

ALKARAMA



ANNUAL REPORT 2013

10 YEARS

Help us support all those whose rights to life, liberty and physical and moral integrity are threatened



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ANNUAL REPORT 2013

TABLE OF CONTENTS

| | |
|--|-----------|
| A note from Alkarama's Council | 5 |
| Glossary of terms | 6 |
| About us | 7 |
| Who is Alkarama? | 7 |
| How do we work? | 7 |
| Budget | 8 |
| Our thematic objectives | 9 |
| Strengthening the UN Human Rights system | 9 |
| Strengthening Arab Civil Society | 9 |
| Promotion of a human rights culture in the Arab world | 10 |
| Raise awareness on human rights issues in the Arab world | 10 |
| Countries | 12 |
| Algeria | 12 |
| Bahrain | 15 |
| Djibouti | 17 |
| Egypt | 19 |
| Iraq | 22 |
| Jordan | 24 |
| Kuwait | 26 |
| Lebanon | 28 |
| Libya | 30 |
| Mauritania | 32 |
| Morocco | 34 |
| Oman | 37 |
| Palestine | 38 |
| Qatar | 40 |
| Saudi Arabia | 42 |
| Sudan | 44 |
| Syria | 46 |
| Tunisia | 48 |
| UAE | 50 |
| Yemen | 52 |
| List of publications | 55 |
| Map - Summary of cases | 56 |

The struggle for human rights is a lengthy one. The year 2013 reminded us, very painfully, that the 'Arab Spring', despite the great progress it has brought to the Arab world, has not yet achieved one of its fundamental goals: the promotion and protection of human rights.

The Arab world continued to experience major conflicts, implicating governments of the region, non state actors and foreign powers. These situations have led to grave human rights violations.

The coup d'état in Egypt on 3 July 2013 brought back practices that had been thought to have been eradicated: massacres, torture, arbitrary arrests and a dramatic restriction of public freedoms. In Syria, human rights continued to be violated in a systematic and massive manner by a regime that seems to accommodate excessive violence and foreign interference.

Iraq continues to experience a chaotic situation in which major human rights violations are unfortunately omnipresent. Furthermore, the lack of respect for the rights set out in the Universal Declaration of Human Rights remains a key problem for the majority of Gulf states.

In Yemen, the tense internal situation is exasperated by US-led targeted killings. For more than a decade now, the US has waged a war against terrorism, violating international human rights law. Alkarama's thorough investigations into American airstrikes in Yemen have demonstrated this very clearly.

On the eve of 2014 and Alkarama's tenth anniversary, we reckon that its mission to combat gross human rights violations in the Arab world, that is to say, violations of the right to life, to physical and moral integrity and personal freedoms, remains a priority.

Alkarama wishes to express its gratitude and support to the men and women who, despite the very real dangers and the daily pressures they face, work tirelessly to raise awareness of these violations and to make the voice of the oppressed heard. It is in large part because of their courage, effort and trust that Alkarama has become what it is today.

We also wish to thank our NGO colleagues and our partners from the international human rights protection mechanisms for their much valued cooperation.

The Council
Alkarama Foundation

ACRONYMS

| | |
|------------------|--|
| HRC | Human Rights Council |
| HRCttee | Human Rights Committee |
| CAT | Convention/Committee Against Torture |
| ICCPR | International Covenant on Civil and Political Rights |
| ICPPED | International Convention for the Protection of All Persons from Enforced Disappearance |
| NHRI | National Human Rights Institution |
| ICCPR-OP1 | First Optional Protocol to the ICCPR |
| OPCAT | Optional Protocol to the CAT |
| UPR | Universal Periodic Review |
| ICC | International Criminal Court |
| WGAD | UN Working Group on Arbitrary Detention |
| WGEID | UN Working Group on Enforced and Involuntary Disappearances |
| SRT | UN Special Rapporteur on Torture |
| SUMX | UN Special Rapporteur on Summary Executions |
| HRD | UN Special Rapporteur on Human Rights Defenders |
| FRDX | UN Special Rapporteur on Freedom of Expression |
| IJL | UN Special Rapporteur on the Independents of Judges and Lawyers |
| SRTtruth | UN Special Rapporteur on the promotion of truth and justice |
| NPM | National Preventive Mechanism |

Other TERMS

| | |
|-------------------------|--|
| COMMUNICATION | Alkarama's transmission of information about one individual case to one UN special procedure mandate-holder |
| INDIVIDUAL CASE | The documenting of an individual victim of a human rights violation |
| ROME STATUTE | The International Criminal Court's founding treaty |
| LIST OF ISSUES | A contribution to a list of questions drawn up by the experts of the CAT or HRCttee for a stateparty under examination |
| SHADOW REPORT | A report to the CAT or HRCttee providing independent information about the implementation of the relevant treaty by the State party being examined |
| FOLLOW UP REPORT | A report to the CAT or HRCttee providing independent information about the implementation of the relevant treaty and recommendations issued by the two committees by the country in question |



WHO IS ALKARAMA?

Mission

Alkarama is a Geneva-based, independent human rights organisation established in 2004 to assist all those in the Arab World subjected to, or at risk of, extra-judicial executions, disappearances, torture and arbitrary detention. Acting as a bridge between individual victims in the Arab world and international human rights mechanisms, Alkarama works towards an Arab world where all individuals live free, in dignity and protected by the rule of law. In Arabic, Alkarama means 'dignity'.

The Council

- Abdul Rahman Omeir **Al Naimi** (*President*)
- Abbas **Aroua** (*Secretary*)
- Khalifa Mohamed **Al-Rabban**
- Ahcene **Kerkadi**

The Executive

- Mourad **Dhina** (*Executive Director*)
- Rachid **Mesli** (*Director of the Legal Department*)

The Team

Alkarama is a multicultural team with 18 staff members from 9 different nationalities working from Geneva, Sana'a, Beirut and Cairo and supported by interns and a network of dozens of volunteers.



HOW DO WE WORK?

Assist victims of human rights violations

Alkarama brings assistance to those who are subjected to, or at risk of being subjected to extra-judicial executions, disappearances, torture and arbitrary detention. The organization uses the international human rights mechanisms as a priority. This entails in particular documenting individual cases of violations, usually in direct contact with the family and lawyers of the victim, and submitting this information to the UN Special Procedures and to the Treaty Bodies (especially the Committee against Torture and Human Rights Committee). Alkarama also uses any other tools useful (media, direct lobbying, campaigns, collaboration with other NGOs and civil society) to ensure the protection of these individuals.

Advocate for practical reforms to protect human rights in all Arab countries

We use the individual cases which we documented and the wide network of contacts with families, lawyers and activists as the basis for more in depth reports on the human rights situations in these countries - be it alternative reports to the Treaty Bodies or contributions to the newly established Human Rights Council's Universal Periodic Review. We also work with civil society to participate in the reviews of National Human Rights Institutions (NHRIs) from the Arab region by the International Coordinating Committee of NHRIs.

Increase reach of information of human rights in the Arab world

We also bring media attention to the cases and situations we cover, helping local human rights defenders and NGOs to increase their reach. We issue press releases about these cases, sometimes jointly with other NGOs, as well as Public Reports bringing together the research we have done. Since 2009, we have run the Alkarama Award, to highlight the work of those defenders who have contributed most significantly to the promotion and protection of human rights in the region. Also, since 2011, we have produced the daily 'Alkarama News' in Arabic which presents information on human rights in the Arab world.

Funding from the Arab and Western worlds

As the title of 'foundation' suggests, most of our funding to date comes from Alkarama's founders, yet since 2010 Alkarama has been seeking to diversify its support base to ensure the sustainability of the organisation. Since then, we have acquired the support of the Netherlands Human Rights Fund, the Swiss Ministry of Foreign Affairs, the Norwegian Human Rights Fund, the city of Geneva, local communes around Geneva and a growing network of private donors. We thank our donors for this support which has laid the foundations for the continued development of our financial base. We hope that further support can continue to add stability and strength to the vital work of promoting and defending the rights of all individuals in the Arab states.



BUDGET

Salaries and charges

CHF 1 062 067.95

Rent, heating and electricity

CHF 157 059.08

IT, Telecoms, shipping costs

CHF 48 932.40

Third party services

CHF 90 895.58

Conferences, seminars and printing

CHF 15 767.08

Travel

CHF 71 513.35

Total

CHF 1 446 235.44

STRENGTHENING THE UN HUMAN RIGHTS SYSTEM

As a regional organisation based in Geneva working closely with the UN Office of the High Commissioner for Human Rights (OHCHR), Alkarama works to ensure that the United Nations (UN) and its mechanisms are accessible for civil society. In 2013, we participated in several civil society initiatives to this aim.

We followed the developments in the Treaty Body Strengthening Process, an initiative launched in 2012 to enhance the effective functioning of the human rights bodies which monitor the implementation by States of their obligations under human rights treaties. As part of an informal coalition of civil society organisations, Alkarama worked to prevent attempts by some states to reduce civil society access and expressed concern about the 'non-exclusion procedure' used by states to exclude specific civil society organisations from discussions held at the UN.

We also met with several human rights mechanisms, including the Human Rights Committee, the Committee against Torture and the Committee on Enforced Disappearances, to provide them with information on the human rights situation in a number of countries as well as to recommend how they could improve their interaction with civil society.

STRENGTHENING ARAB CIVIL SOCIETY

The human rights situation in the Arab world will not improve without the active participation of Arab civil society. A knowledgeable and skilled civil society which knows how to interact with the UN human rights system is a key element to ensuring that human rights are protected on the ground. In 2013, Alkarama undertook several initiatives to reinforce local civil society actors and ensure they have the tools to be able to participate in the UN human rights system.

Training of Human Rights Defenders

We gave four training workshops to human rights defenders from the Arab world on the UN Human Rights Council, the Universal Periodical Review, the UN Special Procedures and specific case studies of individual human rights violations: in March, in Cairo for Syrian human rights defenders (in collaboration with EUROMED); in April, for young civil society activists (in collaboration with CODAP); in May, for human rights defenders from around the Arab world; and in November in Geneva for both 'Minority Fellows' – OHCHR's programme for human rights defenders belonging to minorities, and Eritrean human rights defenders.

Filming of States Review by UN Human Rights Bodies

Since 2011, Alkarama films and webcasts reviews of the Arab states by UN human rights treaty bodies, namely the UN Human Rights Committee, the Committee against Torture and more recently the UN Committee against Enforced Disappearances. This activity aims to enhance access of Arab civil society to UN human rights mechanisms and equip them with the knowledge necessary to pressure their governments to respect the commitments they make during these reviews.

In 2013, Alkarama filmed the review of Mauritania by the UN Human Rights Committee and the Committee against Torture which took place in May and October respectively.

Evaluation of Civil Society Projects

In 2013, we also undertook the evaluation of a one-year project run by partner Libyan organization Assabel aiming to monitor conditions in places of detention by visiting detention centres in the region of Tripoli, Libya. This was done in view of the preparation of a follow-up project to be funded by the Swiss Ministry of Foreign Affairs.

Internship Programme

Alkarama also runs an internship programme, which aims to provide young professionals, many of whom have personal ties to the Arab world, with practical experience in promoting and protecting human rights in Arab countries.

PROMOTION OF A HUMAN RIGHTS CULTURE IN THE ARAB WORLD

Alkarama seeks to engage constructively with states, and so in 2013, a number of initiatives were undertaken in a selection of countries, including Egypt, Lebanon, Libya, Morocco and Yemen. This included meetings with various authorities such as Ministries, National Human Rights Institutions and prison directors, to discuss recommendations issued by UN bodies that require implementation, as well as trainings provided to parliamentarians on international human rights law, and participation in the drafting of Yemen's national report in view of its Universal Periodic Review in January 2014.

As part of our project "Breaking Past Practices" aimed at strengthening the rule of law in Egypt, Alkarama met with several Egyptian members of parliament under the Morsi Presidency as well as with the Egyptian national human rights institution to remind them of Egypt's obligations under international human rights law regarding the issues of torture, right to freedom of expression and military trials.

In Libya, we also met with members of the human rights commission of the Libyan parliament and encouraged them to ratify the OPCAT and ensure national legislation is in conformity with international human rights instruments. We also met with the Minister of Justice as well as with directors of detention centres to remind them of their obligation to respect human rights law.

In Morocco, we undertook a country visit in January 2013 to encourage the authorities and civil society to implement the recommendations formulated by the UN Committee against Torture in October 2011. We met with several instances, including the Minister of Justice, the Secretary General of the Moroccan NHRI, the inter-ministerial delegation for human rights and members of parliament.

In Yemen, our representative in Sana'a has been in regular contact with the Yemeni authorities to encourage them to improve the human rights situation in the country. We also undertook two country visits, during which we met with representatives from the Ministries of Foreign Affairs and of Human Rights and members of the National Dialogue Conference. This was an opportunity to recall Yemen's obligations under human rights law, specifically the recommendations formulated during the Human Rights Committee review in March 2012 and the Universal Periodic Review in May 2009. Our representative also participated in national consultations as part of the preparation of the Yemeni national report in view of the second cycle of their UPR scheduled for January 2014.

On the occasion of the 25th anniversary of the CAT, Alkarama, the Association for the Prevention of Torture, OMCT and other NGOs launched a campaign advocating for the universal ratification of the CAT. To this aim, Alkarama sent letters to Oman, the Comoros islands, Palestine and Somalia, the only states from the Arab world which have not ratified this UN convention.

RAISE AWARENESS ON HUMAN RIGHTS ISSUES IN THE ARAB WORLD



ALKARAMA NEWS is a 10-minute daily news program aiming at raising awareness of human rights violations and spreading a human rights culture in the Arab world. It brings human rights information from the Arab world and UN human rights news to Arabic-speaking audiences. Content varies from stories about victims of human rights violations to reports and events on issues related to Alkarama's mandate. Since 2011, it is disseminated through satellite channel Alasr, Alkarama's Youtube channel and social media.



THE ALKARAMA AWARD FOR HUMAN RIGHTS DEFENDERS is a prize presented every year since 2009 on the occasion of the Human Rights Day to an individual or organization that has significantly contributed to the promotion and protection of human rights in the Arab world. The Alkarama Award aims to raise awareness on specific human rights violations in the Arab world and ensure visibility and protection to Arab human rights defenders.

In 2013, the Alkarama Award was given to Yemeni journalist Abdulelah Heidar Shaye for his groundbreaking and courageous investigative reporting on U.S. airstrikes in Yemen, specifically the 2009 U.S. strike on the village of Al-Maajala which resulted in the death of 55 civilians. From harassment to smear campaigns to detention, he has repeatedly been the victim of reprisals because of his courageous journalistic work.

As a result of his travel ban, Mr Shaye was unable to attend the ceremony which was held in Geneva, Switzerland

on 6 December 2013. British journalist Iona Craig and Secretary General of Yemen's Journalist Syndicate Marwan Dammaj received the award on Mr Shaye's behalf. Other prestigious guests, including UN Special Rapporteur Christof Heyns, U.S. investigative journalist Jeremy Scahill and the President of HOOD, an important Yemeni human rights NGO, Abderrahman Barman, were present to pay tribute to Shaye.



SOCIAL MEDIA In 2013, Alkarama continued to build its presence on social media to increase its outreach. For several years now, social media has proven to be an effective tool to disseminate information widely and immediately – especially in the Arab world. Alkarama uses social media to disseminate information on its work and raise awareness of the plight of the people it defends. Given the different media platforms that exist and varying regional and national preferences, Alkarama ensures it uses a wide variety of media to better target its audiences, and may prefer one platform over another depending on the country being targeted.

Our Facebook profile and page now count over 3,300 likes and 3,400 friends. We use it to disseminate human rights information; whether it is on the individual cases we have worked on, general UN human rights information, or articles on human rights issues relevant to our mandate. We also use it to enhance visibility of some events we organise.

In some countries like Saudi Arabia where access to Alkarama's website is blocked, Twitter has proven to be a very useful tool to raise awareness of individual human rights stories and engage with our audience. In 2013, we gained over 1,000 followers.

Most of Alkarama's audio-visual production can be viewed on Alkarama's Youtube channel; it is organized in the following playlists:

- "Alkarama News" (see above)
- "Alkarama Award for Human Rights Defenders" - film-portraits on the laureates, films of the ceremony
- "Arab States before the United Nations" - videos of the reviews of Arab states by UN human rights mechanisms
- "Let your voice be heard!" audio testimonies of victims, families, human rights activists, etc.),
- "Interviews" - filmed interviews with human rights defenders, victims of abuses and their families, etc.
- "License to kill: US airstrikes in Yemen" - audio-visual material related to U.S. airstrikes in Yemen).

ALGERIA

While Algeria did not experience the types of changes which occurred in other Arab countries, the political situation remained unstable, particularly given the lack of perspective for positive change. Protest movements, which originated a few years ago, continued to shake the country throughout 2013.

The government was forced to make promises at the social, economic and political levels by the situation of quasi-permanent insurrection, to a large part of the population has participated, particularly the youth. Unfortunately, it has still not followed these promises up with any concrete measures.

Furthermore, the constitutional amendments announced by the authorities for 2013, which would normally be made by presidential order, are still pending.

Despite a cabinet reshuffle in September 2013, and the presidential elections scheduled for April 2014, there remains little perspective for improvements at the political level. The political field remains closed due to the ban on all unregistered movements, organisations or political parties.

In sum, despite its election to the Human Rights Council last November, and the promises it has made to improve the rule of law, the democratic process and good governance domestically, the human rights situation in Algeria continued to deteriorate.

Public Freedoms Violated in the Context of Widespread Social Demands

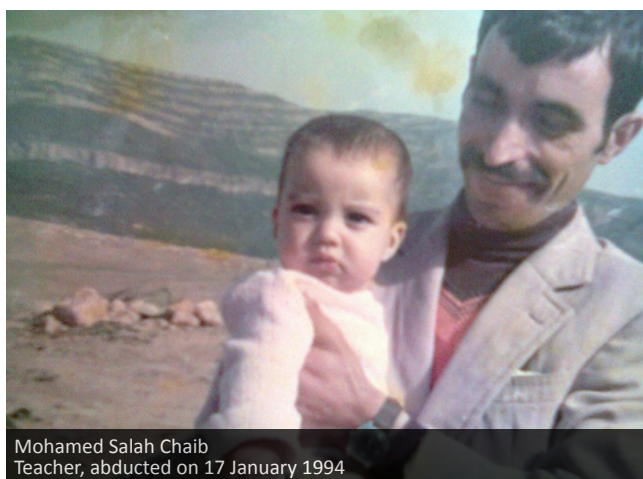
In 2013, attacks on the freedom of association, assembly and expression increased in Algeria, in an aim to silence criticism of the authorities. A number of civil society organisations that do not meet the strict criteria established by the authorities risk closure due to the 2012 Law on Associations which excessively restricts the freedom of association.

Human rights defenders, journalists, and members of the opposition are often subjected to intimidation and reprisals. Harassment of human rights defenders, often taking the form of violent police action and arbitrary arrests, has worsened despite the announcement that the *Département du Renseignement et de la Sécurité* (DRS – the Department for Intelligence and Security) would be restructured. The DRS, a military intelligence force, is in fact omnipresent in the country's political life.

In the capital, gatherings have been banned since the establishment of the state of emergency in 1992. Despite the formal lifting of the state of emergency, the majority of its most draconian provisions have been incorporated into other legislation, with any participation in a peaceful protest liable to prosecution for 'illegal gathering', or even 'obstruction of the public highway'. A number of protestors have already been tried and sentenced to imprisonment under these laws.

Enforced Disappearance - Denial and Obstruction to the Right to Truth and Justice

The military coup of 11 January 1992, which led to the cancelling of the legislative elections won by the Islamic Salvation Front (*Front Islamique du Salut* – FIS) heralded a wave of repression characterized by the systematic practice of arbitrary arrests, summary executions and enforced disappearances, the effects of which are still visible in society today. Despite the official recognition of these violations and the promises made by the authorities to address these, the question of the massive and widespread use of enforced disappearances in the 1990s remains open. This is primarily due to the lack of political will to shed light on the fate of the thousands of victims who disappeared. On the contrary, Decree No. 06-01 of 27 February 2006 establishing the Charter for Peace and National Reconciliation seeks to evade the question in a permanent manner by granting a legal amnesty to those responsible for such crimes and preventing families of victims from bringing complaints before judicial bodies.



Various UN institutions, particularly the Treaties Bodies, have systematically reaffirmed to the Algerian authorities that this decree violates international law.

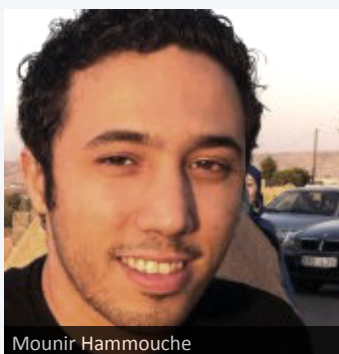
To this day, the families of the disappeared continue to demand, through regular peaceful protests, their right to know the fate of their relatives and seek prosecution for the State agents responsible for their disappearances. Both the persistent denial of the authorities in this regard and the repression of the families' activities are a violation of their right to truth and justice, and maintain a climate of impunity. And while Order No. 06-01 offers a *de facto* amnesty to members of the security services, the Algerian justice system also contributes to covering up the crimes committed by refusing to open up criminal investigations into disappearances.

Alkarama and associations of families of the disappeared consider that the anxiety and distress caused by the disappearance of an individual constitutes a form of torture for the entire family. On the international Day against Torture, Alkarma and the *Coordination nationale des familles de disparus* (National Coordination for the Families of the Disappeared) prepared a video clip "One Disappearance, Torture for Generations" to raise public awareness about this issue in Algeria and around the world.



CRIMES OF THE PAST, CRIMES OF THE PRESENT: THE UNSUCCESSFUL COMBAT AGAINST IMPUNITY

Combating impunity is essential if the Algerian authorities wish to deal with the question of human rights in a holistic manner. This question was raised in 2013 following the discovery of mass graves that most likely contain bodies of people killed during the 1990s. The authorities' refusal to open criminal investigations that would lead to the identification of the bodies and the circumstances of their deaths is highly revealing of the impunity for past crimes that persists to the present day.



Mounir Hammouche



Wife of Abdelmadjid Bendjema abducted on 11 September 1994

In light of this impunity, certain families of the disappeared decided to submit their cases to UN bodies. At present, some twenty decisions relating to cases of enforced disappearances have been rendered by the Human Rights Committee. These decisions call on the Algerian authorities to open prompt, impartial and thorough investigations, to adopt measures to ensure that relatives obtain remedy, including criminal prosecution and condemnation of those responsible, and appropriate reparation.

The fact that Algeria has failed to implement these decisions is particularly concerning as it creates impunity for those responsible for these crimes. Furthermore, this impunity does not only concern past crimes, but all the grave violations committed by members of the security services since then. For example, Mounir Hammouche, who was arrested in December 2006 and detained incommunicado, died after being tortured in DRS premises in Constantine. The authorities claimed that he had "probably committed suicide", although his family, ordered to "bury him as quickly as possible", saw that he had traces of torture on his body. Despite the family's multiple requests to lay a complaint and carry out an autopsy, the prosecution refused to do register any complaint, and did not share autopsy results with the family. The Committee against Torture, to whom Alkarama submitted the case, found that "no investigation has been carried out by the State party to shed light on the events leading to the death in custody of Mounir Hammouche", that this "clearly breaches the State party's obligations under ... the Convention," and that "the Committee considers that so long a delay [of seven years] in initiating an investigation into allegations of torture is patently unjustified".



WHAT IS RATIFIED

ICCPR ✓ CAT ✓ ICPPED ✗
 OP ICCPR ✓ OPCAT ✗



UPCOMING

- 17 April 2014: presidential elections
- 2014: Draft revision of the constitution



OUR CONCERNS

- Lack of political will to establish a true rule of law.
- Repression of all dissident voices and the ongoing ban on public demonstrations.
- Impunity for crimes committed in the 1990s and the lack of political will to resolve this issue.



OUR RECOMMENDATIONS

- Provide an effective recourse for families that have experienced the enforced disappearances of their relatives, abrogate Decree No. 06-01.
- End the judicial persecution and harassment of people who seek to exercise their right to peaceful assembly and association, and abrogate the draconian 2012 law on associations.
- Ensure complete cooperation with UN bodies to implement recommendations issued by committees as well as individual decisions issued concerning cases of enforced disappearances.
- Ratify OPCAT without delay.

PUBLICATIONS

- 11 Sept. 2013, Alkarama & the National Coordination of the Families of the Disappeared in Algeria (CNFD), ***Disappearances in Algeria: From Denial to Obstruction of the Right to Justice and Reparation***, report submitted to Pablo de Greiff, Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence.

VIDEO

- 26 June 2013, Alkarama & CNFD, ***One disappearance, Generations of Torture***, Video clip released on the occasion of the International Day in Support of Victims of Torture.

BAHRAIN

Bahrain remains in the same political impasse in which it has been immersed for the past few years, and in 2013 again avoided committing themselves to adopting measures to resolve the political crisis and ensure respect for human rights.

This year, several political opposition figures and human rights defenders were targeted by the authorities, and many arrests were reported. The findings of the inquiry led by Mr Bassiouni, rejected by some of the opposition as insufficient, remained unimplemented by the authorities. In particular, recommendations relating to the criminal prosecution of those responsible for abuses during the protests of 2011 remained outstanding, ensuring their impunity.

On 31 July 2013, a royal decree increasing the sanctions provided for in the 2006 anti-terrorist legislation – which defines terrorist offenses in a particularly vague manner – was adopted. Amendments to the law grant security forces sweeping powers to “protect society against terrorist acts and incitement to commit such acts”, and also establishes harsher penalties for those spreading false information about the country on social networks. The law now also allows for lawsuits against political associations inciting violence and terrorism as well as the withdrawal of Bahraini citizenship from anyone who commits terrorist acts or incites others to commit such acts. While the authorities stated these measures aimed to protect citizens from terrorist threats and did not concern human rights defenders, the draconian law continues to be used to silence political opposition. Khalil Al Marzouq, spokesperson of Al-Wefaq (one of Bahrain’s main opposition parties) was arrested in September 2013 and charged with “incitement to terrorist crimes.”

Human rights defenders continued to be targeted by the authorities in 2013. As an example, Jawad Hussein, president of the European-Bahraini Organisation for Human Rights, was arrested on 23 November 2013 following a speech he gave earlier in the month, in which he called for peaceful contestation of the Bahraini regime.

Torture and other ill-treatment continued to be reported by human rights defenders. While the authorities have consistently affirmed that they do not oppose the holding of peaceful demonstrations and that they would be allow these to happen without any undue interference, local observers continue to experience excessive use of force by the authorities to suppress protests. In April 2013, Bahrain postponed the Special Rapporteur on Torture’s visit for the second consecutive time.

During its last UPR, Bahrain committed itself to “ensur[ing] that the draft press law does not unduly restrict freedom of expression.” Despite these promises, no significant improvement to the freedom of opinion and expression occurred in 2013. Recent events demonstrate that journalists continue to be victim to violations, such as Ahmed Fardan who was arrested during a demonstration on 26 December 2013, and states he was tortured during his incommunicado detention which lasted several days. Freedom of association is not guaranteed. Local NGOs remain obliged to seek to official authorisation, under a decree dating from 1989. An even more restrictive draft law was presented to parliament in January 2013, but had not been adopted by the end of the year.



HUMAN RIGHTS DEFENDER JAWAD HUSSEIN ARRESTED FOR PEACEFUL STRUGGLE SPEECH



Jawad Hussein is president of the European-Bahraini Organisation for Human Rights, an NGO founded in 2012. The organisation relies on a vast network of local human rights defenders who campaign for the equal rights of all citizens and demand an end to discrimination. On 23 November 2013, Jawad Hussein laid a complaint against several media after he was the victim of a violent defamation campaign, but just after doing so, he was arrested by the police and taken to Al Naeem police station where he was interrogated about a speech he had made on 12 November 2013. He was charged under article 165 of the Criminal Code for incitement to hatred against the authorities. In

reality, as clearly demonstrated in the video of his speech, all Jawad Hussein spoke about was his solidarity with detained members of the Bahraini opposition.

Jawad Hussein simply called for peaceful protests, qualified the regime as tribal, and denounced the systematic human rights violations occurring in the country. In no way can his statements been viewed as a call to violence as claimed by the authorities. In making such a statement, Jawad Hussein was simply expressing his political opinion, a fundamental right protected by international human rights treaties.



WHAT IS RATIFIED

ICCPR ✓ CAT ✓ ICPPED ✗
OP ICCPR ✗ OPCAT ✗



OUR CONCERNS

- Repression of human rights defenders and political activists;
- Harsher penalties provided for by modifications to the 2006 anti-terrorism law;
- The practice of torture and ill-treatment, notably used on human rights defenders;
- Excessive use of force to repress gatherings.



OUR RECOMMENDATIONS

- End repression of human rights defenders and political activists;
- End torture and ill-treatment in all places of detention.

DJIBOUTI

Djibouti has been governed by the same family since its independence in 1977. It occupies a geostrategic position on the horn of Africa at the entrance of the Red Sea and hosts important French and American military bases. In order to allow its president, Mr Ismail Omar Guelleh, in power since 1999, to stand for a third term, Parliament amended the constitution in 2010. President Guelleh was subsequently re-elected in April 2011, in a suffrage that was largely contested by the opposition.

Repression of All Opposition Movements...

The unprecedented wave of repression that began in February 2011 targeting all protest movement intensified in 2013. Since the legislative elections of 22 February, arbitrary arrests and detentions have multiplied across the country and leaders of the opposition have suffered unparalleled judicial harassment and persecution. For the first time in ten years, opposition political parties had planned to participate in the elections in response to the guarantees of transparency and regularity provided by the authorities. In view of the elections, they united under a single coalition, the Union for National Salvation. Unfortunately, in the lead up to the elections the opposition faced violent repression despite official promises, with the security forces resorting to excessive force without any hesitation, including shooting at peaceful protestors, killing several people.

The results of the elections were unanimously contested by the opposition due to massive fraud and the authorities' refusal to publish the results of individual polling stations. Since then, activists members of opposition parties have been subjected to arbitrary arrests, most often followed by incommunicado detention and in many cases, torture and ill-treatment. The large majority have been accused of "participating in illegal gatherings", of "disturbing public order", or even of "belonging to an insurrectional movement", and sentenced to imprisonment. The defendants are also often denied access to legal counsel or their families.

Following its review of Djibouti on 16 and 17 October 2013, the Human Rights Committee laid out its concerns about the 2011 and 2013 post-electoral violence. In its concluding observations, the Committee recommended that thorough and impartial inquiries be opened, that those responsible for violence be brought to justice, and victims compensated. The experts also called on the authorities to promote the right of all citizens to participate in the conduct of political affairs and exercise their political rights without being subject to intimidation or harassment. They recalled that the authorities should give journalists, union leaders and human rights defenders "space [...] to promote their activities." During the review of the country by the Committee, the President of the National Human Rights Commission, who appeared as a member of the official state delegation, was very critical of human rights defenders.

... Through Incommunicado Detention and Torture

Anyone that expresses criticism of those in power potentially faces reprisals by the security services, which do not hesitate to resort to incommunicado detention and torture to silence critics. This repression, notably the systematic use of torture, takes place in a climate of total impunity.

In October 2013, during the review of Djibouti by the Human Rights Committee, its experts expressed regret at the lack of measures taken to ensure thorough investigations of acts of torture committed by law enforcement officials, and recommended the State party establish an independent body to investigate such complaints. Alarmed by the political charges laid against opposition figures, as well as the harassment defence lawyers were facing, they highlighted the excessive length of pre-trial detention as a key concern and called on the authorities to adopt the measures necessary to ensure fair trials guarantees were respected.

Mohamed Daher Robleh and Mahmoud Elmi Rayaleh are two examples of dissidents who have suffered serious human rights violations.

PUBLICATIONS

- 13 Sept. 2013, Briefing Note to HRCttee.

EVENTS

- 16 & 17 Oct. 2013: Review by the HRCttee



TWO POLITICAL ACTIVISTS SEVERELY TORTURED

Mohamed Daher Robleh Tortured for Pretend Crimes



Mohamed Daher Robleh, a Djibouti activist and intellectual, was arrested from his home on 4 July 2013. He was detained incommunicado and tortured for almost two weeks by agents from the Documentation and Security Service (DSS). They asked him whether he was a member of the party *Mouvement pour le Développement et la Liberté* (MoDel – Movement for Development and Freedoms), a banned opposition party, or the Union for National Salvation, a coalition of opposition political movements that been repressed by the authorities. Mr Daher Robleh replied that he was not a member of these parties, but did support them. The DSS were not satisfied with his answer, and at around 10.30 pm that night, a group of six men arrived, undressed him, handcuffed him, and placed him flat on his stomach on the ground, spraying him with ice-cold water before beating him with a rubber hose all over his body. After several hours of this treatment, they locked him in a small, suffocating cell and denied him food and water for more than a day. This torture continued the following days with the same intensity as his torturers sought to get him to confess his involvement in crimes they invented. They finally released him on 13 July without any legal proceedings. In September, the authorities simply informed him that his nationality had been removed by presidential decree, without the decision even being provided to him in writing.

Was Mahmoud Elmi Rayaleh Killed or Did He “Die in his Sleep”?



Mahmoud Elmi Rayaleh, a French professor working with the opposition was arrested by *gendarmes* on 2 August 2013. He was violently beaten during his custody, before being transferred to the prison of Gabode and sentenced to two months imprisonment on 20 August for “participating in an illegal protest”. Nine days later, he was found dead in his cell. His family requested an autopsy, but his body was instead taken to a cemetery and buried under police supervision without his family being present. The National Human Rights Commission, heavily criticized for its lack of independence, seized itself of the case and published a report that can only be described as incomplete, and which does not clarify the circumstances and real causes of his death, affirming only that “Mahmoud Elmi Rayaleh’s death occurred during his sleep without any pathological or traumatic causes”.



WHAT IS RATIFIED

ICCPR ✓ CAT ✓ ICPPED ✗
OP ICCPR ✓ OPCAT ✗



UPCOMING

- Submission of a follow up report to CAT (due November 2012) and HRCtee (due November 2013).



OUR CONCERNS

- Systematic repression of political activists and human rights defenders.
- Arbitrary arrests and detention, and the practice of torture and ill-treatment.



OUR RECOMMENDATIONS

- Ratify OPCAT.
- End harassment of members of the opposition and human rights defenders as well as the practice of arbitrary detention and torture.

In 2013, Egypt's democratic transition was interrupted in the wake of the military takeover of 3 July 2013. A few days earlier, on 30 June, numerous Egyptians had taken to the streets to ask for President Morsi's resignation, due to the country's economic and social stagnation.

The military *coup d'état* provoked a wave of popular protests organised by the Muslim Brotherhood throughout the country, demanding a return to constitutional rule and the reestablishment of the elected president. In response, the military began a campaign of extremely violent repression primarily aimed at the Muslim Brotherhood. This repression then spread to other political currents, including those who had called for President Morsi's overthrow, but were opposed to the military regime remaining in power.

Confronted by this popular movement, the new military regime decided to resort to force to end protests. As of 24 July, General Sisi called on the population to grant him a "mandate to end terrorism" by protesting massively in his support. The call was relayed by the President ad interim on 26 July, stating that "the State must impose order through a decisive use of force", and that the protests were a "threat to national security".

Widespread and Systematic Repression

The military coup was followed by a wave of repression that is unprecedented in Egypt's recent history. Several thousand protestors were killed summarily, injured or arrested arbitrarily for having protested against the *coup*. Many continue to be detained, accused of terrorism or of threatening public order. Torture remained systematic in all places of detention and civil and political freedoms have been seriously undermined through particularly draconian legislation.

Alkarama's researchers in Egypt documented close to 1400 cases of people killed by live ammunition fired by the army and police during protests following the military coup. The final national toll is likely much higher as the figure of 1400 was only based on deaths reported in the country's main cities.

Several thousand protestors were also arrested throughout the country and a large number continue to be detained arbitrarily. Senior figures and activists from the Muslim Brotherhood have suffered the most. This includes President Morsi and members of his cabinet who were arrested and placed in incommunicado detention in a military camp without any legal proceedings. Alkarama submitted this case to the Working Group on Arbitrary Detention, which considered these detentions to be arbitrary and called on the Egyptian authorities to release them.

Television stations such as Ahrar25 and newspapers viewed as being close to the Muslim Brotherhood have been banned from operating after having called for a return to constitutional order. Journalists have been arrested because of their work, their sympathy – real or imaged – with the Muslim Brotherhood, or for having criticised the authorities. Other journalists, such as Ahmed Abu Deraa, were arrested in October 2013 and tried by military courts for having reported on the serious human rights violations committed by the army in the Sinai.

Several dozen lawyers were also imprisoned and the National Human Rights Council was dissolved, with new members, designated by the new authorities, appointed.

This wave of arrests was accompanied by the adoption of draconian laws limiting the freedom of association, assembly and protest on 24 November 2013. On 23 September 2013, provisions relating to the renewal of periods of pre-trial detention were modified in the law on administrative detention.

Following numerous declarations by the Egyptian military authorities about their desire to end the mass popular protests and sit-ins in Rabaa Al Adawiya and Nahda squares, on 31 July the government authorised the Minister of Interior to "take all measures necessary to end violence and terrorism".

These statements are indicative of the military authorities' desire to escalate politically and resort to violent confrontation in support of the military coup, in an attempt to end protests by the fallen president's supporters, in violation of fundamental international norms.



MASSACRE ON RABAA AL ADAWIYA SQUARE

On the morning of 14 August, Egyptian security forces, made up of several thousand military and police agents riding armoured vehicles, circled Rabaa Al Asawiya square and opened fire on the protestors present there. The operation went on until 5pm and was particularly deadly. Snipers riding in military helicopters deliberately aimed and killed protestors who found themselves completely surrounded.

Alkarama’s representative in Cairo who was in Rabaa Square’s emergency medical centre at the time of the events informed Alkarama’s headquarters in Geneva on the bloodshed as it happened. He was able to count the bodies of hundreds of victims and was witness to the serious violations committed by security services, notably the execution of the injured at the emergency medical centre, which the security forces then set fire to.

The massacre of such a large number of civilians committed in the context of a widespread and systematic attack carried out on the explicit order of the Egyptian political and military authorities constitutes beyond, any doubt, a crime against humanity under international law, as defined by article 7 of the Rome Statute.



List of names of persons executed at Rabaa Square Al Imam Mosque, Cairo, August 2013



WHAT IS RATIFIED

- ICCPR ✓
- CAT ✓
- ICPPED ✗
- OP ICCPR ✗
- OPCAT ✗



UPCOMING

- 27 October -7 November 2014: UPR; presidential and legislative elections planned for 2014.



OUR CONCERNS

- Excessive use of force against, and arrests of, protestors.
- Lack of investigations into the extrajudicial executions of protestors.
- Systematic use of torture.
- Impunity for human rights violations.
- Military trials of civilians.



OUR RECOMMENDATIONS

- Establish a truly independent commission of inquiry to investigate the deaths of protestors, particularly those killed during the events in Rabaa and Nahda.
- Remove the jurisdiction of military courts to try civilians
- End torture by systematically prosecuting those responsible for such acts and by modifying article 126 of the Criminal Code which defines torture.
- Ratify the ICPPED, OPCAT and ICCPR-OP1
- Ratify OPCAT without delay.

PUBLICATIONS

- 6 Feb. 2013, *An Investigation into the Events of Port Said: Between Police Brutality and Anarchy*.
- 21 Feb. 2013, *State of Emergency Mentality and Torture Persist Despite Six-Month Anniversary since End of State of Emergency*.

PROJECTS

- Jan. 2013 – Dec. 2014: *Breaking Past Practices* (with the support of the Swiss Federal Department of Foreign Affairs and the City of Geneva).

Objectives: Ensure past violations are investigated and those responsible are brought to Justice; ensure past practices are brought to an end; strengthen human rights protection framework

EVENTS

- 28 Jan. 2013, Cairo, Press conference to launch the public report *An Investigation into the Events of Port Said: Between Police Brutality and Anarchy*.
- 21 Feb. 2013, Cairo, Press conference to launch public report *State of Emergency Mentality and Torture Persist Despite Six-Month Anniversary since End of State of Emergency*.
- April 2013: Meetings with National Council for Human Rights to lobby for improvements (particularly its founding legislation and composition), and with the Shura Council and Members of Parliament about draft legislation on demonstrations and NGOs.
- June / December 2013: Newsletters on Alkarama's work in Egypt.

In 2013, Iraq experienced a serious escalation of violence, the largest in five years, leading to a considerable increase in the number of civilian casualties. The lack of political will to implement reforms in response to the demands of communities who feel excluded from power, and the repression of political opponents under the guise of anti-terrorism widened the existing political vacuum. This situation has allowed armed opposition groups to grow in strength, and the number of attacks against official and civilian institutions has increased. Only the Kurdish part of the country, whose aspirations for autonomy are becoming more and more vocal, has enjoyed relative stability.

The civilian population, especially the most vulnerable groups, continues to be the first victim of the widespread instability. Iraqis displaced during the civil war live in precarious conditions and the tensions which grew in 2013 may push more people to leave their homes. The fate of tens of thousands of those disappeared during several decades remains unknown, and the current instability has created conditions favourable to the perpetuation of enforced disappearances. In addition, a number of journalists and human rights defenders were subjected to extrajudicial executions committed during operations by the Iraqi army and police. At least five journalists were killed in the street while carrying out their work. The authorities did not open any investigation into these deaths, as they failed to do for all the other murders which security services are accused of having committed.

Justice System unable to Render Justice

Numerous testimonies received by Alkarama in 2013 were from people detained arbitrarily, for long periods incommunicado, or sentenced on the basis of confessions made under torture. This indicates the persistence of serious human right violations and the dysfunctional nature of the justice system. Most often, this concerns political opposition figures or terrorist suspects, but these types of abuses are also common in Iraqi women's prisons where detention conditions remain particularly concerning.

Most often, people detained for their political opinions or in counter-terrorism operations are detained for long periods and tortured before being deferred to an investigating judge. The accused are generally judged during an in camera trial, do not have access to legal counsel of their choice, and in some cases, cannot appeal the court's decision. These practices highlighted the fact that the fundamental right to a fair trial is not respected.

The Office of the High Commissioner for Human Rights and the UN Working Group on Arbitrary Detention underlined the justice system's inability to ensure justice. In January 2013, for example, the Working Group's experts published Opinion No. 43/2012 in which they found 48 people detained arbitrarily after having been condemned to long periods of imprisonment following unfair trials based on coerced confessions.

The judiciary is not only incapable of respecting international fair trial norms, but it is also instrumentalised by the executive branch, notably in order to prosecute and condemn political opposition figures such as former Vice-President Tariq Al Hashimi or parliamentarian Ahmed Al Alwani who was arrested in December 2013. Furthermore, the justice system is incapable of controlling the Iraqi security services, as demonstrated by the events of Hawijah (see Focus).

The judiciary's inability to render justice is even more concerning in light of the fact that it has issued a number of death sentences following unfair trials.

Death Penalties result in Extrajudicial Executions

Despite repeated calls by NGOs and the Office of the High Commissioner for Human Rights, the number of executions carried out following the pronouncements of death penalties again increased in 2013, with at least 150 people executed during the course of the year. In some cases, victims were unable to even appeal their condemnation, and in the vast majority of cases, the judicial decision was issued following an unfair trial. A number of death sentences were issued following in camera trials based on confessions extracted under torture, in absence of defence lawyers chosen by the accused.

In April 2013, the United Nations' High Commissioner for Human Rights underlined the fact that the Iraqi judicial system was "too seriously flawed to warrant even a limited application of the death penalty, let alone dozens of executions at a time." She added that "numerous convictions [are] based on confessions obtained under torture and ill-treatment" and that "trials proceedings [...] fall short of international standards".



HAWIJAH: MURDER OF 91 PROTESTORS GOES UNPUNISHED

Following five months of peaceful protests in several Iraqi cities, military forces, supported by special army and police units, invaded a protest camp in Hawijah, close to Kirkuk, on 23 April 2013. The attack was particularly violent, resulting in at least 91 people killed and 200 injured according to information released by the governorate of Kikurk. The majority of those killed were shot with real ammunition, and several bodies also showed signs of torture. Confronted by the public's unanimous criticism of the operation, the authorities said they had opened an investigation shortly after the event to determine if the armed forces had used excessive force while dismantling the camp.

By the end of 2013, this investigation had not produced any results. In fact, the judicial committee established by the Court of Kirkuk to investigate the event was unable to interrogate the military personnel it had summoned to testify during hearings. The latter refused to appear on several occasions, arguing that the Ministry of Defence had not given them authorisation to do so. This is only one example of the lack of political will displayed by the highest spheres of the state to shed light on serious human rights violations taking place in the country, which contributes to the perpetuation of a general climate of lawlessness and impunity.



Hawijah, Iraq, April 2013



WHAT IS RATIFIED

ICCPR ✓ CAT ✓ ICPPED ✓
OP ICCPR ✗ OPCAT ✗



UPCOMING

- April 2014 : presidential elections;
- Lack of investigations into the cases of presumed summary executions, particularly of protestors and journalists;
- Trial of a great number of political activists.



OUR CONCERNS

- The implementation of a growing number of death sentences issued as a result of unfair trials.
- Systematic torture taking place in complete impunity and particularly inhumane conditions of detention.
- The judiciary's complete lack of independence.



OUR RECOMMENDATIONS

- Issue a moratorium on the death penalty.
- Lead prompt, impartial and thorough investigations into all cases of confirmed and suspected human rights violations, particularly extrajudicial executions and torture.
- Take urgent measures to reform the justice system in order to assuring a fair trial to all accused.

JORDAN

Despite promises for reforms and improved living conditions, the situation in Jordan remained somewhat stagnant in 2013. Perspectives for political change remained limited due in large part to the adoption of a new electoral law, contested by a part of the opposition which called for a boycott of the January 2013 parliamentary elections. Furthermore, with more than half a million Syrian refugees already in the country, reports indicated that Jordan was limiting, or even refusing access, to thousands of others fleeing the Syrian conflict, namely Palestinians or Iraqis who were already living as refugees in Syria.

Jordanian civil society continued to suffer from the effects of a variety of draconian laws, such as the law on the State Security Court, the law on the press and publications, the law on public assemblies and the associations law. In 2013, implementation of these laws resulted in the arbitrary arrest and detention followed by unfair trials of members of the opposition and journalists, accompanied by the banning of civil society organisations and the blocking of online news sites.

Persistence of Unfair Trials by the State Security Court

The State Security Court, working closely with the omnipresent security services, occupies a central position in the Jordanian authorities' arsenal to restrict civil society, opposition political movements, and the media.

Alkarama documented the cases of two groups of political activists who were brought to trial before this special court. Those tried were arrested after participating in public debates or peaceful demonstrations, or simply for publishing and distributing posters commemorating the deaths of protestors in Egypt.

These young protestors were accused of having acted illegal and having undermined the Kingdom's political system as well as its relations with a friendly Arab state. Some of the accused said they were tortured by security agents and laid complaints for torture and ill-treatment, which were not investigated by the competent authorities.

Despite constitutional reforms in 2011 which reduced the role and mandate of this special court, in practice it still retains a broad margin to arbitrarily prosecute and condemn civilians who simply exercise their fundamental rights to freedom of opinion, expression and peaceful assembly.



UNIVERSAL PERIODIC REVIEW BY THE HUMAN RIGHTS COUNCIL

During the second Universal Periodic Review of Jordan, the country's human rights situation was examined in light of the recommendations made during its initial review in 2009. These recommendations focused on issues such as torture, migrants' rights, and the situation of women in the country. Alkarama contributed to this process by submitting a report underlining the large number of issues on which Jordan had engaged itself in 2009 which had still not been, or only partially, implemented by the authorities. Alkarama also provided information about its thematic priorities to State representatives in order that relevant recommendations be made to the Jordanian authorities during the formal review in September 2013. An important outcome of the review was Jordan's subsequent engagement to implement a recommendation to abolish the State Security Court, or at least, to ensure that civilians not be presented before this court for crimes which did not fall under its jurisdiction. Jordan also engaged itself to release individuals undergoing political trials or to transfer them to civilian courts.

We hope that other important recommendations, such as those relating to the implementation of an environment that is conducive to civil society will be accepted by the Jordanian authorities during the next session of the Human Rights Council, and that they will be implemented quickly. This will require the abolishment of legal restrictions on the creation of civil society organizations, and an end to the authority's interference in the nomination of heads of organisations, and the limits imposed on receipt of foreign funding.



WHAT IS RATIFIED

ICCPR ✓ CAT ✓ ICPPED ✗
 OP ICCPR ✗ OPCAT ✗



UPCOMING

- March 2014: adoption of UPR outcome document by the Human Rights Council.
- 2014: adoption of draft legislation on the State Security Court's jurisdiction and counter-terrorism measures.



OUR CONCERNS

- Restrictions imposed on civil society, the media and the political opposition.
- Arbitrary detentions, notably following unfair trials before special courts such as the State Security Court.
- Lack of investigations into torture allegations, and persistent impunity.



OUR RECOMMENDATIONS

- Adapt legislation to create a favourable environment for civil society, with the aim of promoting and protecting its activities.
- Abolish the State Security Court and adopt urgent measures to guarantee the independence of the judiciary.
- Implement obligations arising from Jordan's ratification of the Convention against Torture.

PUBLICATIONS

- March 2013: *UPR report*
- Sept. 2013: *Participation in UPR pre-session meeting on the human rights situation in Jordan for State representatives.*

KUWAIT

The political crisis that followed the 2012 constitutional reform initiative, which had aimed at reforming the electoral system to guarantee the Executive's control of parliament, continued this year. The 50-member parliament elected in December 2012 was dissolved by the constitutional court in June 2013 and new elections were held on 27 July. These elections were once again boycotted by a part of the opposition and the majority of those elected to the new parliament are close to the executive.

Kuwait had previously been viewed as an exception in a region where civil and political rights are regularly violated, but the current crisis is having a direct impact on the deterioration of the human rights situation in the country. In 2013 therefore, the country experienced a sharp decline in respect for human rights, particularly relating to violations of the freedoms of assembly and association, while concerns about the situation of the stateless and migrant workers persisted.

Limitations to the Freedom of Expression, Assembly and Association

Restrictions of freedom of expression persisted. In 2013, the sharp decline in freedoms continued with a number of bloggers being prosecuted under article 25 of the Criminal Code. This provision criminalises and provides for sanctions that can extend up to five years' imprisonment for those who criticise the Emir or more generally the state through any channel, without providing any more precision. This opens the door to an abusive use of the provision to repress all freedom of expression or information.

Following the condemnations of Rachid Al Anzi and Iyad Al Harbi on 6 and 7 January 2013 respectively, their lawyers underlined the unconstitutional nature of article 25 of the criminal code by arguing its particularly imprecise character that allows for abusive interpretation. In fact, the principle of legality requires that laws be precise so that individuals are able to determine the legality of their behaviour (*nullum crimen sine lege stricta*). Article 25 is formulated in a particularly broad way and its interpretation by a national judge in practise severely restricts the freedom of expression, violating Kuwait's obligation under article 19 (3) of the International Covenant on Civil and Political Rights. Despite this, the Constitutional Court rejected the appeal by the two bloggers' lawyers on 2 December 2013, insisting that any argument made on the basis of article 25's lack of conformity with the principle of legality "has no basis".

Freedom of assembly and association also remained very limited in Kuwait: the authorities directly interfered in the work and management of those rare organisations which have obtained authorisation to exist. The right to protest is subject to strict legal restrictions and all unauthorised protests are repressed by the security forces. This year again, the Bedoon, who are banned from protesting or participating in public gatherings since a law to this regard was promulgated in 1979, expressed their claims with peaceful protests which were violently dispersed by the authorities, including through the use of tear gas and stun grenades.

Political parties remained banned, and candidates to legislative elections stood as individuals without affiliation to any political party.

The Situation of the Bedoon

The situation of the stateless, or 'Bedoon' who are considered illegal residents, remained the same. In May 2013, the parliament promulgated a law granting nationality to 4,000 Bedoon. This number appears particularly modest in light of the overall number – some 100,000 to 200,000 according to varying sources, and in practise, the law was only applied to those of the stateless who were born to Kuwaiti mothers and non-Kuwaiti fathers.

Migrant Workers

As in other Gulf countries, migrant workers suffered from discrimination. This year, Kuwait decided to reduce the number of migrant workers by initiating a hasty administrative procedure which established an annual quota of migrant workers that must be repatriated, regardless whether the person is willing to be repatriated. This procedure does not provide any appeal for those affected, nor any judicial oversight.



WHAT IS RATIFIED

ICCPR ✓ CAT ✓ ICCPED ✗
 OP ICCPR ✗ OPCAT ✗



UPCOMING

- 2015: 2nd UPR report.
- 2015: CAT periodic review.



OUR CONCERNS

- The decline in civil and political rights, particularly the right to freedom of expression, assembly and association.
- The discriminatory measure taken against the Bedoon community.
- Ill-treatment of migrant workers.



OUR RECOMMENDATIONS

- Authorise the establishment of political parties and end restrictions on freedom of expression.
- End discrimination against the Bedoon community.
- Improve conditions for migrant workers.

PUBLICATIONS

- 1 July 2013, Follow-up to Kuwait's review by HRCttee.
- 25 July 2013, 2nd Follow-up to Kuwait's review by HRCttee.

EVENTS

- 19 Feb 2013: Kuwait City, Training workshop on UN human rights mechanisms for Kuwaiti civil society actors.

LEBANON

Lebanon experienced political paralysis in 2013. The country's main institutions remained incapable of making and implementing essential decisions.

Following the resignation of the Prime Minister in March 2013, the parliamentary elections scheduled for June were indefinitely postponed due to the lack of consensus between different political factions on a new electoral law. Neither the substitute Cabinet acting as a temporary government, nor the Parliament that voted on the extension of its own mandate, nor any other national institutions, were able to implement measures to curb the Syrian conflict's multiple effects on Lebanon.

Even worse, internal violence grew significantly in 2013. This took multiple forms: armed conflict in the streets of Tripoli and Sidon, car bombs particularly in Beirut and Tripoli, abduction of civilians or even bombardments by the Syrian army on the Lebanese border in the north-east of the country.

The current political impasse also hampered the adoption of legislation which was already underway, notably of legislation relating to the criminalisation of torture, protection of women and children from domestic violence, and even on the management of Syrian refugees in Lebanon. The establishment of a national human rights institution was also halted, despite Lebanon's obligations to establish an entity to act as the national torture preventive mechanism, and its expressed desire to establish a commission to investigate the fate of those disappeared during the civil war.

Arbitrary Detention and Special Courts

Arbitrary detentions remain a major concern in Lebanon. There are multiple causes of this serious violation of the right to freedom and security. One cause is the widespread use of pre-trial detention in criminal or tort cases as well as the excessive length of this type of detention which can last up to a few years. Another is the extreme slowness of the judicial system in treating cases of 'terrorism' which leads to excessively long procedures. Another concern is that a large number of detainees report that they were tortured during their custody or the investigation period without these allegations being examined by the judicial authorities. This raises questions about the fair nature of trials, with courts often condemning individuals on the sole basis of confessions extracted under torture.

Furthermore, Lebanon still has two special courts: the Judicial Council and the Military Court, which are not considered as being independent from the executive and therefore cannot offer the guarantees necessary to ensure defendants' rights are protected.

This year, Alkarama continued to follow the cases of those arrested following the Nahr Al Bared events in 2007. The defendants were presented to the Judicial Council, whose decisions are final, in violation of the right to appeal judicial decisions. In September, following six years of pre-trial detention - an excessively long period - their trial began. At this stage of the trial, we are unaware to determine whether judges will take the torture allegations made by the majority of the defendants into account and order investigations.

The Military Court also raised serious concerns. A number of important civil cases have been tried by this court, in clear violation of the rights of the accused to be tried by a competent, independent and impartial tribunal. In 2013, Alkarama treated several cases where torture allegations brought to the attention of the military judges were not taken into account in the consideration of the case, nor investigated.



THE EVENTS OF "ABRA", A FIRST STEP TO COMBATING TORTURE ?

The events of Abra, near Sidon, on 23 and 24 June were a reminder of Lebanon's fragile security situation when Lebanese military forces confronted supporters of an influential religious figure. Casualties were high and the Lebanese forces subsequently carried out a large search of the city and surrounding areas, arresting 140 people. Alkarama was able to obtain testimonies from some of those released, which confirmed that they had been tortured, raising concerns that these are not isolated cases. A number of those arrested were detained incommunicado for over a month and at least one man died in detention, most likely due to torture.



Saida, Lebanon, June 2013

In contrast to other similar incidents where allegations of torture have been reported, the Armed Forces announced that they would undertake investigations into the accusations. However, more than six months after this statement, they have yet to release any results to the public. Given human rights organisations' documentation of the serious human rights committed by the army during these events which was relayed by the media, the authorities should have reacted more strongly in light of their obligation to immediately undertake an impartial investigation every time there is reason to believe that an act of torture has been committed. This lack of reaction once again contributes to reinforcing the atmosphere of impunity conducive to the use of torture.

While Lebanon has undertaken a number of positive steps to combat the use of torture including the adoption of a code of conduct for the Internal Security Forces, this political will has not yet translated into concrete facts. Measures such as the establishment of a law criminalising torture and a national torture preventive mechanism need to be adopted without delay.



WHAT IS RATIFIED

ICCPR ✓ CAT ✓ ICPPED ✗
OP ICCPR ✗ OPCAT ✓



UPCOMING

- Presidential elections scheduled for May 2014; parliamentary elections for November 2014;
- Adoption of the laws for the promotion and protection of human rights, namely the law on the criminalisation of torture and the establishment of a national torture prevention mechanism.



OUR CONCERNS

- Persisting practice of torture by the security services and generalised impunity which creates a climate that is favourable to torture.
- Unfair trials before special courts, namely the Military Court and Judicial Council.



OUR RECOMMENDATIONS

- Submit reports due to the Committee against Torture and the Human Rights Committee since 2001 and cooperate with Treaty Bodies in order to improve the human rights situation in the country.
- Guarantee that security services and the judicial system adopt better practices to combat torture;
- Cease trials of civilians before special courts, notably the Military Court.

LIBYA

More than two years after the beginning of the 15 February 2011 revolution that led to the fall of Colonel Gaddafi, significant challenges remain to establishing and consolidating the rule of law despite the political will expressed by the transitional authorities – including the General National Congress (GNC) – to break with past practices and improve the situation of human rights in the country.

Significant legislative advances testifying to this political will were made this year: several laws were enacted to ensure better protection of human rights, including the law of criminalizing torture, enforced disappearances and racial discrimination adopted on 14 April 2013, and the law of 2 December 2013 on transitional justice.

However, in the course of 2013, the country continued to be rocked by security incidents, especially in the south. On the political front, debates about the method of election for the Constitutional Assembly lasted several months. These crystallized many tensions, particularly on the question of the representation of ethnic minorities in the assembly. Several players in Libya's emerging civil society called for a boycott of this process, but did not propose a consensual alternative. The High National Electoral Commission rescheduled the elections for the 'Commission of 60', due to be held on 24 December 2013, to 2014.

Furthermore, the law on 'political exclusion', concerning those who collaborated with the former regime, was finally adopted on 5 May 2013, following pressure from key revolutionary figures and former combatants, but remains the subject of disagreement.

Challenges Remain with Security Situation and Armed Non-State Actors

Libya has yet to complete its demobilisation and integration of armed militias (*Katibas*) into regular state forces, although the authorities regularly issue statements and undertake initiatives to invite armed groups to join the regular army or the police. This is a crucial issue for Libya.

In early February 2013, the Minister of Interior, Mr Achour Chawali, reported that more than 27,000 fighters were under the command of the Supreme Security Committee (SSC), which has a quasi-official status, and were working alongside the police and army to maintain national security. He invited all other armed groups to formally join official government institutions.

The security services, assisted by former combatants, both of whom often lack sufficient training, struggled to maintain order and ensure law enforcement. This has often led to abuse, or even serious human rights violations, and as reflection of this, Alkarama once again submitted several cases of human rights violations to relevant UN mechanisms in 2013.

Faced with this situation, on 14 March 2013 the UN Security Council adopted Resolution 2095 extending the mandate of the United Nations Support Mission in Libya (UNSMIL) for a further period of 12 months. The Council also expressed concern at "reports of reprisals, arbitrary detention in breach of the law, illegal imprisonment, mistreatment, torture and extrajudicial executions" in Libya. The Security Council thus called on the government to accelerate judicial proceedings, ensure that detainees are placed under the authority of the state, prevent human rights violations, and open investigations in cases of abuse. In this resolution, the Security Council also emphasised the fact that it is primarily the Libyan government's responsibility to protect its population.

A Weak Justice System and Persistence of Arbitrary Detention

In 2013, Alkarama was able to visit several prisons in Libya. These visits took place as part of a project with a local partner, the Assabel Foundation, aiming to improving conditions of detention in prisons in the Tripoli area and educating those responsible of places of deprivation of liberty, as well as authorities of the country, of the need to respect the rights of detainees.

During these visits, whenever cases of ill-treatment or torture were identified, we immediately drew the attention of the authorities to these situations, and called on them to intervene to stop them, recalling the gravity of these crimes. These visits also allowed us to observe the extreme slowness of the justice system and its inability to ensure that all detainees are guaranteed their right to a fair trial. As a result, many people remain arbitrarily detained, without an effective remedy to challenge the lawfulness of their detention. Prison authorities, whether official or not, most often place the blame on failings by the prosecution, and more generally on the justice system, in the treatment of a number of pending cases.

Those representatives of the authorities who acknowledge these problems seek to justify them by pointing to the lack of means at their disposal, as well as the climate of insecurity which exists in some areas, and the defiance presented by some armed groups vis-à-vis official State institutions.



ALKARAMA VISIT TO LIBYA

Alkarama visited Libya in June 2013

During the visit, we provided training to the Assabel Foundation, aiming to build its capacity in project management and on-the-ground implementation.

We also organized a meeting with a diverse group of other local NGOs, during which we gave a training on UN human rights mechanisms.

Finally, this visit was also an opportunity to meet with officials, including from the Ministry of Justice and the GNC. During a workshop with the Congress' Human Rights Commission, Alkarama was able to express its primary human rights concerns, particularly that of arbitrary detention. It was also an opportunity to remind officials of upcoming UN deadlines for Libya – such as the Universal Periodic Review – and the utility of ensuring active and constructive national civil society participation in this process.



Rachid Mesli, Director of Alkarama's legal department, in Tripoli, Libya - June 2013



WHAT IS RATIFIED

ICCPR ✓ CAT ✓ ICPPED ✗
OP ICCPR ✓ OPCAT ✗



UPCOMING

- Election of the Constitutional Assembly
- Drafting of the Constitution
- General elections
- Civil society in September 2014 in order to prepare the UPR which will happen in spring 2015.



OUR CONCERNS

- The inability of the justice system to guarantee the right to habeas corpus, or some other means of appealing detention; its failure to judge those detained pre-trial in a reasonable delay; failing to open inquiries into allegations of torture or other ill-treatment.



OUR RECOMMENDATIONS

- Investigate violations committed by all parties to the conflict and refer perpetrators to justice.
- Establish legal proceedings to ensure and protect the rights of people detained and monitoring of all places of detention.
- Ensure domestic legislation is in conformity with international human rights standards.

PROJECT

Oct 2012-Oct 2013: ***“Improve conditions of detention and prevent human rights violations in places of deprivation of liberty in the region of Tripoli”*** (In partnership with Assabel).

OTHER

April 2013: Briefing Note to WGEID in preparation for their country visit to Libya scheduled for May 2013. Visit was finally cancelled due to security concerns.

MAURITANIA

Since its independence, Mauritania's history has been marked by a succession of coups and authoritarian regimes responsible for serious human rights violations. The last presidential elections held July 2009, vehemently criticised by the opposition, served more to legitimise Mohamed Ould Abdel Aziz's August 2008 military putsch than to ensure a veritable democratic process. Since then, the executive has remained in full control of the country. The president holds particularly broad powers and the checks and balances that the legislative and judicial powers should exercise are weak. Legislative elections had been scheduled for November 2011, but were postponed a number of times before finally being held in November 2013.

A Preoccupying Political Climate

The nation-wide census, which began in 2010, officially aimed at consolidating official data on the population, but in practice, has served more as a political exclusion tool. In fact, it is only after registering on a national list that citizens may vote. The Independent National Electoral Commission established in 2012 is responsible for supervising the electoral process, but it is contested by a large part of the opposition for its lack of diversity. The Commission finally scheduled legislative elections for 23 November 2013, after delaying since 2011, when the elections were initially scheduled to be held. In reaction to this delay, the opposition decided to boycott the elections, particularly as the date had been decided unilaterally and the minimum guarantees necessary for a transparent and fair election had not been respected: those who had not participated in the census or had not yet withdrawn their national identity cards were de facto excluded from the process. This meant that the elections did not allow for the participation of all citizens and were not prepared by institutions which were independent of the administration. The results of the elections, won by the *Union pour la République*, the party already in power, were described as being an 'electoral masquerade' by the opposition.

Repression of All Protest Movements...

Mauritania's judicial system appears, at first, as guaranteeing fundamental freedoms, particularly the right to freedom of opinion and expression. However, in practice things are very different, especially when it comes to freedom of the press. Journalists often face harassment and even violent attacks and arrests by security services and the military. The right of peaceful assembly is also limited, with legislation banning all unauthorised gatherings or 'mobs'. In recent years, violence against peaceful protestors has risen, particularly against protest movements which include students and members of the opposition. Since 2011, the '25 February Movement' has called for reforms and denounced the problems ignored by the authorities such as poverty, the economic crisis, slavery and corruption. These protests are systematically repressed including through the use of arbitrary arrests.

... Possible due to Justice System's Lack of Independence

The judicial system's lack of independence remains a serious problem in Mauritania, particularly due to the interference of the executive branch in its functioning. Criminal actions brought by the prosecution are normally politically motivated and judges submit themselves to the will of the public prosecutor. Certain people are arrested and placed in custody on a regular basis. This aims to create a criminal file against the person in question in order to then proceed to their prosecution, including through the search for incriminating elements during custody, rather than public action being triggered by complaints or on the basis of criminal acts. There are also worrying legal provisions in place, such as the excessive period of custody and the conditions of custody of those accused of terrorism.

PUBLICATIONS

- 1 Sept. 2013, Alternative Report to HRCttee.
- 15 April 2013, Alternative Report to CAT.

EVENTS

- 8 & 10 May 2013: Review by CAT
 - 21 & 22 Oct. 2013: Review by HRCttee
- Both events were filmed by Alkarama*



OUTCOMES OF A YEAR OF REVIEWS BY THE UN



Mauritanian delegation, UN-CAT review, Geneva, May 2013

In May and October 2013, Mauritania was examined by the Committee against Torture and the Committee on Human Rights respectively. The State party had accumulated seven years of delay in submitting its initial reports to these two Treaty Bodies, respectively responsible for evaluating the implementation of the Convention against Torture and the International Covenant on Civil and Political Rights.

The two Committees' experts highlighted that Mauritania had moved in a positive direction when it comes to its legislation, but there had been relatively little improvement in practice. One of the experts of the Human Rights Committee pointed out that "adopting laws is good", but "ensuring their execution is even better".

A number of Alkarama's preoccupations, presented in its alternative reports, were highlighted by the UN experts who also found that the Mauritanian delegation's replies were "impartial or allusive" and "did not get to the bottom of things".

As for the Committee against Torture, it expressed concern at the excessive periods of custody, particularly in cases of terrorism, and recommended that the Criminal Procedure Code be amended. The two committees underlined the lack of clear definition and criminalisation of torture in domestic legislation and recommended that investigations be opened as soon as possible when torture allegations were made.

The two Committees also recommended that the State party implement measures to improve detention conditions, and to reinforce legal guarantees for those detained. The question of slavery was also raised, with the main recommendation being to apply existing anti-slavery legislation effectively and effectively guarantee the right for victims to lay complaints.



WHAT IS RATIFIED

ICCPR ✓ CAT ✓ ICPPED ✓
OP ICCPR ✓ OPCAT ✓



UPCOMING

- July 2014 : presidential elections
- Establishment of the National Preventive Mechanism as required by OPCAT (initially due on 2 November 2013)
- November 2014: deadline for submission of initial report to the Committee on Enforced Disappearances.



OUR CONCERNS

- Lack of political opening despite the holding of elections.
- Executive control of all sectors of public life.
- Justice system is not being used effectively to improve the human rights situation in the country.



OUR RECOMMENDATIONS

- Enact a framework allowing for the effective political participation of all citizens without any exceptions to ensure free and fair elections.
- Implementation of the Committees' recommendations.

MOROCCO

2013 was marked by the continuation of protest movements with societal demands, particularly that of the “unemployed graduates” who seek better access to work. The political crisis which lasted several months led to the reshuffling of the government, still led by the majority party, the Parti de la justice et du développement (PJD – Party for Justice and Development).

In November 2013, Morocco was elected to the UN’s Human Rights Council. It continued to work to pursue its efforts in human rights throughout the year, notably by ratifying the Convention on Enforced Disappearances and accepting the visit of the United Nation’s Working Group on Arbitrary Detention in December 2013.

However, hundreds of people sentenced in unfair trials following the Casablanca bombings in 2003 continued to protest their arbitrary detention and conditions of detention with reoccurring hunger strikes. Their situation remains a liability in view of Morocco’s efforts to improve the human rights situation in the country.

Persistence of Arbitrary Detention

Following their visit in December 2013, the Working Group on Arbitrary Detention presented preliminary recommendations, denouncing the use of arbitrary detention in the context of counter-terrorism efforts.

In the recent past, people arrested and charged under the 2003 anti-terrorism law have been tortured. This concerns several hundred people who were also detained incommunicado for long periods of time before being sentenced to long periods of imprisonment, with condemnations made on the simple basis of the minutes of their interrogations.

While this practice has reduced significantly since the adoption of the 2011 constitution, the fact that hundreds of people sentenced following unfair trials remain in detention is concerning. The problem has already been recognised by the state’s highest authorities, but no concrete solution to respond to the situation in an appropriate manner has been adopted.

Impunity of Torturers and Lack of Safeguards

There are several reasons that explain how these violations have been possible. A key element is the legal framework which remains draconian. The lack of political will to address the impunity of those responsible for serious human rights violations, which persists to this day, is another.

Despite numerous recommendations issued by the UN’s human rights bodies and NGOs, the Anti-Terrorism Law No. 03-03 remains in force in its original form. There are a number of provisions which are particularly concerning, such as those relating to the definition of terrorism which is overtly vague, or those permitting excessive periods of custody. Other fundamental guarantees, such as the immediate and direct access to legal counsel are also absent.

Furthermore, the lack of investigations into allegations of torture is concerning. Despite the fact that a relevant provision does exist in Moroccan legislation, in practice such investigations rarely happen. One factor to explain this is the country’s clear lack of forensic expertise, as the medical exams and reports which do occur are often insufficient, and do not comply with the international standards set out in the Istanbul Protocol.

Ratification of OPCAT and Establishment of a National Preventive Mechanism

On 12 February 2013, the Moroccan parliament approved draft law No. 124-12, effectively acceding to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In order to implement and give effect to its obligations under this protocol, Morocco must now establish a National Preventive Mechanism (NPM). Discussions are underway to determine which national body will adopt this responsibility. The Moroccan authorities appear to prefer the National Council for Human Rights (NCHR) be attributed this role, as it already has the mandate, alongside numerous other attributions, to visit prisons.¹

1 Human Rights Council, Twenty-Second session “Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez - Addendum - Mission to Morocco: comments by the State on the report of the Special Rapporteur” (A/HRC/22/53/Add.5), para. 28 http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.53.Add.5_English.pdf (accessed 5 March 2013).

However, local human rights organisations question this choice, given the institution's lack of independence. It is namely its establishment by a royal decree preceding the constitutional referendum of 2011 rather than a parliamentary law that activists contest.²

² Royal Decree No. 1-11-19 of 1 March 2011. In the hierarchy of internal legislation, a Royal Decree is a sovereign and unilateral decision issued by the executive as represented by the King. It is therefore considered as a superior norm to legislation adopted by the parliament, which cannot question or amend such decrees.



ALKARAMA'S VISIT TO MOROCCO

Alkarama visited Rabat between 6 and 12 January 2013. The visit was made in the context of its capacity-building project for local civil society. The visit also aimed to examine implementation of the Committee against Torture's recommendations issued following Morocco's review on 1 and 2 November 2011.

During its visit, Alkarama held a workshop on UN human rights mechanisms, and also held meetings on the implementation of Treaty Body recommendations with diverse national NGOs.

Alkarama was also able to meet with members of the government and the administration, parliamentarians, the Inter-Ministerial Delegation for Human Rights and the National Council for Human Rights to evaluate the implementation of recommendations issued by a variety of UN bodies. These meetings were also opportunities to share concerns about the human rights situation in the country.



Rachid Mesli, Director of Alkarama's legal department
Press Conference in Rabat, Morocco, January 2013



WHAT IS RATIFIED

ICCPR ✓ CAT ✓ ICPPED ✓ (10 May 2013)
 OP ICCPR ✗ OPCAT ✗



UPCOMING

- Deposit of Morocco's instrument of ratification to OPCAT with the United Nations and the establishment of the National Preventive Mechanism.



OUR CONCERNS

- Continued detention of some 600 people sentenced under law No. 03-03 following unfair trials;
- Difficult detention conditions and ill-treatment;
- Excessive use of force to repress peaceful protests;
- Restrictions on the freedom of expression.



OUR RECOMMENDATIONS

- Review all condemnations made on the basis of unfair trials and/or on the basis of confessions obtained through torture;
- Repeal draconian provisions of counter-terrorism law No. 03-03, notably those relating to the definition of torture and the excessive lengths of custody.
- Establish an independent NPM that guarantees strong participation by diverse civil society representatives;
- Ensure that the NHRI is in conformity with the Paris Principles.

PUBLICATIONS

- 26 April 2013, List of Issues to CAT

COUNTRY VISITS

- 6-12 Jan. 2013: Rabat, Meetings with the Minister of Justice, the SG of the Moroccan NHRI, MPs, and Inter-Ministerial Human Rights Delegation to encourage them to respect their human rights obligations.

EVENTS

- 9 Jan. 2013: Rabat, training workshop on the UN human rights mechanisms and the monitoring of the implementation of CAT recommendations. Organised in partnership with *Mountada Alkarama* and the *Ligue marocaine pour la citoyenneté et les droits de l'homme* for representatives of some twenty local human rights organisations.

OTHER

- Aug. 2013: Briefing Note to WGAD in preparation of their country visit to Morocco on 9-18 Dec. 2013.

The human rights situation in the Sultanate of Oman, which experienced unprecedented protests in 2011, remains concerning, particularly when it comes to freedom of expression and association. Those parts of civil society which had mobilised in 2011 continued their action in 2013, calling for greater citizen participation and more transparency in the management of the country. For example, protests were organised against the pollution generated by the petro-chemical industry and several activists were harassed by the authorities for having provided information on human rights violations to UN human rights mechanisms.

Use of Freedom of Expression and Peaceful Assembly Results in Arbitrary Detention

In 2013, Alkarama worked on several cases of arbitrary detention in the Sultanate. For example, in January, Saeed Jaddad was arrested and detained for eight days after having published online messages calling for reforms in the country. The authorities said that he had been detained under various accusations, including “insulting the Sultan”, “calling for illegal protests”, and “having undermined the prestige of the State”. In July 2013, Saeed Jaddad was again questioned by the security services who told him that he would be prosecuted under these charges if he continued to express his political opinions. Alkarama also treated the case of the parliamentarian Taleb Al Ma’ mari and nine others detained and sentenced heavily after denouncing the pollution generated by the petro-chemical industry in the port of Sohar, in the east of the country. They were condemned simply for having peacefully exercised the fundamental rights guaranteed by the Universal Declaration of Human Rights.



TALEB AL MA’ MARI, MP SENTENCED TO FOUR YEARS IMPRISONMENT FOR “UNDERMINING THE PRESTIGE OF THE STATE AND DISTURBING PUBLIC ORDER”

Taleb Al Ma’ mari is a representative elected to the Consultative Assembly, the Sultanate’s parliament. In this forum, he regularly raised the concerns of his province’s inhabitants concerning the environmental damage and health problems caused by the presence of heavily-polluting petro-chemical industries in the port of Sohar. After the central authorities had failed to react to his previous calls for action, Mr Al Ma’ mari organised a public protest on 21 August 2013 in front of the port to alert them of the inhabitants’ concerns.

After violently dispersing the protest with water cannons and tear gas, the police arrested Mr Al Ma’ mari on 24 August, three days after the protest, despite his parliamentary immunity. He was not allowed a lawyer for the first two weeks of his detention and was released after his first condemnation in view of his appeal. However, he was immediately re-arrested without any reason. Mr Al Ma’ mari was finally sentenced, on appeal, to four years imprisonment, as well as a large fine for “undermining the prestige of the State, obstruction of traffic and disturbing public order”.



WHAT IS RATIFIED

ICCPR X CAT X ICPPED X
OP ICCPR X OPCAT X



OUR CONCERNS

- Arbitrary arrests of political activists and human rights defenders.
- Restrictions on freedom of expression and the right to peaceful assembly and protest.



OUR RECOMMENDATIONS

- Release those detained arbitrarily for having participated in peaceful protests;
- Guarantee freedom of expression and the right to peaceful assembly.
- Ratify the International Covenant on Civil and Political Rights.

PUBLICATIONS

- 2 Sept. 2013, Submission in view of the Review by the International Coordinating Committee of NHRIs.

PALESTINE

The resumption of negotiations in the Israeli-Palestinian peace process under the auspices of the United States in summer 2013 did not result in an improvement of the situation. Instead, the Israeli authorities continue to violate their international obligations as an occupying force. In 2013, the number of authorisations granted for the construction of new settlements increased significantly. Excessive use of force continued to be used against civilians, sometimes leading to the death of the victims, and obstacles to freedom of movement persisted. The population of the Gaza Strip was particularly affected by the shortage of essential commodities due to the strengthening of the blockade following the coup in Egypt in July.

Arbitrary Detention, Torture and Hunger Strikes

According to UN figures, in mid-2013 Israel held nearly 5,000 Palestinians, including 150 to 200 minors. In his report to the Human Rights Council in June, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 reported massive violations relating to the detention of Palestinians - detention without charge or other forms of arbitrary detention such as administrative detentions, accompanied by torture and the use of forced confessions as well as the denial of access to a lawyer or family, to name just a few of the abuses suffered by detainees. In protest at these abuses, several thousand prisoners began a hunger strike in 2012 which in some cases continued until 2013.

But rather than hunger strikes, it was the way minors were arrested, with their treatment amounting to torture during interrogations, their conditions of detention - including isolation - and trials before military courts, which were particularly highlighted in reports this year.

Human rights violations were also reported in the Gaza Strip controlled by Hamas, including to the right to a fair trial. It appears that forced confessions were admitted as evidence by courts. This is all the more worrying given death sentences were pronounced and executed. As for the Palestinian Authority in the West Bank, cases of arbitrary detention and torture were again reported in 2013, without these allegations being investigated to identify and possibly prosecute those responsible, encouraging the general climate of impunity for those responsible for serious human rights violations.

Israel's Second UPR

The second Universal Periodic Review of Israel was postponed from January to October 2013 due to the Israeli authorities' initial refusal to submit their national report. This lack of cooperation with the Human Rights Council represents a serious precedent, even if ultimately, the review finally took place in October.

During the review, many states criticized the occupation of Palestine and Israel's policy of settlements in the occupied territories. The recommendations covered a wide range of topics, including the ratification of the Rome Statute and other international treaties and conventions, the strengthening of efforts to combat discrimination and the implementation of prompt, impartial and effective investigations on the excessive use of force by the security services or other human rights violations. Many states expressed concern about the situation of Palestinian prisoners and recommended, inter alia, that those detained administratively be deferred to a court or released. Concerning minors in detention, several states also recommended Israel stop night arrests, the use of confessions written in Hebrew, detention in solitary confinement and other grossly unfair practices. Israeli authorities announced they would provide comments on these recommendations at the next session of the Council of Human Rights in March 2014.



WHAT IS RATIFIED

ICCPR ~~X~~ CAT ~~X~~ ICPPED ~~X~~
 OP ICCPR ~~X~~ OPCAT ~~X~~



UPCOMING

- March 2014: adoption of Israel's UPR outcome document by the Human Rights Council
- Following the situation of persons detained arbitrarily on the basis of administrative decision.



OUR CONCERNS

- Abusive and discriminatory detention of Palestinian prisoners, particularly minors and human rights defenders.
- Excessive use of force against protestors in occupied territories.
- Torture and unfair trials (by the Palestinian Authority and Hamas).



RECOMMENDATIONS

To Israel:

- End practices which violate international law with regards to the occupation of Palestine.
- Immediately release all minors.
- Stop using excessive use of force against protestors and the use of administrative detention.

To the Palestinian authorities:

- Refrain from using torture and other ill-treatment on detainees.
- Ensure that all persons criminally prosecuted have their right to a fair trial respected and protected.

QATAR

After more than 18 years of rule, Sheikh Hamad Bin Khalifa Al Thani abdicated in favour of his son, Tamim Bin Hamad Al Thani, in June 2013. Nevertheless, the Sheikh's renunciation of the throne, a first in the region, did not affect the country's internal political configuration. All powers remain concentrated with the reigning family which is not accountable to its subjects. Citizens' inability to participate in public affairs contrasts with the active role Qatar plays internationally.

While local elections have been held since 1999, these did not attract much attention from the population, given municipal representatives' lack of real power. The election of 30 members of the 45-member Consultative Assembly established by the 2005 Constitution were scheduled to be held in the second half of 2013, but were once again postponed, this time to 2016.

Restrictions on Civil and Political Rights

Freedom of association is not guaranteed in Qatar, with political parties banned, as in the majority of countries of the region. While some associations of a professional or social nature are registered, especially charity organisations, the administrative process required by law to obtain the compulsory license issued by the Ministry of Labour and Social Affairs remains a deterrent to the establishment of civil society organisations.

Freedom of expression is likewise limited in Qatar, and Alkarama has received cases of violations of the right to freedom of expression in recent years. While the number of violations is less than that of other neighbouring countries, they remain preoccupying. Mohamed Al-Ajami, a poet, was sentenced to 15 years' imprisonment in October 2013 for having published a poem that was critical of the authorities.

Freedom of association and peaceful assembly are also limited. In 2013, Alkarama submitted the cases of Mansoor Rashid Majed Al Mansoori, aged 35, and Muhammad Isa Al Baker, aged 40, who were arrested after their request to protest the French intervention in Mali in front of the French embassy was denied. They were subsequently subjected to three weeks' arrest without any legal proceedings, unable to access a judge or lawyer. Their arbitrary detention was clearly linked to their request to protest peacefully in expression of their political opinions.

Independence of the Judiciary?

The Qatar constitution sets out the principle of judicial independence, and from the moment the new Emir was crowned, he confirmed his desire to ensure greater independence to the judiciary by increasing the salaries of judges and investigating judges. However, given the fact that part of the judiciary is composed of non-Qatari nationals, working under contracts established by the executive branch and holding work permits that are limited in time, the question of the independence of the judiciary remains open. The potentially unstable status of these judges may seriously undermine their independence and prevent them from exercising their function freely. In these circumstances, the principle of the tenure of judges, essential to ensuring the judicial branch's independence, cannot be guaranteed.

The Supreme Judiciary Council, established in 1999 is made up of seven unelected members. They are chosen or removed by the Emir, which in itself is contrary to the objective claimed by this institution, which should have powers to guarantee the independence of all judges, including non-nationals.

Migrant Workers at the Mercy of the Employers

Qatar has more than 1.2 million migrant workers, who suffer from terrible living and working conditions. Not only are these migrant workers subject to numerous discrimination, but they often live at the mercy of their employers who even have the legal right to prevent them from leaving the country, without having to justify their refusal.



WHAT IS RATIFIED

ICCPR **X** CAT **✓** ICPPED **X**
 OP ICCPR **X** OPCAT **X**



UPCOMING

- May 2014: UPR



OUR CONCERNS

- Attacks on the freedoms of expression, association and peaceful assembly.
- The judiciary's lack of independence.
- The situation of migrant workers.



OUR RECOMMENDATIONS

- Guarantee freedom of expression, association and peaceful assembly.
- Guarantee the independence of the judiciary by establishing a Supreme Judiciary Council composed of judges elected by their peers.
- Ratify the International Covenant on Civil and Political Rights.

PUBLICATIONS

- 1 Sept. 2013, UPR report.

SAUDI ARABIA

Due to an increase in the Saudi population's social and political demands, the increased use of new communication technologies and the persistence of widespread human rights violations, civil society has blossomed, and has found means of making itself heard through peaceful protest. Social networks have become public spaces for free expression, a space that was virtually inexistent in the country previously. These networks allow citizens to express themselves and share their aspirations with others. Protests are becoming more common – for example by the families of those being detained arbitrarily calling for their release, the Shia minority in the east of the country seeking to end discrimination against them by the central government, or women demanding their rights. However, despite official statements to the contrary, the authorities have responded to this civil society awakening with the systematic repression of any movement they consider undermines the established order. Numerous fundamental rights guaranteed by the Universal Declaration of Human Rights are in fact violated (by the use of torture, arbitrary detention, unfair trials, and restrictions to the right to freedom of expression, association and assembly), on the pretext of counter-terrorism. Security services continued to arrest human rights defenders and peaceful critics of the government, including those seeking institutional reforms. The country's geostrategic situation, as well as the economic and financial interests of certain powerful countries should not continue to serve to a reason to circumvent this concerning situation. In doing so, the population's feeling of double standards in the treatment of serious human rights violations around the world continue.

The Scourge of Arbitrary Detention

Arbitrary detention continues to be a veritable scourge in Saudi Arabia. In 2013, dozens of families of people detained arbitrarily simply for having sought the respect of their fundamental rights or sentenced following unfair trials sought Alkarama's assistance. In March 2013, the principal leaders of the Saudi Association for Civil and Political Rights (ACPRA), Mohammed Al Qahtani and Abdullah Al Hamid were sentenced respectively to ten and eleven years imprisonment following unfair trials. This is indicative of the growing repression of human rights defenders in the country. On 24 June 2013, Professor Abdelkarim Al Khodr, another founder member of ACPRA was sentenced to eight years' imprisonment, to be followed by a ten-year travel ban. A comparative law professor, Dr Al Khodr had called for judicial and constitutional reforms and respect for civil and political rights in the Kingdom.

Use of Torture to Obtain Confessions

The justice system continues to place too much emphasis on confessions as proof, particularly given the high number of cases of torture which are reported. Alkarama has received numerous testimonies describing torture methods employed by the Saudi authorities to obtain confessions. This includes beatings, including with batons on the bottom of the feet, sleep deprivation, long periods of isolation, detention in freezing cold cells, prolonged suspension by the wrists or ankles, electric shocks and more. Detainees are often denied medical treatment – for example, Khalid Al Twijri, a Saudi national arrested and extradited from Jordan in 2008 suffered from such treatment. Detained without trial since 2008, Mr Al Twijri was subjected to serious torture, following which he lost part of his hearing. When he complained to the prison administration about this, he was placed in a freezing cold cell.

'Terrorism' as Pretext to Criminalise Right to Expression and Association

In December 2013, the Saudi Council of Ministers adopted a draft anti-terrorism law that criminalises all associative and political activities. This is extremely concerning for Alkarama and Saudi civil society. Under this law, criticism of the King or Crown Prince is considered a terrorist act, liable to a minimum of ten years' imprisonment.

PUBLICATIONS

- 4 March 2013, UPR report.

EVENTS

- 21 Oct. 2013, 2nd UPR of Saudi Arabia.



CONDEMNATION AND IMPRISONMENT OF FOUNDING MEMBERS OF ACPRA

ACPRA (the Saudi Association for Civil and Political Rights), one of the only independent human rights in the Kingdom, celebrated its fourth anniversary in 2013. During the year, it was subjected to harsh repression by the Saudi authorities: the majority of its founding members were arrested and sentenced to long periods of imprisonment following unfair trials, as the authorities sought to silence the organisation.

"Our trial illustrates the lack of independence of the Saudi legal system which we have been denouncing for years,"

Mohamed Al Qahtani and Abdullah Al Hamid

Mohammed Al Qahtani, Abdullah Al Hamid and Abdelkarim Al Khodr, respectively sentenced to 10, 11, and 8 years of imprisonment, were accused of having criticised the government and the judicial authorities, or for having shared "false information presented as facts to official international bodies" (in other words, the UN human rights mechanisms). These accusations illustrate the political nature of the measures taken by the Saudi authorities against these defenders.



ACPRA founding members after hearing session, Riyadh Court, 10 November 2012 (Copyright Sultan al-Ajmi)

Sulaiman Al Rashoudi and Mohamed Saleh Al Bjadi are two other co-founders of ACPRA. Both were sentenced to 12 years imprisonment in 2012, and 4 years in 2011 respectively. They continue to be detained for their work promoting human rights in the country, under similar allegations.

During the course of 2013, Alkarama informed various Human Rights Council Special Procedures, notably the Working Group on Arbitrary Detention and Special Rapporteur on Human Rights Defenders, about the violations committed against members of ACPRA.



WHAT IS RATIFIED

ICCPR ~~X~~ CAT ✓ ICPPED ~~X~~
OP ICCPR ~~X~~ OPCAT ~~X~~



OUR CONCERNS

- The arbitrary detention and unfair trials to which human rights defenders are subjected.
- The lack of independence of the justice system.



OUR RECOMMENDATIONS

- Ratify the International Covenant on Civil and Political Rights.
- Guarantee the independence of the judiciary.
- End arbitrary detentions and release those detained without trial or that have completed their sentences.
- End the systematic repression of human rights defenders.
- Remove obstacles to freedom of expression and movement that are imposed on human rights defenders, in particularly travel bans.



UPCOMING

- Municipal elections scheduled for 2015.

SUDAN

Sudan's economic and social situation continued to decline in 2013 following the reduction of petrol revenues due to South Sudan's secession. On 22 September 2013, President Omar Al Bashir announced the withdrawal of state subsidies for fuel and essential commodities, which resulted in a sudden rise in prices. Furthermore, in June, protests organised by young activists and members of the opposition against the government's austerity policy intensified. These gatherings were violently repressed by security services.

Several members of the opposition continued to be targeted, and were arrested by the intelligence services. For example, Jamal Idris, president of the Nasserite Unionist Party was arrested with other members of his party and accused of working with rebels to overthrow the government and advocating in favour of a secular society state. The detainees were released after three months of detention without undergoing any type of criminal prosecution procedure.

Regional conflicts in Darfur, Kordofan and the Blue Nile continued throughout the year. These conflicts caused large numbers of internally displaced people and resulted in several hundred thousand people fleeing to neighbouring countries. The Sudanese government carried out military operations which affected civilians, in violation of international humanitarian law.

At the political level, Sudan again failed to finalise the new constitution which had been announced by the authorities in 2005.

Repression of Protestors and Political opposition Figures

Public discontent was once again visible this year with major protests and riots taking place in September 2013, to which the security services, notably the police, responded with excessive use of force. At least 170 people were killed and several hundreds injured, the majority due to the use of live ammunition. Hundreds of people, the large majority of whom were members of opposition political parties or political activists were also arrested and detained without any legal proceedings.

Several protestors arrested and later released, reported that they had been tortured or ill-treated, particularly during interrogations. In the majority of cases, it was the intelligence and security services that were accused of these practices. Some detainees also reported they were forced to give up their activities or act as informers for the security services.

There has been no serious attempt made to investigate these grave human rights violations caused by the radicalisation of the repression, nor have any of those responsible for violations been brought to justice.

Sudan has still not ratified the Convention against Torture despite its acceptance of a recommendation to do so during its last Universal Periodic Review.

Violations of the Right to Freedom of Expression

In addition to the serious restrictions on the right to free assembly which resulted in the repression of protests in September, freedom of expression was also restricted.

Sudanese media was subjected to a policy of harassment orchestrated by the authorities and implemented by the national intelligence and security services. The press also faced censorship and several newspapers had their editions confiscated or journalists who had criticised the authorities were suspended from the jobs. In June 2013, four newspapers were suspended, with the authorities providing vague explanations, accusing them of "spreading false news" in order to "undermine the constitutional order".

The press was also forbidden from reporting on the September 2013 protests, and foreign television reception was scrambled and the internet was blocked for an entire day in September.



WHAT IS RATIFIED

ICCPR ✓ CAT ✗ ICCPED ✗
 OP ICCPR ✗ OPCAT ✗



UPCOMING

- Presidential elections in 2015.



OUR CONCERNS

- The disproportionate use of force by the security services against protestors and the resulting violation of the right to life.
- The use of torture in places of detention.
- Violation of the right to freedom of expression, particularly freedom of the press.



OUR RECOMMENDATIONS

- End the repression of protestors and members of the opposition.
- End the use of torture in all places of detention.
- Guarantee media freedoms.
- Ratify CAT, OPCAT and ICCPED.

SYRIA

In 2013, the conflict in Syria continued to protract and grew worse, with devastating effect for the Syrian population and neighbouring country. At the end of July, the UN estimated the number of victims to be more than 100,000, with numbers continuing to grow. In view of the proliferation of actors involved in the conflict and foreign interference in all its forms, the Syrian crisis shows no signs of abating. Efforts by the international community to find a political solution to the crisis, or at the very least negotiate access for humanitarian aid have remained without any effect on the ground.

Despite numerous reports and testimonies which report violations that amount to crimes against humanity and war crimes, the United Nations Security Council has still not referred the situation to the International Criminal Court, ensuring that those responsible for grave violations are able to continue to perpetuate these violations with complete impunity.

Indiscriminate bombing of civilians, use of chemical weapons, massacres and extrajudicial executions, enforced disappearances and systematic torture ... The Syrian government and the forces it controls have committed serious human rights violations which amount to war crimes and crimes against humanity. Military attacks, and sieges of civilian neighbourhoods intentionally leading to famines, have forced millions of Syrians to flee. At the end of December 2013, the High Commissioner for Refugees had officially registered 2.3 million refugees (compared to 500,000 in late 2012) and estimates the number of people requiring humanitarian assistance in the country to be 9.3 million.

Armed opposition groups are also responsible for a growing number of serious violations that could also constitute war crimes. Indiscriminate bombings, massacres, summary executions and torture are committed by the various factions and militias fighting government forces and which are now also fighting amongst themselves to keep or gain control of Syrian territory.

Disappearances and Deaths in Detention

The nature of the crime of enforced disappearance makes it difficult to assess its severity and extent during the acute phase of a conflict, and it is often only after several years that it is possible to measure its magnitude. The information available today, including the latest report of the UN Commission of Inquiry on Syria from December 2013, however, indicates that the situation is serious enough to qualify enforced disappearances as widespread and systematic, and thus a crime against humanity. It is in this context that Alkarama prioritised the documentation and submission of cases of enforced disappearance to UN human rights mechanisms in 2013. The number of disappearances is all the more worrying in light of information confirming the widespread practice of torture and reports of numerous unexplained deaths while in custody. Released prisoners report that several of their co-detainees died under torture, were executed summarily or were sentenced to death following summary and unfair court martials without being able to appeal the decisions.



SPECIAL COURTS STIFLE CIVIL SOCIETY

In 2013, Syrian civil society was targeted both by government forces and those of the opposition because of humanitarian or human rights work, to varying degrees. Human rights defenders, humanitarian workers and journalists have been victims of arrests, kidnappings, interrogations, torture, enforced disappearances and even summary executions. In several cases documented by Alkarama, Syrian security services abducted the relatives of activists being sought by the authorities to pressure them to give themselves up.

The judiciary is actively involved in this repression. In addition to military courts operating in total opacity, the anti-terrorist court in Damascus, which in 2012 replaced the former Supreme State Security Court, examines all 'subversive' cases. Referring to Law No. 19 of July 2012, the court uses a very broad definition of the crime of terrorism to pronounce condemnations and pursue defendants for acts such as reporting on violations in the country or providing assistance to the injured.

Suspects appear before the court, often after several months of incommunicado detention, and are most often convicted on the sole basis of confessions extracted under torture. The repression by both the authorities and other actors of journalists, human rights defenders or those providing humanitarian aid is extremely concerning, given that their efforts to reveal and mitigate the suffering of the population are crucial in times of conflict.



WHAT IS RATIFIED

ICCPR ✓ CAT ✓ ICPPED ✗
 OP ICCPR ✗ OPCAT ✗



UPCOMING

- Initiatives by the international community to enable the parties to the conflict to find a political solution to the crisis;
- Cases of journalists, human rights defenders and humanitarian workers who have been disappeared, detained or prosecuted in unfair trials.



OUR CONCERNS

- The devastating effects of the conflict, particularly on the civilian population;
- Impunity of those responsible for crimes against humanity and war crimes;
- Repression of civil society, particularly human rights defenders, humanitarian workers and journalists who are targeted by the different parties to the conflict because of their work.



OUR RECOMMENDATIONS

- End massive and systematic violations of human rights and humanitarian law, and combat immunity of those responsible for these violations.
- Take all the measures necessary to protect the civil population in conformity with human rights and principles of humanitarian law.
- End the repression of journalists, human rights defenders and humanitarian workers and guarantee their protection.
- End arbitrary detentions and release those detained without trial or that have completed their sentences;
- End the systematic repression of human rights defenders.
- Remove obstacles to freedom of expression and movement that are imposed on human rights defenders, in particularly travel bans.

PROJECT

- Starting July 2013: “Syria: Increasing Reach of Local Actors Documenting Human Rights Violations”, (with the support of the Norwegian Human Rights Fund).

TUNISIA

Tunisia experienced a deep political crisis in 2013, following the objections expressed by a part of the opposition about policies by the transitional government led by the « Ennahda, Ettakatol, CPR » coalition. The opposition is especially critical of the transitional government's incapacity to provide solutions to the country's socio-economic problems, and manage the security crisis provoked by the assassination of two predominate members of the opposition.

Despite these difficulties, which are to be expected in such a transition, the National Constituent Assembly (NCA) moved forward with the drafting of the constitution and important progress was made at the legislative level. Despite these positive gains, Alkarama remains concerned by the persistence of torture which continues to be used by security services, despite political will expressed to bring past practises to an end. Another key concern is the mixed results achieved by the combat against impunity.

Further Legislative Advances Required

There has been encouraging progress in Tunisia's legislation. It was the first country of the region to ratify the Optional Protocol to the Convention against Torture (OPCAT) and the Constituent Assembly adopted a law in view of the creation of a national torture preventive mechanism, a national body responsible for supervision of places of detention, on 9 October 2013.

On 15 December 2013, Tunisia adopted a law on transitional justice, which includes the creation of a national body for "Truth and Dignity". Tunisian civil society has long called for the establishment of a transitional justice process, and this is an important step towards ensuring genuine national reconciliation and restoring a climate of trust.

In addition to their symbolic value, these two laws also have the advantage of ensuring an open and transparent appointment process for the nomination of members to its two bodies, including a large portion of members from civil society.

However, the authorities still have the difficult task of modifying or repealing draconian legislation left over from the Ben Ali period and ensuring domestic legislation is in conformity with international human rights obligations contained in international conventions ratified by Tunisia.

Arrests, Torture and Ill-Treatment in Detention: Persistence of Past Practices

Despite the authorities' expressed political will to end past practices, torture and ill-treatment continue in places of detention.

The deterioration of the security situation which began with the assassinations of Chokri Belaid and Mohamed Brahimi led to the arrests to dozens of members of so-called extremist circles, which were accompanied by numerous human rights violations.

Ansar al-Sharia, a Salafist Islamist group was categorized as a 'terrorist organization' and a number of its members or people suspected of membership were arrested, with several testifying of the acts of tortured committed against them by the police during custody.

The resurgence of such practices confirms the need for real reform of both the security and legal systems in order to end violations, and establish a veritable rule of law that is respectful of the fundamental rights of all without exception.

Restrictions on Freedom of Expression

Bloggers and rappers, but also journalists were prosecuted for "defamation", "attacks against State representatives", and even "disturbing public order" and "terrorism". The restrictions of the freedom of expression indicated that Tunisia still needs to make some progress in order that it fully guarantees and protects the right to freedom of expression.

Maher Zid, a journalist, is being prosecuted under law No. 2003-75 of 10 December 2003. This law was established in order to support international counter-terrorism measures, but was used in this case to restrict the work of Mr Zid, who led investigations into the assassination of Chokri Belaid and divulged information on the results of the official inquiry.

Mr Zid was arrested the day after he participated in a television show during which he expressed doubt about

the conclusions of the official inquiry into the assassination which had been led by the Minister of the Interior. He was kept in custody for four days, after which he was presented to the prosecution of Tunis and charged with “unauthorized possession of documents relating to terrorist cases”. The judge ordered he be placed in pre-trial detention at the civilian prison of El Mornaguia in Tunis.



ESTABLISHMENT OF A NATIONAL PREVENTIVE MECHANISM AGAINST TORTURE

An example for the region, Tunisia established a national preventive mechanism (NPM) with the adoption of law No. 2013-43 by the National Constituent Assembly on 9 October 2013. This initiative clearly demonstrates the authorities’ political will to move towards real protection of human rights and to end past practices.

The law establishes widespread powers for the body: unannounced visits in places of detention, but also the possibility to receive torture complaints, to play a consultative role on draft laws that relate to its mandate, and the possibility of issuing recommendations to prevent torture. In order to ensure its functioning and independence, the Tunisian authorities will have to ensure that it receives sufficient resources to undertake its mission. Another key element will be that article 13, restricting unannounced visits to situations where there are “urgent and compelling reasons related to national defence, public security, natural catastrophes or serious disturbances” is not used in an abuse manner.



WHAT IS RATIFIED

ICCPR ✓ CAT ✓ ICPPED ✓
OP ICCPR ✓ OPCAT ✓



UPCOMING

- Adoption of the constitution in early 2014;
- General elections.



OUR CONCERNS

- Ill treatment and torture still being practised by the security services.
- Impunity for those responsible for violations during the Ben Ali era.
- Persistence of the former regime’s draconian legislation.



OUR RECOMMENDATIONS

- Urgently take all the necessary measures to reform the police and guarantee the independence of justice.
- Combat impunity for those responsible for human rights violations and clearly mark a break with the former regime by systematically opening investigations and prosecuting those responsible for violations.
- Harmonise domestic legislation with international human rights standards and treaties ratified by the country.

EVENTS

- 27 March: Tunis, participation at the World Social Forum’s conference: *Human Rights and Perspective of Change in the Arab World after the ‘Arab springs’*.

The serious degradation of the human rights situation observed in the country in 2012 continued in 2013. The United Arab Emirates were the scene of the largest political trial of its brief history, leading to the condemnation of 69 people to heavy prison sentences following a trial that was described as unfair by numerous non-governmental organisations. The recently-opened trial of 30 Egyptian and Emirati nationals accused of belonging to the Muslim Brotherhood has also been marked by numerous irregularities. This pattern of arrests followed by unfair political trials confirms the authorities' will to prevent and gag any criticism of government policy, in total violation of their international human rights obligations. The Emirates' accession to the Convention against Torture in 2012 coincided with a clear increase of this practise in the country, with a growing number of cases of torture and other ill-treatment being reported this year. It appears torture is being practised in order to extract confessions in compensation for the lack of material proof against defendants. Local human rights defenders who provide information to UN mechanisms and families of victims of torture continue to face pressure, an alarming indicator of the negative evolution of civil and political rights in the country.

Political Motivations Explain Practice of Arbitrary Detention

The *modus operandi* observed in cases of political prosecutions is indicative of how much the human rights situation has degraded in the country. In many cases, victims are abducted and detained incommunicado, in some cases for several months. These quasi-disappearances orchestrated by the security services are followed by trials before the Federal Supreme Court that are clearly political in nature. The accused are condemned to long periods of imprisonment, and are unable to appeal as decisions by this court are not subject to appeal. In these cases, the Federal Supreme Court is therefore acting as a de facto special court.

Systematisation of Torture in Detention

In 2013, there were numerous reports of torture in detention, all consistent with each other. According to victims, torture generally occurs at the beginning of their detention, when they are being detained incommunicado, itself a form of torture. Victims are systematically forced to sign the transcripts of their interrogations which are then used to condemn them in criminal proceedings. Victims of torture only reappear several weeks after their torture has stopped, once the most visible injuries have disappeared. Despite informing the prosecution and judges of the torture, and multiple requests being made by defence lawyers, no investigation is led into the torture allegations raised by the accused. During the trial of the 94 individuals accused of belonging to the Muslim Brotherhood for example, judges largely based their judgments – condemning the accused to long periods of imprisonment – on the transcripts of the accused's interrogations, statements which had been made and signed under torture.

Gagging of All Criticism

Human rights defenders that provide information on the violations taking place in the country are subject to harassment, threats and reprisals by the authorities. Criticism of the government or political trials on social media is also strongly repressed. For example, Walid Al Shehhi was sentenced to two years imprisonment after criticising the bias of the justice system during the trial of the UAE 94 on Twitter. One of Alkarama's sources was attacked physically by the security services several times and is currently unable to travel outside of the country. The families of those accused in the case of the UAE 94 also suffered reprisals by security services. They were forbidden from expressing themselves publicly about their detained relatives, to travel and to communication with anyone outside the country.

EVENTS

- 28 Jan. 2013, 2nd UPR.
- March 2013: Attempt to observe the trial of the "UAE94"; Alkarama's representative was denied access to the country.



UNFAIR TRIAL FOR THE UAE 94

The biggest political trial in the United Arab Emirates' history, taking place before the Federal Supreme Court, began on 4 March 2013. The accused saw a number of their fundamental fair trial rights violated in a serious manner. Irregularities in the trial were denounced by Alkarama and several other human rights organisations.

The 94 accused, including eight who were tried in absentia, were prosecuted for allegedly trying to overthrow the regime, a crime sanctioned with up to 15 years imprisonment, accusations which the accused have consistently rejected. They were tried under article 180 of the criminal code, which bans the creation, organisation or management of a group that aims to change the country's political system. The majority were sentenced to extremely long periods of imprisonment.

The accused include numerous jurists and well-known human rights defenders such as Al Mansoori and Mohamed Abdullah Al Roken, both lawyers and human rights experts. Salem Al Shehhi, who was acting as their lawyer, was also subsequently arrested while working, and figures among the 94. Hadeef al Owais is a jurist and academic who had said he intended to defend the group, as did Mohammed Saeed al Abdouli, a former president of appeal court of Abu Dhabi. Both men were arrested. The detainees' detention was marked by a number of violations – in addition to being detained incommunicado for long periods, even up to one year for some, the majority of the accused were detained in isolation for prolonged periods of time and were subjected to torture and other ill-treatment. The right of defence were also violated, as is indicative of the fact that lawyers for the defence were arrested and tried in the same case simply because they sought to defend their clients.

The majority of those condemned were known to be members, or close to Al-Islah, an organisation which is recognised by the authorities and registered since 1974.

Alkarama informed the Human Rights Council's Special Procedures of developments in the trial until it ended on 2 July 2013. A representative of the organisation was prevented from entering the country in order to observe the trial on 3 March 2013.



WHAT IS RATIFIED

ICCPR ~~X~~ CAT ✓ ICPPED ~~X~~
OP ICCPR ~~X~~ OPCAT ~~X~~



OUR RECOMMENDATIONS

- Release all arbitrarily-detained human rights defenders and political activists who are detained for exercising their freedom of expression.
- End the practise of torture in all place of detention and implement the Convention against Torture to combat impunity.
- Ratify the International Covenant on Civil and Political Rights and the Convention on Enforced Disappearances.



OUR CONCERNS

- Torture in places of detention;
- Systematic repression of human rights defenders and political activists;
- Arbitrary detention without trial or following unfair trials;
- Lack of an independent justice system and unfair trials.

YEMEN

Yemen is currently experiencing a historical transition following the departure of former president Ali Abdallah Saleh. The National Dialogue Conference, which brought together more than 500 representatives of Yemeni society began its work in March 2013, with the aim of drafting a new constitution and organising general elections in 2014. But despite important changes in the practise of certain ministries when it comes to human rights, a large number of violations continue to be committed, particularly by certain branches of the security services. Extrajudicial executions carried out jointly with the Yemeni army and American intelligence services reached alarming proportions in 2013. Arbitrary detention, torture and ill-treatment, endemic corruption of the judiciary and harassment of journalists were also serious concerns. Another important factor to ensuring the successful outcome of the democratic transition is the question of impunity of those responsible for the repression of protests against President Saleh before his fall.

A Policy of Extrajudicial Executions

It is in the context of the 'war on terror' declared by the United States following the terrorist attacks of 11 September 2001 that the Yemeni and American governments adopted a policy of extrajudicial executions through the use of drones and other military means. The two governments justify these operations by pointing to the presence of armed groups claiming to belong to Al Qaeda in the country. But if these so-called 'targeted killings' aim to eliminate 'senior operatives', the selection of targets is not placed under judicial scrutiny and takes place in the greatest secrecy. This is contrary to the two countries' obligations under international law, namely article 6 of the International Covenant on Civil and Political Rights which both countries have ratified. In addition, numerous civilians, including women and children have been targeted by these attacks in recent years. Between 2002 and 2013, more than 200 attacks have been accounted for, killing over a thousand people. In 2013, the United States continued this policy of extrajudicial executions with the agreement of the local government, despite its condemnation by the majority of Yemeni society.



Dhamar, 20 September 2012 - Funeral for the victims of the 2 Sep. 2012 American air strike on a vehicle in village of Saboul Ould rabii, Radaa. Twelve people, including two children and a woman, were killed, and two others injured.

Alkarama sent detailed information on ten attacks carried out by American forces to the Special Rapporteurs on extrajudicial execution and on counter-terrorism and human rights. Information was also sent to the Human Rights Committee about the United States' serious violation of article 6 of the International Covenant on Civil and Political Rights in view of the country's review by the UN body.

Following the submission of information to the Human Rights Council's Special Procedures, the two Special Rapporteurs adopted public positions on the subject. Ben Emmerson, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, underlined states' legal obligation to open thorough investigations when information about civilian casualties was provided from any plausible source, notably non-government organisations. He added that the results of such investigations must be made public. On 26 December, the United Nations' Special Rapporteur on arbitrary, summary or extrajudicial executions, Mr Christf Heyns underlined in a public statement that it was necessary to ensure accountability for these attacks and called on the United States and Yemen to recognize their potential responsibility, to make public the criteria used to select targets, to keep figures as to the number of civilians killed and ensure families of victims received compensation.

Arbitrary Detentions – Independence of the Judiciary

Arbitrary detention remains a major concern for Alkarama who treated a dozen such cases in 2013. Many of those who participated in the 2011 uprising remained in detention, often accused of terrorism but without any being presented for any legal proceedings, simply for having peacefully protested against the former regime.

The Supreme Council of the Judiciary (SCM), whose president is appointed by presidential decree retains the rights to name and remove judges. The executive branch's control over this body undermines its independence and the respect of the principle of the tenure of judges.

Journalists: Victims of Reprisals

Despite the popular uprising of 2011, a number of journalists are still at risk of reprisals, particularly if they denounce the excess committed by the government while countering terrorism. Wajdi Abdo Muhamad Al Subaihi, a 30-year-old journalist, was killed by three men at his home in front of his wife and three children. The Ministry of Defence claimed this assassination, declaring that Al Subaihi had worked as Al Qaeda's spokesperson before retracting this a few hours later, saying that those responsible for the attack were unidentified. Wadah Yahya Muhamad Al Qadhi was violently beaten by security service agents when he visited the crash site of a military plane on the outskirts of Sana'a on 13 May 2013. He simply sought to collect testimonies from the habitants of a neighbouring village. The three-year detention of Abdulelah Haider Shaye, a journalist, was also directly due to his work: Mr Shaye had contested the official version put forward following the American attack on Al Maajala in 2009 and disclosed the violations committed against civilians there. He was subsequently condemned to five years imprisonment, accused of belonging to Al Qaeda. When President Saleh appeared ready to issue a pardon in response to public pressure, he received a phone call from President Obama on 2 February 2011, during which the American president expressed his reservations about Mr Shaye's potential release.¹ Mr Shaye was finally released in August 2013.

In addition to the numerous cases of extrajudicial executions submitted to the United Nations' Special Procedures,

¹ White House, Press Service, page accessed 22 May 2011, <http://www.whitehouse.gov/the-press-office/2011/02/03/readout-presidents-call-president-saleh-yemen>



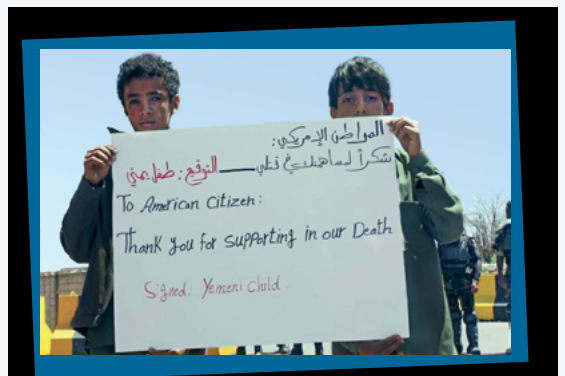
YEMEN/USA: LICENSE TO KILL; WHY THE AMERICAN DRONE WAR ON YEMEN VIOLATES INTERNATIONAL LAW

Alkarama published *License to Kill; Why the American Drone War on Yemen Violates International Law*, a report containing information about ten drone strikes carried out by US forces from 2009 to 2013. The report was the results of field visits carried out in Yemen between 2012 and 2013. Alkarama visited several sites, from Al Maajala to Wusab, in Yemen to collect testimonies from victims of attacks, as well as their families and lawyers. They also interviewed governmental representatives and members of Yemeni civil society.

The report also analyses the United States' new counter-terrorism strategy in light of international law and notes reactions by the United States, as well as the Yemeni authorities and civil society in view of this serious issue.

The report was released at a press conference organised by Alkarama on 6 November 2013 in Sana'a, in the presence of families of the victims of drone strikes who presented their demands for reparation, and provided their testimonies on what had happened to their loved ones and so many other civilian casualties.

The report is available in Arabic, English and French on our website: www.alkarama.org



LICENSE TO KILL

Why the American Drone War on Yemen Violates International Law





WHAT IS RATIFIED

ICCPR ✓ CAT ✓ ICPPED ✗
 OP ICCPR ✗ OPCAT ✗



UPCOMING

- Presidential and parliamentary elections in early 2014.



OUR CONCERNS

- Extrajudicial executions committed in Yemen by the United States through the use of drones and other military means, and the impunity granted to those responsible.
- The provisions of the Gulf Coordination Council's agreement that granted immunity to former president Saleh as well as those responsible for violations committed during the 2011 revolution;
- The judiciary's lack of independence.



OUR RECOMMENDATIONS

- Repel the 21 January 2012 amnesty law which guarantees impunity for those responsible for violations of the right to life and other serious violations committed during the 2011 revolution.
- Immediately end all extrajudicial executions committed by Yemeni forces, and withdraw the authorisation granted to foreign forces operating on Yemeni territory to commit such executions.
- Open impartial and transparent investigations into extrajudicial executions as well as criminal prosecution of any person responsible for violation of the right to life.
- Ensure adequate compensation is provided to victims of serious human rights violations, or their next-of-kin if necessary.

PUBLICATIONS

- 18 June 2013, UPR report.
- 1 July 2013, Follow-up to Yemen's review by the HRCttee.
- 13 Sept. 2013, USA: The Issue of Extrajudicial Killings in Yemen, Alternative Report the HRCttee.
- 17 Oct. 2013, Licence to Kill: Why the American Drone War on Yemen Violates International Law.

COUNTRY VISITS

- 16-26 April 2013: Sanaa, Meeting with Yemeni civil society actors and Minister of Human Rights.

EVENTS

- 18 April 2013: Sanaa, training workshop on UN human rights mechanisms for Yemeni civil society.
- 6 Nov. 2013: Sanaa, Press conference, launching of public report *Licence to Kill: Why the American Drone War on Yemen Violates International Law*.

OTHER

- July 2013: video clip on US air strike on Radaa, Yemen

Related: 23-30 Oct.2013: New York, USA, Alkarama attended the presentation by UN experts of their reports on the use of drones before the UN General Assembly; meeting with civil society actors working on the issue of drones.

PUBLIC REPORTS

- Alkarama, *An Investigation into the Events of Port Said: Between Police Brutality and Anarchy*, Cairo, Egypt, 6 February 2013
- Alkarama, *State of Emergency Mentality and Torture Persist Despite Six Months Anniversary since End of State of Emergency*, Cairo, Egypt, 21 February 2013
- Alkarama, *Licence to Kill: Why the American Drone War on Yemen Violates International Law*, Geneva, Switzerland, 17 October 2013

UN MECHANISMS

UNIVERSAL PERIODIC REVIEW

- Alkarama, *Universal Periodic Review of Jordan – Submission to Stakeholders’ Summary*, Geneva, Switzerland, 1 March 2013
- Alkarama, *Universal Periodic Review of Saudi Arabia – Submission to Stakeholders’ Summary*, Geneva, Switzerland, 4 March 2013
- Alkarama, *Universal Periodic Review of Yemen – Submission to Stakeholders’ Summary*, Geneva, Switzerland, 18 June 2013
- Alkarama, *Universal Periodic Review of Qatar – Submission to Stakeholders’ Summary*, Geneva, Switzerland, 1 September 2013

HUMAN RIGHTS COMMITTEE

- Alkarama, *Follow up to Kuwait’s Review by the Human Rights Committee*, Geneva, Switzerland, 1 July 2013
- Alkarama, *Follow up to Yemen’s Review by the Human Rights Committee*, Geneva, Switzerland, 1 July 2013
- Alkarama, *Second Follow up to Kuwait’s Review by the Human Rights Committee*, Geneva, Switzerland, 25 July 2013
- Alkarama, *Alternative Report in view of the Periodic Review of Mauritania by the Human Rights Committee*, Geneva, Switzerland, 1 September 2013
- Alkarama, *United States of America: the issue of extrajudicial killings in Yemen, Alternative Report in view of the Periodic Review of The United States of America by the Human Rights Committee*, Geneva, Switzerland, 13 September 2013
- Alkarama, *Briefing Note on the Human Rights Situation in Djibouti for Members of the Human Rights Committee*, Geneva, Switzerland, 13 September 2013 (in French only)

COMMITTEE AGAINST TORTURE

- Alkarama, *Alternative Report in view of the Periodic Review of Mauritania by the Committee against Torture*, Geneva, Switzerland, 15 April 2013
- Alkarama, *Contribution to the List of Issues in view of the periodic review of Morocco by the Committee against Torture*, Geneva, Switzerland, 26 April 2013

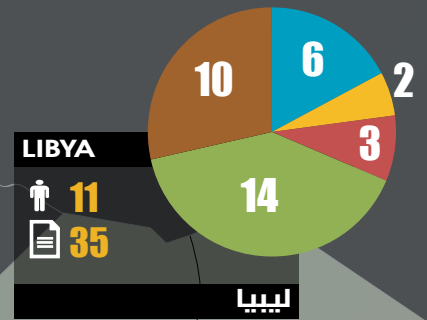
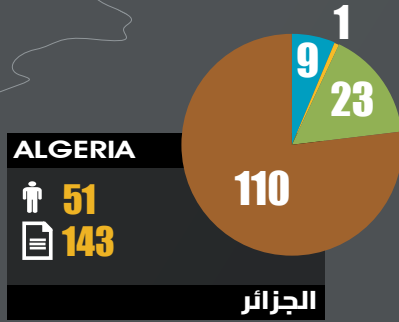
NATIONAL HUMAN RIGHTS INSTITUTIONS

- Alkarama, *Submission in view of the Review of the National Commission of Human Rights of Oman by the International Coordinating Committee of NHRIs*, Geneva, Switzerland, 2 September 2013

SPECIAL PROCEDURES

- Alkarama & National Coordination of the families of the disappeared in Algeria (CNFD), *From the denial of truth to the violation of the right to justice and reparation*, report submitted to Pablo de Greiff, UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Geneva, Switzerland, 11 September 2013 (in French)

الكرامة
OUR WORK
2013
عملنا



COMMUNICATION TO UN
4590
مذكرة للأمم المتحدة

INDIVIDUAL CASES
1887
قضية فردية

MAP LEGEND

دليل الخريطة

of cases
عدد القضايا

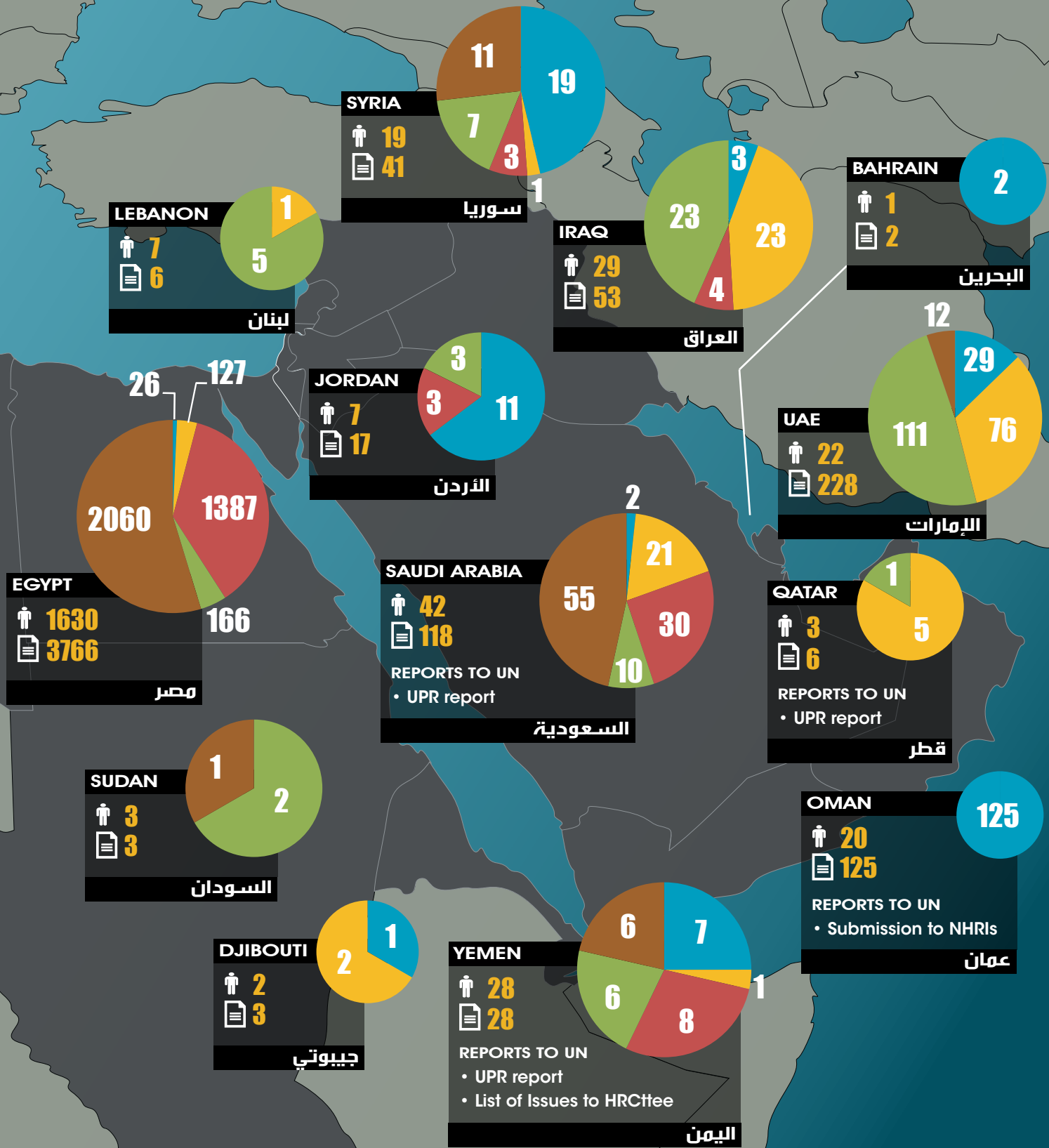
of communications
عدد المذكرات

of communications sent to
عدد المذكرات المرسلة إلى

- Special Rapporteur on Summary Executions
المقرر الخاص المعني بالقتل خارج نطاق القضاء
- Working Group on Enforced Disappearances
الفريق العامل المعني بالاختفاء القسري
- Special Rapporteur on Torture
المقرر الخاص المعني بمسألة التعذيب
- Working Group on Arbitrary Detention
الفريق العامل المعني بالاعتقال التعسفي
- Other
آليات أخرى

These figures represent alkarama's work in the region and are not necessarily indicative of the severity of the human rights situation in each country

هذه الإحصائيات تعكس عمل الكرامة في المنطقة ولا تعبر بالضرورة عن خطورة أوضاع حقوق الإنسان في كل بلد



GOVERNMENTS
الحكومات



الإجراءات الخاصة
إرسال قضايا الانتهاكات

SPECIAL PROCEDURES
SEND CASES OF VIOLATIONS
مراجعات للبلدان
شكاوى فردية

الهيئات المنشأة بموجب معاهدات
TREATY BODIES

COUNTRY REVIEWS
INDIVIDUAL COMPLAINTS

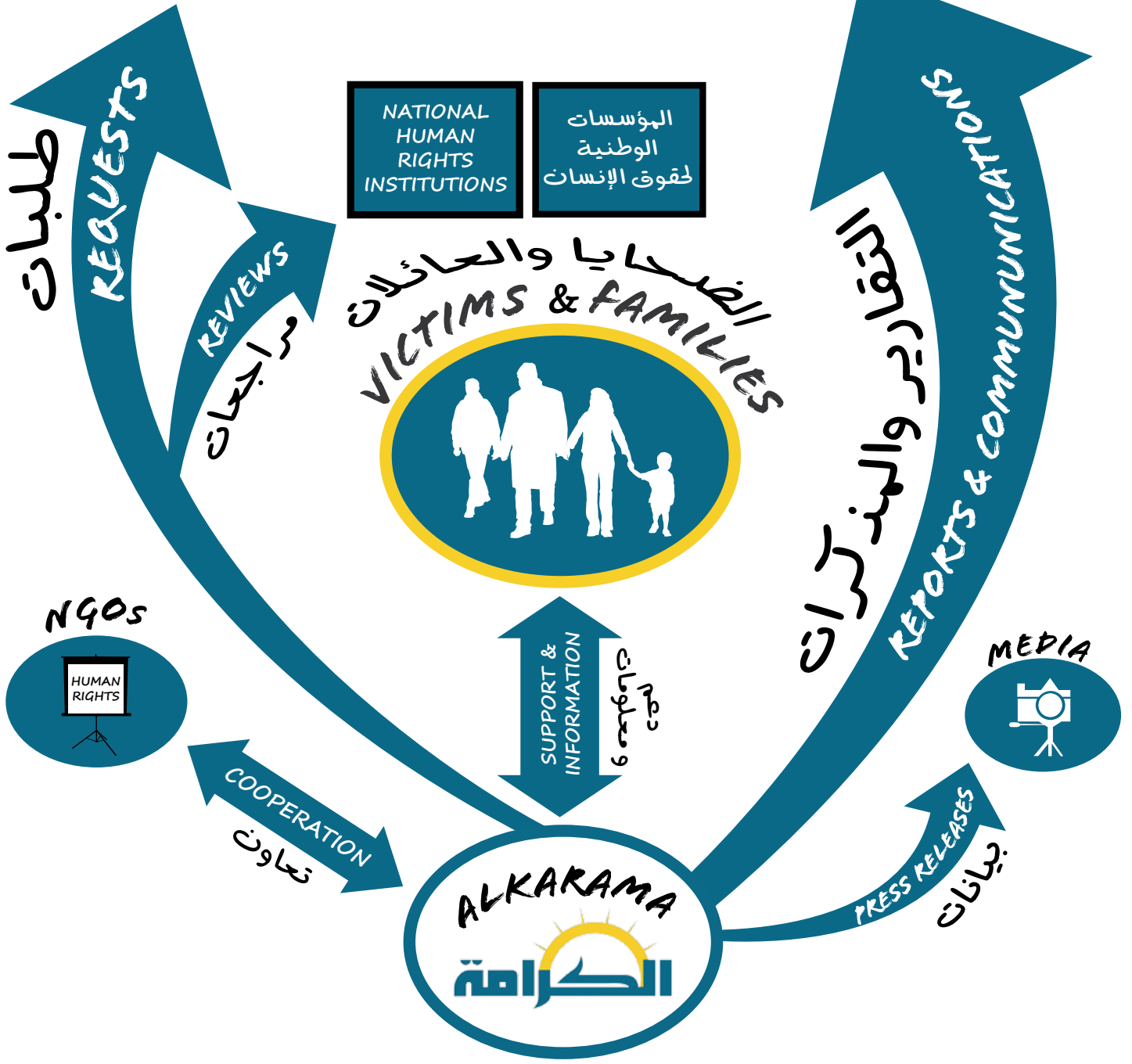
HUMAN RIGHTS COUNCIL
UNIVERSAL PERIODIC REVIEW
مجلس حقوق الإنسان
المراجعة الدورية الشاملة

الأمم المتحدة
UNITED NATIONS



OFFICE OF THE HIGH COMMISSIONER
FOR HUMAN RIGHTS

مكتب المفوض السامي
لحقوق الإنسان



ALKARAMA IS A GENEVA-BASED ORGANISATION
WORKING TO GATHER EVIDENCE OF HUMAN
RIGHTS ABUSES IN THE ARAB WORLD

الكرامة هي منظمة غير حكومية مقرها جنيف وتعمل على
توثيق معلومات عن انتهاكات حقوق الإنسان في العالم العربي