which will take place in March 2018, the Human Rights Committee raised several concerns in its List of Issues related to the right to freedom of expression enshrined in article 19 of the International Covenant on Civil and Political Rights.

In particular, it requested that the authorities respond to "concerns that the vague and broad formulation of "defamation", "libel" and "insult", and the broad authority and grounds for censorship and ban of any foreign publication, of intellectual or artistic work, including films and printed materials, can be used to unduly restrict freedom of expression."

New Anti-Torture Law fails to meet international standards

On October 26, a new anti-torture law aimed at punishing torture and other cruel, inhuman or degrading treatment or punishment entered into force. The legislation, the first of its kind, suffers from numerous setbacks compared to a promising 2012 draft, and fails to meet the standards enshrined in the UN Convention against Torture (UNCAT).

Indeed, the law introduces restrictive elements to the definition of torture spelled out in article 401 of the Penal Code. The offence of torture is limited to acts performed “during the investigation, preliminary investigation, judicial investigation, trials and executions of sentences”.

This goes against the principle of the absolute prohibition of torture and creates a loophole: for example, a case of torture committed during the arrest and before the preliminary investigation would not fall within the scope of this legislation.

Furthermore, the criminalisation of cruel, inhuman or degrading treatment or punishment as defined in article 16 UNCAT was withdrawn during the deliberations in parliament, further reducing the scope of the bill.

Equally concerning is the fact that the new law introduces penalties for acts of torture that are not commensurate with the gravity of the crime. article 1(b) of the law states that “[a]nyone who perpetrates torture shall be liable to imprisonment from one to three years of imprisonment if torture does not result in death or permanent or temporary physical or mental disability.” Such penalties, normally attached to misdemeanours, do not have a deterrent effect, creating a climate of impunity.

If the victim is to die as a result of torture, the perpetrator faces between 10 and 20 years in prison, compared to 30 under the 2012 draft law.

Additionally, the new legislation subjects acts of torture to statutes of limitation. Victims of torture can only initiate proceedings between three and ten years after they have been released from detention. This is concerning since victims are often reluctant to file complaints until they feel safe to do so, which may be well beyond the period set out in the statute of limitation.

While the 2012 draft had proposed that trials for torture cases must be held before civilian courts, the 2017 law has ignored the proposal, leaving open the possibility that perpetrators will be referred to military courts, which lack independence and impartiality, considering their judges are appointed directly by the minister of defence. This is highly problematic as the investigation and prosecution by peers seriously hinders any proper accountability.

By adopting this flawed version of the law, the Lebanese authorities have decided to ignore the recommendations issued by the UN Committee against Torture in 2017, as well as those they pledged to implement during the 2015 Universal Periodic Review before the Human Rights Council.

Libya



UN Support Mission in Libya (UNSMIL) conference, October 19, 2015 (Source: Foreign and Commonwealth Office/ Wikimedia Commons)

Our concerns

- Persistent violations of international humanitarian and human rights law, including summary executions, torture, enforced disappearance and secret detention committed against civilians;
- Lack of judicial oversight over militias across the country leading to a climate of lawlessness;
- Absence of investigation and prosecution of perpetrators of war crimes and gross human rights violations.

This year marked the sixth anniversary of Libya's revolution, and the country remained entrenched in conflict as competing governments and a myriad of militias fought for political and economic power. The deep fractures within Libyan society and between political actors are still patent, constituting serious obstacles to unified state-building and an effective peace process. Foreign powers continued their military involvement in the conflict, reinforcing existing antagonisms in the country.

While several rounds of talks were held this year, those between warring parties have not led to any tangible result, as competing political powers have failed to reach an agreement. The UN-backed Government of National Accord (GNA) in Tripoli is still not recognised by the Tobruk-based government in the east.

On July 26, 2017, after talks held in Paris, GNA Prime Minister Fayez Sarraj and General Khalifa Haftar, who controls most militias in the eastern part of the country, agreed on a countrywide ceasefire and to hold early presidential and parliamentary elections. Ahead of these elections, a process to draft a new constitution was led by Libya's Constitution Drafting Assembly (CDA) – which sits in the eastern city of Al Bayda – without any public consultation or debate over the text. Although CDA members voted in favour of the adoption of the draft Constitution, this decision was later invalidated by the Al Bayda court due to alleged procedural irregularities. To date, the country has still not established a constitutional framework. Following his first official visit to the country, Ghassan Salama – the newly appointed UN envoy to Libya – declared in November 2017 that the country was not ready to hold elections.

Furthermore, the human rights and humanitarian situation in the country is increasingly concerning. In both its April and September 2017 reports on the UN Support Mission in Libya, the UN Secretary-General (UNSG) stressed that the overall security situation had significantly deteriorated. Violence in the southern part of the country has led to shortages of basic services and provisions as well as the displacement of entire populations, while the prevailing lawlessness in the country is putting civilians at risk of abuse from armed groups and criminal networks.

Lastly, as the country is still one of the main transitory destinations for African migrants going to Europe, the current situation is making migrants more vulnerable to abuses. In April 2017, the International Organisation for Migration documented, through testimonies collected from migrants returning from Libya, forced labour with the complicity of human trafficking networks. On November 29, 2017, during an emergency session on human trafficking in Libya, the UNSC strongly condemned slave trading and urged the authorities to take action in order to end the practice.

Severe and persistent violations of international humanitarian and human rights law

The inability and failure of the different authorities to maintain security and uphold basic rights and freedoms created a breeding ground for severe violations of international humanitarian law and human rights. In addition to the violations perpetrated by all parties to the conflict, ordinary crime has become endemic due to the absence of strong judicial institutions to prevent and punish abuses.

In its August 2017 report to the UN Security Council, the UNSG expressed serious concern over violations to the right to life. According to UN figures, between December 2016 and July 2017, there were 192 civilian casualties including 90 deaths and 102 injuries caused by direct gunfire, airstrikes, explosive remnants of war and improvised explosive devices.

“The inability and failure of the different authorities to maintain security and uphold basic rights and freedoms created a breeding ground for severe violations of international humanitarian law and human rights.”

Furthermore, the UNSG highlighted in his report that arbitrary detention remains widespread

across the country, both in official prisons and detention centres controlled by armed groups. He added that little progress has been made to ensure that individuals are not detained outside the protection of the law and to bring arrested individuals before a judicial authority. Furthermore, he highlighted that armed groups on all sides of the conflict were responsible for numerous abuses, including hostage taking, unlawful killings, torture and enforced disappearances, which were also committed against civilians. Alkarama has also received several testimonies indicating a pattern of civilians being targeted on the basis of family or tribal identity, as well as political affiliations or opinions.

Cases documented by Alkarama in 2017 illustrate such human rights violations, including by forces which pledged allegiance to the GNA, particularly the Special Deterrence Forces (RADA forces) and affiliated militias. Despite the fact that the RADA forces fall under the GNA's formal authority, the latter exercises little to no oversight. As a result, numerous abuses, including abductions, secret detentions and torture, are committed in complete impunity.



Mohamed Al Rajili Ghoma Abdul Rahman

For example, on May 30, 2017, Tarek Milad Mohamed – a human rights defender and former

minister in the Tripoli-based government – was abducted by members of the intervention police of Abu Salim, affiliated to the GNA. The case of Mohamed Al Rajili Ghoma Abdul Rahman, a doctor in information and technology and former Deputy Minister for the Affairs of Families of Martyrs and of Missing Persons follows a similar pattern. Abdul Rahman was abducted on April 25, 2017 by members of the Katibat Al Nasr militia affiliated with the GNA Ministry of Interior. Alkarama also documented the case of Imam Abdulrazaq Mofteh Ali Mshireb, who was abducted in front of his house in Tripoli on September 10, 2017 by the RADA forces, and released in early December. To date, the GNA has failed to answer and clarify these cases of enforced disappearances with the Working Group on Enforced or Involuntary Disappearances.

Lack of accountability for perpetrators of human rights violations

The pervasive climate of lawlessness and the inability of the UN-backed authorities and others to enforce the rule of law are directly contributing to a lack of accountability for perpetrators of abuses. The existence of multiple parallel security and political institutions backed by a myriad of militias with shifting allegiances to various political authorities renders the identification and prosecution of perpetrators of human rights violations and their superiors all the more difficult. The absence of an independent and functioning judiciary within each political authority, alongside their inability to exercise effective control over militias has created an alarming lack of accountability for perpetrators of these violations.

“The pervasive climate of lawlessness and the inability of the UN-backed authorities and others to enforce the rule of law are directly contributing to a lack of accountability for perpetrators of abuses.”

In its April 2017 report, the UNSG stated that he was “deeply alarmed” by the lack of progress in achieving accountability for serious violations of international human rights and humanitarian law. A striking example of such a lack of accountability is the response to the eastern government police forces’ discovery on October 26, 2017 of the bodies of 36 victims of extrajudicial executions in Al Abya, a city under the control of militias controlled by General Khalifa Haftar. Though the latter has pledged to investigate the killings, to date, no steps have been taken to this end.

This pervasive climate of impunity is all the more concerning considering that the crimes committed may amount to war crimes and crimes against humanity. Since the UNSC referred the situation in Libya to the International Criminal Court (ICC) in 2011, such crimes would fall under the jurisdiction of the ICC. However, to date, no suspect has been successfully brought before the ICC despite the issuance of several arrest warrants. On November 8, 2017, the ICC Chief Prosecutor, Fatou Bensouda,

addressed the UNSC concerning two more arrests warrants issued by the ICC’s prosecution against Libyan nationals involved in crimes falling under the ICC’s jurisdiction, and raising challenges faced in ensuring accountability of perpetrators. However, Libya’s representative explained that delays in investigations and prosecutions of perpetrators as well as the authorities’ inability to arrest individuals subject to ICC arrest warrants were due to the security situation.



Imam Abdulrazaq Moftah Ali Mshireb (right)

Arbitrary and secret detentions in Mitiga military airbase

In 2017, Alkarama continued to receive credible information over the use of the Mitiga Military Airbase as a secret detention facility. The airbase is home to one of the largest detention facilities in Tripoli, and is controlled by the RADA Special Deterrence Force under the authority of the Ministry of Interior of the GNA. Allegations of various abuses were corroborated by testimonies of families of victims of abductions by the RADA forces and affiliated militias, on behalf of whom Alkarama seized the WGEID as well as the UN Support Mission in Libya (UNSMIL).

Testimonies have shown that arrests were carried out by armed men affiliated with the RADA forces, who were then transferring arrestees to the Mitiga airbase where they were detained in secret. Accounts of torture and ill-treatment, appalling conditions of detention and the denial of medical care were also reported by families of victims. While it remains difficult to know how many individuals are detained in the

airbase due to the absence of judicial oversight and the registering of prisoners, Alkarama has received information according to which more than 2,000 individuals – including children – are currently detained in appalling conditions. Sources also reported that at least 20 persons were executed in secret.

In its August 2017 report to the UNSC, the UNSG stated that although UNSMIL was able to visit several detention facilities in the country – without, however, being allowed to speak privately to detainees – the UN mission was unable to visit the Mitiga detention facility in Tripoli despite its repeated requests. He also expressed concerns over reports of torture, sexual and gender-based violence, poor prison conditions, medical neglect and the denial of family visits for detainees in the facility.

Mauritania



Bareina, Mauritania, (Source: Ferdinand Reus/Wikimedia Commons)

Our concerns

- Judicial harassment of human rights defenders, in particular anti-slavery activists;
- Lack of effective policy to fully eradicate the practice of slavery;
- Frequent practice of torture and inhuman conditions of detention.

Upcoming

- **July-August 2018:** Review of Mauritania by the Committee against Torture.

In 2017, Mauritania underwent important institutional changes. The referendum announced by the president in 2016 proposing a constitutional reform to abolish the Senate and change the country's flag and anthem was held on August 6, 2017. Voters endorsed the president's reforms, with 85 percent in favour, while the opposition largely boycotted what they considered an attempt by the head of state to strengthen his power over the legislative branch of government.

Meanwhile, fundamental rights such as the rights to freedom of conscience, opinion, expression, peaceful assembly and association continue to be severely restricted. In November 2017, the president's cabinet approved a draft amendment to the Penal Code's provision on blasphemy, which eliminates the possibility of substituting a prison term for the death penalty if the offender repents. This reform was taken following the release of Mohamed Cheikh Ould Mkhaitir, a blogger who had been sentenced to death for apostasy after publishing an article criticising the use of religion as a basis for racial discrimination against Haratine people in the country. Ould Mkhaitir was released after the Nouadhibou Court of Appeals quashed his sentence on November 8, 2017.

The case of Ould Mkhaitir as well as the continuing practice of reprisals against anti-slavery activists show that the issues of racial discrimination, poverty and the subjugation of Haratine and other minorities remain pressing. In 2017, local activists denounced the continuing practice of slavery in the country, contradicting the official state narrative that the practice had been eradicated after its abolition in 1981 and subsequent criminalisation in 2007.

Persistent reprisals against anti-slavery activists

In 2017, Alkarama continued to receive reliable information indicating the persistent persecution of individuals belonging to the anti-slavery movement. This persecution takes the form of judicial harassment, arbitrary arrests and ill-treatment in detention, particularly against groups like the Resurgence of the Abolitionist

Initiative (IRA-Mauritania) movement, whose members are from the Haratine minority and work to end the practice of slavery in the country. The IRA-Mauritania group was consistently denied accreditation as an association by the Mauritanian authorities, without any valid justification, in violation of their right to freedom of association.

Furthermore, in 2017, anti-slavery activists and peaceful demonstrators continued to suffer from reprisals for their activism. Alkarama received numerous testimonies of individuals who were kept in *incommunicado* detention for several days and subjected to ill-treatment and abuses. Most of them were accused of being "members of a non-registered organisation", "armed gathering", "and violence against law enforcement officials" or "rebellion". In some cases, such reprisals were triggered by the individuals' cooperation with the UN human rights mechanisms. In its September 20, 2017 report, the UN Secretary-General denounced these acts of reprisals against anti-slavery activists as triggered by their cooperation with UN experts, particularly the Special Rapporteur on extreme poverty and human rights, who visited the country in May 2016.

"In 2017, anti-slavery activists and peaceful demonstrators continued to suffer from reprisals for their activism."

Furthermore, on November 24, 2017, the Working Group on Arbitrary Detention (WGAD) issued an Opinion concerning 10 members of the IRA who were arrested between June and July 2016. These individuals were detained in secret, tortured and sentenced to prison terms ranging from 3 to 15 years for "armed gathering", "violence against law enforcement officials", "rebellion", and being "members of a non-registered organisation". The group of UN experts denounced the arbitrary nature of their detention, and recalled that they were carrying out their activities as human rights defenders peacefully and never called for the use of violence. The experts concluded that the accusations demonstrated that they were prosecuted for having "chosen to play this role within their society and for nothing else". Although eight of the human rights defenders were released, the WGAD expressed concern over the

ongoing detention of Moussa Biram and Abdallahi Matala Saleck, and called upon their immediate release by the Mauritanian authorities. Lastly, in its decision, the group said it was “surprised” that the authorities did not respond to their letter, considering they were more cooperative in the past.

Frequent practice of torture and climate of impunity

The use of torture and ill-treatment to obtain confessions, as well as the inhumane conditions of detention remain concerning. On March 2, 2017, during the 34th session of the Human Rights Council, the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment, Nils Melzer, presented the conclusions of the visit carried out by his predecessor Juan Méndez from January 25 to February 3, 2016. The Special Rapporteur highlighted issues including the persistent practice of torture, the poor conditions of detention for prisoners, and the impunity of perpetrators of torture. He also reminded the authorities of the necessity to take “urgent measures to enforce existing legislation and the safeguards”.

“The use of torture and ill-treatment to obtain confessions, as well as the inhumane conditions of detention remain concerning.”

The UN expert made 30 recommendations, and stated that although “acts of torture and ill-treatment are no longer rampant in Mauritania they still occur frequently, particularly in the early stages of arrest and interrogation, often for the purpose of eliciting confessions”. He stressed that “impunity for acts of torture and ill-treatment remains the rule rather than the exception”.

In addition, the Special Rapporteur expressed concern about the “almost total absence of investigations into allegations of torture and ill-treatment” and the unwillingness of the judges to prosecute the perpetrators of such acts. He further recalled that it was “the State’s international obligation to prevent torture and ill-treatment”

and that it was imperative to prosecute public officials who order, disregard, or cover up torture and blatantly abuse their superior authority.

Furthermore, the UN expert – whose predecessor visited several places of detention across the country, including the only women’s prison and a high-security prison – noted the unsanitary and unhygienic conditions, the poor quality of food as well as the limited access of detainees to healthcare. He also shed light on the extreme overcrowding and the impact this has on prisoners’ living conditions. The expert concluded that the conditions of detention in Mauritania often amount to cruel, inhuman or degrading treatment and recommended that the authorities introduce alternative measures to incarceration and the possibility of conditional liberty to reduce overcrowding in detention facilities.

Lastly, on June 26, 2017, Alkarama submitted its contribution to the List of Issues prepared by the Committee against Torture (CAT) ahead of the review of Mauritania in 2018. After reviewing the state’s report, Alkarama raised a total of 25 questions on different concerns, including the lack of effective legislative measures to protect individuals from torture and ill-treatment and the impunity of perpetrators. Alkarama also stressed that torture and ill-treatment was used against human rights defenders as a form of reprisals, and denounced the lack of effective and independent complaint mechanisms for victims of torture.

Global Alliance of National Human Rights Institutions recommends downgrading of National Human Rights Commission to status B

During its November 2017 session, the Subcommittee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions recommended that the Mauritanian National Human Rights Commission (CNDH) be granted status “B” due to its lack of full compliance with the Paris Principles. This decision means that the CNDH, which previously held an “A” status, has been downgraded. The CNDH officially contested the SCA’s recommendation.

The SCA is the organ in charge of assessing the compliance of national human rights institutions (NHRIs) with the Paris Principles, which set the standards to ensure that these institutions are independent and autonomous from their country’s government, and that they are granted adequate power to promote and protect human rights effectively. Prior to this review, Alkarama submitted its own evaluation of the NHRI’s compliance with these principles, ensuring that civil society’s perspective is duly taken into account by the SCA.

The recommendation of the SCA to downgrade the Mauritanian NHRI followed a lengthy review process which started in July 2016, when Alkarama submitted a report to the SCA in view of the CNDH’s reaccreditation. After a consultation of local NGOs, Alkarama submitted a joint report stressing the CNDH’s lack of compliance with the Paris Principles, and concluding that, since 2011, the institution had not met the requirements to be granted an “A” status.

Subsequently, in February 2017, the SCA published a report containing preliminary observations in which it highlighted several important shortcomings in the law establishing the commission as well as its lack of independence vis-à-vis the executive. The SCA also noted that the selection and appointment process of the CNDH members was not

sufficiently transparent and open, and therefore not based on merit and experience. Moreover, as highlighted in Alkarama’s report, the CNDH’s lack of independence from the executive caused distrust among many NGOs, especially those working on subjects considered as sensitive, such as slavery, torture or arbitrary detention. In its conclusions, however, the SCA decided to postpone the review of the CNDH to its second session of 2017.

On October 27, 2017, Alkarama submitted another report analysing the new CNDH law issued in July 2017, which revised the status and functioning mode of the CNDH in order to address the concerns previously raised by the SCA. Alkarama stressed in the report that the new law failed to address key issues, including ensuring the CNDH’s independence from the government and the openness and transparency of the selection process. In November 2017, the SCA decided to recommend that the institution be downgraded to status “B”.

Morocco



Ban Ki-Moon and King Mohammed VI, November 15, 2016 (Source: Hello! Daily News)

Our concerns

- Absence of effective cooperation with UN Treaty Bodies and Special Procedures in individual cases of human rights violations;
- Violations of the right to freedom of expression and peaceful assembly, including reprisals against journalists and human rights defenders, and the excessive use of force and mass arrests to disperse peaceful gatherings;
- Persistent practices of arbitrary detention, torture and ill-treatment.

Upcoming

- **2018:** Visit of the UN Special Rapporteur on the independence of judges and lawyers.

In 2017, the foreign policy of Morocco was marked by its historical reintegration in the African Union after 33 years of absence due to disagreement over the status of Western Sahara, while at the domestic level, the political situation reached a deadlock. The victory of the outgoing Justice and Development Party (PJD) at the October 2016 parliamentary elections was followed by an unprecedented six-month long political crisis, during which the country had no government. The impasse was mainly due to PJD Prime Minister Abdelilah Benkirane being unable to reach an agreement with other political parties and to form a coalition government. This led to Benkirane's dismissal on March 16, 2017 by the king, who appointed the former Minister of Foreign Affairs, Saad Eddine El Othmani, as the new prime minister. El Othmani formed a new government composed of members of the PJD as well as five other political parties on April 5, 2017. The crisis was described by local and international analysts as a struggle between the PJD – as the most popular political party – and the monarchy, which proved itself to be the effective decision making power in the country.

Moreover, Morocco was shaken by several waves of protests in different parts of the country, which were violently repressed and followed by mass arrests. From the Al Hoceima protests in the northern Rif region to the February 20 Movement gatherings in the capital, over the course of 2017, thousands of protesters called for the end of corruption and for socio-economic reforms. These protests – as well as the violent response from the authorities – illustrate a regression in the human rights situation in the country.

Persistence of the practice of arbitrary detention and absence of torture prevention

The practices of arbitrary detention and ill-treatment remain persistent in the country. Numerous individuals remain arbitrarily detained, despite Opinions issued by the UN Working Group on Arbitrary Detention (WGAD) requesting their

release, particularly in counter-terrorism cases. Ahead of the visit of the Sub-Committee for the Prevention of Torture (SPT) to Morocco in October 2017, Alkarama submitted a briefing note to the SPT expressing concern over the fact that the prison administration – including doctors in charge of examining detainees – was under the authority of the king and not of the Ministry of Justice. Moreover, Alkarama highlighted the lack of independence of the judiciary, resulting in the absence of investigations into torture allegations and the admissibility of coerced confessions as evidence before courts. Lastly, Alkarama denounced the lack of independence of complaint mechanisms in places of detention, which hinders the right to effective remedy of torture victims and leads to reprisals against those who submit complaints by the prison authorities.

During its Universal Periodic Review (UPR) held on May 2, 2017, several UN Member States expressed concern over these two issues, and issued recommendations to the Moroccan authorities to take the necessary measures to ensure the full respect for human rights in the framework of counter-terrorism, in particular the right to defence. States also recommended that the Moroccan authorities establish independent and effective mechanisms to prevent the occurrence of torture and ill-treatment, and to ensure such acts are investigated and their perpetrators prosecuted.

On September 21, 2017, during the 36th session of the Human Rights Council, the outcome of Morocco's UPR was adopted; the authorities announced that they had accepted 191 out of 244 recommendations, while 44 were fully or partially rejected. The delegation also announced the forthcoming adoption of a law extending the powers of the National Human Rights Council (CNDH) and endowing it with the prerogatives of the National Preventive Mechanism in line with Optional Protocol to the Convention against Torture. However, Alkarama remains concerned over the lack of effective autonomy and independence of the CNDH, particularly in politically sensitive cases related to the fight against terrorism or matters of state security. The delegation further stressed the importance of the role of the judicial authorities in ensuring respect

for fundamental rights and combating torture, without specifying the measures taken to that end.

Infringements to freedoms of expression, association and peaceful assembly

Violations of the rights to freedom of expression, association and peaceful assembly take various forms, including arbitrary arrests and detention, torture and ill-treatment, and violent dispersals of protests. Victims of this repression include journalists and human rights defenders as well as any citizen expressing criticism of the authorities.

“Violations of the rights to freedom of expression, association and peaceful assembly take various forms, including arbitrary arrests and detention, torture and ill-treatment and violent dispersals of protests.”



Salaheddine Bassir

On June 16, 2017, following Alkarama’s submission of a complaint to the WGAD on behalf of Sahraouian journalist Salaheddine Bassir, the UN experts issued an Opinion on his case in November 2016. Bassir was arrested in May 2013

for his coverage of a demonstration in Laayoune in favour of the independence of Western Sahara. He was then subjected to torture and ill-treatment to coerce him into confessing that he participated in violent acts against the security forces. On the basis of these self-incriminating statements, he was sentenced on November 24, 2015, to four years in prison for “conspiracy, violence against police officers in service and degradation of public property” following a flawed trial. In their Opinion, the WGAD concluded that his detention was arbitrary due to the fact that he was arrested solely for having covered the demonstrations and sentenced on the basis of coerced confessions during an unfair trial. Despite the WGAD’s call to release Salaheddine Bassir immediately and to grant him adequate reparation, he is still detained by the authorities.

While Bassir’s case illustrates the reprisals journalists may be subjected to for having covered sensitive political issues, such reprisals also extend to human rights defenders, political activists and peaceful demonstrators. During the May 2017 UPR, several UN Member States recommended that Morocco fully ensure the rights to freedom of expression, information, peaceful assembly and association, and that it create a safe environment for human rights defenders and civil society to carry out their activities. However, during the review, the Moroccan authorities rejected recommendations inviting them to put an end to the “prosecution of journalists” and “other individuals detained solely for exercising their rights to freedom of expression, association and peaceful assembly”.

The authorities’ lack of willingness to address these issues was apparent in their response to the social unrest in the village of Al Hoceima in the Rif region. The Al Hoceima protests began in late October 2016 after a fisherman was crushed to death by a garbage truck as he attempted to recover the fish which had just been confiscated and thrown away by the police. As a result, waves of protests erupted in the city and continued for most of 2017, as part of a social movement widely known as the Hirak. Protests were met with a violent crackdown and the mass arrest of protesters. Furthermore, on July 20, 2017, a ban on protests was issued by the authorities. While

the king pardoned a total of 1,178 detainees on July 29 – among which a large number were arrested as part of the crackdown on the Al Hoceima protests – activist Nasser Zefzafi, who led the protests and publicly denounced corruption and inequality, remains arbitrarily detained. His trial, along with other activists from the Hirak movement, began on July 10, 2017, with charges including “undermining the internal security of the state”.

Such accusations, along with charges such as “insulting the King” or “undermining the territorial integrity”, are commonly used against journalists and activists to prosecute acts falling under their right to freedom of expression and peaceful assembly, particularly in cases considered as politically sensitive, i.e. cases involving Islamist movements, separatist claims or criticism against the monarchy.

Reprisals and lack of cooperation with the UN human rights mechanisms: the case of Abdul Rahman Alhaj Ali

In 2017, Alkarama brought the case of Abdul Rahman Alhaj Ali – a Syrian citizen and refugee who has been detained in Morocco since October 30, 2014 following an extradition request by Saudi Arabia – to the attention of several UN human rights protection mechanisms.

Alhaj Ali used to work in Saudi Arabia and was wanted by the Saudi authorities for a commercial disagreement with his former kafil – a sponsor necessary for every foreigner to work in the country. The Moroccan authorities accepted the extradition request despite the fact that he was at risk of being subjected to torture and corporal punishment in Saudi Arabia.

Following the submission of his case by Alkarama, the UN Committee against Torture (CAT) requested in a binding decision that the Moroccan authorities not extradite Alhaj Ali to Saudi Arabia.

Since the issuance of the decision by the Committee, Alhaj Ali has been subjected to reprisals and further psychological torture by the judicial and penitentiary authorities, which, since early 2017, have been pressuring him to sign a declaration stating that he willingly accepts to be extradited to Saudi Arabia. The judicial and penitentiary authorities have told him that because of his complaint before the UN Committee against Torture, the Moroccan authorities would never release him. The use of this threat of indefinite detention in particularly harsh conditions led the CAT

Special Rapporteurs on Reprisals and Follow-up to Decisions to send a letter to the Moroccan government on March 10, 2017. However, the Moroccan government failed to provide the Committee with sufficient information on the reasons behind the non-implementation of the decision nor the measures taken to remedy his situation.

As a result, and in light of the gravity of Alhaj Ali’s situation, his case was included in the annual report of the UN Secretary-General on the subject of reprisals against persons who cooperated with the UN. Today, as the Committee’s decision has yet to be implemented, Alhaj Ali remains arbitrarily deprived of his liberty and subjected to continuous psychological torture.

Oman



Sultan Qaboos Grand Mosque, Muscat, Sultanate of Oman, 2014 (Source: Richard Bartz/Wikimedia Commons)

Our concerns

- Crackdown on freedom of expression through press censorship and monitoring of social media;
- Prosecution and intimidation of peaceful dissidents, political opponents and human right defenders as well as reprisals against their families.

The Sultanate of Oman faced several challenges to its regional and internal stability in 2017. At the domestic level, the Omani economy struggled to reduce its large public debt resulting from persistently low oil prices. At the international level, Oman faced increased pressure from Saudi Arabia, the UAE, and the U.S. to abandon its traditionally neutral and non-interventionist foreign policy, particularly with regards to Iran. Nonetheless, Muscat maintained its decision not to take part in the Saudi-led military campaign in Yemen, and did not take sides in the diplomatic dispute between Saudi Arabia and its allies and Qatar.

Meanwhile, the authorities continued to intimidate and silence all dissenting voices, creating a climate of fear in the country. The Omani authorities censored publications and media outlets, and monitored private mobile phone calls, emails and chat rooms. In June, an investigation by BBC Arabic uncovered evidence that several Arab countries, including Oman, acquired sophisticated mass surveillance technology from the Danish branch of the UK defence giant BAE Systems. Reportedly, BAE sold an offensive cyber technology – the software “Evidence” – to Oman, allowing the authorities to listen to private conversations, read emails and detect the movements of targeted individuals. Such cyber-surveillance tools, along with repressive legislation such as the Cybercrime Law, put activists and critics of the government at risk of being prosecuted with harsh prison sentences for the peaceful exercise of their freedom of opinion and expression.

Crackdown on freedom of the press

In 2017, the Omani authorities further restricted freedom of the media by subjecting journalists critical of the authorities to acts of retaliation and intimidation, including through arbitrary arrests and the revocation of their licences. Several journalists were charged with “defaming the Sultan” or “using information technology to publish material harmful to public order”, criminalised under article 126 of the Penal Code and article 19 of the Cybercrime Law, respectively, and punished with up to three years in prison.

Such practices are illustrated by the case of Omani journalist Fatma Al Araiimi, who worked as a correspondent for the Reuters News Agency and had her accreditation withdrawn on January 12, 2017, by the Ministry of Information. This decision came days after Reuters published her report on a secret multi-billion bail-out Oman requested from rich Gulf States to avoid devaluation, an allegation the Omani government denied.

“In 2017, the Omani authorities further restricted freedom of the media by subjecting journalists critical of the authorities to acts of retaliation and intimidation, including through arbitrary arrests and the revocation of their licences.”

Moreover, newspapers and other publications exposing corruption or criticising government policies were also banned. On May 3, the authorities blocked the website of the online magazine Al Mowatin just as it resumed publication on the occasion of World Press Freedom Day. Al Mowatin had decided to suspend publications in 2016, after repeated episodes of harassment against its staff by the security forces.

In October, the highest judicial authorities in Oman ordered the permanent closure of Al Zaman, an independent newspaper that was previously subjected to acts of reprisals for its critical reporting. For example, the Omani newspaper was closed for a month in 2011 on charges of “defaming” and “insulting the dignity” of the Minister of Justice and his deputy. On August 9, 2016, the Ministry of Information issued an order to halt the circulation and publication of the newspaper indefinitely, after it had published an article critical of the judiciary and a series of reports on government corruption. On October 5, 2017, after a long legal dispute between Al Zaman and the Omani authorities, the Supreme Court – which was accused of corruption by Al Zaman in the first place – overturned a previous judgement of the Court of Appeal and ordered the permanent closure of the newspaper.

Reprisals against human rights defenders

Several cases of reprisals – particularly through the imposition of travel bans and the confiscation of passports – were reported against peaceful dissidents in 2017. While several prominent Omani activists have sought political asylum abroad in the past few years, the authorities have increasingly confiscated passports to prevent human rights defenders from leaving the country. As a result, once released from prison, peaceful activists are forced to stay in Oman and are thus exposed to the threat of renewed arrest or other acts of reprisals. This way, Oman is both silencing civil society inside the country and preventing activists from voicing criticism abroad.

Such is the case of Hamoud Al Shukaili, a writer and novelist who was arrested in August 2016 because of a poem he had posted on Facebook. Despite having completed his sentence in January 2017, the authorities imposed a travel ban on him and seized his passport shortly after. Similarly, prisoner of conscience Hilal Al Busaidi has been banned from travelling since 2014, despite having been released from prison in June 2015, and having repeatedly submitted requests to receive medical treatment abroad.

Moreover, the authorities increasingly subjected relatives of prominent activists who sought asylum abroad to travel bans, in a clear instance of intimidation and retaliation for their peaceful activism. For example, in June 2015, Mohammed Al Fazari, the founder and editor-in-chief of Al Mowatin, fled his country and sought asylum in the United Kingdom. A few days later, the police arrested his brother, Mahmoud Al Fazari, and detained him for three weeks without charge. More recently, in January 2017, the Omani authorities stopped Al Fazari's wife, his 3-year-old daughter, and his 1-year-old son at the Oman-United Arab Emirates border and confiscated their passports, without providing any explanation.



Mohammed Al Fazari

UN group denounces press censorship and arbitrary detention of journalist Yousuf Al Haj

On November 24, 2017, upon Alkarama's request, the UN Working Group on Arbitrary Detention (WGAD) adopted Opinion No. 94/2017 on the case of Al Zaman editor Yousuf Al Balouchi, commonly known under the pen-name of Yousuf Al Haj. In their decision, the UN experts established *a posteriori* the arbitrary nature of Al Haj's detention, expressing concern over the fact that "his conviction may serve as the legal precedent for the arrest, detention and punishment or threat thereof to silence critics in the future."

Al Haj was arrested and prosecuted for an article he wrote – published on July 27, 2016 on the front page of Al Zaman – on corruption at the highest level of Oman's judiciary. On August 9, 2016, the government issued a publication ban on Al Zaman newspaper, and detained Yousuf Al Haj – having previously arrested chief editor Ibrahim Al Maamari and journalist Zaher Al Abri – charging him with, among other charges, "publishing what might be prejudicial to public security" and "contempt for the judiciary". On December 26, 2016, the Court of Appeal of Muscat issued the final ruling on Al Haj's case, sentencing him to a one-year prison term. He was released on October 23, 2017.

After reviewing his case, the WGAD found that the Omani authorities violated guarantees of fair trial and due process, rendering Al Haj's detention arbitrary. As a matter of fact, he was arrested without a warrant, held *incommunicado* for several days, and, once brought before the court of first instance, mocked by the judge and denied the right to bring defence witnesses.

The UN experts also underlined that the charges against Al Haj were "clearly connected to his activity as a journalist" and that his detention

resulted from the exercise of his fundamental right to freedom of expression. In this regard, the Working Group rebuked Oman's claim that the expression of Al Haj's opinions needed to be restricted because they were deemed to be "harmful and unlawful". The UN experts stressed that all public figures should be legitimately subjected to criticism, while the government has a duty to "respect, protect and fulfil the right to freedom of opinion and expression, even if the right-holder is not of its liking".

Finding that the state had violated the fundamental rights and freedoms of Yousuf Al Haj, the WGAD called upon the Omani authorities to accord him and his two colleagues the enforceable right to compensation. The experts also urged Oman to ratify the International Covenant on Civil and Political Rights (ICCPR) and to amend national legislation which criminalises peaceful dissent.



Yousuf Al Haj

Palestine



Aida Refugee Camp, Palestine, May 30, 2015 (Source: Alexis Thiry)

Our concerns

- Arbitrary detention – particularly in the form of administrative detention – as well as the use of torture against Palestinians, including minors, by Israeli authorities;
- Severe crackdown on freedom of expression by both the Israeli and Palestinian authorities;
- Practice of torture and arbitrary detention by the Palestinian Authority in the West Bank and by Hamas in Gaza.

Upcoming

- **January 2018:** Universal Periodic Review of Israel;
- **June 2018:** Adoption of the UPR outcome document by the Human Rights Council.

The year 2017 marked the 50th anniversary of the Six Day War between Israel and its neighbouring Arab countries, which resulted in Israel's occupation of the West Bank, East Jerusalem and Gaza. On this occasion, the Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967, Michael Lynk, denounced the intensification of the "systemic human rights violations that accompany this occupation – collective punishment, confiscation of property, excessive use of force and unlawful killings, lack of freedom of movement and steady settlement expansion".

In 2017, Israel pursued its settlement expansion policy despite calls from the international community to cease this practice. In this regard, the Israeli government has been working on the "Greater Jerusalem Bill" which would annex illegal settlements in the occupied West Bank to the Israeli-defined boundaries of the city of Jerusalem. In October, the Israeli Prime Minister requested that the vote on the text be delayed.

Over the course of the year, negotiations between Israel and the Palestinian Authority (PA) remained at a standstill. After U.S. President Donald Trump announced his decision to unilaterally recognise Jerusalem as the capital of Israel on December 6, Palestinian President Mahmoud Abbas declared that they would no longer accept the U.S. as a mediator in the peace process. On December 21, following a 128-9 vote, the UN General Assembly declared the president's decision on Jerusalem "null and void".

Following Trump's statement, demonstrations erupted across the West Bank, East Jerusalem, and Gaza. The Israeli security forces responded with large-scale arrests and an excessive use of force, including with live ammunition, to disperse protesters. As a result, 16 people were killed, and thousands injured. The crackdown was most violent in Gaza, where, among others, a 29-year-old wheelchair-bound amputee was shot dead. The UN High Commissioner for Human Rights said that his killing was "incomprehensible" and "a truly shocking and wanton act."

At the political level, in May, Palestinians in the West Bank went to the polls in the first local elections since 2012. However, the significance of the vote was undermined by a low voter turnout, as well

as the polls' boycott by Hamas, the Islamic Jihad group and the Popular Front for the Liberation of Palestine. These elections highlighted the rivalries between Fatah and Hamas, the former of which is headed by PA President Mahmoud Abbas, while the latter administers the Gaza Strip. The West Bank and Gaza have not voted together since 2006.

On October 12, following a decade-long split, Fatah and Hamas reached a unity agreement, coordinated by the Egyptian authorities. The deal stipulated that the Palestinian Authority would resume full administrative control of the Gaza strip by December 1. In exchange, the PA was expected to lift restrictions on electricity supply in Gaza, where two millions people suffer from worsening humanitarian conditions.

The two parties also agreed to hold general elections no later than the end of 2018. Nevertheless, the new reconciliation agreement remains precarious, as several efforts to create a unity government have failed in the past.

Human rights violations committed by Israel against Palestinians

Again this year, Palestinians saw their most basic rights violated by the Israeli authorities. Hundreds of Palestinians remain administratively detained under martial law – which is applicable in the occupied West Bank – without ever having been charged or tried. According to the Israel Prison Service, 434 Palestinians were held in administrative detention as of December 2017.

"Hundreds of Palestinians remain administratively detained under martial law – which is applicable in the occupied West Bank – without ever having been charged or tried."

Administrative detention can last for an indefinite period of time, and is usually based on classified information, thus denying detainees the possibility of challenging the legality of their detention. Furthermore, administrative detainees are not

granted the rights to access their lawyer, family members as well as independent doctors.

On August 31, Mohammad Abu Sakha, a 26-year-old circus performer, was released after more than a year and a half in an Israeli prison without charge or trial. He was arrested by the Israeli army on December 14, 2015, while crossing the Zaatara military checkpoint near Nablus. Ten days later, a military court ordered his administrative detention for six months, alleging that he carried out “illegal activities” with the Popular Front for the Liberation of Palestine. Though he denied this accusation, the military prosecution did not disclose any evidence, making it impossible for him to challenge the legality of his detention. For a year and a half, he was held under a series of administrative orders that were regularly renewed.



Mohammad Abu Sakha

Furthermore, detainees continue to be subjected to acts of torture. It is common that following their arrest, suspects are held *incommunicado* and subjected to acts of torture such as sleep deprivation, beatings, and verbal threats while being interrogated, in order to confess. Confessions – redacted in Hebrew and signed under coercion by Palestinian suspects – are commonly relied upon as the main piece of evidence in Israeli military courts.

“Palestinians have seen their right to freedom of opinion and expression greatly restricted by the Israeli authorities in recent years.”

Palestinian children continue to be routinely arrested and brought before military courts –

widely criticised for their jurisdiction over civilians and their lack of respect for fair trial guarantees – for security offences, the most common of which being stone throwing, which carries penalties of up to 20 years’ imprisonment. Children are arrested without warrants, and often beaten up, strip searched, shackled and blindfolded during the arrest.



Dareen Tatour

They are subsequently interrogated for several hours without the presence of their lawyer or their parents, shackled and subjected to verbal abuse and insults. They are systematically shown documents written in Hebrew during interrogation, which they are forced to sign.

Finally, Palestinians have seen their right to freedom of opinion and expression greatly restricted by the Israeli authorities in recent years. According to the Palestinian Commission of Detainees’ and Ex-Detainees’ Affairs, 280 Palestinians have been arrested since early October 2015, the beginning of what has been described by observers as the “third Intifada”, which began with clashes between Palestinians and the Israeli security forces in Jerusalem. These 280 individuals were arrested after they had posted remarks, pictures or photos on different social media platforms.

This was the case of Palestinian poet Dareen Tatour, who was arrested on October 11, 2015, and indicted with “incitement to violence” and “support of a terrorist organisation” by the Magistrates’ Court in Nazareth. The two charges were based on her poetry, as well as her activity on social media. She has been under house arrest since January 2016, where she is required to wear an electronic ankle bracelet and remains

deprived of access to the internet. In December 2017, Alkarama sought the urgent intervention of the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, requesting that he urge the Israeli authorities to put an end to Tatour's house arrest and that all charges held against her be dropped.

Human rights abuses committed by the Palestinian Authority in the West Bank, and by Hamas in the Gaza Strip

In 2017, Palestinians were subjected to abuses by the Palestinian Authority in the West Bank and by Hamas in the Gaza Strip. In Gaza, three men convicted of involvement in the killing of a Hamas leader were executed on April 6. They had been tried by a field military court on charges of treason and "collaboration with the occupier". The UN High Commissioner for Human Rights condemned these executions, considering that the imposition of their death sentence did not meet international fair trial standards since allegations of torture and the extraction of confessions thereof were not investigated, as well as the fact that civilians should not be tried before military courts.

"Violations of the right to freedom of expression severely increased in 2017."

Furthermore, the Independent Commission for Human Rights, the national human rights institution of Palestine, received dozens of cases of arbitrary detention – including those arising from the refusal to implement court rulings or acquittals, or detentions ordered by the governor on political grounds – as well as cases of torture.

The case of Imad Abou Rizk illustrates such practices. Abou Rizk, a 44-year-old sergeant in the Palestinian General Intelligence, was released from the premises of the Palestinian Authority's Military Intelligence prison in Jericho on March 3, 2017. He had been arrested on November 6, 2016, and brought to the Military Intelligence

prison, where he was interrogated and severely tortured. He was detained *incommunicado* for a week before he was allowed to call his wife for the first time. When, in January 2017, he started a hunger strike to protest against his conditions of detention, the authorities denied him the right to contact his wife, and eventually kept his place of detention concealed for more than two weeks.

Lastly, violations of the right to freedom of expression severely increased in 2017. Between June 12 and 15, the PA's Public Prosecutor issued orders to block access to at least 12 news websites within the West Bank. All targeted news agencies' websites are believed to convey opinions critical of the PA, raising concerns that this measure was aimed at restricting free speech.

Subsequently, on June 24, President Mahmoud Abbas issued a presidential decree approving the "Law on Electronic Crimes". The text severely hinders online freedom of expression, since it punishes any crime "committed online" which "harms national unity or social harmony" with hard labour – which is, in practice, imprisonment – for 3 to 15 years. It also mandates internet service providers to cooperate with security agencies by collecting, storing, and sharing users' information data for at least three years, in addition to blocking any website on the orders of the judiciary.

Palestinian media outlets and civil society organisations criticised the new legislation and its violation of the right to freedom of expression and privacy, and called for its immediate reversal. However, weeks after its adoption, the authorities arrested several journalists as well as human rights defender Issa Amro of Youth Against Settlements. He was arrested on September 4 on charges of, among others, "disturbing the public order" under the new Cybercrime Law for having posted comments on Facebook critical of the PA. Although he was released on bail on September 10, his case illustrates the concerning escalation of the authorities' crackdown on freedom of speech.

Lawyer and human rights defender Shireen Issawi freed

On October 17, Palestinian lawyer and human rights defender, Shireen Issawi, was released from an Israeli prison after being arbitrarily detained for over three and a half years.

Issawi was arrested along with her brothers, Shadi and Medhat, in March 2014, and accused of “cooperating with actors working against Israel”. Her arrest occurred within the context of a wider crackdown by the Israeli authorities on lawyers who had defended Palestinian prisoners.

Shadi was released on bail, while Shireen and Medhat were sentenced to four and eight years of imprisonment, respectively, in 2016. They were accused of passing information and transferring funds between prisoners and political organisations banned by the Israeli authorities.

In her work as a lawyer, Issawi had defended – and acted as a spokesperson for – numerous Palestinian prisoners, including her brother, Samer Issawi, whose 270-day hunger strike garnered international attention. Shireen and Medhat used to run the Al Quds Office for Legal and Commercial Affairs, a private legal firm based in their hometown of Jerusalem.

Shireen was the recipient of the 2014 Alkarama Award for Human Rights Defenders, a prize formerly presented annually to an individual or

organisation that has significantly contributed to the promotion and protection of human rights in the Arab world.

Shireen’s brothers, Samer and Medhat, remain detained in Israeli prisons. Upon Alkarama’s request, a communication was sent by a group of UN experts – including the Working Group on Arbitrary Detention – on July 14, 2014, expressing concern over the arbitrary arrest and detention of Shireen, Samer, and Medhat. However, the Israeli authorities never responded.



Shireen Issawi (right)

Qatar



Corniche, Doha, Qatar, (Source: StellarD/Wikimedia Commons)

Our concerns

- Violations of legal safeguards and fair trial rights, particularly in the context of counter-terrorism;
- Restrictions of the rights to freedom of opinion and expression;
- Violation of its obligations under the Convention against Torture, including the absolute prohibition of torture as well as the principle of non-refoulement.

Upcoming

- **April/May 2018:** Third periodic review of Qatar by the UN Committee against Torture;
- **Third quarter of 2018:** Country visit by the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism;
- **September 2018:** Deadline for the submission of NGO reports to the Human Rights Council ahead of the 2019 Universal Periodic Review.

In 2017, Qatar was greatly affected by the diplomatic crisis with its neighbouring countries, as Saudi Arabia, Egypt, the United Arab Emirates (UAE) and Bahrain severed relations with Doha on June 5 over its alleged support of terrorist groups. Shortly after, the self-described “Anti-Terror Quartet” imposed a land, sea and air blockade on Qatar and expelled Qatari nationals from their countries. The Quartet conditioned the re-establishment of diplomatic ties on 13 demands, later translated into six wider “principles” that included shutting down Al Jazeera and the closure of the Turkish military base in Qatar. Qatar, describing such demands as not “reasonable or actionable”, accused the blockading countries of seeking a regime change. The diplomatic dispute affected thousands of families and individuals all over the Gulf region, and forced Qatar to shift trade routes and reconsider political alliances, expanding ties with countries outside the Gulf Cooperation Council such as Turkey and Iran.

While an end to the kafala system was announced last year, the situation of migrant workers in Qatar remains critical. The Qatari authorities committed to sweeping labour reforms in November 2017, agreeing to cooperate with the International Labour Organisation on a range of reforms, from setting a minimum wage, to allowing workers to leave the country and change jobs without their employer’s permission. Although international agencies welcomed this announcement as a “breakthrough”, it was met with scepticism by human rights groups, which noted the absence of an efficient strategy to implement the reforms and enforce corporate responsibility.

Lastly, several violations of fundamental civil and political rights persist in the country. The Penal Code still criminalises criticism of the emir, peaceful expression of opinions on the internet is still restricted, and national media outlets cannot report freely due to fear of reprisals. Following its review by the Committee on the Rights of the Child in May, UN experts urged Qatar to amend existing laws violating the Convention, in particular those related to the age of criminal responsibility – currently seven-years-old – and the fact that minors between the ages of 16 and 18 can receive harsh sentences such as life imprisonment, flogging, hard labour and even

the death penalty for crimes such as “espionage” and “apostasy”. The Committee also raised the issue of discrimination in access to nationality, as the law does not confer citizenship to children of Qatari women and non-Qatari fathers. It further noted that children born out of wedlock, children with disabilities and children of migrant workers continue to be subjected to persistent discrimination.

Violations of fundamental rights in the context of counter-terrorism

In July, the Qatari emir issued a decree amending the 2004 Anti-Terrorism Law, including the definition of an act of terrorism. This amendment was introduced after the signing of a bilateral agreement between the Qatari and U.S. governments to “fight terrorist funding”. The move reportedly came in response to pressure by the Quartet, which severed ties with Qatar a month before over accusations that it was “supporting terrorism”. In June, Qatar also announced that it had prosecuted five men who were sanctioned by the U.S. government for terror financing in 2015 and 2016.

Concerned over the risk of violations of fundamental rights in the context of counter-terrorism, on August 7, 2017, the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (SRCT) sent a request for a country visit to the Qatari authorities. The latter accepted the request, and the country visit is planned to take place in the third quarter of 2018.

In September, Alkarama referred the case of Mansoor Al Mansoori to the SRCT. A Qatari citizen and employee of the Ministry of Municipality and Environment, Al Mansoori was arrested by the State Security forces on August 15 in what the authorities stated was a counter-terrorism operation. That day, he was stopped in his car by the security services and arrested without a warrant and without being informed of the charges against him. He was held in solitary confinement at the detention facility of Bin Omran in Doha for one and a half months until his closest relatives

were allowed to visit him for the first time on September 1, 2017. According to his family, he was interrogated about the whereabouts and activities of Qatari citizens who had travelled to Syria, although Al Mansoori denied any connection with them.

He was eventually released on December 14 without any legal procedure. He was denied access to a lawyer throughout the entire period of his detention. Al Mansoori is believed to have been targeted because of his past political activism, which led to a previous arrest in 2013. At that time, he had tried to organise a demonstration in front of the French embassy to protest against France's military intervention in Mali. As a result of exercising his right to freedom of expression, Al Mansoori was arbitrarily detained for a month without any legal procedure before being released.

Another such example is that of Abdulrahman Al Nuaimi, a university professor at Doha University and the co-founder of Alkarama, who has been detained by the authorities since July 10, 2017. Al Nuaimi is detained under the pretext of "financing terrorism", a crime for which he had been acquitted previously by the Qatari Criminal Court, which issued its judgement and declared Al Nuaimi innocent of all charges in May 2016. The Public Prosecution did not appeal against this decision within its 30-day deadline, and hence the finding of innocence became final according to article 276 of the Qatari Criminal Procedure Code. Therefore, Al Nuaimi is being detained without a legal basis.

Persisting violations of due process and fair trial rights

In 2017, violations of due process and fair trial rights persisted, particularly in state security cases. The SRIJL raised similar concerns following her visit to the country in 2014. The Special Rapporteur criticised the "lack of impartiality, bias and improper behaviour of judges" and further expressed her concern over allegations of violations of fair trial guarantees and the "consequences such violations have over people's lives and the respect for their human rights."

"In 2017, violations of due process and fair trial rights persisted, particularly in state security cases."

This is illustrated by the case of Mohammad Meshab, a Qatari citizen who was arrested on December 17, 2015, by the State Security forces without a warrant, and detained in prolonged solitary confinement until August 2016.

During the initial period of his detention, Meshab's family reports that he was deprived of sleep and held in an extremely cold and dark room. Furthermore, he was detained in solitary confinement until August 2016, a practice which, in excess of two weeks, amounts to torture according to the SRT.

Accused along with 17 other defendants of "financing terrorism", Meshab's trial has been marked by numerous irregularities. He has been brought to his hearings repeatedly with his hands cuffed, which is a clear violation of the principle of presumption of innocence. Moreover, the judge presiding over the case is of Egyptian nationality, which compromises his independence given that the extension of employment contracts for foreign judges depends on the executive. Furthermore, the hearings were not held in public and his family was denied access to the courtroom. After more than two years, the court has still not pronounced a final ruling and Meshab and the 17 other co-accused in the case remain in detention in the Central Prison in Doha.

Following a letter by Alkarama, on March 17, 2017, the UN Working Group on Arbitrary Detention, the SRIJL and the SRT wrote to the Qatari authorities, expressing concern over violations of Meshab's fair trial guarantees as well as allegations of torture. As of the end of 2017, the Qatari authorities have not responded to the UN communication.

Human rights defender extradited to Saudi Arabia to stand trial for “terrorism”

Prominent Saudi human rights defender and co-founder of the Union for Human Rights, Mohamed Al Otaibi, fled to Qatar in March 2017 to escape prosecution in his home country in reprisal for his peaceful activism. Once in Qatar, Al Otaibi sought political asylum in Norway, which consequently granted him travel documents to allow him to apply for refugee status upon arrival. On May 28, Al Otaibi arrived with his wife at Doha International Airport, intending to board their plane to Oslo, when he was stopped by the Qatari security forces and extradited to Saudi Arabia, where he was subsequently arrested. He is currently detained at the Dammam prison on charges of “establishing an illegal organisation” and “harming the reputation of the state and its institution”. His case has been referred to the Specialised Criminal Court of Riyadh, known for its systematic violations of fair trial guarantees and prosecution of peaceful dissidents under the pretext of counter-terrorism.

Alkarama has been following Al Otaibi’s case since 2009, when he was arrested by the Saudi authorities for having attempted to participate in a peaceful demonstration against the Israeli offensive in Gaza. Al Otaibi was detained without charge and without any legal proceedings for three years. Alkarama brought his case before the UN Working Group on Arbitrary Detention which, in 2011, issued an Opinion qualifying Al Otaibi’s detention as arbitrary. However, despite this decision, Al Otaibi was only released in June 2012.

On May 5, 2017, fearing that Al Otaibi would be extradited to Saudi Arabia, several UN experts wrote to the Qatari authorities stating that “if deported, [he] risks facing the danger of torture, enforced disappearance, arbitrary detention and unfair trial.” However, Qatar has not responded to the letter.

Several cases documented by Alkarama clearly illustrate that human rights defenders and anyone who freely and peacefully exercises her/his right to freedom of expression have been subjected to arbitrary arrests, torture and unfair trials in Saudi Arabia. By extraditing Al Otaibi to Saudi Arabia, Qatar breached article 3 of the Convention against Torture – which it acceded to in 2000 – which prohibits the extradition of any individual to “another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.”



Mohamed Al Otaibi

Saudi Arabia



Crown Prince Mohammad Bin Salman bin Abdulaziz Al-Saud Participates in the Counter-ISIL Ministerial Plenary Session, July 21, 2016 (Source: U.S. Department of State/Wikimedia Commons)

Our concerns

- Consistent pattern of torture and arbitrary detention, including prolonged detention without any legal basis;
- Abusive counter-terrorism measures and heavily flawed trials before the Specialised Criminal Court, often leading to the imposition of the death penalty;
- Severe crackdown on freedom of expression and arbitrary detention of peaceful dissidents, including human rights defenders;
- Grave violations of international humanitarian and human rights law in Yemen.

Upcoming

- **October/November 2018:** Universal Periodic Review.

In 2017, Saudi Arabia departed from its firmly established status quo under the impetus of the newly appointed Crown Prince Mohammed bin Salman, who replaced Mohammed bin Nayef as next-in-line to the throne in June. Soon after, the crown prince initiated radical measures to centralise the power of the king and prepare for his succession. The government and the security apparatus were restructured, and in November, dozens of prominent Saudi figures – including members of the royal family – were arrested and later accused of corruption.

Several social reforms were adopted, including the end of the ban on women driving and attending sports stadiums; however, none of these changes have affected the situation of civil and political rights in the country, which continue to be systematically denied.

In an attempt to diversify the economy, which had been severely affected by declining oil prices, the crown prince announced ambitious projects to attract private investments and implement his social agenda “Saudi Vision 2030”. While these reforms have been applauded by many for their transformative character, the visit of the Special Rapporteur on extreme poverty and human rights, Philip Alston, in January shed light on the existence of “very poor areas in both the large cities and remote rural areas”, as a result of “an inefficient, unsustainable, poorly coordinated social protection system that is unable to provide comprehensive assistance for those who are most in need”.

Saudi Arabia, the United Arab Emirates, Bahrain and Egypt abruptly announced a boycott of Qatar in June over its alleged ties with Iran, its support of terrorism and meddling in its neighbours’ affairs. The Saudi-led alliance imposed a land, air and sea blockade on the country and expelled Qatari citizens from their territories, while publishing a list of demands to restore trade and diplomatic ties.

In August, Saudi authorities destroyed the old quarter of Awamiya, a town of about 30,000 people in the oil-rich Eastern Province, which has been the centre of protests against the government’s systematic discrimination of the country’s minority Shia Muslim population. The 400-year-old neighbourhood was demolished

despite the repeated calls of UN experts and civil society to stop the operation. The demolitions led to violent confrontations resulting in the death of more than 20 civilians, in addition to at least five militants, according to Saudi activists.

Lastly, Saudi Arabia continued its military campaign in Yemen despite mounting international criticism of its systematic human rights violations committed against civilians. The Saudi-led intervention made limited military advances against the Iran-backed Houthi forces, whereas the almost three years of war as well as a cholera outbreak have brought Yemen to the brink of collapse, triggering one of the worst humanitarian crises worldwide.

Crackdown on freedom of expression in an attempt to consolidate power

Freedom of opinion and expression, a right which has long been limited in Saudi Arabia, has been restricted even more severely in 2017. Since September, Saudi society has witnessed an unprecedented crackdown on freedom of expression, with over 200 public figures, activists, scholars, businessmen and members of the royal family arrested.

“Freedom of opinion and expression, a right which has long been limited in Saudi Arabia, has been restricted even more severely in 2017.”

These arrests came in two large waves, the first of which began in September, and targeted individuals solely because they either disagreed with the crown prince’s policies or failed to publicly display loyalty in the context of the ongoing Gulf crisis. The Saudi Presidency of State Security claimed that it was meant to protect society against “the espionage activities of a group of persons working for foreign agencies against the security, interests, way of life, resources and communal peace of the Kingdom with the aim of stirring up dissent and damaging the fabric of society.”

It was the arrest of well-known Islamic scholar Salman Al Odah on September 9 which marked

the beginning of the crackdown. In the context of the Gulf diplomatic crisis, Al Odah was arrested after publishing a post on Twitter to his 14 million followers expressing his support for mediation between the Saudi and Qatari rulers. Alkarama referred his case to the UN Special Rapporteur on the right to freedom of opinion and expression, along with the cases of writer and legal researcher Abdullah Al Maliki as well as human rights defenders and members of the Saudi Civil and Political Rights Association (ACPRA) Abdulaziz Al Shubaily and Essa Al Hamid.

In early November, a second wave of arrests targeted a large number of media moguls, businessmen and Saudi princes. This purge was later justified by the Saudi authorities under the guise of an anti-corruption campaign to reclaim embezzled funds. According to Mohammed bin Salman, corruption was the main threat to both Saudi's economic advancement and the realisation of the development agenda for 2030.

The government also established a Supreme Anti-Corruption Committee responsible for leading the campaign, which was created only hours before the first arrests were carried out.

A majority of political analysts view these arrests as an effort by the Saudi crown prince to neutralise any remaining power centres in the kingdom that could challenge him in what many speculate to be a preparation for the accession to the throne.

Violations of fundamental rights under the pretext of counter-terrorism

Saudi Arabia continues to use the pretext of countering terrorism to crack down on any peaceful dissenting voices. In order to prosecute human rights defenders and anyone critical of the



Members of the Saudi Civil and Political Rights Association (ACPRA)

government or its policies, the authorities have taken several measures such as the establishment of the Specialised Criminal Court in 2008 – a court competent for trying cases of terrorism and state security and known for its systematic violations of fair trial guarantees – and the passing of the first Anti-Terrorism Law in 2014, which criminalises acts of free speech.

“Saudi Arabia continues to use the pretext of countering terrorism to crack down on any peaceful dissenting voices.”

It therefore came as a surprise for many observers of the human rights situation in the country that Saudi Arabia allowed an official visit from Ben Emmerson, who was at the time the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (SRCT). On April 30, 2017, Emmerson visited Saudi Arabia to assess government initiatives and policies in the area of combating terrorism, as well as how these policies affect the promotion and protection of human rights. During this trip, he visited detention facilities, met with heads and personnel of government institutions and individuals accused and convicted of terrorist crimes. The UN expert’s team was assisted by Alkarama, which provided relevant information on legal shortcomings and numerous cases of human rights violations committed in the context of counter-terrorism.

Among the issues raised by Emmerson in his preliminary findings were the unacceptably broad definition of terrorism, which allows for the criminalisation of peaceful criticism, as well as the practice of torture against terrorist suspects during investigation in order to obtain confessions, the failure to launch effective investigations, and the application of the death penalty following proceedings that fail to comply with international fair trial standards.

Moreover, the UN expert expressed concern over the prosecution and arbitrary detention of human rights defenders under the pretext of the fight against terrorism, and handed the government a list of priority cases for urgent review. Emmerson called for the immediate release of the members

of ACPRA as well as blogger Raif Badawi, lawyer Waleed Abu Al Khair and human rights defender Fadhel Al Manasif.

Lastly, the UN expert also drew attention to Saudi Arabia’s extra-territorial counter-terrorism operations, including in Yemen, where airstrikes by the Saudi-led coalition forces have caused numerous civilian deaths, and in Syria, where the Saudi authorities support violent armed groups, which are themselves responsible for serious human rights violations, in the fight against the Islamic State.

New anti-terrorism law strengthens crackdown on fundamental freedoms

On October 31, 2017, the Saudi Council of Ministers adopted a new law on combating crimes of terrorism and its financing, replacing the already repressive Anti-Terrorism Law of 2014. The Saudi authorities ignored the recommendations made by the SRCT Ben Emmerson following his visit to the country. Indeed, the new law contains the same shortcomings as its predecessor, including its vague definition of terrorism which criminalises peaceful acts of criticism, and its failure to meet international standards of due process and fair trial rights.

Similarly to the 2014 law, the new legislation defines terrorism in vague terms, and does not consider the use of violence as imperative to characterise an act as terrorism. In fact, the definition encompasses a wide array of non-violent acts, including those which “disturb the public order”, “undermine public security” or “destabilise the state or endanger its national unity”. Moreover, in a clear attempt to criminalise peaceful expression and dissent, the law punishes anyone who “directly or indirectly” describes the king or the crown prince “in any way offensive to religion or justice”, punishing such an act with five to ten years in prison. Thus, the new law could be used to criminalise acts of freedom of opinion, expression, peaceful assembly and association.

In addition, several provisions of the law infringe upon international standards of due process and fair trial rights. Firstly, the text grants large discretionary powers to the recently established Presidency of State Security, an all-encompassing security agency which reports directly to the king and which is in charge of matters previously under the authority of the Ministry of Interior. Moreover, the law allows for prolonged custody without charge throughout the investigation, as well as for the use of *incommunicado* detention. Upon the sole decision of the Public Prosecutor, suspects can be detained without access to

the outside world – including their lawyer and family – for up to three months, and held for up to a year without being brought before a judicial authority.

In comparison with the previous 2014 law, the new text includes an entirely new chapter on “punishments” which expands the application of the death penalty and prescribes harsher punishments for acts of freedom of expression deemed to constitute an “apology of terrorism”, which may include an opinion expressed in the media or on social networks.

Lastly, the law provides for the expansion of “counselling centres for de-radicalisation”, which are placed under the direct authority of the President of the State Security, to whom doctors and other staff report directly. This provision restricts the right to movement of individuals deemed as “dangerous subjects”, who could pose a terrorist threat, on the basis of an administrative decision that cannot be appealed. In practice, these centres are used by the authorities to extend the detention of individuals, including human rights defenders and peaceful dissidents, after the completion of their prison sentences.

Sudan



Vladimir Putin and Omar al-Bashir, November 23, 2017 (Source: [www.kremlin.ru/Wikimedia Commons](http://www.kremlin.ru/Wikimedia))

Our concerns

- Systematic use of torture and other cruel, inhuman or degrading treatment, particularly during periods of secret detention;
- Judicial harassment of journalists, political opponents, and human rights activists and restrictions on the rights to freedom of expression, association and peaceful assembly;
- Violations of fair trial guarantees, particularly against political opponents and peaceful activists and in terrorism and security related cases.

Upcoming

- **October-November 2018:** Review of Sudan by the Human Rights Committee.

In 2017, Sudan witnessed important developments in its foreign policy, particularly in its relationship with major global powers. After the Obama administration temporarily lifted the United States' 20-year economic embargo on the country in January 2017 – subjecting this decision to a bi-annual review – the Trump administration decided to make the lifting of the embargo permanent in October. This decision – which opens the Sudanese petrochemical and oil industry to U.S. investment – was criticised by some human rights groups, which were concerned that the decision would decrease diplomatic and economic pressure to put an end to Sudan's human rights violations.

Sudan's international cooperation with global powers was also widened shortly after this sanction was lifted, with the first official visit of Sudanese President Omar Al Bachir to Russia on November 23, 2017. The visit was carried out in spite of two outstanding arrest warrants against Al Bachir from the International Criminal Court for the crimes of genocide and other crimes against humanity committed in Darfur in 2005.

While Sudan's relations with major powers ameliorated in 2017, the human rights situation in the country continued to deteriorate, and the rights to freedom of expression, association and peaceful assembly were severely restricted. In particular, political opponents and human rights defenders suffered from increased state repression and became the victims of abduction, torture and other ill-treatment, and arbitrary detention.

In May 2017, the UN Independent Expert on the situation of human rights in the Sudan called on the authorities to “undertake democratic reforms as a means for ensuring the protection and promotion of human rights in the country”. He expressed concern over the harassment of civil society actors and the restrictions imposed on NGOs, and also denounced the censorship of newspapers and increasing restrictions on journalists from freely expressing their opinions.

Secret detentions as a tool of repression against human rights defenders and political opponents

Similarly to previous years, the National Intelligence and Security Services (NISS) were the main perpetrators of human rights violations reported in the country in 2017. Throughout the year, members of the NISS carried out arbitrary arrests of political opponents, students and human rights defenders. Victims were all secretly detained for extensive periods of time, during which they were subjected to torture as a form of punishment against their peaceful activism, and also as a means to extract self-incriminating confessions, which were later used to charge and prosecute them in court.

“Similarly to previous years, the National Intelligence and Security Services (NISS) were the main perpetrators of human rights violations reported in the country in 2017.”

Such practices are used as reprisal measures against human rights defenders and political opponents for their peaceful activism. For example, on March 13, 2017, Tasneem Ahmed Taha Elzaki and Noora Obeid, were released without any legal procedure more than two months after their abductions by the NISS. The two women were clearly targeted in retaliation for their peaceful activism. At the time of their arrests, Elzaki was working as a lawyer, and Obeid as an accountant for the engineering company of the prominent human rights activist Dr Mudawi Ibrahim Adam.

Furthermore, political opponents were also targeted by the NISS. Alkarama and the Arab Coalition for Sudan brought several cases of arrests and disappearance to the UN Special Procedures' attention. Among these cases were those of Mohammed Al Amin, a leading member of the Sudanese Nasserist Democratic Unionist Party and of the National Consensus Party, who was arrested in January 2017, as well as Musa Ali

Ahmed Abdeen and Malek Abdallah Abdulgadir, two politicians who remain disappeared six years after their abductions by the NISS.

This practice of secret detention by the NISS amounts to enforced disappearance, which is considered one of the most serious crimes under international law. In 2017, a country visit by the UN Working Group on Enforced Disappearances was scheduled to take place between November 20 and 29. However, the visit was postponed by the authorities, which have yet to set a date for a future visit of the Working Group.

Lastly, such human rights violations remain all the more alarming considering that NISS officers have been granted immunity under the National Security Act of 2010 for all abuses committed in the exercise of their functions. By allowing the NISS to operate without any independent judicial oversight and carry out systematic arbitrary arrests and secret detentions, this legislation has institutionalised such practices, putting human rights defenders and political opponents at risk.

The systematic practice of torture and arbitrary detention

This year, torture continued to be practised widely, and Sudan is yet to ratify the UN Convention against Torture. Torture is not defined in the country's Criminal Code, which merely states that torture is prohibited and provides a three-month sentence for perpetrators. Moreover, the Sudanese Criminal Code provides for corporal punishment – which amounts to torture and ill-treatment under international human rights law – for a wide range of acts, including stoning for hudud crimes such as adultery (article 146), and flogging for other vaguely defined acts outside of “hudud” crimes such as “disturbing public peace” (article 68) or “obscene and indecent acts” (article 152).

Moreover, security services systematically resort to torture and ill-treatment, particularly when they detain individuals in secret. While human rights activists, journalists and political opponents are the most affected by the practice of torture,

all detainees – including children – remain at risk of being subjected to such acts. Meanwhile, detainees are regularly denied visitation rights, and kept in inhumane conditions. Furthermore, cases documented by Alkarama show that the authorities regularly deny appropriate medical care to people in detention, putting their lives and health at risk.

The practice of arbitrary detention is also concerning as this practice is used against human rights defenders to deter opposition and criticism. In this regard, the 2010 National Security Act brings a wide range of acts under the jurisdiction of the NISS, including to “maintain social fabric and safety of its people from any internal or external threat” or “detect and control activities of sabotage exercised by organizations, groups, individuals”, which in practice and under the discretionary power of the NISS, may include peaceful political activities or human rights activism.



Dr Mudawi Ibrahim Adam

Furthermore, arbitrary detention is also enabled by the 2001 Anti-Terrorism Act, which includes a broad definition of terrorism, including damages to state property or its “strategic assets”, and, most importantly, introduces special courts for which the rules of procedures are established by the president of the Supreme Court and the Minister of Justice. Besides the fact that the establishment of the rules applicable to these courts were

defined by a member of the executive – violating the principle of separation of powers – these rules also derogate from the country’s Code of Criminal Procedure. In particular, such procedures allow for *in absentia* trials, considerably reduce the time allowed for a defendant to file an appeal, and restrict the appeal process from two stages in ordinary courts to only one in counter-terrorism cases. In practice, defendants are often detained *incommunicado*, preventing them from being informed of the charges against them, and from adequately preparing their defence.

The arrest of prominent human rights defender Dr Mudawi Ibrahim Adam by NISS agents, and his subsequent prosecution under charges of terrorism, among other charges, exemplifies the continued use of the 2001 Anti-Terrorism Act as well as the 2010 National Security Act as legal tools to deter peaceful criticism, activism and political opposition in the country.

Reprisals against prominent human rights defenders

In 2017, along with several human rights organisations, Alkarama advocated for the release of two arbitrarily detained human rights defenders, Hafiz Idriss and Dr Mudawi Ibrahim Adam, who were detained for nine months in reprisal for their human rights work.

Hafiz Idriss, a notorious human rights activist advocating for the rights of internally displaced persons in his country, was arrested on November 24, 2016, from his relatives’ house in Omdurman by several NISS officers who forcibly took him to an unknown location without providing him with a warrant or any reason for the arrest. Despite numerous enquiries with the authorities, his family was denied any information about his fate and whereabouts. In detention, he was subjected to severe acts of torture, including electric shocks and beatings, with the aim of extracting a confession.

A few weeks after Idriss’ arrest, on December 7, 2016, Dr Mudawi was abducted by members of the NISS, who forcibly took him and his driver without explaining the reasons behind the arrest or showing a warrant. They were taken to an unknown location where they were subjected to torture and other forms of ill-treatment while other NISS agents broke into Dr Mudawi’s house and confiscated materials without any warrant. He remained disappeared for several weeks, as the authorities refused to provide his family and lawyer with any information about his fate and whereabouts, claiming that he was not under their custody.

It was only in late January 2017 that his relatives were allowed to briefly visit him in Kober prison in Khartoum. They expressed serious concern over his apparently poor health, as he showed clear signs of weight loss due to the hunger strike he undertook to denounce his arbitrary detention and the abuses to which he was subjected. While Dr Mudawi was denied essential medication for a pre-existing heart condition, former co-detainees reported that he had been subjected to torture by NISS officers, including by being chained to a cooling system and beaten.

On June 5, Hafiz Idriss and Dr Mudawi Ibrahim Adam were charged by the State Security Prosecutor with six offences, namely “publishing false reports”, “stirring up sectarian hatred”, “undermining the constitutional system”, “espionage”, “waging war against the state”, and “running a terrorist organisation”, the latter of which carries life imprisonment and the death penalty.

On August 29, 2017, a presidential pardon was issued, and Dr Mudawi was released the same day. Fellow human rights defender Hafiz Idriss was released two days later.

Despite this decision, civil society space continues to be restricted by the authorities, and human rights defenders are at high risk of being subjected to reprisals for their peaceful and legitimate human rights activism.

Syria



International Mine Action Center in Syria (Aleppo), December 23, 2016 (Source: Ministry of Defence of the Russian Federation/Wikimedia Commons)

Our concerns

- Gross violations of international humanitarian and human rights law and the devastating effects of the armed conflict, particularly on the civilian population;
- Systematic and widespread practice of enforced disappearance;
- Impunity of perpetrators of war crimes and crimes against humanity.

As the Syrian conflict entered its seventh year in March, civilians continued to be the main victims of egregious violations of human rights and humanitarian law. It is estimated that more than 465,000 people have been killed or have gone missing in Syria since 2011. Moreover, according to the UN Refugee Agency, over five million people have fled the country since the beginning of the hostilities, seeking safety in Lebanon, Turkey, Jordan and beyond, while more than six million people are internally displaced. In total, half of the Syrian population has been displaced.

This year, civilians continued to be indiscriminately targeted by all parties to the conflict. Further violations include the use of chemical weapons: on April 4, nearly a hundred people died due to an attack by the Syrian air force in the opposition-held town of Khan Sheikhoun. The Organisation for the Prohibition of Chemical Weapons (OPCW) later confirmed that people had been exposed to sarin gas. A few days after the attack, the United States launched a strike against an airbase from where it alleged the chemical weapons attack was carried out. Over the course of 2017, attempts by the UN Security Council to adopt resolutions either to sanction the Syrian government for its use of chemical weapons or to extend the OPCW investigation were systematically vetoed by Russia.

Following talks held in Astana, Kazakhstan in September 2017, Russia, Turkey, and Iran signed an agreement establishing four de-escalation zones aimed at the cessation of hostilities between government forces and opposition armed groups in eastern Ghouta, in the suburbs of Damascus, as well some parts of the provinces of Idlib, Homs, Latakia, Aleppo and Hama. Despite this agreement, the Syrian government has refused to lift the five-year long siege on eastern Ghouta, resulting in a humanitarian disaster for the 400,000 civilians – accounting for nearly 95% of the country’s besieged population – who remain trapped without access to food or medical care. In November, hostilities critically escalated with Syrian government and Russian forces carrying out intense shelling and air strikes.

On the eastern side of the country, the Syrian Democratic Forces (SDF) – a coalition dominated

by its Kurdish component and backed by the United States – ousted the Islamic State (IS) from its stronghold of Raqqa. The offensive resulted in a large number of deaths of civilians who were prevented from fleeing the area by IS. In August alone, over a hundred people were killed as a result of air strikes and ground-based attacks.

Despite the numerous attempts to negotiate a political solution throughout the year, the peace process remained blocked. In December, the eighth round of peace talks between the Syrian regime and the opposition ended in Geneva. The talks focused on governance, a schedule and process to draft a new constitution, and the holding of elections, all as the basis for a Syrian-led, Syrian-owned process to end the conflict in line with Security Council resolution 2254 of 2015. However, the UN mediator Staffan de Mistura qualified them as a “missed opportunity” since no real negotiations took place.

Gross violations of international law

In 2017, international human rights and humanitarian law continued to be blatantly violated in Syria. In its latest report published on September 6, the UN Independent International Commission of Inquiry (CoI) found that all the parties to the conflict “continue to perpetrate unthinkable crimes against civilians in and away from the battlefield in blatant violation of international law, including forced displacement, deliberate attacks against civilians, and the use of chemical weapons.”

“In 2017, international human rights and humanitarian law continued to be blatantly violated in Syria.”

Indeed, government forces conducted disproportionate and indiscriminate military operations in rebel-held areas. In particular, they carried out indiscriminate attacks in densely populated areas, especially through the use of illegal weapons such as barrel bombs, cluster munitions and chemical weapons, causing the death of thousands of people.

On April 4, over 90 people, including children, were killed by sarin gas during a Syrian army airstrike on Khan Sheikhoun in the Idlib Governorate. The relatives of 12 of these individuals contacted Alkarama and Human Rights Guardians, which in turn submitted their case to the UN Special Rapporteur on extrajudicial, summary or arbitrary executions and to the CoI.

Furthermore, the CoI's report addressed the human rights violations committed by non-state armed groups that have been involved in sectarian violence.

Russian and U.S. air forces have been accused of failing to take all feasible precautions to protect civilians and civilian objects when attacking armed groups. In particular, Russian airstrikes are responsible for thousands of civilian deaths; such indiscriminate attacks conducted by international parties to the conflict on the civilian population may constitute war crimes.

Lastly, the CoI denounced the evacuation agreements that have resulted in the forced displacement of civilian populations for political gains. A number of local truces between pro-government forces and armed groups, including the so-called "Four Towns Agreement," have led to the forced displacement of thousands of civilians. This practice can be considered a war crime, as international humanitarian law stipulates that parties to a non-international armed conflict must not order the displacement of the civilian population for reasons related to the conflict.

Since 2011, the Syrian authorities have never cooperated fully with the CoI. On March 16, when the Human Rights Council adopted Syria's Universal Periodic Review outcome, the authorities clearly rejected the large number of recommendations calling for full collaboration with the CoI.

Enforced disappearances as a weapon of war

The practice of enforced disappearance in Syria is widespread and systematic, and amounts to a crime against humanity. It is used as a tool of terror, and tens of thousands of men, women and

children from all backgrounds have been targeted. When the Human Rights Council adopted Syria's Universal Periodic Review outcome on March 16, the authorities expressed their "readiness" to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, but rejected all recommendations aimed at stopping this practice on the grounds that they were "unfounded". On the contrary, the authorities alleged that the whereabouts of the detainees arrested by the authorities, their legal status and the charges against them were always communicated.

In 2017, Alkarama, along with the civil society organisations Human Rights Guardians and Urnammu for Justice and Human Rights, submitted numerous cases of enforced disappearance to the UN Working Group on Enforced or Involuntary Disappearances (WGEID). As of May 2017, the cases of 218 victims whose fate had yet to be clarified by the authorities were still outstanding before the WGEID. However, this is only a fraction of the tens of thousands of cases of enforced disappearances in the country.

"The practice of enforced disappearance in Syria is widespread and systematic, and amounts to a crime against humanity."

Among these cases of enforced disappearances was that of Ruba Bakkar and her two young children Ahmad, aged 11, and Maram, aged 9. In July 2013, they were travelling from Homs, where they were living in a camp for internally displaced persons, to the opposition-held Jairoud area to visit their husband and father for the month of Ramadan. Stopped at a checkpoint, the driver called Ruba's husband, informing him that his wife and children had arrived. Fearing this was a trap, he requested to speak to his wife directly, but when the driver handed the phone over to Ms Bakkar, she refused to talk to him in order to protect him, confirming his fear that she and the children had been arrested by government forces. The driver also disappeared that day.

Since then, Ms Bakkar's husband has not been able to communicate with his wife and children. He was only informed that his wife was detained at the

investigation branch of the Military Intelligence. Ms Bakkar's mother lodged a complaint with the military police in Qaboun in June 2014. The officers told her to come back every month, which she continued to do until her health no longer allowed her to make the journey. In spite of these repeated attempts, she was never provided with any information regarding the fate and whereabouts of her daughter and grandchildren.

Enforced disappearances are also used as a retaliatory measure against defectors. This was the case of Jamil Al Nimr, former head of the General Intelligence in the Idlib governorate, who was arrested in June 2011 for having disobeyed orders to fire live bullets on peaceful protesters. A week after his defection, Jamil was found by the army and Military Intelligence, accused of "treason" and transferred to Sednaya Military Prison. In December 2012, his wife visited him at the prison, but when she later returned, she was told her husband was not detained there anymore, and was denied any information on his fate and whereabouts.

Freedom of expression activist Bassel Khartabil executed after disappearance in 2015

On August 1, Bassel Khartabil Safadi's wife, Noura Ghazi Safadi, confirmed in a statement that her husband had been secretly executed soon after his disappearance from Damascus' Adra prison in October 2015. Khartabil was 34-years-old at the time.

Palestinian-born Khartabil was the co-founder of Aiki Lab, a youth community technology space or "hacker space," which he was running at the time mass protests broke out against Bashar Al Assad's regime in 2011. He was also committed to supporting open web technologies and a free internet by promoting digital literacy and education about social media and open-source tools across the Arab world. In recognition of his work, he was named by Foreign Policy as one of its Top 100 Global Thinkers of 2012. He is also the recipient of Index on Censorship's 2013 Digital Freedom award.

On March 15, 2012, as he was leaving work in the Mezzeh district of Damascus, Bassel was arrested by members of the Military Intelligence and taken to an unknown location. Following nine months of secret detention, a military prosecutor charged him with "spying for an enemy State" under articles 272 and 274 of the Syrian Criminal Code, and referred the case to a military court. In April 2015, upon Alkarama's request, the UN Working Group on Arbitrary Detention adopted an Opinion which considered his detention "arbitrary" and called for his immediate release. However, the Syrian authorities did not implement the UN recommendations, and Khartabil remained detained in Adra prison.

On October 3, 2015, while still awaiting trial, Khartabil was transferred from Adra prison, disappearing from official records. Worried about his fate and physical integrity, Alkarama requested the urgent intervention of the UN WGEID, which called upon the Syrian authorities to disclose his whereabouts. Syria never responded to the UN group of independent experts.

Notwithstanding international pressure, notably through the #FreeBassel campaign, the Syrian authorities executed Khartabil shortly after his transfer from Adra prison. To date, the Syrian authorities have not confirmed his death, and have neither returned his body nor presented a death certificate to his family.



Bassel Khartabil

Tunisia



Government buildings in Tunis (Source: Amy Keus/Wikimedia Commons)

Our concerns

- Violations of fundamental rights and procedural guarantees under anti-terrorism legislation and the state of emergency decree;
- Persistent practice of torture and other cruel, inhumane or degrading treatment or punishment;
- Undue restrictions on the right to freedom of peaceful assembly and association under the state of emergency.

Upcoming

- **March 2018:** Presentation of the report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism to the Human Rights Council on his visit to Tunisia.

In 2017, the state of emergency, which came into force on November 24, 2015 following an attack against presidential security forces, continued to be extended every three months by the authorities. The rationale given was the threat of terrorist attacks and the necessity to prevent them. However, the continuous renewal of the state of emergency is concerning, especially considering that practices such as arbitrary detention, torture, and police violence have reappeared since it came into force. This has also been facilitated by the lack of effective reforms of the police as well as the judiciary system, which have continued to be subjected to interference from the executive since the revolution in 2011.

On September 6, 2017, Prime Minister Youssef Chahed of the Nidaa Tounes Party decided to renew his cabinet following public pressure. Chahed replaced 13 ministers, including the ministers of interior and defence. The new government was described by the prime minister as a “war government” which will continue to “fight against terrorism, corruption, unemployment and regional inequality”.

In the meantime, restrictions to freedom of peaceful assembly were illustrated by the violent dispersal of several demonstrations and arrests carried out at the end of 2017. These restrictions stem from the application of the state of emergency decree which allows the Ministry of Interior to restrict the right to free movement, to suspend all strikes and demonstrations and to prohibit and disperse all peaceful gatherings considered to threaten public order.

Human rights violations in the context of the state of emergency and fight against terrorism

The continued renewal of the state of emergency has perpetuated undue restrictions to fundamental rights and freedoms, particularly in the context of the fight against terrorism. The state of emergency is based on presidential decree No. 78-50 of January 26, 1978, which, in article 5, gives authority to the Ministry of the Interior to

order the house arrest of anyone whose “activities are deemed to endanger security and the public order.” Inherited from the previous regime, the 1978 decree fails to guarantee an independent judicial review of executive decisions.

“The continued renewal of the state of emergency has perpetuated undue restrictions to fundamental rights and freedoms, particularly in the context of the fight against terrorism.”

Upon the end of his visit to Tunisia between January 30 and February 3, 2017, the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (SRCT), Ben Emmerson, issued his preliminary findings.

While commending positive developments and acknowledging the challenges faced by the authorities in countering terrorism, the UN expert raised concerns over prolonged periods of pre-trial detention, the use of executive orders to restrict freedom of movement and the imposition of measures of house arrest by the executive without judicial review. He also raised allegations of ill-treatment and torture with the authorities, as well as the use of counter-terrorism legislation against journalists.

The Special Rapporteur reported that he was informed of ongoing investigations and prosecutions against more than 1,500 individuals accused of terrorism, while only 10% had been sentenced at the time of his visit. As a result, the vast majority of individuals charged with terrorist acts have been held in pre-trial detention for prolonged periods of time. As a result, the expert encouraged the authorities to accelerate judicial proceedings by providing judicial authorities with adequate financial and human resources.

The SRCT also highlighted that, at the time of his visit, approximately 150 individuals were held under house arrest on the basis of article 5 of presidential decree No. 78-50. He therefore recommended that the decree be revised in order to provide for the establishment of a judicial review of executive orders of the Ministry of Interior.

This issue of human rights violations stemming from the use of emergency and counter-terrorism measures was also raised by UN Member States before the UN Human Rights Council (HRC) during the third Universal Periodic Review (UPR) of Tunisia held on May 2, 2017. Subsequently, during the 36th session of the HRC in September 2017, the Tunisian authorities announced that they had accepted 182 recommendations out of the 248 issued by states, among which was the recommendation to “ensure the respect for human rights while combating terrorism, particularly by ensuring the right to a fair trial and due process”.

The persistent practice of torture, ill-treatment and inhuman conditions of detention

The practice of torture as well as inhuman and degrading treatment in detention remain concerning in Tunisia. Torture is practiced especially – but not exclusively – in the context of the fight against terrorism to force victims to sign confessions which will then be admitted as evidence in court. Despite allegations of torture raised by victims before courts, no decision to annul coerced confessions has been issued to date, leaving numerous individuals arbitrarily detained following unfair trials.

“Torture is practiced especially – but not exclusively – in the context of the fight against terrorism to force victims to sign confessions which will then be admitted as evidence in court.”

During his visit to Tunisia, the SRCT called upon the authorities to pay increased attention to the prevention and eradication of torture and ill-treatment, and expressed concern over the lack of prompt, exhaustive and independent investigations into torture allegations made by detainees. In order to prevent *incommunicado* detention as well as torture and ill-treatment, the SRCT further recommended the reform of the Criminal Procedure Code to ensure that all

suspects are guaranteed the right to a lawyer from the moment of their arrest. He further recommended the installation of video cameras in detention and interrogation facilities.

During Tunisia’s UPR in May 2017, several Member States also called on the Tunisian government to take all necessary measures to prevent torture and ill-treatment, notably by ensuring that allegations are systematically investigated and perpetrators held accountable, as well as by strengthening the independence of the national mechanism for the prevention of torture. The Tunisian delegation replied by highlighting a decrease in the number of torture complaints filed, from around 492 cases in 2013 to 200 in 2016. However, the representatives added that out of these 200 complaints, only 53 had been referred to courts, and failed to indicate the outcome of these referrals.

Furthermore, conditions of detention remain extremely difficult in the country’s prisons. In fact, in 2016, the UN Committee against torture (CAT) considered that these conditions amounted to cruel, inhuman and degrading treatment. Following his visit to Tunisia, the SRCT also expressed concern over the prison conditions he witnessed, which did not comply with international minimum standards, particularly in the Mornaguia Prison.

The UN expert stressed that the prison was overcrowded, with prisoners confined into dormitories with inadequate space and insufficient natural light, as well as sleeping and sanitary facilities. Furthermore, the SRCT underlined that placing detainees accused of terrorism in solitary confinement for prolonged periods of time may amount to inhuman and degrading treatment.

Lastly, in the context of the follow-up to the 2016 review of Tunisia by the Committee against Torture, Alkarama prepared a report assessing the effective implementation of the recommendations previously issued by the CAT, including the steps taken to address the issues of prison overcrowding as well as the practice of solitary confinement. Alkarama noted that the authorities had not addressed these concerns and also highlighted the shortcomings in law and practice of the prevention of torture and ill-treatment, as well as the lack of investigations and accountability of perpetrators.

In its follow-up report, Alkarama also raised the case of lawyer Najet Laabidi, who, on May 11, 2017, had been sentenced to a six-month suspended sentence by the Court of First Instance for “defamation”. Laabidi represented torture victims in the “Barraket Essahel” case, in which the perpetrators of torture against 244 soldiers accused of an attempted coup in 1991 were prosecuted before a military court. During the trial before the military court, she denounced

numerous irregularities which hindered the rights of the victims to an effective remedy. Laabidi’s sentencing was denounced by numerous Tunisian lawyers as a retaliation for having expressed criticism publicly.

Persistent violations to freedoms of association and peaceful assembly

While the 2011 revolution led to significant improvements in the respect of fundamental rights such as the freedoms of peaceful assembly and association, the renewal of the state of emergency has imposed undue restrictions to these rights by the executive under the pretext of maintaining public order and security.

The right to association was first reinforced by the 2011 law on associations, which established a declaratory system of registration. However, since the 2014 terrorist attacks, the executive has issued suspension orders for more than 150 associations suspected of having ties with terrorist organisations. This constituted a violation of the 2011 law, which grants such power exclusively to the judiciary. Prior to the UPR of Tunisia, numerous civil society organisations recommended the prompt rehabilitation of NGOs which had their registration suspended by the executive.

Furthermore, in 2017, the right to freedom of peaceful assembly was severely restricted. Several demonstrations took place across the country calling for the respect of fundamental freedoms and better redistribution of wealth in poorer regions of the country, some of which were violently dispersed, in violation of applicable international standards. In October 2017, the governor of Siliana issued an order banning all public gatherings in the region without prior authorisation from the local administration.

This remnant of past practices of the disproportionate use of force to disperse demonstrations is enabled by several laws inherited from the previous regime. The 1978 presidential decree on the state of emergency grants the Ministry of Interior broad powers to suspend all strikes and demonstrations, to prohibit and disperse all gatherings that it considers to be a threat to public order, and to order the arrest of any person whose activity is considered a threat to public security and order. This anachronistic legislation, which perpetuates the use of restrictive measures without effective judicial control nor a previous assessment of their proportionality and necessity, is still invoked to prevent peaceful gatherings.

In addition, Law No. 4 of 1969 on public assemblies fails to abide by the UN Basic Principles on the Use of Force and Firearms as it allows the security forces to use indiscriminate force against protesters. During Tunisia’s UPR in May, the Tunisian delegation declared that the review process of the law was “still ongoing” despite the fact that it was initiated after the revolution. Subsequently, states recommended that the authorities ensure the laws on assemblies and association are in line with international standards.

UAE



U.S. Secretary of State Rex Tillerson meets with UAE Crown Prince Mohammed bin Zayed in McLean, Virginia, May 16, 2017 (Source: U.S. Department of State/Wikimedia Commons)

Our concerns

- Ongoing and systematic practice of torture to extract confessions during investigations and as a form of punishment;
- Crackdown on freedom of opinion and expression on the basis of an ever-restrictive legal arsenal, and reprisals against human rights defenders and peaceful dissidents;
- Marginalisation of the stateless population.

Upcoming

- **January 2018:** Universal Periodic Review;
- **June 2018:** Adoption of the UPR outcome documented by the Human Rights Council.

While the UAE is often perceived as a country of tolerance and diversity – an image supported by its cultural ventures such as the opening of the Louvre Abu Dhabi in November 2017 – the reality is otherwise. As of 2017, NGOs estimate that there are over 200 prisoners of conscience currently detained in the UAE, nearly half of whom are foreigners. The arrest of prominent human rights defender Ahmed Mansoor in March marked the final step in the authorities’ effort to completely silence dissenting voices to the extent that civil society is now virtually non-existent in the country.



Ahmed Mansoor

In November, as the Louvre was inaugurated, the event was tainted with controversies and reports of abuses of migrant workers on the construction site. Two Swiss journalists reporting on the opening were arrested after they filmed Pakistani workers at an open-air market. They were blindfolded and brutally interrogated by the UAE authorities for more than 50 hours, before being forced to sign a confession in Arabic and released.

At the international level, the UAE took part in the Saudi-led boycott of Qatar, cutting diplomatic ties with Doha. In July, the Emirates ordered the expulsion of all Qatari citizens from its territories and mandated the return of all Emirati citizens from Qatar within 14 days. This policy, which constitutes a form of collective punishment, led to the separation of a large number of families, and affected hundreds of Qatari students who were barred from resuming their studies in the UAE.

Furthermore, the UAE continued its interventionist approach within the Saudi-led coalition in Yemen, where it consolidated its control over large areas in the south of the country. The UAE established

its foothold in Aden, where it controls the seaport, airport, and most of its military checkpoints. Moreover, according to NGO reports, the UAE is funding and managing the military forces known as the Security Belt in Aden and the Hadrami Elite Forces in Hadramaut. These UAE-backed forces have forcibly disappeared, arbitrarily detained, tortured, and abused numerous victims, and have also operated a clandestine network of secret prisons, where hundreds are detained in dire conditions.

Systematic clampdown on freedom of expression

In 2017, the rights to freedom of expression and opinion – rights already limited in the country – were even more severely restricted by the UAE authorities, who succeeded in silencing peaceful dissidents and completely shutting down civil society space. Provisions of the Cybercrime Law No. 5 of 2012, the Law on Combating Terrorism Offences No. 7 of 2014, and the amendments to the Penal Code Decree Law No. 7 of 2016 have been increasingly used to judicially harass anyone critical of the government.

“In 2017, the rights to freedom of expression and opinion – rights already limited in the country – were even more severely restricted by the UAE authorities, who succeeded in silencing peaceful dissidents and completely shutting down civil society space.”

Indeed, the Cybercrime Law provides for harsh prison sentences up to life imprisonment for “anyone who publishes information aiming or calling to overthrow or change the ruling system of the state”. The text also criminalises “insulting the ruler”, “damaging national unity or state reputation” and “organising a demonstration without permission”. Moreover, the 2014 Anti-Terrorism Law criminalises nonviolent acts of criticism such as “opposing the country”. Lastly, the Penal Code, as amended in 2016, punishes anyone who “insults the president of the UAE”, or who “insults, mocks, harms the reputation,

prestige or statute of the state, its flag, its emblem, its symbols or any of its institutions” with up to 25 years of prison.

Furthermore, in the context of the Gulf Crisis that erupted in June, and as the latest sign of the increased crackdown on freedom of speech, the UAE Attorney General announced that any expression of sympathy with Qatar would constitute a crime punishable by a prison sentence of three to fifteen years and a fine of no less than \$136,000. He noted that these infractions would be prosecuted in accordance with the Cybercrime Law because they were deemed to be harmful to the nation’s higher interest and social stability.

In March, economist, academic and prominent activist Naser Bin Ghaith was sentenced to ten years imprisonment for tweets he had published on his personal account. On August 18, 2015, Bin Ghaith was arrested by State Security officers and taken to an unknown location. After being disappeared for eight months, he appeared before the UAE Federal Supreme Court, where he later stated that he had been tortured and detained in solitary confinement since the date of his arrest, but his allegations were ignored by the judge. One of the charges he was convicted for was “committing a hostile act against a foreign state” for having posted tweets criticising the Egyptian authorities for the Raba’a massacre that took place in 2013. Today, Bin Ghaith remains arbitrarily detained for having merely exercised his fundamental right to freedom of expression.



Nasser bin Ghaith

The same month, Ahmed Mansoor, a renowned activist, laureate of the 2015 Martin Ennals Award for Human Rights Defenders, and the last human rights defender operating from within the UAE, was arrested without any warrant by State Security officers who raided his home. He was then taken to an unknown location believed to be a detention facility adjacent to the Al Wathba Prison in Abu Dhabi. His family was not allowed to visit him regularly and he was denied access to legal counsel. Ahmed Mansoor has not been charged officially, but the UAE’s official news agency has reported that he was arrested for “cybercrimes” and accused of using social media websites to “publish false information that harms national unity and damages the country’s reputation”.

A few days after his arrest, several UN Special Procedures mandate holders urged the UAE government to immediately release him. The experts said they regarded his arrest and detention “as a direct attack on the legitimate work of human rights defenders in the UAE” and that his “outstanding work in the protection of human rights and the advancement of democracy, as well as his transparent collaboration with UN mechanisms, [was] of great value not only for the UAE but for the whole region”. The UN experts further urged the Emirati authorities to end the harassment and intimidation of human rights defenders in the UAE, and to respect the right of everyone to freedom of opinion and expression, including on social media and the internet.

The pressing issue of statelessness

Statelessness remains a problematic issue in the UAE, as it continues to hinder access to basic citizenship rights including civil, political, social and economic rights. This drastically affects the daily lives of stateless individuals as they are denied or only granted limited access to public health care, education, and employment. They also suffer from restrictions on their ability to travel, own property, register births or marriages, among others things.

The issue of statelessness mainly affects three different groups of people. Firstly, stateless long-

term residents have been unable to successfully register for citizenship, often due to the lack of official documentation to prove their long-term presence in the UAE. Instead of gradually naturalising these individuals, the authorities have developed a scheme to convert long-standing Emirati residents into holders of passports of convenience from the Union of the Comoros. This policy exacerbates the situation of statelessness by further marginalising stateless individuals, and making them readily deportable.

“Statelessness remains a problematic issue in the UAE, as it continues to hinder access to basic citizenship rights including civil, political, social and economic rights.”

Secondly, the UAE’s nationality law discriminates against women, who are unable to pass on their nationality to their children. Children born to Emirati mothers and stateless fathers become stateless themselves, and children born to Emirati mothers and non-Emirati fathers are not automatically entitled to Emirati nationality. Instead, they must wait until they turn 18 when they can undergo a discretionary application to acquire Emirati nationality.

Thirdly, political opponents or peaceful dissidents, who are perceived by the UAE authorities to be a threat to national security, can also be deprived of their citizenship.

Since 2011, the UAE has revoked the citizenship of around 200 people. Individuals are usually called to the Migration Department under the pretext that they must renew their documents, and asked to bring all their official documents, which are subsequently confiscated. This decision cannot be appealed and official records are usually not made available to the individuals affected, who are simply notified that their citizenship has been revoked and that they will be arrested for illegal stay unless they acquire a different nationality.

UN group denounces systematic practice of arbitrary detention

In 2017, upon Alkarama's request, the Working Group on Arbitrary Detention (WGAD) issued four decisions on individuals imprisoned in the UAE, declaring their detention arbitrary and calling for their immediate release. However, none of the decisions have been implemented by the UAE to date. The WGAD considered that these individuals were either detained without any legal basis, imprisoned because they exercised their fundamental right to freedom of expression, or convicted as a result of a trial which violated international fair trial standards.

The individuals concerned are Mohamad Az, a Syrian citizen who was sentenced to 15 years in prison for administering a Facebook page which commented on the developments of the Syrian war in his hometown; Ahmed Mekkaoui, a Lebanese citizen who was sentenced to 15 years in prison for "belonging to a terrorist organisation" based on confessions extracted under torture; Jordanian journalist Taysir Salman, who was sentenced to three years imprisonment for a Facebook post criticising the Egyptian and Emirati governments for their lack of support for Palestinians under siege during Israel's 2014 Operation Protective Edge; and Emirati economist and activist Nasr Bin Ghaith, who was sentenced to 10 years in prison for tweets which supposedly "endangered national unity".

These victims were all prosecuted under the UAE's ever-restrictive legal arsenal which curbs the rights to freedom of opinion and expression, and is made up of the 2012 Cybercrime Law, the 2014 Anti-Terrorism Law and the Penal Code. For example, Taysir Salman was charged with publishing information online with the "intent to ridicule or damage the reputation, prestige

or statute of the state", a crime under article 29 of the Cybercrime Law.

In the Opinions issued, the WGAD repeatedly expressed concern over the UAE's "past record of arbitrarily imprisoning individuals for their online social networking activities", highlighting the worrisome trend of prosecuting individuals who peacefully expressed their opinions online.

The Working Group further recalled that a number of cases had been brought to its attention with consistent allegations of *incommunicado* and/or secret detention of citizens and foreign nationals in the country. The WGAD also commented on the authorities' lack of respect for international fair trial guarantees, voicing serious concerns over violations such as the denial of legal counsel and the use of torture during interrogations to extract confessions that are later admitted as evidence in court. Furthermore, the WGAD recalled that it had previously found criminal proceedings before the Federal Supreme Court's State Security Chamber "to be in violation of the right to fair trial guarantees".

Lastly, the experts reminded the UAE that their international obligations with regards to human rights were applicable under all circumstances, emphasising the fact that "effective counter-terrorism and respect for human rights, fundamental freedoms and the rule of law are complementary and mutually reinforcing".

Yemen



View of Sana'a, Yemen (Source: yeowatzup/Wikimedia Commons)

Our concerns

- Gross violations of international humanitarian and human rights law by all parties to the conflict, including foreign actors;
- Severe humanitarian crisis leading to massive internal displacement, famine and the outbreak of cholera;
- Impunity of perpetrators of war crimes and crimes against humanity.

Upcoming

- **September 2018:** Submission of the report of the eminent group of experts to the High Commissioner;
- **October 2018:** Deadline for the submission of Yemen's third periodic report to the Human Rights Council ahead of the Universal Periodic Review.

December 29, 2017 marked 1,000 days of war in Yemen, which has been devastated by the three-year-long armed conflict. Civilians, caught between warring parties, continue to bear the heaviest price, as they are targeted in military operations and gravely affected by the destruction of civilian infrastructure. More than 80% of the population suffers from a lack of food, water, fuel and access to healthcare.

As of December 2017, the UN OHCHR reported that more than 5,500 civilians have been killed, and 9,065 injured since March 2015, many of them in air strikes carried out by the Saudi-led coalition, although the real number of casualties is arguably much higher. The conflict, along with the blockade imposed by the coalition, has created the world's largest humanitarian crisis, with around eight million people on the brink of famine, and 3.3 million people – including 2.1 million children – already acutely suffering from malnutrition. Cholera has surged across the country due to the shortage of clean water, leading to more than 2,200 deaths. According to the International Committee of the Red Cross, as of late 2017, the number of suspected cholera cases has reached one million.

The humanitarian crisis worsened in November 2017 when Saudi Arabia intercepted a Houthi missile targeting the Saudi capital, Riyadh. In retaliation, on November 6, Saudi Arabia broadened its land, air and sea blockade, preventing humanitarian supplies from entering Yemen, and cutting the amount of essential goods getting into the country by more than a half. The blockade was lifted in late December following widespread international condemnation.

The situation further deteriorated in early December, after Yemen's ousted leader Ali Abdullah Saleh publicly turned against his Houthi allies and expressed his openness to hold talks with the Saudi-led coalition. After two days of intense street battles between the rival factions in Sana'a, Houthi fighters executed Saleh and started to crack down on his supporters, including officials in Saleh's political party, the General People's Congress (GPC).

In the midst of the conflict, the United Arab Emirates (UAE) consolidated its control over large parts of southern Yemen through the financing and

training of local armed groups, which are pushing towards the Red Sea port city of Al Hudaydah, a Houthi stronghold where 80% of food supplies enter the country. Moreover, following Saleh's execution, in mid-December, Saudi Arabia and the UAE held talks with the chairman of the Al Islah party, in a bid to unite efforts to defeat the Houthis.

Violations of international humanitarian law

Since the outbreak of the armed conflict in March 2015, violations of international humanitarian and human rights law have been committed by all parties to the conflict, with the civilian population bearing a heavy cost. In its latest report, presented to the Human Rights Council in September, the OHCHR found that civilians were most likely “directly targeted, or that operations were conducted heedless of their impact on civilians and without regard to the principles of distinction, proportionality and precautions in attack”, and that the governorates mostly affected by the attacks were Aden, Al Hudaydah, Sana'a and Taiz.

“Since the outbreak of the armed conflict in March 2015, violations of international humanitarian and human rights law have been committed by all parties to the conflict, with the civilian population bearing a heavy cost.”

Airstrikes by the Saudi-led coalition and shelling by the Houthi-Saleh forces repeatedly struck areas densely populated by civilians, such as residential areas and markets. The necessary precautions to avoid or minimise civilian casualties were not taken, despite the apparent impact of the attacks on civilians, who were not given effective advance warnings to leave areas of operations safely. These serious violations of international humanitarian law may amount to war crimes.

Furthermore, the practices of arbitrary detention and enforced disappearance remain widespread, in violation of international humanitarian law, which demands that all sides to a conflict

abstain from arbitrary deprivation of liberty and enforced disappearance. In its report, the OHCHR denounces the fact that civilians who “spoke out or otherwise opposed the parties to the conflict were subjected to harassment, intimidation, detention and, on occasion, torture and killing”.

The cases of Walid Al Abi, Adel Al Zuairy and Ahmad Al Haj, which Alkarama and SAM for Rights and Liberties referred to the UN Special Rapporteur on extrajudicial, summary or arbitrary executions in May, illustrate such practices. The three men were abducted in Sana’a in late 2016 by armed men of the Houthi-Saleh Coalition. They were then taken to unknown places of detention, where they were held for periods ranging from four days to four months, before their families received confirmation that their relatives had died in detention. The bodies of the men showed clear signs of torture, which is likely to have been the cause of their death. In fact, Walid Al Abi was found shot in the head, with the Houthi authorities claiming that he had committed suicide despite the forensic report showing clear signs of torture. In the cases of Ahmad Al Haj and Adel Al Zuairy, the authorities refused to conduct forensic examinations following their deaths. The three men’s families believe that their relatives were tortured and executed because of their affiliation to the Al Islah party, which is opposed to the Houthi-Saleh coalition.

Violations committed by UAE and U.S. forces

The United Arab Emirates directly supports Yemeni forces including the “Security Belt” that operates in Aden, Lahj, Abyan, and other southern governorates, and the “Hadrami Elite Forces” that operate in Hadramaut.

The Security Belt forces were formed in 2016, and are officially under the authority of the Yemeni Ministry of Interior, whereas the Hadrami Elite Forces are formally a part of the Yemeni army. While the UAE claims that both forces are under the control of the Yemeni Armed Forces, the UN Panel of Experts – established pursuant to Security Council resolution No. 2140 (2014) – concluded that the Hadrami Elite Forces are effectively

under the operational control of the UAE, which oversees ground operations. The UN Panel further found that the Security Belt also largely operated outside the Yemeni government’s control.

In its September report, the OHCHR stated that, in 2017, allegations of human rights violations were made against both forces. NGOs have further reported that they arbitrarily detained, forcibly disappeared, tortured, and abused numerous victims. Moreover, sources including Yemeni government officials have reported the existence of several informal detention facilities and secret prisons in Aden and Hadramaut, including at least two run by the UAE and others run by UAE-backed Yemeni security forces.

In June, the Hadi government announced that it would investigate such reports of torture and enforced disappearances by the UAE and its allied Yemeni forces south of the country. However, no conclusions have yet been made public to date.

“The practices of arbitrary detention and enforced disappearance remain widespread, in violation of international humanitarian law, which demands that all sides to a conflict abstain from arbitrary deprivation of liberty and enforced disappearance.”

The United States have also worked closely with the UAE in its fight against Al Qaeda, and have conducted joint raids in central and eastern Yemen. In fact, Alkarama referred the case of 15 women and children who were killed in January in a military operation by American and Emirati military forces, to the UN Special Rapporteur on extrajudicial, summary or arbitrary executions. In the early morning of January 29, U.S. Navy SEALs and Special Forces from the United Arab Emirates were dropped from helicopters in the Yakla region of the Al Bayda governorate. The commandos approached the houses of Sheikh Abdulrauf Al Dhahab and Sheikh Saif Nams Al Jufi, but were detected, and intense firefight broke out. As U.S. troops came under fire, they called in an airstrike targeting the suspects’ houses from the U.S. Marines that were standing by aboard the USS Makin Island in the Gulf of Aden.

Local sources confirm that two U.S. planes approached from the nearby mountain, followed by four armed drones and four helicopters. Reportedly, 16 rockets were fired, destroying four houses. The American and Emirati forces completely destroyed their targets' family houses despite knowing that their whole families were present. The total number of casualties amounted to about 30 people, including six women and nine children.

UN independent experts appointed to investigate human rights abuses during armed conflict

In September 2015, a national commission of inquiry was established by Yemeni President Hadi to investigate the violations committed by all parties to the conflict. The following month, the UN Human Rights Council endorsed the Yemeni national commission of inquiry following a resolution drafted by Saudi Arabia. However, the commission was criticised, including by the OHCHR, for being unable to implement its mandate according to international standards. In fact, it soon became apparent that the commission did not enjoy the cooperation of all parties and could not operate in all parts of Yemen. As a result, for two years, human rights organisations and the OHCHR repeatedly called for the establishment of an international commission of inquiry, demanding accountability for the serious violations of human rights committed by all parties to the conflict, as well as justice for the victims.

Previous attempts to adopt a resolution establishing such a commission of inquiry had failed for reasons including the pressure of Saudi Arabia, which, as a party to the conflict, argued that a national commission was in a better position to investigate human rights violations and that it was not yet time for an international inquiry.

Yet, on September 29, the Human Rights Council adopted a resolution to appoint a group of eminent international and regional experts to inquire on human rights violations committed by all parties to the conflict. In the resolution, the Council denounced the ongoing violations of international humanitarian law, making reference in particular to the recruitment of child soldiers, arbitrary arrests and detention, the denial of humanitarian access, and attacks on civilians and civilian objects.

The resolution gives the experts authority "to monitor and report on the situation of human rights, to carry out a comprehensive examination of all alleged violations and abuses of international human rights and other appropriate and applicable fields of international law committed by all parties to the conflict since September 2014". They are due to submit a comprehensive written report to the High Commissioner by September 2018.

List of Publications

Universal Periodic Review

- Universal Periodic Review of the United Arab Emirates – Submission to Stakeholders’ Summary, June 2017 (EN, FR, AR)
- Universal Periodic Review of Israel – Submission to Stakeholders’ Summary, June 2017 (EN, FR, AR)
- Universal Periodic Review of Djibouti – Submission to Stakeholders’ Summary, September 2017 (EN, FR, AR)

Human Rights Committee

- Contribution to the List of Issues in view of the fourth periodic review of Algeria, July 2017 (FR)
- Follow-up report to the Committee’s recommendations on Iraq, September 2017 (EN)
- Shadow report in view of the fifth periodic review of Jordan, September 2017 (EN)

Committee Against Torture

- Shadow report in view of the initial review of Lebanon, March 2017 (EN, AR)
- Shadow report in view of the second periodic review of Bahrain, March 2017 (EN, AR)
- Follow-up report to the Committee’s recommendations on Tunisia, June 2017 (FR)
- Follow-up report to the Committee’s recommendations on Kuwait, June 2017 (EN)
- Follow-up report to the Committee’s recommendations on Saudi Arabia, June 2017 (EN)

Committee on Enforced Disappearances

- Follow-up report to the Committee’s recommendations on Iraq, July 2017 (EN)

National Human Rights Institutions

- Alkarama, Submission in view of the review of Mauritania’s National Human Rights Commission by the Global Alliance of NHRIs, October 2017 (FR)