

"A man spends his first years learning how to speak and the Arab regimes teach him silence for the rest of his life"

Algerian writer Ahlem Mosteghanemi, Memory in the Flesh

**Bastion of Impunity, Mirage of Reform
Human Rights in the Arab Region
Annual Report 2009**

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Annual Report 2009**

Reform Issues (24)

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This report is dedicated to the late Dr *Mohamed El-Sayed Said*, who passed away on October 10, 2009, during the preparation of this report. Dr *Said* was a pioneer in the defense of human rights in the Arab region, one of the founders of the Cairo Institute for Human Rights Studies (CIHRS), and a member of CIHRS' board as well as its academic advisor. He founded and edited the CIHRS journal *Riwaq 'Arabi* in 1996, and his book *Hikmat al-Misriyin* (The Wisdom of Egyptians), published by the CIHRS, was named the best book of 2000 by the General Egyptian Book Organization.

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- **Alkarama for Human Rights**-Geneva
- **Human Rights Watch**- Geneva

*The list of contributors is incomplete due to security considerations in some countries under review.

Dedication

to the prisoners of conscience
and victims of unfair trials *

Syria:

1. **Muhannad Al-Hassani:** Lawyer and the President of the Syrian Organization for Human Rights “*Sawasiyah*” was detained in July 2009 and brought on trial merely due to his role in monitoring of the trials of political activists in exceptional state security courts. The Bar Association– under control of ruling *Baath* party– established a disciplinary committee for *Al-Hassani* on charges of heading an unlicensed organization for human rights.
2. **Hitham Al-Maleh:** Lawyer and the Director of the Syrian Association for Human Rights was detained in October 2009 and referred to a military tribunal on account of his prominent role in human rights activities and defending *Mohannad Al-Hasani*.
3. **Fedaa Akram Al- Hourani:** Chairperson of the General Council of Damascus Declaration for National Democratic Change.
4. **Dr Ahmed Toumah Khidr:** Secretary of the National Council of Damascus Declaration for National Democratic Change.
5. **Akram Al-Bunny:** (Journalist and Writer) Secretary of the National Council of Damascus Declaration for National Democratic Change.
6. **Riad Saif:** Former parliamentary and Head of General Secretariat of the National Council of Damascus Declaration for National Democratic Change.
7. **Walid Al- Bunni**
8. **Muhammed Haji Darwish**
9. **Fayez Sarah**
10. **Yasser Al- Eiti**
11. **Marwan Alosh**
12. **Ali Al- Abdallah**
13. **Jibr Al- Shufi**
14. **Talal Abu-Dan**

Members of the National Council of Damascus Declaration were all sentenced to two and a half years in prison after being found guilty of “weakening national feeling and undermining the prestige of the State.”

*The list above is incomplete, however it contains the names of the most prominent figures.

15. **Anwar Bunni:** Prominent Human Rights defender and one of the signatories of the Beirut- Damascus Declaration. He was sentenced to five years in prison for “weakening the moral of the nation.”
16. **Kamal Al-Labwani:** Head of the Democratic Liberal Gathering, was sentenced to jail for “inciting foreign states to attack Syria” and spreading news that would result in weakening the moral of the nation.
17. **Ali Faeq Al- Mir:** member of Syrian Democratic Peoples Party; he was sentenced to prison for spreading false news, offending the ruling regime, and for expressing public hostility towards the states policy.
18. **Karim Antoine Arbajy:** a blogger who is currently serving a 3-year sentence for spreading false news that “weaken the nation’s spirit.”
19. **Habib Saleh:** writer and political opponent who is serving a 3-year sentence for spreading false news that “weaken the nation’s spirit in the time of war.”
20. **Mashaal Al-Tamo:** spokesperson on behalf of the Kurdish Future Current who is serving a 3-year sentence for “insulting the state” and “weakening the nation’s spirit.”

21. **Mustapha Gomaa Bakr**
22. **Mohamed Said Hussein Al-Omr**
23. **Saadon Mahmoud Shikho**

Members of Kurdish *Azadi* Party who received three year prison terms each after being charged with insulting the state, weakening the nation’s spirit and inciting religious and racial divisions.

24. **Nasser Ahmed Mohamed**
25. **Raad Fawaz**
26. **Suid Shikhmos**
27. **Abdel-Rahman Mustapha**

Kurdish opponents who received six year prison terms by exceptional State Security Court for belonging to a banned political association and for their attempt to cut off parts of the Syrian territory and adding it to a foreign country.

Palestine:

28. **Marwan al-Barghouthi:** Member of the Legislative Council, one of Fatah Movement’s leaders. He was sentenced to life imprisonment.
29. **The countless members of Palestinian parliament** who were kidnapped by Israeli occupation forces in 2006 and are still in prison.

Egypt:

30. **Kareem A'mer:** Blogger; he was sentenced to four years in prison for defaming the President of Egypt and inciting hate to the Islamic religion.
31. **Musa'ad Abu Al- Fajr:** Blogger; one of the claimants for equality in rights and treatment for the Bedouins of Sinai. He was arrested under Emergency Laws.
32. **Yehia Abo-Nassera:** Blogger; defender of the rights of Bedouins in Sinai. He was arrested under the Emergency Law since December 2007.
33. **Hany Nazeer:** Owner of the "Karaz Al-Hob" blog that addresses Coptic issues; he was arrested under the Emergency Law.
34. **Magdy Ahmed Hussien:** Journalist and the Secretary General of the suspended "Al-A'mal" Party; he was sentenced to 2 years in prison before a military court on charges of "crossing the border to Gaza."
35. **Hassan Shihata:** Shiite activist; he was arrested together with countless other Shiite since July 2009.
36. **Khairat Al- Shatter:** The Deputy Chairman of Muslim Brotherhood; he was tried and sentenced to jail before a military court, along with 25 leaders from the same group.

Tunisia:

37. **Zohair Makhlof:** a founding member of the Freedom and Fairness organization; he is presently held in detention on charges of insulting others in the context of election campaigns of the list of the Progressive National Party.
38. **Tawfik Bin Brik:** Opposition journalist; he was detained on false allegations of violating public moral as well as libeling and slandering women.

Morocco:

39. **Chekib el-Khayari:** President of the Association for Human Rights in the *Rif*; he is currently serving a 3-year prison term for insulting state institutions and for addressing issues of corruption in drug trafficking.
40. **Yehia Mohamed Hafez:** Member of Collectif des Défenseurs Sahraouis des Droits de l'Homme (CODESA). He was sentenced to 15 years in prison – after an unfair trial – for his protests against the Moroccan administration in the Western Sahara region.
41. **Mustaph Abdel-Dayem:** Member of the Moroccan League for the Defense of Human Rights; he was sentenced to 3 years in prison for his protests against the Moroccan administration in the Western Sahara region
42. **Ali Boamoud**
43. **Al-Mahgoob Ailal**
44. **Hassanb Khalhd**
45. **Idrees Shahtan:** Editor-in-chief of *Al-Mashall* weekly newspaper; he is serving a one year prison term for writing an article on the King's health.
46. **Mohamed Al-Marawany:** Secretary General of the *Umma* Party
47. **Mustapha Al-Moatasem:** Secretary General of *Al-Badel Al-Hadary* Party
48. **Mohamed Amin Al-Rakala:** Vice Secretary General of *Al-Badel Al-Hadary* Party
49. **Abdel-Hafez Al-Srity:** Reporter in *Al-Manar* TV.
50. **Maa Al-Einin Al-Abadla:** Member of the national council for *Al-Adala* and *Al-Tannia* Party
51. **Hamid Al-Nahiby:** Member of *Al-Ishtraky Al-Mowahad* Party

Sahrawi activists who were sentenced to 2 years in prison for their participation in peaceful protests.

They have received prison term between 20-25 years in unfair trials with the exception of *Al-Nahiby* who was sentenced to 2 years in prison. The above-mentioned were among 35 others who were accused of forming a terrorist network.

- 52. **Ali Salim Al-Tamik**
- 53. **Ibrahim Dahan**
- 54. **Al-Dakga Lshokr**
- 55. **Ahmed Al-Nassery**
- 56. **Yahzia Al-Trouzy**
- 57. **Saleh Labihy**
- 58. **Rashid Al-Sagheer**

Journalists who were referred to military trials in *Rabat* on charges of visiting refugee camps of *Sahrawi* people in south west Algeria

Yemen:

- 59. **Yasser Al-Wazeer:** Member of Yemeni Organization for Defending Rights and Democratic Freedoms, who was detained without charge for more than a year because of his role in exposing the violations that took place in the *Sadaa* region.
- 60. **Ali Ahmed Al-Saqaaf:** Member of Yemeni Organization for Defending Rights and Democratic Freedoms, who was kidnapped in September 2009 and his fate remains unknown.
- 61. **Anis Mansour Hamid:** Journalist, who received a 14 months prison term for publishing information that was deemed harmful to national unity.
- 62. **Mohmed Al-Makaleh:** Journalist and rights activist, who was kidnapped in September 2009 by security forces that allegedly work for the Yemeni intelligence agency; his fate remains unknown.
- 63. **Dr Hussein. Al-Akeal:** Professor at Aden University.
- 64. **Kassem Askar:** Political activist.

They are currently on trial before the State Security Court on charges of endangering national unity and their views that support movements in south Yemen.

Saudi Arabia:

- 65. **Soliman Al-Rashodi**
- 66. **Abdel-Rahman Bin Mohamed Al-Shmiery**
- 67. **Abdel-Aziz Soliman Al-Khrijy**
- 68. **Seif Al-Din bin Faisal Al-Sherif**
- 69. **Fahd Al-Sakhri Al-Korashy**
- 70. **Abdel-Rahman Bin Sadieq**
- 71. **Saud Bin Mohamed Al-Hashemi**
- 72. **Ali Bin Hidan Al-Karani**
- 73. **Mansour Bin Salem Al-Aoza**

They have been detained without trial and they have come to be known as “Prisoners for Justice, Advocacy and Human Rights,” because of their calls for political reform and the establishment of independent human rights organizations. Despite this fact, authorities also accused them of collecting money for supporting terrorism.

- 74. **Khaled Al-Rasheid:** Activist in The Islamic Movement for Reform; he received a 5 year prison term for his declarations that oppose government policies. The appeal resulted in increasing the prison term to 15 years.

- 75. **Khaled Al-Ameir**
- 76. **Mohamed Al-Ateby**

They were arrested at the beginning of January 2009 for there participation in a peaceful protest against the Israeli aggression on Gaza and they are still under detention till the issue of this report because they refused to sign a pledge to refrain from such acts in the future.

Acknowledgement

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

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

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

First: National Organizations

Bahrain

1. Bahrain Human Rights Watch Society. <http://www.bhrws.org>
2. Bahrain Youth Society for Human Rights. <http://www.byshr.org>
3. Bahrain Center for Human Rights. <http://www.bahrainrights.org/>
4. Bahrain Human Rights society. <http://bhhs.org/>

Iraq

5. The NGO Coordination Committee in Iraq. <http://www.ncciraq.org/>
6. Iraq Body Count. www.iraqbodycount.org

Egypt

7. The Egyptian Association for Community Participation Enhancement. <http://www.mosharka.org>
8. Alnadeem Centre for Rehabilitating Torture Victims. <http://alnadeem.org>
9. New Woman Research Centre. <http://www.nwrcegypt.org>
10. The Centre for Trade Union and Workers' Services. <http://ctuws.blogspot.com>
11. Association for Human Rights Legal Aid. <http://www.ahrla.org>
12. The Egyptian Organization for Human Rights. <http://www.eohr.org>
13. The Egyptian Initiative for Personal Rights. <http://www.eipr.org/>
14. Hisham Mubarak Law Center. <http://hmlc.katib.org/>
15. Andalus institute for tolerance and anti-violence studies. <http://www.andalusitas.net/>
16. The Egyptian Centre for Women's Rights. <http://ecwronline.org>
17. Centre for Egyptian Woman's Legal Assistance. <http://www.cewla.org/>
18. The Egyptian Center for Economic and Social Rights
19. Arab Foundation for civil society support and human rights (afcshr)

Lebanon

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

Morocco

24. The Moroccan Organization for Human Rights. <http://www.omdh.org>
25. The Moroccan Association for Human Rights. <http://www.amdh.org.ma>
26. L'observatoire Marocain des Libertés Publiques. <http://www.forumalternatives.org/observatoire/>
27. Moroccan Center for Human Rights. <http://www.aafaq.org>
28. The Sahrawi Association of Victims of Grave Human Rights Violations Committed by the Moroccan State. www.asvdh.net/
29. Association ADALA. <http://www.justicemaroc.org/>
30. Collectif des Défenseurs Sahraouis des Droits de l'Homme (CODESA). <http://www.codesaso.com/>
31. The Moroccan League for the Defense of Human Rights. <http://lmddh.org/actualite2.html>

Saudi Arabia

32. Saudi Human Rights Centre. <http://www.saudihr.org>
33. Human Rights First Society. www.hrfssaudiarabia.org
34. The Committee for the Defense of Human Rights in the Arabian Peninsula. <http://www.cdhrap.net>

Sudan

35. The Sudan Organization against Torture. <http://www.soatsudan.org>
36. Khartoum Center for Human Rights and Environmental Development. <http://www.sudaneseonline.com/>
37. The Sudan Social Development Organization.(SUDO) <http://www.sudaneseonline.com/>
38. Darfur bar Association. <http://www.sudaneseonline.com/>
39. Amel Centre for Treatment and Rehabilitation of victims of Torture. <http://www.sudaneseonline.com/>
40. Journalists Network for Human Rights (Jahr)

Syria

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

Tunisia

51. Tunisia Watch. <http://tunisiawatch.rsfblog.org>
52. Tunisian Human Rights League. <http://www.ltdh.org>
53. Comité pour le respect des libertés et des droits de l'homme en Tunisie. www.crltdht.org
54. Tunisian Association for Democratic Women. <http://www.Tunisia/tadw/>
55. Conseil National Pour Les Libertés En Tunisie. <http://welcome.to/cnlt>
56. Observatory for the Defence of Press, Publishing and Creation Freedom. <http://www.tunisia/olpec>
57. Tunisian Association for the Struggle against Torture. <http://www.tunisia/altt>
58. The National Committee to support the people of the basin mine.
59. Organization of freedom and fairness

Yemen

60. Sister's Arab Forum for Human Rights. <http://saf-yemen.org>
61. Yemen Observatory for Human Rights. <http://www.vohr.org/>
62. The National Organization for Defending Rights and Freedoms.(Hood) <http://www.hoodonline.org>

63. Yemeni Organization for Defending Rights and Democratic Freedoms.
<http://www.anhri.net/yemen/voddrf>

Occupied Palestinian Territory

64. Al-Haq (Ramallah) <http://www.alhaq.org/>
65. Palestinian Centre for Human Rights.(Gaza) <http://www.pchrgaza.org>
66. Al Mezan Centre for Human Rights. <http://www.mezan.org>
67. The Independent Commission for Human Rights (ICHR). <http://www.ichr.ps/>

Algeria

68. Algerian League for the Defense of Human Rights www.la-laddh.org
69. Association of the families of Disappeared.

Second: Regional Organizations

70. The Arabic Network for Human Rights Information. <http://anhri.net/>
71. Arab organization for Human Rights. <http://www.aohr.net/>
72. Alkarama for Human Rights. <http://www.alkarama.org/>
73. Skys center for the Defense of Media and Cultural Freedoms.
<http://www.skevesmedia.org/>

Third: International Organizations and Institutions

74. The Euro-Mediterranean Human Rights Network. <http://www.euromedrights.net>
75. Human Rights Watch. <http://www.hrw.org>
76. Article 19. <http://www.article19.org/>
77. Amnesty International. <http://www.amnesty.org/>
78. International Crises Group. <http://www.crisisgroup.org>
79. Intentional Federation for Human Rights. <http://www.fidh.org/>
80. Front Line, Protection of Human Rights Defenders.
<http://www.frontlinedefenders.org/>
81. Reporters without Borders. <http://www.rsf.org>
82. International Centre for Journalists. <https://www.ijnet.org>
83. International Committee of the Red Cross.
<http://www.icrc.org/>
84. The Carnegie Endowment for International Peace.
<http://www.carnegieendowment.org>
85. Humanitarian news and analysis (IRIN) <http://arabic.irinnews.org/>
86. Reporters Without Borders. <http://www.rsf.org/-Barometre-.html>
87. Arab Reform Initiative. <http://arab-reform.net/spip.php?lang=ar>

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

Why This Report?

This report documents and analyzes the most significant developments in the Arab region from September 2008 to October 2009 with the aim of assessing both breakthroughs and failures in the observance of human rights. It focuses especially on those developments that reveal Arab states' readiness to foster a climate conducive to democratization, strengthen the participation of political and civil forces in policy-making, and renounce discriminatory policies of marginalization. In turn, this indicates to what extent regimes in the Arab region possess the political will necessary to engage in democratic reform and respect human rights.

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

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

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

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

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

In its second annual report, the Cairo Institute for Human Rights Studies (CIHRS) has almost followed the same model it followed in its report. That is, it seeks to provide an overview of human rights issues and problems in the Arab region by documenting and analyzing developments in countries that have special political significance. The current report reviews developments in the same countries examined in last year's report, namely

Egypt, Tunisia, Algeria, Morocco, Sudan, Syria, Lebanon, Palestine, Iraq, Saudi Arabia, Bahrain, and Yemen.

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

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

The report devotes a separate section to the status of women in the Arab region, which especially examines government policies that institutionalize gender discrimination or attempt to mollify conservative social demands, as well as progress made as a result of pressure from international agencies, rights organizations, and women's movements. Paradoxically, some measures to promote equality and strengthen women's political participation have been taken in countries that do not meet minimum democratic standards and do not respect the rights of equality and participation for women or anyone else.

The report also contains a special chapter documenting and analyzing the performance of Arab governments in UN human rights agencies, including the UN Human Rights Council. The report also contains a chapter that examines the performance of the Arab League, which is theoretically supposed to provide a regional framework for the protection of human rights in this region.

Introduction

The Future of the Arab Region trapped between a Failed State and a Religious State

Bahey eldin Hassan*

Five years have passed since Arab governments announced several reform initiatives in response to international pressure that began to build after the terrorist attacks of September 11. This international pressure to enact reform was subsequently adopted and codified in regional policies, initiatives, and institutional structures by the European Union (EU) and the United States (US). Reform initiatives were enacted by these states both individually and in unison, under the umbrella of the G8 group of nations, in the framework of what is known as the "Forum of the Future."

These preliminary actions helped to ease repressive measures on political activists and defenders of human rights, including the rights of women and minorities, throughout the region. In turn on-the-ground advances in the area of democracy and rights were witnessed in several countries, particularly concerning freedom of the press, association, and the electronic media. Yet, in no state within the region were these limited reforms enough to lead to real constitutional, legislative, or institutional gains that could upset the balance of power between authoritarian regimes and the forces of reform. This was due in part to severe shortcomings in the international initiatives themselves.

* General Director of the Cairo Institute for Human Rights Studies (CIHRS).

One of the most significant shortcomings was the overriding importance given to “democratic” and especially “electoral reform” narrowly defined, at the expense of a focus on human rights. Also disastrous was the pursuit of regional policies and practices by the US and Europe in the name of “freedom,” but that were wholly inimical to reform and human rights, most significantly the invasion of Iraq, the free hand given to Israel to repress the Palestinian people while blocking all efforts to hold Israel accountable, torture in the prisons of Guantanamo Bay and *Abu Ghraib*, and the contracting out of torture to Arab governments—ironically, to precisely those nations being called upon to respect human rights.

In an attempt to circumvent and undercut international reform initiatives, Arab governments proclaimed their engagement with “homegrown reform,” convening two regional conferences, one in January 2004 in *Sana’a*, Yemen, and the other in March 2004 in *Alexandria*, Egypt. The two conferences produced two documents pledging political reforms and identifying the major challenges to overcome. In May 2004, the Arab League held what became known as “a summit on modernization and reform” in Tunisia, with democracy and human rights topping the summit agenda for the first time. The summit concluded with the issuance of several foundational decrees and the approval of a revised version of the Arab Charter on Human Rights.¹

But over the last five years, the international initiatives gradually lost their momentum, ultimately collapsing under the weight of internal contradictions and the “terror” that struck Europe and the US following electoral victories by the Muslim Brotherhood in Egypt and Hamas in Palestine. The last spark of life in the initiatives was quashed once and for all with the arrival of a new US administration. When US Secretary of State Hillary Clinton gave the opening speech this November in Morocco at the “Forum of the Future”—which was established to foster democratic reform in the region—she not once mentioned the words “democracy” or “human rights.” Similarly, in his speech to the Muslim world in Cairo in June, President Barack Obama avoided taking a clear stance on human rights issues in the Arab region, and it is no accident that the speech twice described democracy issues as “controversial”—the only time that term was used in the long speech.

The incremental gains achieved by the political opposition and civil society within the region over the last five years have now become the primary target of a counterattack by Arab governments. Meanwhile, not one of the recommendations on political reform and human rights issued by the

¹ The first draft was approved in September 1994, but was not implemented before the second draft was approved 10 years later.

Sana'a and *Alexandria* meetings has been implemented. Indeed, Yemen and Tunisia² remain fertile ground for the persecution of rights advocates and journalists, who are arrested, tortured, and forcibly disappear. Even the very act of issuing follow-up reports has become burdensome: for the second year in a row the annual report on democracy in the Arab world, required by the recommendations in the *Alexandria* conference, was not issued due to sensitivity regarding “the tone of political criticism.”³ Furthermore, the Arab Charter on Human Rights, joined by only 10 of 22 countries in the Arab League five years after its approval, was disabled by the secretariat of the Arab League this year as soon as the first step was taken to implement it.⁴

Last year the annual report issued by the Cairo Institute for Human Rights Studies (CIHRS) concluded that the lack of political will on the part of most regimes in the Arab region was the key to understanding and explaining chronic human rights problems in the region. This same lack of political will was on display in 2009 as well, exacerbating already existing problems and raising several worrying questions about the future of human rights in the region and their ramifications for international and regional security and stability.

In a change from last year’s Annual report, some of the researchers and experts from several Arab countries who participated in the writing, preparation, or editing of this report asked that their names not be mentioned, for fear of security reprisals. This, in and of itself, is an additional indicator of the further erosion of human rights in the region.

Worrying signs

The single most worrying sign for the future of the Arab region is the widespread impunity and flagrant lack of accountability that persists. The President of Sudan’s refusal to appear before the International Criminal Court (ICC) for questioning on charges of the commission of war crimes in Darfur is the most prominent illustration of this impunity. But the unconditional support offered by Arab states and the Arab League, which invited Sudan to participate in regular summits and bilateral meetings with

² It should be noted that the former US administration persistently praised Yemen for its democratic efforts. Indeed, Yemen, in conjunction with Turkey and Italy, was the sponsor of the democracy assistance dialogue at the Forum of the Future. As for Tunisia, it was chosen by the US to be the permanent headquarters of its Middle East Partnership Initiative.

³ See al-Sayyid Yasin, director of the Bibliotheca Alexandrina’s Arab Reform Observatory, which was established after the Alexandria conference, *al-Qahira*, Jun. 30, 2009.

⁴ See the section of this report on the Arab League titled, “The Human Rights Commission within the League of Arab States Comes Under Siege!”

several states, illustrates to what extent most Arab governments do not give serious consideration to international law and the principle of accountability itself. Denouncing the principle of accountability is also the major reason that most of these regimes resist any governmental separation of powers: an act that would prevent the monopolization of state power by the executive and weaken the autocratic nature of many regimes in the region.

Arab governments not only champion impunity for crimes; they actively seek out and punish those who strive for the establishment of a democratic government that guarantees accountability for all institutions and individuals. Thus, in many Arab countries people are not only victimized by the lack of justice, but also by the very act of seeking it and rejecting the principle of impunity, particularly in cases of corruption, torture, the falsification of electoral results, and the manipulation of legislation, the constitution, and the judiciary. Topping this list of victims are human rights defenders, advocates of political reform, journalists, bloggers, attorneys, judges, and more.

At the same time, Arab governments have been actively trying to extend this absence of accountability internationally, and have increased their efforts over the last three years to undermine the international human rights framework held in place by UN agencies.⁵ If the US and Europe consistently seek to exempt one state from accountability—Israel—Arab governments are seeking to extend this exception and make it the universal rule by destroying the system of accountability itself.

The Arab region, a target of international reform efforts five years ago, has become a safe haven for repression and the base of operation for a counterattack on advocates of reform and mechanisms of accountability, both on a national and international level.

The **second** worrying sign is the increase and deterioration of failed states within the region.

Yemen appears to be in need of a miracle to stop its ongoing disintegration into a set of warring territories or a descent into wholesale anarchy like Somalia. In both scenarios, *al-Qaeda* will find in Yemen a strategic long-term regional foothold.⁶ Indeed, Yemen may supplant or complement Afghanistan as an *al-Qaeda* base. Such a development could have a catastrophic impact on the Arab region, one whose repercussions

⁵ See the chapter in this report on Arab governments' performance in these agencies titled "The Uncertain Future of International Human Rights: Arab States within the UN Human Rights System October 2008 – October 2009."

⁶ al-Awlaki, Anwar, "Could Yemen Be the Next Surprise of the Season?". Oct. 14 2009, <<http://myummah.co.za/site/2009/10/14/could-yemen-be-the-next-surprise-of-the-season>>.

would go far beyond Yemen and the Arab region. The situation in Yemen also provides additional proof of the failure of counterterrorism strategies grounded solely in security considerations, which often lead to support for corrupt dictators as long as they can be helpful in the short term.

The autocratic, corruption-plagued Yemeni regime has launched the sixth round in the war against the *Houthis* in the *Saada* region of northern Yemen, even as it has embarked on a bloody, violent crackdown on separatist tendencies in the south, where the population widely feels they are second-class citizens. At the same time, the regime has launched a no less violent war on freedom of expression, gagging every voice that exposes the horrors of what is happening in the north and the south through the most repressive means, including long-term detention, torture, the closure of newspapers, and enforced disappearance. At the same time, President *Ali Abdullah Saleh* seems to be going ahead with his plan to install his son as his successor, to rule over what remains of Yemen. The power struggle between the military establishment and *Saleh's* son, who heads the strong Republican Guard, plays a substantial role in the politicization and management of the war and the repression in both north and south, at the expense of the lives of soldiers and civilians.⁷

Sudan needs its own miracle to evade another bloody war between the north and south given the government's chronic failure to comply with the provisions of the Naivasha Accords and the ruling party's persistent attempts to circumvent and barter on its obligations under the accords, including on such fundamental issues as legislative reform and drafting the basis of the referendum on the status of the south. The issue at this point is not a question of whether the south will secede, especially after several southern leaders have stated that unity with the north is no longer an attractive option for southerners, and that acceptance of unity in current conditions would mean southerners' accepting their status as second-class citizens. Rather, a host of other pressing questions demand attention. Will general elections be held on schedule in February 2010? Can security be guaranteed for the referendum? Can a war be avoided both before the referendum and after the results are announced? Can a peaceful secession turn the border between north and

⁷ See the section on Yemen in this report titled "Yemen: Between Fragmentation and Somaliaization"; also see, 'Ata, Ahmed, "Inheritance Seems to be The Password in the War in Sa'ada: Yemeni Bloodshed in the Conflict Between the President's Son and the Commander of the Northern Region," *al-Shuruq*, Sep. 29, 2009; also see, "A Vision for National Salvation," Arab Reform Initiative. Sep. 11, 2009, <<http://arab-reform.net/spip.php?article2340>>; also see, "Yemen's War Has No Clear Reason," Herald Tribune, Oct. 26, 2009.

south into a line of integration rather than a war front? What will happen in Darfur and *Kordofan* if a war erupts between the north and south?⁸

The **third** worrying sign is linked to last year's observations about the growing tendency of regimes in some Arab countries to align themselves with *Salafists*⁹ (conservative Islamists) with the goal of mending their tattered political legitimacy in any way other than reestablishing it on the basis of the free democratic choice of their citizens. CIHRS' 2008 report noted that human rights would be the first victim of this alliance, which is bound together by a religious discourse that is hostile to freedom of expression, thought, and belief, minority and women's rights, and the right to privacy, while also expressing absolute loyalty to the ruler, no matter how corrupt or autocratic, and criticizing all who oppose him.

In 2009, there were additional signs that this alliance is gaining ground. In "secular" Syria, a personal status bill was submitted that undermines women's legal status, allows child marriage—or child rape, to be accurate—and imposes obsolete juridical provisions on Syrian citizens, including members of non-Muslim religious minorities. This year in several Arab countries—among them Morocco, Egypt, and Algeria—security campaigns targeted people eating in public during the day in Ramadan. In Algeria, religion was used as a component in the electoral campaign of President *Bouteflika*, who was accompanied by Sufi sheikhs on his campaign rounds.¹⁰ The director of the National Library was also fired because a speaker in a seminar sponsored by the library—the well-known Syrian thinker *Adonis*—criticized "the theological burdens borne by Arab thought."

In Egypt, the decline was even starker. Indeed, the police state in Egypt is increasingly acquiring features of the religious state, and we are perhaps seeing a blending of the two models. In 2009, the security apparatus and Muslim citizens attacked Copts who were holding prayer services in their homes due to the lack of churches in their villages and towns; it should be noted that Muslim citizens are subject to no special law that restricts their right to build mosques, hold prayer services in their homes, or even build

⁸ See the chapter on Sudan in this report titled "Sudan: Can Another Civil War be Avoided?"; also see, "Is It Possible to Revive National Motivation and Create Purely Sudanese Solutions?" a dialogue with Dr Haidar Ibrahim Ali, the director of the Center for Sudanese Studies, *Muntada al-Ahdath*, Jun. 15, 2009..

⁹ Said, Mohammed el-Sayed, "Arab Cultural Transformation: a Human Rights Perspective," (last study before his illness and subsequent death on Oct. 10, 2009), *From Exporting Terrorism to Exporting Repression*, 2008 Annual Report on the state of human rights in the Arab world, 2008, CIHRS, Cairo, pp. 179-205.

¹⁰ Tamlali, Yasin "Algeria: Islamicizes the Authorities and Authoritates Islam," Sep. 25, 2009, <<http://www.3almani.org/spip.php?article6648>>.

mosques inside their homes (structure known as a *zawiyas*). Officials in the capital and several governorates also replaced the Christian names of some streets, squares, and villages with Islamic ones. These are all indications¹¹ that the regime in Egypt increasingly sees itself first and foremost as the representative and protector of the interests of only one segment of the citizenry.

The **fourth** worrying phenomenon is the deteriorating status of minorities, which is closely related to the chronic failure to manage and deal with the ethnic and religious pluralism of the Arab world as a whole. This failure is largely a result of the lack of acceptance of the principle of equality. Signs of this are clear in Algeria, Iraq, Lebanon, Bahrain, Yemen, Saudi Arabia, Sudan, Syria, Morocco, and Egypt¹²—that is, in the majority of countries covered by this report. Although the problem takes different forms in each depending on the historical context and individual political systems, it persists in all these countries and in some threatens to divide the country irreparably or turn the state into a failed state. While Sudan and Yemen are the worst examples, such a bleak future cannot be ruled out for either Iraq or Lebanon as long as the political elite in these countries and influential regional powers do not fully recognize the looming danger, which is sure to have regional and international consequences. Although Morocco has taken some positive steps in responding to *Amazigh* demands, this year saw rising tension as *Amazigh* are increasingly convinced that they, perhaps a majority of the population, deserve a better status—that is, full equality with Arabs on every level.

Positive aspects

On the other hand, political opposition parties and civil society are showing increasing willingness to "pay the price" for their commitment to the cause of human rights in the region. This is clear in several nations, but perhaps the best examples are in Syria, despite the regime's harsh repression of the liberal opposition represented by the Damascus Declaration,¹³ and in Yemen, where political activists and human rights defenders are refusing to

¹¹ See the chapter on Egypt in this report titled "Egypt: Signs of Merging a Police State and a Religious State."

¹² See the separate chapters on these countries in the present report.

¹³ "The Arrest of Muhannad al-Hasani: an Attempt to Hush Syrian Regime Victims," Press Release by Cairo Institute for Human Rights Studies, Jul. 30, 2009, <<http://www.cihrs.org/English/NewsSystem/Printable/Articles/2512>>; also see, "Abusive Campagins Against Human Rights Defenders in Syria Should Stop," Press Release by the Cairo Institute for Human Rights Studies, Oct. 19, 2009, <<http://www.anhri.net/egypt/cihrs/2009/pr1019.shtml>>.

remain silent about the tragedies in both the north and south while enduring the regime's constant use of brutal tactics to silence journalists and human rights defenders.¹⁴ In Sudan as well, political activist and rights defenders publicly refused to negotiate on the issue of accountability for Sudanese rulers before the ICC.

Despite the constitutional, legislative, security and political war waged by the Egyptian regime since 2006 on the limited gains in rights made in 2004 and 2005, every day yet another social group comes forward in some form of collective protest, creating a climate of social ferment not seen since before the 1952 revolution. At the same time, the political elite continue to invent new forms of political resistance as it prepares for presidential and parliamentary elections in the coming two years, exploring possibilities for challenging the stifling constitutional limitations on would-be presidential candidates.

Also encouraging are signs that the political and cultural elite in many countries are willing to recognize the chronic problem of religious and ethnic minorities in the region. This does not mean that the defense of minority rights does not meet with social resistance—and, of course, ongoing government resistance—but the political and cultural elites have become less defensively sensitive and are more willing to engage positively on behalf of these minorities. This is clear when one reviews the opinion pages of newspapers, and it can also be seen in the waning of media attacks on activities related to minority rights. These attitudes are on display particularly in Bahrain, Saudi Arabia, Syria, Morocco, and Egypt. In Egypt, 15 years ago Dr *Saad El-din Ibrahim* was forced to convene a conference about minorities to Cyprus following a fierce assault on the idea by prominent members of the political elite, as well as government pressure. Now, however, not a month goes by without the convening of a conference, seminar, or protest march related to the status of Copts, Nubians, and *Bahais*, and human rights organizations regularly issue statements and reports related to these issues. Behind this development lies a history of courageous struggle for minority rights, for which its advocates have paid the price, including writers, thinkers, human rights defenders, and activists that belong to the minority communities themselves.

As was noted in the introduction of last year's report, human rights organizations in the Arab world are developing in many directions. The year 2009 witnessed the increased emergence of what is often called

¹⁴ "Dirty Wars in Yemen Also Target Human Rights Defenders", Press Release by the Cairo Institute for Human Rights Studies, Nov. 24, 2009, <<http://www.anhri.net/egypt/cihrs/2009/pr1124.shtml>>.

governmental non-governmental organizations (GONGOs) in many countries,¹⁵ often funded by foreign donors. It is expected that 2010 will see more activity from these organizations in UN forums with a connection to human rights.¹⁶ Another trend that bears close watching is that of NGOs that adopt, directly or indirectly, the agenda of political Islam in the region. This was observed in last year's report on the local level, but developments in 2009 call for closer monitoring on the regional and international levels.

This year also saw a qualitative development in human rights organizations' cooperation and coordination on the local and regional levels. On the local level, a worthy example is the "Human Rights Forum" in Egypt, an umbrella organization of 16 rights groups now concluding its second year. During its short existence, it has already made two important contributions: the drafting of an alternative to the NGO law, an initiative led by CIHRS and the Egyptian Organization for Human Rights, and the issuance of a joint report on the status of human rights in Egypt, which was submitted to the UN as part of its new Universal Periodic Review of human rights in all states. Ten separate reports were also submitted dealing with the subjects of concern for ten of the sixteen organizations.

Regionally, this report itself embodies a high degree of local, regional, and international coordination and collaboration, being the product of efforts by researchers from several countries in the region, local, regional, and international rights groups, and counsel offered by rights advocates and academics in several countries. Indeed, this report is only one pillar of a larger program that also includes collaboration among local groups to bring human rights issues in their countries before the competent UN agencies and institutions, and there are certainly other positive instances of local and regional cooperation and networking.

Beyond 2009: Towards an alternative strategy

Every strategy for political reform and better human rights compliance in the Arab region must consider the lessons of both the successes and failures of the last decade. Specifically, such a strategy should include the following points:

¹⁵ These are organizations established or recruited by governments for specific ad-hoc or long-term goals.

¹⁶ See the chapter in this report titled "The Uncertain Future of International Human Rights: Arab States within the UN Human Rights System October 2008 – October 2009."

1. Human rights claims should be given priority over more narrow demands for political participation and the reform of electoral systems.

2. Human rights demands linked to freedom of expression should be given special priority, particularly the right to independent organization, whether political parties, trade unions and professional syndicates, or NGOs.

3. Human rights organizations should participate in bilateral or multilateral structures that cross national borders whenever these structures deal with human rights issues or political reform.

4. International aid disbursed to governments and their national human rights institutions for the support of human rights and political reform should be closely monitored and its effectiveness evaluated by the human rights NGOs as well.

Report Summary

General State of Human Rights in the Arab Region

The Cairo Institute for Human Rights Studies (CIHRS) has concluded that the state of human rights in the countries reviewed in the present report has worsened compared to 2008. The following is a summary of the most significant features of this decline.

I. Legislative and institutional developments

Arab governments remained wedded to a broad array of repressive laws that undermine basic liberties.

The exceptional state of emergency entered its 36th year in **Syria** and its 28th year in Egypt, and a state of emergency has been in effect in some provinces in Sudan since President *Omar al-Bashir's* coup in 1989. In Algeria, the state of emergency has been operative since 1992, and this year, the Yemeni authorities declared a state of emergency in the *Saada* region, heralding the sixth round of the war on the *Houthi* rebels.

Article 74 of the **Algerian** Constitution, which put a two-term limit on the presidency, was amended, thus removing all barriers to the monopolization of power by undermining the principle and practice of the rotation of power. As expected, the amendments paved the way for the election of President *Bouteflika* to a third term.

Tunisia prepared for the presidential elections of October 2009 by manipulating its constitution last year, eliminating potential competitors to President *Zine el-Abidine Ben Ali*, who was elected to a fifth term.

Parliamentary elections in Tunisia were also preceded by changes to the electoral law to allow censorship and editing of candidates' platforms and campaigns prior to television and radio broadcast. The Ministry of Interior preserved its full authority to oversee all stages of the elections, starting with voter registration and ending with the announcement of results, even though the Minister of Interior himself was President *Ben Ali*'s campaign manager.

Although **Egypt** has both parliamentary and presidential elections coming in the next two years, authorities took no measures to amend the constitutional restraints on the right to compete for the presidency, particularly severe for independent candidates, or reform the electoral system, which provides only limited opportunities for partisan representation and for voting on the basis of political and partisan platforms. The Egyptian authorities did introduce modest reforms to the People's Assembly law that added 64 seats to the lower house of parliament reserved specifically for women. Although the measure is a partial response to calls for temporary affirmative action for women heard from feminist and rights groups, both local and international, the amendment does not address the real obstacles to true electoral participation by both women and men as voters and candidates. Since most of the districts for the women-only seats cover entire governorates, the measure is most likely to strengthen the power and numbers of the ruling National Democratic Party and its allies.

Perhaps an example of more earnest measures to increase representation in general elections was seen in **Morocco**, which not only assigned seats specifically for women, but also created a campaign finance fund that offered female candidates five times the monetary support as male candidates, thus giving political parties an incentive to include women on to their lists.

In **Lebanon**, there were very few legislative developments due to the political crisis that has paralyzed political and constitutional institutions. For human rights, the most significant development was Lebanon's ratification of the Optional Protocol of the UN Convention Against Torture, which requires the country to establish a national instrument to monitor conditions in prisons and prevent torture.

Syria has failed to take even one positive step to reconsider laws that are inimical to human rights. Indeed, this year legislative reform was focused on giving the security apparatus greater immunity from crimes and preventing accountability for abuses. Institutionalized discrimination against the Kurdish minority was further entrenched by the issuance of a law that requires citizens to obtain permission for all real-estate sales and purchases in border areas, where the Kurdish minority is concentrated. A new personal

status bill was drafted that undermines the status of women by not recognizing them as independent legal persons, discriminates against citizens on the basis of sect and religion, and imposes more conservative Islamic legal provisions on non-Muslim communities.

In **Bahrain**, authorities adopted new regulations allowing migrant workers to change sponsors—a measure that will have only a marginal impact as long as the sponsor system, considered a form of abusive exploitation that is internationally banned, continues to exist.

Early in the year the **Saudi** Crown Prince instituted significant changes in governing institutions. Most importantly, the extremist figures within both the Supreme Judicial Council and the religious police were removed, and the first woman deputy minister was appointed. Nevertheless, these developments were not accompanied by positive action in the realm of legislation or practice.

Sudan continued to shirk its responsibility to carry out legislative reform and shore up public liberties as required by the Comprehensive Peace Agreement with south Sudan, and it failed to uphold the rule of law and prevent impunity for gross violations of international humanitarian law. The Sudanese authorities introduced some small changes in the press law, most significantly investing the Journalists Union, rather than the government-dominated Press Council, with the authority to accredit journalists. A law was also passed creating a human rights commission, which has not yet been formed. In addition, authorities amended some provisions in the criminal law to criminalize acts that violate international humanitarian law. Although this move suggested that the regime might prosecute perpetrators of war crimes in Darfur in a Sudanese court, the changes were not made retroactive and thus the impact of the amendments was negligible. In addition, the Sudanese Code of Criminal Procedure does not recognize commanders' responsibility for crimes committed by their subordinates, and this remains an obstacle to the prosecution of domestic senior military and political officials.

II. Human rights defenders and reformists targets of increasing attacks

Human rights defenders and advocates of democratic reforms were targeted for various threats and acts of repression.

Syria still holds the worst record in this regard. This year, attorney *Muhannad al-Hassani*, president of the *Sawasiyah* human rights group, was arrested and referred to trial for monitoring the show trials held in

exceptional State Security courts. He was also referred to a disciplinary hearing before the government-controlled Bar Association.* *Haitham al-Maleh*, aged 78, the former chair of the “Syrian Human Rights Association,” was also arrested, and another prominent human rights defender was referred to a military court after he demanded the prosecution of those responsible for the death of a member of the “Syrian Observatory for Human Rights” last year, who was killed by a security patrol. The fate of *Nizar Rastanawi*, a member of the “Arab Organization for Human Rights,” is still unknown. Even though *Rastanawi* completed his prison term, he was not released and authorities have not revealed where he is being detained. Syrian military intelligence closed the offices of the “Syrian Center for Media and Freedom of Expression,” and dozens of democracy advocates remain in prison serving unjust sentences, most significantly the leaders of the political coalition that adopted the “Damascus Declaration for National Democratic Change.” Authorities also continued their policy of denying human rights organizations legal status, and have instituted a broad travel ban on human rights defenders seeking to attend regional and international functions. As of May 2009, 101 human rights defenders were banned from travel.

The police state in **Tunisia** continued its severe repression against human rights defenders either through blockading the offices of advocacy groups, putting their members under close surveillance or setting siege to their homes, and cutting off all phone and electronic communications to their offices. Human rights defenders are routinely subjected to physical and verbal assaults, smeared and slandered in the government-controlled media, and repeatedly arrested. A growing number of human rights defenders also face personal searches and physical violence at the Tunis airport.

In **Bahrain**, human rights defenders were increasingly frequent targets for arbitrary arrest, torture, trials, and smear campaigns, some of which go so far as to brand them as “the traitors of Bahrain.” Despite a royal amnesty under which many of these defenders were released from prison, the amnesty did not permanently clear the charges or prison sentences of those released. This year, the pressure on human rights defenders even extended to the harassment of individuals outside the country, some of whom were threatened and assaulted while in Europe.

Saudi Arabia remains dangerous for human rights defenders and advocates of reform. Authorities refuse to grant legal status to the few human rights organizations that exist in the Kingdom and many reformers

* As the present report was sent to publication, the Bar Association’s disciplinary board issued its decision to censure and disbar *al-Hassani*.

have been detained for long periods of time without trial and tortured. An Islamist reform activist was sentenced to a prison term for opposing government policies, and several rights defenders were banned from travel.

Although for several years, **Morocco** has shown relative tolerance for human rights defenders, Sahrawi organizations and activists remain a target for arrest, torture, and trials lacking even the slightest standards of fairness. This year the president of the “Association for Human Rights in the *Rif*” was arrested and prosecuted after accusing several senior officials of involvement in a drug-trafficking network. Members of the “Moroccan Association for Human Rights” were also arrested and tried for their involvement in social, political, or trade union protests.

In **Yemen**, those who monitor abuses in the *Saada* war in the north or expose the growing repression in the south are routinely abducted and subjected to enforceable disappearance. Several human rights advocates were detained without charge or subjected to unfair trials, most significantly members of the “Yemeni Organization for the Defense of Democratic Rights and Freedom” and the “Tagheer Organization for the Defense of Rights and Freedom.” Some were reportedly subjected to torture or ill treatment.

In **Algeria**, authorities continued to impose restrictions on human rights activities, prohibiting seminars and training workshops. Authorities also refused to admit other Arab human rights workers into the country to participate in certain events, and they continue to deny legal status to some organizations, particularly those groups that work with families of the disappeared and victims of terrorism. The government is currently imposing further legal restrictions on NGO activity by amending the NGO law.

The government of **Egypt** is heading in the same direction, attempting to curtail NGO activity by placing it under the guardianship of at least three agencies: the Ministry of Interior, the Ministry of Social Solidarity, and the General Federation of Associations, a semi-governmental body whose president and one-third of its board members are appointed by presidential decree. Proposed changes will give the federation additional prerogatives in the licensing, monitoring, and inspection of NGOs, as well as impose tighter restrictions on foreign funding. Although two rights organizations that were unjustly shut down were able to resume their operations thanks to court orders and international pressure, the “Egyptian Organization for Human Rights” is facing constant threats of closure and the Ministry of Social Solidarity continues to withhold the licensing of some rights organizations, most notably “Egyptians Against Religious Discrimination.”

The abuse of human rights defenders and their organizations continued in **Sudan** as well, particularly after the International Criminal Court (ICC)

issued an arrest warrant for the Sudanese President. Many prominent human rights defenders suspected by the security apparatus of cooperating with the ICC were arrested and tortured, and the authorities revoked the licenses and froze the bank accounts of three advocacy and aid organizations: the “Khartoum Center for Human Rights and Environmental Development,” the “Amal Center for the Rehabilitation of Victims of Torture,” and the “Sudanese Development Organization” (SUDO).

III. Grave assaults on freedom of expression

This year freedom of expression came under severe assault throughout the Arab region.

This was seen most clearly in the war waged by the **Yemeni** authorities on independent press, as a result of which at least ten newspapers were prohibited from issuing, distributing, or printing issues. Yemen created a special court for publication crimes before which several journalists were tried and sentenced. The sentences included not only prison terms, but also the temporary or permanent revocation of their professional credentials. The security apparatus raided press offices, and torched and confiscated trucks distributing newspapers. Well-known political figures and journalists were also abducted or disappeared, and the authorities continued to block dozens of news websites and online forums.

Although recent years saw an expansion of the independent press in **Morocco** and relative tolerance for press criticism, the last two years have seen a clear qualitative decline in this regard. The press has increasingly faced repercussions for publishing content about the King, even if it is positive, and for criticizing the royal family. This has been accompanied by a more frequent use of liberty-depriving penalties against journalists, and several issues of foreign and Moroccan papers were confiscated this year. In some cases, crushing fines have been levied on journalists and newspapers.

In **Egypt** this year, fewer prison terms were issued for crimes of publication or expression, and large fines were levied in their stead. Nevertheless, the threat of prison still hangs over some journalists. One person received a three-year prison sentence for relaying verse of poetry to friends which was considered insulting to the President (the sentence was overturned on appeal). The greatest infringements of freedom of expression in Egypt were seen in the broad attacks launched by the security apparatus on bloggers and internet activists, dozens of whom were placed under administrative detention, abducted, or temporarily taken to undisclosed locations, usually State Security police headquarters; some have been

detained for more than two years without charge or trial. In addition, religious pressure on freedom of expression in Egypt has been exacerbated as religion is increasingly exploited in the management of state affairs and politics, both by the ruling party and Islamists. This has been accompanied by smear campaigns, joined by religious and governmental agencies, impugning the faith of writers and intellectuals. A court order was issued revoking the license of the Ministry of Culture journal *Ibdaa* after it published a poem that was found to insult the divinity; the order was overturned on appeal.

In **Syria**, where there is no tolerance for freedom of expression, the number of blocked websites now exceeds 225. A blogger and political writer was convicted and sentenced to three years in prison on charges of disseminating news that “could erode the nation’s morale and weaken national sentiment in wartime.”

Repressive punishments continued to be used against journalists and writers in **Algeria and Tunisia**. The Algerian authorities banned French newspapers that published stories about the role of the military establishment in supporting President *Bouteflika*’s rule, while the Tunisian authorities confiscated and banned several issues of independent newspapers. Independent media – despite being limited – was particularly targeted, which included blockades on their offices and physical assaults and arrests of their staff. Pro-government journalists gained control of the Tunisian Journalists Syndicate and illegally removed its elected board with the encouragement and protection of government authorities.

In **Saudi Arabia**, where there is no independent media, it is estimated that hundreds of thousands of internet websites are blocked. Some Saudi bloggers were subjected to arbitrary arrest, and one Saudi citizen was sentenced to five years in prison and 1,000 lashes on charges of publicly proclaiming a sin, following statements he made on a program carried by a Lebanese satellite channel. A media presenter who works on the same program was sentenced to lashes after she was convicted of working for an unlicensed satellite channel – a sentence that was later commuted by a royal order.

The **Bahraini** authorities continued to block political, news, and advocacy websites, as well as online forums. In a space of just three months in early 2009, more than 70 websites were blocked, among them online newspaper sites. Lawsuits were filed against journalists on charges ranging from slandering officials to undermining the judicial authority to harming national unity.

In **Sudan**, the fierce battle against freedom of the press carried on. Newspapers are subjected to prior censorship, often carried out in the form of night raids by national security and intelligence agencies on newspaper headquarters, where unapproved material is censored before the paper goes to press. These practices meant that some newspapers did not publish for several issues after the security apparatus insisted on censoring stories or entire pages in each issue. Several journalists and writers were arrested and prosecuted, and it was feared that a journalist known for her writing critical stories about the regime and Islamist extremists would be flogged after she was charged with wearing clothing that aggrieved public sentiment. Repressive measures were taken against journalists, reporters, and demonstrators who expressed their solidarity with the journalist during her trial. Near the end of the year, the Sudanese authorities announced that they would end the security censorship of newspapers, but the move was accompanied by pressure on newspaper editors to sign a code of conduct imposed on them by the security apparatus; the editors were compelled to sign the code in the presence of members of the security apparatus.

Although in **Iraq** journalists faced fewer threats and risks than in the past, Iraq still tops the list of the most dangerous places to work for a journalist, having the highest number of journalists killed. At least eight Iraqi journalists were killed since August 2009. Although authorities in the autonomous Kurdish zone approved a new press law that partially removed provisions criminalizing media work and replaced jail time with fines, journalists continued to be sentenced to prison for so-called “press crimes.”

In the **Occupied Palestinian Territories**, press freedoms and institutions were targets for increasingly frequent attacks by the Israeli occupation army and also occasioned by the conflict between the Palestinian Authority in the West Bank and the deposed *Hamas* government in Gaza. The brutal Israeli bombings of the Gaza Strip hit media and newspaper offices, and media outlets linked with *Hamas* are still banned from operating in the West Bank, while *Hamas* applied a similar policy to pro-*Fateh* outlets in the Gaza Strip. Both sides of the domestic conflict put pressure on satellite media networks, and in the West Bank, several journalists and media workers with *Hamas* sympathies were arrested and detained.

Sharp sectarian and political divisions continued to plague **Lebanon**. During the parliamentary election campaign, journalists and television crews were assaulted and threatened to be killed, and some press and satellite crews were prohibited from entering certain areas because of their sympathies with a competing political force.

IV. The right to peaceful assembly

All forms of political and social protest remained targets for repression in most Arab countries.

The report notes that Lebanon remains an exceptional case in allowing its citizens to peacefully assemble in freedom, despite the persistent political crisis. In addition, the report notes a degree of tolerance for various types of protest by different groups in both Egypt and Morocco. Nevertheless, in Egypt collective political protests were repressed on several occasions, and the report observes that several countries—Egypt, Tunisia, Morocco, Saudi Arabia, and Bahrain—cracked down on demonstrations showing solidarity with the Palestinians during the Israeli attack on the Gaza Strip. The demonstrations that were permitted were monitored by the government, according to its own political calculations. In Syria, which has a long record of crushing various forms of peaceful expression and protest, some protests against the Israeli attack on Gaza were allowed by the regime as this enhanced its position vis-à-vis Egypt and Saudi Arabia. In Sudan, Sudanese officials led the solidarity protests with the Palestinians.

The report notes that one outcome of the *Fateh-Hamas* split was that the Palestinian authority in the West Bank repressed demonstrations against the war in Gaza only because some participants raised *Hamas* flags or expressed their solidarity with *Hamas*.

The Tunisian authorities harassed dozens of trade union activists and participants in the protest movement in the mining region of the country; some activists were prosecuted and sentenced to prison terms in trials that did not meet basic standards of fairness and due process.* In Egypt, exceptional, “emergency” State Security courts were used to try and imprison dozens of people who had participated in the protests in the city of *Mahalla al-Kubra*. In Morocco, several people were given prison sentences after taking part in the social protests in the *Sidi Ifni* region last year.

The severest crackdown on social action, however, was seen in events in southern Yemen, where the number of people killed in just seven months this year was greater than the total number of victims of 2007 and 2008 combined. The crackdown was accompanied by broad arrest campaigns that targeted thousands of people. The Moroccan authorities showed the utmost intolerance for assemblies that in any way dispute the country’s official stance on the Western Sahara issue. Excessive force was used to disperse

* As the present report was sent to publication, it was reported that those convicted in these trials had been granted amnesty.

such gatherings and participants were prosecuted in trials lacking due process.

Although the Iraqi authorities tolerated peaceful demonstrations and protests, the instable security situation and persistent violence and terrorism poses a threat to such protests. For example, at least 12 Christians were killed in attacks launched by armed militants on a demonstration protesting the bill regulating provincial elections. In Kurdistan, the Kurdish police opened fire on demonstrators in the province of *Erbil*.

Despite the limited nature of collective political and social movement in Syria, authorities continue to crack down at the slightest sign of such movement, particularly when it involves Kurdish citizens, dozens of whom are routinely arrested and subjected to unfair trials for their involvement in peaceful protests or even for merely celebrating Kurdish holidays.

V. Torture and extrajudicial killing

Abuses by the security apparatuses of several countries continued to go unpunished, and complaints of torture were heard in every country covered by this report.

Egypt continued to top the list of countries in which torture is routinely and systematically practiced. In 2009 Egyptian authorities used torture not only against those accused of political crimes or terrorism, but also against adherents of minority religions such as Shiites as well as suspects of criminal offences. Indeed, the threat of torture hangs over anyone who steps foot in a police station, whether to give a statement or file an assault charge, or pursuant to a summons by an officer, who might discipline or abuse citizens on behalf of influential persons. The report notes that dozens of people died in police custody in Egypt as a result of torture or as a result of excessive force used by police in pursuit of a criminal suspect. The report also notes the increasing use of excessive force against illegal migrants attempting to cross the Egyptian border into Israel, as a result of which at least 38 people were reportedly killed from June 2008 to September 2009.

Although the **Syrian** authorities maintain a near total blackout on conditions in prisons and detention centers, the report documents three cases of death as a result of torture or extrajudicial killing. As the present report was sent to publication, authorities had not yet released the names and number of those killed in the massacre in the *Sednaya* Prison last year. The fate of hundreds of prisoners remains unknown, and authorities still refuse to allow many families to visit their loved ones in prison.

Authorities in **Morocco** have been slow in implementing several of the most significant recommendations of the "Equity and Reconciliation Commission" that involve adopting an integrated national plan to combat impunity for crimes, as well as a number of institutional and legal reforms in the security and judicial sectors. As a result, complaints of abductions, arbitrary detention, and torture have increased, particularly in cases linked to terrorism or political activism in the Western Sahara region. It is clear that the Moroccan judiciary has no interest in investigating claims of defendants who appear in court and allege they were tortured to extract a confession.

Torture remains a routine practice in **Bahrain**, used especially against activists in social and political movements seeking an end to the institutionalized discrimination against Shiites; several human rights defenders were also tortured.

In **Saudi Arabia**, a great many people detained in connection with terrorism cases were subjected to physical and psychological torture, including cuffing, beatings, sleep deprivations, and the denial of family visits. Some people detained for their advocacy of political reform were also tortured.

Torture remains rampant in **Tunisia**, particularly against defendants in terrorism cases, where defendants are usually held in solitary confinement for weeks on end and denied visits. Tunisian courts also use evidence and statements extracted under torture as a basis for conviction.

Torture continues to be practiced in **Algeria**, particularly for those people suspected of membership in armed groups. Authorities, moreover, refuse to give any information of the numbers of people killed in confrontations with these armed groups, and refuse to divulge the number of people detained in secret prisons not subject to judicial oversight; detainees may be kept incommunicado for months at a time, thus facilitating torture. The judiciary also gives no consideration to detainees' allegations of torture and does not investigate such claims.

VI. Widespread abuses in the name of counterterrorism

Counterterrorism continues to provide a pretext for abuses in several countries. These abuses include arbitrary detention and torture, a denial of due process rights, and an erosion of standards of justice. Moreover, the exigencies of combating terrorism have allowed governments to introduce exceptional reforms that undermine freedom of expression, freedom of association and religious freedom in the name of combating terrorism.

In **Egypt**, the Emergency Law has been widely used to harass and detain bloggers without charge, and exceptional emergency courts are used to try defendants charged in connection with crimes of assembly. The emergency provision of administrative detention is also used against Shiites and Quranists.

In **Morocco**, some 1,000 people arrested after the bombings in Casablanca in 2003 are still being detained, and 35 people were sentenced to prison terms on charges of forming a terrorist network in the *Belliraj* case. The trial involved several violations of the defendants' rights and their right to counsel.

In **Algeria**, defendants in terrorism cases are denied trials in regular courts and are prosecuted before military tribunals, and complaints continue to be heard regarding the unlawful years-long detention of many terrorism suspects; in some cases, suspects have been held for up to ten years without trial. Detainees also subjected to enforceable disappearance for months at a time during which time they are held in unknown detention facilities.

Aided by the extremely broad definition of a terrorist crime under the Tunisian counterterrorism law, **Tunisian** authorities have engaged in broad arrest campaigns of suspected terrorists, who are often rounded up merely on account of their "religious" appearance or because they are suspected to be connected to Islamist groups. Trials are convened on a nearly daily basis—reportedly at a rate of 15 trials per month—and sentences often include, in addition to prison time, additional years of administrative monitoring after release.

Also in connection with counterterrorism measures, **Saudi** prisons have held some 9,000 detainees since 2003, many of whom are held without charge or trial; some detainees were released after undergoing "religious rehabilitation." Since October 2008, authorities have convened secret trials for more than 900 detainees, 330 of whom were convicted. No international observers were allowed to attend these trials, and the official media was not permitted to cover them.

VII. Religious freedom and minority rights

The discriminatory policies adopted by Arab governments against large segments of the citizenry remained a source of tension and fueled social conflict, which was often accompanied by human rights abuses.

In **Syria**, Kurds remain a target of persistent, systematic discrimination and are denied their citizenship rights. This year, additional restrictions were imposed on Kurds' property rights requiring security approval to buy or sell real estate. Authorities continued to repress all forms of Kurdish identity and

Kurdish rights, through arrest, crackdowns on peaceful protests, and unfair trials on charges of “inflaming sectarian and confessional tensions” or “inciting social strife and civil war,” among others.

In **Bahrain**, social tensions continued to increase as a result of the institutionalized discrimination and marginalization of Shiites, who constitute a majority of the population. Whereas some Shiites are denied their right to citizenship, authorities are encouraging the immigration and naturalization of Sunni Arabs and Asians, in an attempt to change the country’s demographic structure. At the same time, this further entrenches the Sunni minority’s control over senior state positions. Shiite mosques are often blockaded, and Shiite gatherings and religious celebrations are also tightly controlled. While the authorities continue to block and ban Shiite websites, the official media and some extremist Sunni preachers engage in orchestrated smear campaigns against Shiites that sometimes go as far as branding them as “infidels,” a “crime” some extremists believe should be punished by execution.

Despite the **Saudi** regime’s attempts to appear to champion religious tolerance and interfaith dialogue in international forums, in practice the national religious police continue to exhibit violent behavior, restrict personal freedom, and prohibit the Shiite minority from practicing its religious rites. Authorities continued to discriminate against and harass the Shiite minority, which has prompted calls of separatism in the Eastern Province of the Kingdom if abuses against Shiites do not come to an end. This year these abuses included harassment during religious celebrations, arrests, and the blocking of websites. Official pressure on religious freedoms in the Kingdom is increasing. Those who uphold religious beliefs at odds with the official interpretation of Islamic law or people who convert from Islam to another religion may be branded as infidels or arrested.

Although **Morocco** has taken important steps to recognize the cultural rights of the *Amazigh* minority, establishing a state-run *Amazigh* channel in December 2008, this does not deny the fact that discrimination against the *Amazigh* still persists. It is prohibited to give newborns and some educational institutions *Amazigh* names, important *Amazigh* figures and events are still not included in academic curricula, and *Amazigh* associations are faced with broad restrictions. Despite the official royal championing of a “refinement of religious discourse, greater tolerance, and the repudiation of extremism,” this year authorities arrested Shiites and people who ate in public during the month of Ramadan.

In **Egypt**, the state is increasingly acquiring the features of a religious state as religion is used to manage state affairs. This year, the Ministry of

Interior took it upon itself to harass Copts praying in their homes and people eating in public during the day of Ramadan. The Ministry also used the Emergency Law to harass those labeled as “the deniers of the Prophet’s Sunna.” Hundreds of Shiite believers were harassed and subjected to media smear campaigns, and some MPs with the ruling party proposed issuing legislation that would criminalize the Baha’i faith and punish people eating in public during Ramadan. Although some Baha’is were able to obtain personal identity documents, thus resolving a long-standing problem, they were none-the-less targets of unprecedented violence that was stoked by a leading figure of the ruling National Democratic Party (NDP). Muslim-Coptic sectarian violence and tension was also exacerbated; villages and cities in ten governorates around Egypt witnessed sectarian incidents and at least seven people lost their lives due to violence that extended over nine months. In most cases, the security apparatus set the law aside and dealt with the issue by placing those involved in these incidents under administrative detention, compelling parties to the dispute to renounce their civil claims and accept formal reconciliation at the expense of the rule of law.

VIII. A deadlock for political participation in most countries

Peaceful rotation of power through representative politics, and clean and competitive elections remained a dream in most countries covered by this report.

In **Lebanon**, parliamentary elections saw few challenges and all competing parties accepted the results in theory. Nevertheless, despite the easy victory of the March 14 coalition, the alliance was unable to form a government for five months, and thus Lebanon remained incapable of translating the wishes of voters into reality. Thanks to *Hizbullah*’s weapons and support from some regional parties, the parallel “state within a state” power structure remained intact, paralyzing constitutional institutions.

In **Yemen**, the ruling party and major opposition parties agreed to postpone parliamentary elections for two years. Although this represented a limited victory for opposition forces, which threatened to boycott elections if they were not preceded by constitutional and legal reforms, *Ali Abdullah Saleh*’s persistent use of military and security means to contain opponents and secure stability has put the country on the path toward a full-scale bloody confrontation. This is not likely to provide a suitable climate for national dialogue before the postponed elections.

In **Algeria**, authorities undercut the integrity of presidential elections by amending the Constitution to remove constraints to President *Bouteflika*’s

absolute rule. Despite the absence of any real competing candidates, especially given the boycott of elections by opposition parties, the pro-government media was used to smear opponents and boycott political groups. The elections witnessed widespread irregularities that artificially raised voter turnout.

In **Tunisia**, authorities ushered in a fifth term for President *Zine el-Abidine Ben Ali* by amending the Constitution to eliminate potential competitors and deny them candidacy, making the election more of a referendum. The outcome of parliamentary elections, held in tandem with the presidential elections, was entirely predictable given an electoral system that guarantees the official ruling party 75 percent of seats in parliament and divides the remaining seats among the parties of the loyal opposition. Nevertheless, the media rallied around the President and his party in a show of blatant partiality and those who exposed the farcical nature of the elections were savagely attacked. Human rights advocates, political activists, and journalists were also subject to close surveillance and harassment during elections.

In **Egypt**, with President *Mubarak* nearing the end of his fifth term in 2011 and next year's elections for the *Shura* Council and the People's Assembly approaching, speculation runs rampant about plans to pass the presidency to Mubarak's son. Thus far, authorities have introduced only superficial legal changes to address problems in the electoral system, creating an additional 64 seats in parliament specifically for women. In the meantime the Political Parties Committee, controlled by NDP loyalists, continues to refuse to license new political parties, and the security apparatus has directed several widespread attacks against members of the Muslim Brotherhood. Observers believe the aim of the increased attention on the Brothers is to compel the organization to conclude a deal whereby the government will cease its security campaigns if the Muslim Brotherhood would agree to only nominally participate in parliamentary elections and refrain from opposing the transfer of power within the ruling family.

In **Morocco**, the division of polling districts was challenged and elections saw several irregularities, most prominently the use of public funds to support certain candidates. The barely one-year-old "Authenticity and Modernity Party," which is close to the royal family, managed to obtain a plurality of votes while the "Islamist Justice and Development Party" came in sixth place.

Perhaps the only elections that signaled some positive change were those in **Iraq**, which held provincial and presidential elections this year, as well as elections in the Kurdistan region. The outcome of the elections indicated that

most Sunni citizens were willing to participate in the political process, as voter turnout in Sunni areas rose to 42 percent, compared to only 3 percent in 2005. Iraqi voters also showed less enthusiasm for religious parties, both Sunni and Shiite, as different political parties and forces gained momentum at the expense of parties or figures associated with Iraqi exiles. This may serve to reshape the political landscape in Iraq, which has been dominated by specific political and sectarian forces since the American invasion.

IX. Grave abuses during occupations and armed conflicts

Palestinians in the occupied territories suffered severe abuses and a curtailment of their rights, both by Israel and some Palestinian factions. The domestic split that produced two governments—*Fateh* in the West Bank and *Hamas* in the Gaza Strip—occasioned recrimination and acts of violent retribution by both sides.

Israel continued to engage in policies that violate international humanitarian law, illustrated particularly in the collective punishment of Palestinians in the Gaza Strip and the now two-year-old blockade. Israel also stepped up its efforts to “Judaicize” Jerusalem and separate it from the rest of the occupied territories. This year saw one of the biggest massacres in the occupied territories since 1967, as the brutal Israeli assault on Gaza, which lasted for 23 days, killed more than 1,400 Palestinians, at least 65 percent of which are civilians. The report issued by the UN fact-finding mission stated that Israel engaged in war crimes and possibly even crimes against humanity.

Under the cover of the war in Gaza, *Hamas* embarked on several repressive measures targeting *Fateh* members, figures who oppose *Hamas*’ rule, and suspected collaborators with Israel, and it is suspected that dozens of people were killed, either shot to death or as a result of torture. *Hamas* personnel also broke the legs and arms of dozens of other people to compel them to stay in their homes. Also, some government employees in Gaza were replaced with *Hamas* loyalists.

In the West Bank, under the authority of *Fatah*, hundreds of *Hamas* sympathizers remain in detention; it is thought that at least two of the detainees have died as a result of torture. The West Bank authorities fired civil servants and teachers suspected of *Hamas* sympathies, while the salaries of thousands of employees of the Palestinian authority inside the Gaza Strip were suspended. Licensing for associations and companies in both the West Bank and Gaza Strip is now preceded by a security check, and

those organizations that have affiliations with the “wrong” party are refused licenses.

Violence and murder continued in **Iraq** making it the country with the most violations of the right to life. Nevertheless, there are signs of a relative improvement in the situation as the death toll fell to its lowest levels since the American invasion. Clashes with armed militants and terrorist bombings killed at least 3,200 civilians during the first eight months of 2009, compared to 9,200 during the same period in 2008. The slight drop in violence reflects some success on the political front, particularly after many Sunnis were convinced to join the political process, illustrated in the results of provincial elections. Nevertheless, the situation has not yet stabilized, especially in the absence of real efforts to entrench the rule of law, put an end to impunity for grave human rights violations, and end the torture and mistreatment of the estimated 30,000 detainees being held in Iraqi government prisons. Moreover, there are growing doubts about the ability of Iraqi security forces to impartially uphold the law given indications of continued divisions in the ranks along political, religious, sectarian, and ethnic lines.

Although late last year it looked as if the war in the *Saada* region of northern **Yemen** was winding down, the war against the *Houthis* entered its sixth round this year.* The Yemeni state itself now faces fast growing dangers, the result of policies that have led to the political, economic, and social marginalization of the population in the south, turning them into second-class citizens and turning Yemen into a center for Islamist radicals, who constitute the base of *al-Qaeda* in the Arabian Peninsula. Instead of adopting policies to address the grievances of southerners, the state has been engaging in increasing repression of social and political ferment in the south. Considering the growing separatist calls now heard in the south, a renewed civil war seems to loom on the horizon.

The resumption of fighting and aerial raids in *Saada* resulted in the deaths of many civilians and the displacement of some 130,000 people, who now face possible death in light of the difficulty of access facing humanitarian aid groups and the inadequacy of refugee camps. The Yemeni security apparatus continues to detain more than 240 people arrested in 2007 and 2008 during the war in *Saada*. Despite the presidential amnesty announced this last year, death sentences were issued against seven people, while 23 people were sentenced to up to 15 years in prison on charges of participating in the fifth round of the war. In the first eight months of 2008,

* As the present report was sent to publication, Saudi Arabia became a direct party to the conflict with the Houthis, with no protest from the Yemeni government.

the crackdown on political and social protest in the south left at least 45 people dead, compared to 15 in 2007 and 2008. Reports indicate that the Yemeni authorities have created civil militias that are taking part in the crackdown, and thousands of southerners have been arrested.

The situation in **Sudan** also reached a crisis point. After the ICC issued an arrest warrant for President *al-Bashir* charging him with war crimes in Darfur, the regime initially avoided an escalation of military operations, but it compensated for this by taking retaliatory measures that constituted an additional war crime, expelling 13 of the largest humanitarian aid organizations and thus inflicting collective punishment on the Darfur population. The expelled aid organizations supplied vital services to more than 1.5 million displaced persons in the form of food, public health, potable water, environmental health, and supplementary nutrition for children, mothers, and infants. Several aid workers were kidnapped and UN personnel were also threatened. At the same time, the peace treaty between north and south Sudan remains fragile given the ruling party's reluctance to engage in legislative reform and the failure to reach an agreement on the law governing the self-determination referendum on south Sudan, which is scheduled for 2011. The situation created by the failure of the southern government to adopt a successful disarmament program and control security in the southern provinces, as well as the tribal violence in the south instigated by the government in Khartoum, led to the deaths of at least 1,200 people in tribal violence and the displacement of tens of thousands. Furthermore, the southern province of Kordofan is shaping up to be the locus of new war.

In **Lebanon**, political and sectarian divisions, fostered by some regional players, continue to fuel a persistent political crisis now in its fifth year. Although the Doha Agreement concluded in May 2008 temporarily defused a potential civil and sectarian war, inspiring hope that constitutional institutions would once more begin to exercise their mandates, developments in the past year indicate that the parallel power structure still exists, especially given *Hizbullah's* superior military capabilities as an opposition power. Such military capabilities allow it to deter its enemies and paralyze state institutions, which are unable to take measures that do not meet the approval of *Hizbullah* and the opposition forces aligned with it. As a result, the outcome of the parliamentary elections was turned into no more than ink on paper, and the coalition that won an easy victory was unable to form a government for five months.

Given this situation, which persists even after the successful formation of a government, there is little chance that authorities will be able to take serious measures toward accountability and the prevention of impunity, whether for crimes and grave violations committed during *Hizbullah's*

offensive in Beirut last year or for the string of bombings and assassinations seen in Lebanon in recent years. There is also little hope that the fate of people who disappeared during the civil war and the period of Syrian guardianship over Lebanon will be investigated. The Lebanese authorities have conducted no impartial, independent investigation of the military clashes that took place last year in the *Nahr al-Barid* refugee camp, during which dozens of civilians were killed. Although more than 100 people were killed in the fighting during *Hizbullah's* offensive in Beirut in May 2008, only one indictment has been issued in connection with the killing of two civilians. While the international tribunal set up to prosecute those responsible for the assassination of former Prime Minister *Rafiq al-Hariri* was finally inaugurated after much stalling by Syrian-backed opposition forces, the chances for achieving justice in the case are still dependent on the extent according to which international and regional players are willing to exercise responsibility and prevent impunity for these types of crimes.

Part One
Human Rights Situations in the
Arab Region

Chapter One
Countries under
Occupation and Armed Conflict

The Occupied Palestinian Territories

Between the Barbarity of Israel and the Cruelty of "National" Leaders

The plight of the Palestinian people has been exacerbated under the occupation and the oppression of the Israeli military on the one hand, and the division and political conflict between components of the Palestinian National Authority and *Hamas* on the other. This has become especially acute since Hamas' violent takeover and control of the Gaza Strip in June 2007, which led to the existence of two separate governments, security apparatuses and police agencies, the first run by Hamas in Gaza, and the second by *Fatah* in the West Bank. This conflict itself has dealt a severe blow to the right of the Palestinian people to self-determination and the establishment of an independent Palestinian state.

The constitutional and legal right of both leaders in the West Bank and Gaza "mini-states" is unclear. The existing division in the executive branch has been extended to both the legislative and judicial branches. Hamas' "dismissed" government has established a judicial system in the Gaza strip after summarily doing away with the existing judicial system. At the legislative level, the Hamas bloc continued to hold sessions at the Legislative Council and to pass legislation despite the boycott and opposition of the other parliamentary blocs. Simultaneously the head of the Palestinian National Authority *Abu Mazen* and his government in the West Bank continued to overstep the legislative authority by issuing decrees with the power of law, that practically speaking, are only valid within the borders

of the West Bank.¹ Nevertheless, it has been recently observed that pressures by committees of the Legislative Council have limited the tendency to resort to enacting decree laws except when necessary.

The human rights situation further deteriorated due to the division between *Fatah* and *Hamas*. Both sides continued to suppress opponents in their respective "mini-states", either through arbitrary detention, torture or assault on the mass media of the opponent, or by undermining the independence of court rulings. *Hamas* has used Israeli aggression as a means to tighten its grip on the Strip, through measures including extrajudicial killings, summary executions, and severe beatings, including breaking the bones of dozens of people classified as opponents to *Hamas* rule in Gaza, or who were accused of collaborating with Israel, or seen as "agents" of the Authority in *Ramallah*.

One and a half million people- the inhabitants of the Gaza Strip – have been the target of a siege by Israel since September 2007. In this context, violent conflict has continued with the collapse of the provisional truce between Israel and *Hamas*, with Israeli attacks continuing and *Hamas* firing rockets at Israeli cities. This has led to unprecedented massacres of Palestinian civilians on a level of intensity not seen since the occupation of Palestinian territories in 1967.

The report of the United Nations Human Rights Council fact-finding mission on Israel's offensive on Gaza concluded that it was necessary for the UN Security Council to take action to hold those responsible of war crimes accountable if national authorities fail to conduct serious investigations on war crimes committed during the conflict. And, if genuine investigations and prosecutions for any crimes committed did not take place on a national level within six months, then to refer the file to the International Criminal Court (ICC).² Both the United States and Israel launched a fierce campaign against the report, and have attempted to ensure all war crimes committed during the conflict are afforded impunity. The Goldstone report embodied a long standing hope of finally holding Israel accountable for massacres committed by the Israeli army against the Palestinian people. Unfortunately, in September 2009, some Arab countries, as well as the Palestinian National Authority (PNA), giving into pressure from the US and others, requested a

¹ See the 2008 Annual Report of the Palestinian Center for Human Rights.

² "CIHRS Calls on the UN Human Rights Council to Endorse the Findings of the Fact Finding Mission on Gaza" Cairo Institute for Human Rights Studies, Sep. 30 2009; See also "HRC Revives Freedom of Expression but Imposes 'Traditional' Limitations on Rights and Allows Impunity for Gaza War Crimes," Cairo Institute for Human Rights Studies, Oct. 5 2009, <http://www.cihrs.org/english/newssystem/Search.aspx?key=,1,0,False,9/29/2009,10/10/2009>.

delay by the Human Rights Council on a vote to uphold the report's findings and recommendations.

Nevertheless, severe criticism of the Palestinian National Authority for its weak and defeatist stand urged the PNA to change their position, and to call for a special session of the UNHRC the following month. This session concluded with the adoption of the report and its recommendations with the consent of 25 countries, with 11 abstentions and the opposition of 6 states, foremost, namely the United States, and several European countries. The draft resolution retreated from the request for direct transfer of the report to the Security Council, and called for transferring it first to the UN General Assembly. The resolution gives the Security Council the ultimate responsibility of upholding the report's recommendations if national authorities fail to act. While little chance exists of real accountability the pressure generated by the report was notable.

A. Human Rights Violations by Israeli Occupation Forces

1- The brutal attack on the Gaza Strip

The truce declared for 6 months between Israel and armed Palestinian factions collapsed before its official deadline on December 19, 2008. Hamas refused to renew the truce on the basis of the failure of Israel to fulfill its pledges to open its borders within the Gaza Strip, and by launching hostile attacks a month and a half prior to the end of the truce. *Hamas* and some Palestinian factions responded to this by resuming rocket firing against Israeli cities.

On December 27, 2008, Israel launched a large scale air and land assault on the Gaza Strip, coupled with massive violations of international humanitarian law, through deliberate targeting of civilians, which resulted in the death of 1,413 Palestinians over twenty-three days of military operations. These figures include 1,177 persons not participating in hostilities, constituting 83.3% of total Palestinian victims. Among these 922 were civilians, representing 65.3% of total victims. In addition, 255 police personnel died, mostly on the first day of the aggression when attacks targeted police stations. The number of victims reached 313 children and 116 women, making up 26.5% and 9.8% of civilian casualties, respectively. While the number of victims from the resistance reached 236 persons

representing 16.7% of total victims. The number of those wounded exceeded 4000 people, 43% of them women and children.³

This aggression destroyed and devastated, in an unprecedented manner, infrastructure, public and private property, a number of schools, the Islamic University, potable water, drainage and electricity networks. Headquarters of the Palestinian National Authority both civil and military institutions in Gaza have been almost entirely destroyed. According to information issued by the NGO *Al Haq*, at least 2600 houses have been completely destroyed, and not less than 850 houses were partially destroyed. The brutal Israeli bombing targeted schools, United Nations relief warehouses, and press offices and news agency offices.

Various Palestinian and international human rights reports documented grave violations of international humanitarian law, culminating with the issuance of the United Nations fact-finding mission report, headed by Judge Richard Goldstone. This report considered that murder, deliberate attacks on civilian targets, indiscriminate bombing of civilian property and indiscriminate attacks, which did not distinguish between civilians and combatants, the use of human shields and collective punishment against civilians, through the continuation of the siege, constitute war crimes, and perhaps some of which could be considered crimes against humanity.⁴

2- Routine killing

In addition to the brutal aggression on Gaza, Israeli occupation forces continued to target civilians, whether in the West Bank or Gaza Strip, allegedly to combat terrorism, or to capture wanted persons. According to information documented by *Al Haq*, at least 16 Palestinians were killed by Israeli occupation forces during the first seven months of 2009 in the West Bank, including four children. They also killed 25 Palestinians after the cessation of the aggression on Gaza, including three children.

3- Continued siege and collective punishment of Gaza's population

In light of the stifling siege imposed by Israel on the Gaza Strip since September 19th 2007 the Gaza Strip is now virtually a broad concentration

³ Ibid, the Palestinian Center for Human Rights, Annual Report 2008.

⁴ To review the Goldstone Report see the following link:
http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/9/docs/UNFFMGC_Report.pdf

camp for the population. By the end of July 2009 this siege had led to the death of nearly 300 patients who were not allowed to leave the Strip either to the West Bank or abroad to seek treatment or necessary medical care.

The full-fledged siege led to the deliberate destruction of livelihoods and economic activity, culminating with high unemployment rates among the workforce that reached 41.5% compared to 32.3% in mid-2007. 70% of Gaza's population lives below the poverty line, and 75% of the population suffer from food insecurity, as opposed to 56% in the first quarter of 2008. As a corollary to the siege, the population had to dig tunnels to overcome the acute shortage of goods and the necessary requirements of life. Within two years of the siege, 87 Palestinians died due to landslides in some tunnels, which number about 600.

The continued prevention of entry of construction materials stalled efforts to rebuild infrastructure, schools and houses destroyed by the Israeli invasion. Hence, thousands of families live on the ruins and rubble of their destroyed homes and property.

4-Continued Policies of Apartheid and Racial Segregation

Israel was able, through the separation wall constructed within the Occupied Palestinian Territories, to isolate the city of Jerusalem from the rest of the occupied territories, and thus prevent Palestinians living behind the wall from accessing the city, including places of worship and work. As a result of the construction of this wall, tens of thousands of families in Jerusalem have been dispersed; many have been forced to depart and seek residence outside the city of East Jerusalem.

In light of the construction of the wall which contravenes the advisory opinion of the International Court of Justice, occupation authorities continued to confiscate and deprive Palestinians from their land in areas where the wall is currently being constructed. The wall and the permanent or temporary barriers and checkpoints set up by Israel inside the West Bank, made some roads exclusively limited to Israelis and settlers, which has effectively splits the West Bank into six separate entities.

B. Palestinian Violations in the Conflict between *Fatah* and *Hamas*

The internal conflict between *Fatah* and *Hamas* continues to be a major source of deterioration of the human rights situation in the West Bank and Gaza Strip due in large part to infighting among the factions. In the West Bank, security services and departments of the various Palestinian Authority institutions embarked on procedures of dismissal from public functions of all those affiliated with *Hamas*. They also tightened their grip on associations, media and press institutions, schools affiliated with *Hamas*, or run by persons known to be affiliated with *Hamas*, all of which are actions violating the Civil Service Act in force. Reports of the Independent Human Rights Agency (Ombudsman's Office) recorded hundreds of complaints from teachers affiliated with *Hamas*, whose appointment was cancelled by The Ministry of Education in the West Bank as of October 2008.⁵

In Gaza, *Hamas* has exercised the same role regarding institutions, associations, figures, bodies and persons affiliated with *Fatah* and other movements. Under the same rubric, the salaries of thousands of PNA employees in the Gaza Strip have been cut off, or civil servants who participated strikes in Gaza have been replaced with other staff members belonging to *Hamas*, in violation of provisions of the Civil Service Act.⁶ According to testimonies of *Al Haq*, the terms of employment, licensing and registration of any association or firm in the West Bank and Gaza alike, are subject to security review in order to prevent any person affiliated with the other party from obtaining a license or authorization, or from serving in public office.

The most prominent human rights violations committed by parties to the internal conflict were as follows:

1- Political violence and extrajudicial executions

Widespread Israeli aggression on the Gaza Strip has been associated with excessively repressive measures by *Hamas*, with the purpose of tightening its control over the Strip. These actions included ill-treatment of internal political opponents (*Fatah*) and of persons suspected of rejecting the rule of *Hamas*, or those suspected of collaborating with Israel.

⁵ "Monthly Report on Violations to Human Rights and Freedoms in the Palestinian – Controlled Territory," The Independent Human Rights Commission, Aug. 2009, <http://www.ichr.ps/pdfs/eMRV-8-09.pdf>.

⁶ Palestinian Center for Human Rights, op.cit.

"The Independent Human Rights Commission," *Al-Haq* and the Palestinian Center for Human Rights, as well as a number of international organizations recorded that masked gunmen, likely linked to *Hamas*, extrajudicially killed 33 persons by February 27, 2009 since the beginning of the aggression on December 27, 2008. Most of the victims were either detainees or prisoners serving sentences in prisons under the control of the Hamas government, who managed to escape from *Al-Saraya* prison and the "Gaza Central Prison" after being targeted during the Israeli bombardment. They have all been killed as a result of direct gunfire, or in the aftermath of being tortured. Reports also indicate that others – estimated by the "Independent Human Rights Commission" to be more than 150 persons – were subjected to physical assaults, which led to breaking their legs or arms. Intentional shooting of the legs to prevent people from moving and confining them to their houses also took place.⁷

The city of *Rafah* witnessed armed confrontations in mid-August between the *Hamas* battalions and members of the police on one side, and members of an armed group calling itself "*Jund Ansar Allah*" (Soldiers Supporters of God) on the other. These clashes have resulted in the killing of 28 persons, including 4 civilians, 3 police officers, two *Hamas* militia men, and 19 members of the armed group. The clashes occurred after the leader of this group criticized the *Hamas* government, and in a speech called for the establishment of an Islamic emirate.⁸ Several armed clashes have taken place in the West Bank between the Preventive Security Services and elements from *Hamas*, the most prominent of which were incidents in the city of *Qalqilya*, leading to the death of three persons in June 2009. Security forces raided the house of a citizen in the city, and during the inspection sudden gunshot fire occurred by members holed up inside the house.⁹

⁷ "Under Cover of War: Hamas Political Violence in Gaza," Human Rights Watch, Apr. 19, 2009, <http://www.hrw.org/en/node/82359/section/1>; See also "Hamas waged a Deadly Campaign as War Devastated Gaza," Amnesty International, Feb. 12, 2009, <http://www.amnesty.org/en/news-and-updates/report/hamas-waged-deadly-campaign-war-devastated-gaza-20090212>.

⁸ "Monthly Report on Violations to Human Rights and Freedoms in the Palestinian – Controlled Territory," The Independent Human Rights Commission, Aug. 2009, <http://www.ichr.ps/pdfs/eMRV-8-09.pdf>.

⁹ "Monthly Report on Violations to Human Rights and Freedoms in the Palestinian – Controlled Territory," The Independent Human Rights Commission, Jun. 2009, <http://www.ichr.ps/pdfs/eMRV-6-09.pdf>.

2- Arbitrary detention and torture

The Palestinian Preventive Security and Intelligence Services continued to pursue and arrest Palestinians suspected of being affiliated with *Hamas*. Detention procedures against them have been extended by the Head of Military Justice, in violation of the provisions of the Palestinian Statutory Law and the Law of Criminal Procedure. According to information and statistics available at the "Independent Human Rights Commission," the number of detainees affiliated with *Hamas* was more than 500.

Local security services and the *Izz el-Deen al-Qassam* the military splinter group of *Hamas*, continued to detain Palestinians affiliated with *Fatah* in the Gaza Strip, by virtue of arrest warrants issued also by Military Justice. According to information available to *Al Haq*, the number of *Fatah* prisoners in the Strip amounted to nearly 300 detainees. However, sources of the Independent Human Rights Commission estimated that some 100 persons were actually detained. It is worth mentioning in this regard that it has become common practice to charge persons affiliated with *Fatah* of "spying" for *Ramallah*, or the Palestinian National Authority.

Detainees in the West Bank and Gaza Strip were both subjected to torture, beating and degrading treatment, either to extract confessions or obtain information as a form of retaliation for violations committed by any of the two parties to the conflict against opponents. According to *Al Haq* documentation, five citizens died as a result of torture and severe beating in Gaza Strip, another two other detainees died inside detention centers in the West Bank.

The Independent Human rights Commission reported the death of ten persons in the Gaza Strip during the first three months of 2009, after being subjected to severe beating or torture, following their arrest by *Hamas* internal security forces, or by unknown masked men likely to be connected to *Hamas* militias. It should be noted that human rights organizations, including the "Independent Human Rights Commission," were barred from visiting prisons and detention centers in the Gaza Strip and from inspecting conditions within them. Often, detainees are locked up in unknown detention centers and are denied visits by their families.

Both the Preventive Security and General Intelligence Services in the West Bank often refuse to execute Palestinian Supreme Court decisions concerning the release of Palestinian detainees. Thus, they continue to be held, regardless of the issuance of Court decisions in their favor. In some cases, Supreme Court decisions to release some individuals are

circumvented by deceptive implementation, as in fact the detainees remain in custody allegedly for other lawsuits. Nevertheless there was a slight improvement recently in the response to Supreme Court decisions in some cases, although this does not apply to decisions by other courts, and does not extend to the body of Supreme Court decisions.¹⁰

The President of the Emergency Government in the West Bank issued a decision in mid-July obliging security and official authorities to respect court decisions and requiring accountability of anyone who abstains or delays implementation of such decisions. However, it is too early to assess the seriousness of the security service in the West Bank in dealing with this decision.

3- Violations of freedom of expression

The Palestinian National Authority is still preventing newspapers and media affiliated with *Hamas* from working in the West Bank, while *Hamas* continues to prohibit the media wing of the Palestinian National Authority in the Gaza Strip.

The Prime Minister of the Palestinian National Authority banned the *Al Jazeera* Channel in the West Bank on July 15, 2009, following the channel's broadcasting of accusations declared by *Farouk Kaddoumi*, a former Palestinian Liberation Organization (PLO) senior official. This included accusations pointed at the President of the Palestinian National Authority and one of his advisors of participation in an Israeli conspiracy to assassinate the late Palestinian leader *Yasser Arafat*. The Palestinian Authority declined to withdraw the decision to close the channel.

The Palestinian Authority arrested a reporter and a cameraman from *Al-Jazeera* Channel in the West Bank in June 2009, and removed scenes from an interview with the family of *Haitham Amr* - a member of *Hamas* - after his death in a PNA prison in Hebron. The Palestinian authorities also banned the broadcasting of scenes from his funeral.¹¹

Hamas government has banned Palestinian and foreign journalists from entering *Rafah* and all Gaza Strip hospitals since August 14, 2009 following

¹⁰ "The Status of Human Rights in the Palestinian Controlled Territory," Fourteenth Annual Report of the Independent Human Rights Commission, 2008, <http://www.ichr.ps/pdfs/eAR14.pdf>.

¹¹ "Palestinian Authority: Lift the Ban on Al-Jazeera," Human Rights Watch, Jul. 17, 2009, <http://www.hrw.org/en/news/2009/07/17/palestinian-authority-lift-ban-al-jazeera>.

armed clashes between *Hamas* and members of the militant Salafi Group *Jund Ansar Allah*.¹²

Arrest and detention procedures in the West Bank targeted a number of journalists and media actors affiliated with *Hamas*. The cameraman of the *Al Aqsa* Satellite Channel, *Oussaid Amarna* was arrested on May 18, 2009, and abused during his interrogation before being locked up in solitary confinement. In April 2009, arrests and detentions also targeted the journalist *Mustafa Sabri*, Director of the "Palestine" newspaper office in the West Bank. Security forces confiscated the passport of *Sakhr Abu Aoun* Officer of "Agence France-Presse" office and President of the Palestinian Journalists Syndicate in the Gaza Strip. *Abou Aoun* was prohibited from traveling to Bahrain to take part in a conference.¹³

According to monthly reports of the "Independent Human Rights Commission" (Ombudsman), arrest procedures in the West Bank also affected other journalists, including *Essam Said Asmar* "Associated Press" correspondent, *Ahmed Atta Bikkawi*, *Al Quds* satellite channel correspondent, and journalist *Essam Rimawi* from the "Associated Press." Moreover, the *Hamas* government ordered journalist *Wael Essam Abdel-Kader*, "Al Arabiya" satellite channel envoy to cover Israeli aggression on Gaza, and to leave immediately¹⁴ without providing him with any justification.

4- The right to association and peaceful assembly

The Palestinian National Authority's security forces prohibited a number of peaceful assemblies in the West Bank. The situation culminated with the suppression of peaceful demonstrations condemning Israeli aggression on Gaza in the cities of Hebron, *Birzeit* and *Ramallah*. Participants in these marches were beaten with blackjacks, dozens of them were arrested and journalists were prevented from covering these events.¹⁵

¹² "Journalists Banned from Gaza Strip Hospitals and Rafah Until Further Notice," Reporters Sans Frontières, Aug. 17, 2009, <http://www.rsf.org/Journalists-banned-from-Gaza-Strip.html>.

¹³ Ibid.

¹⁴ "Monthly Report on Violations to Human Rights and Freedoms in the Palestinian – Controlled Territory," The Independent Human Rights Commission, Feb. 2009, <http://www.ichr.ps/pdfs/eMRV-2-09.pdf>.

¹⁵ "Monthly Report on Violations to Human Rights and Freedoms in the Palestinian – Controlled Territory," The Independent Human Rights Commission, Dec. 2009, <http://www.ichr.ps/pdfs/eMRV-12-08.pdf>; See also "Monthly Report on Violations to Human Rights and Freedoms in the Palestinian – Controlled Territory, The Independent Human Rights Commission, Jan. 2009, <http://www.ichr.ps/pdfs/eMRV-1-09.pdf>.

The Palestinian National Authority also prohibited the *Tahrir al-Islami* Party (Islamic Liberation Party) from holding the annual public conference in the city of *Ramallah* in July 2009. The Party was also prevented from organizing a symposium in the city of "Hebron" allegedly because the meeting was not licensed.¹⁶

In Gaza, *Hamas* government banned rallies by *Fatah* and the Popular Front for the Liberation of Palestine (PFLP). *Hamas* currently requires one to obtain permission from the security services before any event, even when planning wedding parties in private ballrooms. *Hamas* government also prevented *Fatah* representatives in the Gaza Strip from participating in the proceedings of the Sixth *Fatah* Movement Conference held in the West Bank.¹⁷

The registration of associations in the West Bank and Gaza Strip alike has become contingent upon the approval of security services, which refrain from approving requests of association including in their membership persons affiliated with or close to *Hamas*. In turn, security organs in Gaza refrain from approving applications for registration, if associations incorporate members affiliated with *Fatah*. Security force intervention in the activities of associations has become more prominent, including surveillance of their general assembly meetings, supervision and approval of the results of their elections, and interference in the structure of their boards of directors.

¹⁶ "Monthly Report on Violations to Human Rights and Freedoms in the Palestinian – Controlled Territory," The Independent Human Rights Commission, Jul. 2009, <http://www.ichr.ps/pdfs/eMRV-7-09.pdf>.

¹⁷ "Monthly Report on Violations to Human Rights and Freedoms in the Palestinian – Controlled Territory," The Independent Human Rights Commission, Aug. 2009, <http://www.ichr.ps/pdfs/eMRV-8-09.pdf>.

Iraq

Relative Improvements Precariously Balanced

Acts of murder and violence continue to stain the human rights situation in Iraq, making it the country in the Arab region with the worst violations to the right to life. Having said that, some aspects of human rights have improved in Iraq including the rate of civilian deaths, which has dropped to its lowest level since the American invasion in 2003; some 3,200 civilians were killed in the first eight months of 2009, compared to 9,200 in 2008 and more than 24,500 in 2007.¹ This relative improvement was accompanied by a reduction in regular military operations by both American occupation forces and Iraqi forces, which inevitably left civilian casualties in their wake. However, at the same time, armed militias and suicide teams have stepped up their activities, raising fears about the fragility of national security and the government's ability to keep the peace when American forces withdraw in August 2010.

¹ The highest rate of civilian deaths was recorded in 2006, when 27,676 were killed. For more information, see www.iraqbodycount.org. Iraqi body count is an independent non-governmental organization established after the war in Iraq. It is the largest effort to document the number of Iraqi casualties daily, weekly, monthly and annually, particularly as it depends on a variety of sources to document every incident as numbers to press reports, and statistics of US forces and the Ministries of Health and interior, in addition to the figures contained in the reports of hospitals and morgues and an organization Iraqi non-governmental and international organizations. Based its methodology on the number of victims who were killed or wounded already, and not those that are deduced by taking a sample survey of Iraqis, as do other organizations. The figures contained in the FAO statistics is the civilians were killed during the violence only.

Indicators show a relative decrease of the risks and threats that journalists and media workers face; however, Iraq remains the country with the world's highest rate of murdered journalists. Perhaps the most positive development in Iraq is reflected in the results of the provincial elections, particularly in the political significance of the relative shift in the balance of power, the emergence of new forces, and the Sunni bloc's movement toward participation in the political process. In addition, voting behavior indicates that voters are less inclined to support strict religious parties, whether Sunni or Shiite. Despite these positive developments, the relatively stable security situation did not lead to a tangible movement toward the rule of law, including preventing impunity for grave human rights violations, and an end to the torture and mistreatment of detainees, some 30,000 of whom are being held in Iraqi government prisons, many of them without trial for extended periods of time.

The future of human rights in Iraq depends on several factors, most importantly how willing Iraqi forces and religious communities are to reach a consensus on democratic, peaceful coexistence and agree on a fair law for the distribution of wealth. Of equal importance is whether or not they are able to draw the borders of contested areas, particularly the oil-rich city of *Kirkuk* with its mixed population of Kurds, Arabs, and Turkmen, as well as Shiite and Christian minorities. Furthermore, Iraqis must face the challenge of integrating armed militia groups who have renounced violence into the political process, particularly members of the Sunni Awakening Council and members of the disbanded *Baath* Party.

Iraq remains a proxy arena for its regional neighbors, especially Iran and Syria, who are seeking to strengthen their interests in Iraq, settle accounts with forces, or strengthen their negotiating position vis-à-vis Washington. This factor will undoubtedly hinder the solution of various Iraqi crises.²

Violence, murder, and the targeting of civilians

Statistics show vast differences in the type and scope of violence in Iraq from August 2008 to August 2009, reflecting the instability of the security situation and the possibility of its rapid deterioration.

² Al-Nasrawi, Sayf "Iraqi Local Elections: The Restructuring of the Political Scene," *al-Siyasa al-Dawliya*, Apr. 2009.

January 2009 witnessed the lowest rate of violent deaths in Iraq since the American occupation began in 2003,³ perhaps due to the desire of various Iraqi forces to secure a relatively stable climate in which to mobilize voters for the provincial elections held at the end of that month. Nevertheless, on August 19, 2009, some two months after American forces were redeployed outside Iraqi cities six attacks took place in Baghdad utilizing car bombs, IEDs and mortars. This proves once again the fragility of the security situation. The attacks left 101 people dead and more than 500 injured. In addition, Baghdad witnessed two suicide attacks on October 25, 2009. The attacks were near the governorate building and two ministries, causing no less than 155 civilian deaths and 700 injured. These are the two bloodiest attacks of the past two years.⁴ Most of those killed in 2009 died in suicide attacks, indicating the growing strength of armed militias and the weakness of Iraqi police and armed forces. Of great consequence are the growing suspicions about the impartiality of Iraqi security forces and divisions in their ranks along political, sectarian, and ethnic lines, which ultimately affect the forces' professionalism and their ability to enforce the law in a fair manner.⁵

Much of the violence has targeted Shiite citizens and Iraqi government facilities, or targets close to them such as the Awakening Council. On June 24, 2009, a car bomb exploded in the popular *Muridi* Market in Baghdad's Shiite-majority neighborhood of *Al-Sadr*, killing 78 Iraqis.⁶ Four days earlier, a suicide bomber driving a car rigged with explosives killed 82 worshippers in the *Taza Khurmatu* suburb of *Kirkuk*, inhabited by Shiite Turkmen.⁷ Members of the Awakening Council - Sunni military tribal councils established in 2006 with American financial support to confront *al-Qaeda* cells - continued to be targeted in the period under review. In May

³ According to Iraq Body Count, an independent project to document victims of violence in Iraq, 276 Iraqis were killed in January 2009, about one-third the number killed in January 2008, when 743 Iraqis were killed. See www.iraqbodycount.org/database/.

⁴ "Iraq: Death of More than 155 Iraqis in 2 Suicide Bombings," Amnesty International, Oct. 26, 2009, <http://www.amnesty.org/en/library/info/MDE14/035/2009/ar>.

⁵ Statements by Iraqi Foreign Minister Hoshiyar Zebari, in which he spoke of "the security forces' collaboration with terrorists," is perhaps the strongest official admission by a senior Iraqi official of the extent to which both Sunni and Shiite militias have penetrated the Iraqi security apparatus. See "Maliki Accuses Sunnis of Bombings and Zebari Complained of Government Shortcomings," *Al-Hayat*, Aug. 22, 2009, <http://international.fareeda.info/internationalarticle/49790>.

⁶ *Agence France-Presse* (AFP), Jun. 24, 2009.

⁷ "Kirkuk Bombing Death Toll Rises to 73," Reuters, Jun. 21, 2009, <http://ara.reuters.com/article/idARACAE55K0NZ20090621>.

2009, 25 leaders and members of the Awakening Council and some of their relatives were killed in various attacks across Iraq.⁸

The killing of Iraqi civilians by American forces also continued, although the rate dropped markedly. In the province of *Salah Al-Din*, seven Iraqis were killed, among them three women, in an American air raid that targeted their home on September 19, 2008. In *Mosul* on October 5, eleven members of one family were killed in a house raided by U.S. forces.⁹

Homosexuals have also become a target of violence. Some reports accused both Shiite and Sunni Islamist groups of killing and torturing hundreds of homosexuals in the first months of 2009, noting in particular the role of the *Mahdi* militias. Elements in the Iraqi police were also accused of collaborating, even if they did not directly participate. The crimes include the abuse of gay men, murder and castration, mutilated corpses thrown onto trash heaps and barbaric torture techniques such as gluing shut men's anuses.¹⁰

Minorities and refugees

Religious and ethnic minorities, particularly in contested areas in the north of the country, continued to come under attacks from armed militias. The Christian minority complained of systematic attacks launched on members of the community during the debate over a law regulating provincial council elections, during which Christians demanded a permanent quota on provincial councils in the north. The worst of these attacks targeted Christian villages in *Mosul* on September 28, 2008, killing at least 40 Christians and prompting an additional 6,000 to leave the area.¹¹ In July and August 2009, eight churches were attacked in Baghdad alone, which left at least four Christians dead.¹² These attacks also constitute a form of pressure

⁸ See available data on Iraq Body Count.

⁹ "United Nations Assistance Mission for Iraq, Mission Report for Jul. 1-Dec. 31, 2008," www.uniraq.org/documents/UNAMI_human_rights_report_july_december_2008_en.pdf

¹⁰ "They Want Us Exterminated: Murder, Torture, Sexual Orientation and Gender in Iraq," Human Rights Watch Report, Aug. 16, 2009, <http://www.hrw.org/en/reports/2009/08/16/they-want-us-exterminated>.

¹¹ Nasrawi, Seif, "Pre-Election Scheming: The Killing of Iraqi Christians is Politically Motivated," *Ahram Weekly*, Oct. 23, 2008, <http://weekly.ahram.org.eg/2008/919/re4.htm>.

¹² "Baghdad Bombings Targeting Four Churches Left 40 Dead or Injured," Radio Sawa, Jul. 12, 2009, http://www.radiosawa.com/arabic_news.aspx?id=1955038.

on religious and ethnic minorities, with the goal of either Arabization or Kurdization.¹³

Members of the *Yazidi* minority in *Nineveh* and *Salah Al-Din* have also continued to face harassment and abuse in the period under review. Furthermore, the *Shabak* community in Iraq also complained of attempts by Kurds to displace their families from their homes in *Mosul*; they also faced perpetual death threats.¹⁴ The situation of some 3,500 Iranian refugees in Camp *Ashraf* in *Diyala* continues to be a source of grave concern, particularly after eleven people were killed and hundreds wounded during a raid on the camp by Iraqi security forces in July 28, 2009. The raid was launched in an attempt to establish a police station in the camp that is run by the *Mojahedin-e Khalq*, an Iranian organization opposed to the regime in Tehran.¹⁵ The fate of 36 members of the *Mojahedin-e Khalq* who were arrested during the raid and detained in the police station in *al-Khalis*, located in the *Diyala* province, was unknown for some time; reports of torture have circulated, as well as speculations that they may have been deported to Iran where they could have faced execution.¹⁶ However, Iraqi officials released them on October 7 after about 70 days of detention.¹⁷ International organizations expressed their concern about reports indicating that the Iraqi authorities had repeatedly prohibited the entry of food and medical supplies to the camp, home to more than 1,000 women. They were also concerned about the fate of camp residents after the Iraqi authorities assumed administrative control of the camp in late June 2009.¹⁸

¹³ "UNAMI Submits its Reports on the Disputed Internal Boundaries," UNAMI Press Release, Apr. 22, 2009, <http://www.uniraq.org/newsroom/getarticle.asp?ArticleID=1008>.

¹⁴ *Ibid.*

¹⁵ The *Mojahedin-e Khalq* said that 11 of its men were killed, while 400 were wounded and 36 arrested during the Iraqi police raid on the camp. The Iraqi government stated that six residents of Camp Ashraf were killed and hundreds wounded, along with 30 Iraqi police, during the raid. See Williams, Timothy. "Clashes at Iranian Exile Camp in Iraq," *The New York Times*, Jul. 29, 2009, http://www.nytimes.com/2009/07/30/world/middleeast/30iraq.html?_r=2&scp=4&sq=ashraf+camp&st=nyt.

¹⁶ "Iraq Authorities Must Investigate Excessive Use of Force in Camp Ashraf," Amnesty International, Aug. 13, 2009, <http://www.amnesty.org/en/appeals-for-action/iraq-authorities-must-investigate-excessive-use-force-camp-ashraf>.

¹⁷ "Iraq: The Authorities to Release Prisoners of Camp Ashraf," *Al-Akhbar Newspaper*, Oct. 7, 2009, http://www.akhbaar.org/wesima_articles/index-20091007-77742.html.

¹⁸ Amnesty International quoted Iraqi National Security Advisor Mowaffak al-Rubaie saying in an interview on Iraqi television in April 2009 that the Iraqi authorities would make the existence of the *Mojahedin-e Khalq* in Iraq "intolerable." See, "Document-Iraq: Concerns Regarding the Future of Camp Ashraf Residents," Amnesty International, Apr. 20, 2009, www.amnesty.org/en/library/asset/MDE14/012/2009/en/d9b6f314-1385-4115-ab7a-fb368b4c265a/mde140122009en.html.

Press freedoms

The murder rate of journalists in Iraq is the highest in the world, although the period under review witnessed the lowest rate since the American invasion in 2003, with only 8 journalists killed compared to 2007 when some 47 were killed.¹⁹ Authorities have remained incapable of bringing the perpetrators of these crimes to justice, although the security apparatus did announce in August 2009 that it had arrested three militants charged with participating in the assassination of *Atwar Bahjat*, a journalist with *Al Arabiya*, in 2006.²⁰ In September 2008, militants kidnapped four TV crew members of the private *Al Sharqiya* channel, then killed them a short time later in the *Al-Zanjili* area west of *Mosul*. Furthermore, the head of the Iraqi Journalists Syndicate, *Muayyad Al-Lami*, was wounded after a bomb exploded near the main gate of the Journalists Syndicate building in Baghdad.

Journalists working in Iraq face not only the risk of death, but also abduction and threats from Iraqi forces, Kurdish police forces, or the Sunni Awakening Council. On August 12, 2008, police in the Kurdish province of *Erbil* arrested two journalists working for the Kurdish satellite channel because they had not obtained a permit before conducting an investigative report on the *Barka* area in the north of the province.²¹ It was also reported that members of the Awakening Council beat and detained four Iraqi journalists in July 2009, who were reporting in the provinces of Baghdad and Babel.²²

The suppression of the electronic press has also sparked fears. In August 2009, the Ministry of Culture issued a decree blocking websites that publish material inciting violence and sectarian hatred, in addition to pornographic websites.²³ It is feared that this issue will escalate to a more encompassing censorship of websites.

A positive development took place on October 11, 2008, when the President of the Kurdistan region ratified a new press law abolishing a number of press crimes and replacing jail sentences with fines; the law also

¹⁹ Data taken from Reporters Without Borders, http://www.rsf.org/en-pays152-Iraq.html?debut_contenu=18; See also, "Iraq Six Years Later- Assessment," Reporters Without Borders, Mar. 18, 2009, <http://www.rsf.org/Iraq-six-years-later-assessment.html>.

²⁰ "Journalist Atwar Bahgat Slaughtered Twice!? And Reports of the Involvement of Arab Channels," *Al-Minbar*, Oct. 31, 2009, <http://www.malazi.com/?d=30&id=2278>.

²¹ UNAMI mission report.

²² "Resurgence of Violence Against Journalists," Reporters Without Borders statement, Jul. 15, 2009, <http://www.rsf.org/Resurgence-of-violence-against.html>.

²³ See statements from the Arabic Network for Human Rights Information, Aug. 2009, <http://www.anhri.net/iraq>.

prohibits the suspension or banning of daily newspapers. Nevertheless, some vaguely worded articles remain part of the new law. For example, making journalists who “endanger the nation’s security” criminally liable and allowing fines of up to \$8,400 to be levied against reporters and media institutions. There are reports that several judges in the Kurdistan province are not complying with the new law. On November 24, 2008, the Kurdistan Appeals Court in *Suleimaniya* handed down a one-month prison sentence to the editorial director of *Hawal* for slandering a retired judge. That same month, the independent journalist *Adel Hussein* was sentenced to six months in prison in *Erbil* for writing an article on sexual health for homosexuals.²⁴

Political participation and the rotation of power

In January 2009, provincial elections were held in 14 Iraqi provinces with a Sunni or Shiite Arab majority. Moreover, parliamentary and provincial elections in Kurdistan’s three provinces were held later in July. These provincial elections were significant and may contribute towards a reshaping of the Iraqi political scene, which has been dominated by the same political forces since the American invasion. The State of Law Coalition, led by Iraqi Prime Minister *Nouri Al Maliki*, won in eight provinces including Baghdad, the capital city and Basra, the third most populous Iraqi city. The victory of *Al-Maliki*’s list came at the expense of the party’s former ally, the Islamic Supreme Council, which swept the central and southern Iraqi provinces in the last elections.²⁵

Change also came to the Sunni political scene after the Islamic Party lost the most seats in the major Sunni provinces - *Anbar*, *Salah Al-Din*, *Nineveh*, and *Diyala* - which it dominated in the last elections. This gave way to forces and parties established inside Iraq in lieu of parties created largely by exiles abroad.²⁶ These results reflect declining voter support for religious

²⁴ UNAMI mission report.

²⁵ Al Maliki’s list won 27 out of 51 seats in Baghdad and 20 out of 35 seats in Basra. The list scored a less resounding victory in the remaining eight provinces with a Shiite majority. The biggest loser on the Shiite stage was the Shahid Al Mihrab (Martyr of the Pulpit) list, led by Abd Al Aziz Al Hakim, the leader of the Islamic Supreme Council, which took only 55 out of a total of 440 provincial seats, or less than 12 percent, after winning about 51 percent of the vote in central and southern Iraq, including Baghdad, in the last elections.

²⁶ The Al Hudaba list, which included tribal blocs, liberal intellectuals, Arab nationalists, technocrats, and former army officers came in first in the Nineveh province and Mosul, its capital, taking 19 of 37 available seats, defeating the Kurdish-Islamic Party alliance which won only 18 seats. In Anbar, the Islamic Party came in third, winning 6 seats out of 29, but it managed to maintain first place in Salah Al Din and Diyala, taking 5 out of 28 seats in the former and 9 of 29 seats in the latter; it previously held an absolute majority in both provinces.

parties, both Shiite and Sunni. The provincial elections revealed even larger shifts in political practice and mood, which could play a role in the establishment of deeply rooted institutional formations in the country. Large segments of the Sunni Arab population took part in the 2009 elections, suggesting a growing acceptance of the legitimacy of the democratic political process after years in which the logic of armed action had held sway and Sunnis had abandoned political participation.²⁷ There has been a clear rise of political figures and forces established during the reign of former Iraqi President *Saddam Hussein*, as opposed to exile parties and political figures such as the Islamic Supreme Council or the Iraqi Islamic Party. Homegrown politicians may be more responsive to domestic Iraqi problems and also more open to and tolerant of complications of the past and present.²⁸

Despite such positive developments, there are several negative aspects with regard to the conduct and outcome of the elections. While overall Iraqis did not give their votes to purely religious parties, the vote was still ultimately sectarian. Despite the fact that the voting took place using an electoral system, and considering that it was a provincial vote, no Shiite party was significantly successful in Sunni provinces and vice-versa.²⁹ Moreover, tribal alliances played a decisive role in the support given to the victorious parties. *Al Maliki* exploited his establishment of the so-called support councils in 2007—tribal networks he supported with money and administrative positions—to win in Shiite provinces, while the tribal Awakening Council swept the vote in Sunni provinces.

The integration of former members of the *Baath* Party into the political process as well as the members of the Awakening Council who incite violence remains an obstacle to greater Sunni Arab participation in decision-making. It also remains a major source of tension and violence and is often

²⁷ Al-Nasrawi, Sayf, "Iraqi Local Elections: The Restructuring of the Political Scene," *al-Siyasa al-Dawliya*, Apr. 2009; See also "Iraq's Provincial Elections: The Stakes," International Crisis Group, Jan. 27, 2009, <http://www.crisisgroup.org/home/index.cfm?id=5883&l=1>. The final results of the provincial elections show that 51 percent of Iraq's 15 million eligible voters turned out to vote. Voter turnout in Sunni areas reached 42 percent in the 2009 general elections, compared to only 3 percent in the 2005 elections.

²⁸ In addition to the victory of many Sunni figures who were part of the old Baath regime that ruled Iraq from 1968 to 2003, also noteworthy was the fact that Shiite politician Yusuf Al Haboubi, a former Baath official, took the highest percentage of votes in the province of Karbala, a Shiite holy center.

²⁹ Nor did secular liberal or leftist parties make any real headway in the elections. The Iraqi list led by secular politician and former Prime Minister Iyad Allawi won only five seats in Baghdad, three in Babel and Diyala, and two in Basra and Anbar. For more details, see Al-Nasrawi, Sayf, "Iraqi Local Elections: The Restructuring of the Political Scene," *al-Siyasa al-Dawliya*, Apr. 2009.

used as an excuse to eliminate political rivals.³⁰ Conflicting parties in Iraq need to exert a lot of effort in pursuance of a resolution or agreement that would further assist political integration for the different parties that renounce violence or that have not directly participated in the former *Baath* crimes.

Though in 2008 the Iraqi parliament passed a law establishing the “Supreme National Commission for Accountability and Justice” as an alternative to the de-baathification commission which prohibited thousands of former *Baathists* from assuming government positions due to their prior party affiliation, the enforcement of the law still faces several problems. In addition to the ruling Shiite parties’ resistance to it, the new law has maintained the principle of punishment based on collective affiliation, and it has prohibited those who have been fired or deprived of their pensions because of their membership in the *Baath* Party from obtaining knowledge about or contesting evidence against them.³¹

In addition, the lack of integration of the Awakening Council, composed of nearly 110,000 fighters, into the political process may have catastrophic consequences for the country, particularly since they enjoy the support of strong tribal, social, economic, and military networks. Although Baghdad and Washington agreed last year to integrate these fighters into the military and civil state apparatus, the Iraqi government has so far only employed 20 percent of them.³² There are other reports inferring that the process of their inclusion in civil society is taking place, but occurring slowly.

In Kurdistan, new forces emerged capable of competing with the two major Kurdish parties, the “Patriotic Union of Kurdistan,” led by *Jalal Talabani*, and the Kurdistan Democratic Party, led by *Massoud Barzani*. During the Kurdish elections held on July 25, 2009, these two parties, running on one list, won only 59 of the 111 seats open in the Kurdish

³⁰ According to the International Crisis Group, the Maliki government used a constitutional article criminalizing the Baath Party as a pretext to arrest 23 officers in the Interior Ministry in mid-December 2008 on charges of conspiring to overthrow the government. The investigating judge rejected the charge due to lack of evidence and released the officers. See *Ibid.*, International Crisis Group.

³¹ “Letter to President Talabani on the Law for the Supreme National Commission for Accountability and Justice,” Human Rights Watch, Feb. 21, 2008, <http://www.hrw.org/en/news/2008/02/20/letter-president-talabani-law-supreme-national-commission-accountability-and-justice>.

³² “Awakening Councils Key to Security?” Al-Jazeera Online, Aug. 9, 2009, <http://english.aljazeera.net/focus/2009/08/20098812323330889.html>. The website carries a report from the US Department of Defense warning of Baghdad’s delay in paying the benefits and wages of more than 56,000 members of the Awakenings Councils in 2009, in addition to the government’s refusal to employ the vast majority of them.

parliament after having held 78 seats in the previous parliament. The most prominent new competitors were the Change list, led by *Nawshirwan Mustafa*, and the Service and Reform list which won 25 and 13 seats, respectively.³³

The right to peaceful assembly

With the exception of curfews imposed by the Iraqi government for security reasons, the Iraqi authorities remained largely tolerant of peaceful demonstrations and protests, all of which are clearly protected by the constitution. Having said that, the only documented deaths and/or injuries were in the Kurdistan region. On August 17, 2008, in Kurdistan police opened fire on demonstrators from the village of *Sarishma* in the *Erbil* province who were protesting against the lack of potable water in their village; a young man was killed and four others injured.³⁴

Nevertheless, the source of greatest danger to demonstrators is still the armed militias responsible for car bombs and suicide bombers. In October, at least 12 Christians were killed in attacks launched by militants on a Christian demonstration protesting the bill regulating provincial elections as it does not include a permanent quota for religious minorities.³⁵

Independence of the judiciary and the right to a fair trial

Investigation and prosecution in Iraqi courts remains a target of severe criticism since these processes do not meet the minimum standards of fairness and due process. In most cases, human rights violators have not been brought to justice,³⁶ and the Code of Criminal Procedure and procedural rules are severely flawed. Rather than being based on a system of evidence and proof, they are based on confession which is often obtained by coercion or reports from secret informants.³⁷

The flaws in criminal procedure extend to the Iraqi Supreme Criminal Court, which routinely denies Iraqi defendants the most basic guarantees of

³³ "Opposition Parties Rejected an Offer From Talabani to Join the Future Kurdish Government," *Al Sharq Al-Awsat*, Aug. 9, 2009,

<http://www.aawsat.com/details.asp?section=4&issue=11212&article=531077>.

³⁴ "2008: Human Rights Report 2008," The US State Department Bureau of Democracy, Human Rights and Labor, <http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119116.htm>.

³⁵ *Ibid.*

³⁶ UNAMI mission report.

³⁷ *Ibid.*

due process, including the right to an attorney in a timely manner, the right to access and to contest evidence, and the right to present exculpatory evidence. In addition, defendants may be held for long periods of time without judicial review.³⁸

The patent flaws in judicial standards assume greater seriousness in those cases punishable by death. The Iraqi authorities executed 12 people convicted of various crimes in Baghdad in May 2009 alone.³⁹ Moreover, in March 2009, the Iraqi Presidential Council approved the execution of 128 people, among them were 9 women, 3 of whom were executed in July 2009.⁴⁰

The situation in prisons and detention facilities

The situation in prisons and detention facilities operated by the Iraqi government or US forces, has seen no tangible improvement, despite the implementation of a bilateral agreement under which US forces are to release detainees held by them, or turn them over to the Iraqi authorities. The US army announced on August 16, 2009, that it was still holding some 9,500 Iraqi detainees in American facilities in Iraq and would release or turn them over to the Iraqi authorities by September 15, 2009, at the latest.⁴¹ There are no accurate figures for the number of detainees in prisons under Iraqi control, but it is thought that the number increased from some 24,000 as of mid-2008 to more than 30,000 by the end of the first half of 2009.⁴²

The surrender of detainees held by US forces to the Iraqi authorities has been a source of concern for several human rights organizations that fear detainees will be tortured or suffer psychological harm.⁴³ Reports have documented widespread abuses in prisons and detention facilities run by the Ministries of Interior, Defense, and Labor and Social Affairs.

³⁸ "The Quality of Justice: Failings of Iraq's Central Criminal Court," Human Rights Watch, Dec. 14, 2008, <http://www.hrw.org/en/reports/2008/12/14/quality-justice-0>.

³⁹ "Iraq: Stop Executing Prisoners," Human Rights Watch, May 6, 2009, <http://www.hrw.org/en/news/2009/05/06/iraq-stop-executing-prisoners>.

⁴⁰ "Iraq: Iraqi Women Facing Execution," Amnesty International statement, Jul. 21, 2009, <http://www.amnesty.org/en/library/info/MDE14/019/2009/en>.

⁴¹ *The New York Times*, Aug. 17, 2009. The UNAMI mission report counted 15,058 Iraqi detainees being held by US forces and 26,213 held by the Iraqi authorities at the end of 2008.

⁴² "Iraq Government Faces Accusations of Prisoner Abuse," Fox News, Jul. 17, 2009, <http://www.foxnews.com/story/0,2933,533643,00.html>.

⁴³ Human Rights Watch documented at least 307 cases of torture in Iraqi prisons and detention facilities in 2008 alone. See "The Quality of Justice: Failings of Iraq's Central Criminal Court," Human Rights Watch, Dec. 14, 2008, <http://www.hrw.org/en/reports/2008/12/14/quality-justice-0>.

Reports from international rights groups have noted the widespread mistreatment and torture of detainees in prisons run by both the Ministries of Interior and Defense (including beatings, burnings, and sexual assault during arrest or preliminary interrogation) in order to obtain confessions. Although the Iraqi authorities have at times punished those responsible for torture, the punishments have taken the form of extremely lenient disciplinary measures such as fines, demotions, denial of vacations, wage cuts, transfers, or in the most serious cases, dismissal. This is in part, due to the fact that Iraqi law still contains no explicit punishment for torture.⁴⁴

In Kurdistan, the regional government extended the application of the counterterrorism law until mid-2010; this law provides the legal cover for most arrests. The United Nations Assistance Mission for Iraq has expressed its concern over the repeated complaints of detainees regarding insufficient legal aid, excessive delays in investigations and trials, and long periods of administrative detention - sometimes reaching five years. Detainees in Kurdish prisons have also complained of beatings during interrogation, torture by electroshocks, forced confessions, the existence of secret detention facilities and the lack of health care.⁴⁵

⁴⁴ Ibid.

⁴⁵ Ibid.

Sudan

Can Another Civil War Be Avoided?

On March 4, 2009, judges of the Pre-Trial Division of the International Criminal Court (ICC) approved an arrest warrant issued by the court prosecutor for Sudanese President *Omar Al Bashir*, who was charged with perpetrating war crimes and crimes against humanity in Darfur, targeting in particular the *Zaghawa*, *Fur*, and *Masalit* tribes. It was hoped that this important development would put an end to ongoing crimes in Darfur and pave the way for a just, civic peace, but the *Bashir* regime defied the ICC decision, aided by Arab governments and the international community's failure to take measures requiring all parties to support the court's decision.

In light of this failure, the crisis in Sudan was exacerbated as the *Bashir* regime took retaliatory measures and expelled 13 of the largest humanitarian organizations who provided aid in Darfur, thus imposing the prospect of slow death on millions of Darfuri residents and displaced persons. As part of the rabid campaign launched against all those suspected of cooperating with the court, many political activists and human rights defenders were arrested and some were tortured. Moreover, three prominent human rights organization were shut down.

The attacks on press freedoms continued, orchestrated through the harassment and prosecution of writers and journalists and the security apparatus' power of censorship over the press. New exceptional courts created as part of "counterterrorism" efforts continued to function, and at least 100 death sentences were issued this year.

Some policies pursued by the joint north-south government inflamed violence creating more victims and deepening various migrant crises, particularly in the southern states where some 200,000 people have fled since the beginning of last year.

The fragile peace between north and south Sudan is threatened by the ruling Popular Congress Party's foot-dragging on the legislative reforms mandated by the Comprehensive Peace Agreement (CPA). Thus far, no consensus has been reached on a bill for the referendum on the right for self-determination in south Sudan. With the elections scheduled for 2010 and the referendum on south Sudan in 2011, the next two years will be decisive in determining Sudan's short and long-term future, especially in the light of statements made by a number of southern officials that anticipate and call for the voting of the succession of Southern Sudan in an independent state. In fact, observers fear that the country could slide into a new civil war or be partitioned into several states if its rulers and political elite do not show some degree of far-sightedness and wisdom.

In this regard it is worth remarking on the success of the "Sudan Peoples' Liberation Movement" (SPLM), the ruling party in the south, in opening up channels for debate with most opposition political parties in the north. It has managed to cross traditional north-south divisions to reach coordination agreements with some, while opposition parties in the north have begun dealing directly with *Juba*, as the southern capital is seen as a freer place for inter-party debate given the restrictions in place in the north.

Legislative reform

Sudan saw some minor developments this year that have failed to respond to the need for legislative reform or greater public liberties as required by the CPA, and have achieved nothing of the demands for justice or ending impunity for flagrant violations of international humanitarian law.

The authorities have introduced limited changes to the press and publications law, perhaps the most significant being stripping the "governmental" Press Council of the authority to accredit journalists and investing that prerogative in the Journalists Union. New controls were also placed on the council's authority to suspend newspapers; and courts hearing publication cases were granted the authority to determine the fines leveled for press offenses, after the draft amendment had set fines of \$25,000. Although the authorities declared that prior censorship on papers would be lifted as soon as the President signed the new law, the security apparatus have continued to censor the press. A law was also passed establishing a

human rights commission, but in the several intervening months since then, the commission has yet to be formed.¹

In an attempt to show that Sudan will develop legislation to allow the prosecution of crimes committed in Darfur in Sudanese courts, the authorities introduced amendments to the Criminal Code of Procedure and criminal law, adding provisions for certain crimes related to violations of international humanitarian law, but these provisions remain worthless due to a lack of political will to stop impunity for these crimes and the difficulties of making the amendments apply retroactively. In addition, the Code of Criminal Procedure does not recognize commanders' responsibility for crimes committed by their subordinates and this remains a real obstacle to prosecuting senior military and political personnel for their failure to prevent their subordinates from committing crimes.

The slow pace of legislative reform makes it much more likely that the peace treaty between north and south Sudan will collapse, particularly since differences persist between the National Congress and the SPLM, both partners in the government, over the law that will govern the 2011 referendum on self-determination. The SPLM continues to insist that the referendum be limited to southerners actually living in one of the ten southern provinces, while the ruling party, calculating the chances of the south seceding, insists that the referendum should include any southern citizen living anywhere in Sudan. In addition, the National Congress wants to set a threshold of 75 percent of votes needed for secession while the SPLM believes 50 percent of the vote should be sufficient to resolve the issue, whether for unity or secession.²

Continued deterioration of the humanitarian situation all over Sudan

Civilians continue to pay a heavy price with the continuation of armed tribal conflicts and disputes all over Sudan. Although the major military conflict in Darfur subsided after the ICC arrest warrant was issued, sporadic clashes between government forces and Darfuri rebels, as well as between different Darfuri factions themselves continue, as do organized assaults on "Doctors Without Borders" and aid personnel in the region. In August 2008 the attacks led "Doctors Without Borders" to evacuate its personnel, who offered vital health services to some 65,000 people. After the ICC arrest

¹ UN Mission in Sudan Report, Aug. 2009.

² "Sudan: The North Insists on Unity Whereas the South Insists on Separation," Sudanese Online, Sep. 22, 2009, www.sudaneseonline.com/ar1/publish/article_396.shtml.

warrant was issued for President *Al-Bashir*, the abduction of aid workers by unofficial groups spiked, as did attacks on UN personnel and human rights observers affiliated to it.

After the ICC decision, the authorities made the lives of Darfurians extremely intolerable. In a step that constituted another war crime by the *Bashir* regime, the authorities expelled 13 of the largest humanitarian aid organizations working in Sudan, a retaliatory step taken to punish millions of refugees and others displaced by the conflict in Darfur.³ The decision created a pressing shortage in aid capacities.

Prior to the expulsion, the organizations had provided food aid to 1.1 million displaced people. Six of the groups ran health facilities serving 480,000 forced migrants, and three of them ran 35 centers offering supplementary nutritional services to children and nursing mothers. Eight of the organizations worked in 38 locations providing residents partially or wholly with potable water and sanitation services.

The Justice and Equality Movement (JEM) has been one of the most militarily active Darfuri factions, as part of a strategy to outflank other factions. JEM forces clashed in January 2009 with a pro-government faction in *Muhajiriya* in southern Darfur, instigating more than 3,000 people to flee the area. According to UN estimates, the various disputes in south Sudan prompted some 187,000 people to flee in the period from January to November 2008, and at least 1,200 people were killed in 2009 in tribal violence, among them many women and children. Tens of thousands of people were displaced. This is a reflection of the failure of the government of the south to adopt a successful demilitarization program and ensure security in the southern provinces.⁴ Observers believe that some tribal violence in the south is supported by Khartoum to prove that southerners are incapable of administering the southern provinces.⁵

More than 30 civilians were killed during a clash in the southern town of *Malakal* in February 2009 between Sudanese armed forces and soldiers with the "Sudanese Popular Liberation Army," during which both sides attacked civilians. The attack was accompanied by looting and the destruction of

³ "Shutting Down and Expulsion of Aid Organizations is a New War Crime," statement from CIHRS, Mar. 9, 2009, <http://www.cihrs.org/Arabic/NewsSystem/Articles/1504>.

⁴ For more details see, "South Sudan: Urgent Action Needed to Avert Collapse," Refugees International, Mar. 26, 2009, www.refintl.org/policy/field-report/south-sudan-urgent-action-needed-avert-collapse.

⁵ Nyakairu, Frank, "Hundreds Killed in South Sudan Tribal Violence," Mail and Guardian, Sep. 02, 2009, <http://www.mg.co.za/article/2009-09-02-hundreds-killed-in-south-sudan-tribal-violence>; UN Security Council, Report from the Secretary General on the UN mission in Sudan, 14, 357/2009/S, Jul. 2009, pp. 1-2, 24.

property. Neither the national unity government nor the southern Sudan government conducted an investigation into the crimes against civilians.⁶

The situation in southern *Kordofan* threatens renewed war as the province is located on the sensitive border region between north and south and is governed by two different administrations. The areas that were under the control of the central government in the north during the civil war have remained under its control while other areas that came under the control of the SPLM continue to be administrated by the movement. Other factors make this region the potential locus of a new war, including rising tribal conflicts and the failure of the government administration to adopt development programs that foster social integration. Even more serious, both the National Congress and the SPLM are attempting to sway Arab and African tribes to their side before the next elections by politicizing development programs and policies, which only increases the tensions.⁷

The government has also forcibly imposed development projects without consulting the local residents, who may be harmed by some of these projects. As a result, the northern provinces have seen various arrest campaigns since 2007 to repress protests by local residents who were forcibly displaced to make way for dams on the River Nile. In June 2009, ten leaders of the movement opposed to the project in the region were arrested in the *Al-Sharik* Dam area; they were questioned and detained for several hours before being released. In May 2009, in the *Hamadab* Dam area, police attacked and beat citizens and arrested 26 people following popular protests at being resettled in an area that does not provide adequate living conditions. One citizen was shot and severely injured.⁸

Escalating assault on human rights institutions and civil society

Assaults on human rights defenders and civil society activists became even fiercer after the ICC prosecutor issued an arrest warrant for the Sudanese President in July 2008, a decision upheld in March 2009 by judges of the ICC's Pre-Trial Division. In November 2008, the authorities arrested three human rights defenders: *Amir Suleiman*, director of the "Khartoum

⁶ "Failure to Protect Civilians in Southern Sudan," Human Rights Watch, Oct. 6, 2009, <http://www.hrw.org/en/node/86112/section/7>.

⁷ "Sudan's Southern Kordofan Problem: The Next Darfur?," International Crisis Group Africa Report no. 14521, Oct. 2008, <http://www.crisisgroup.org/home/index.cfm?id=5738>, and <http://www.sudantribune.com/spip.php?article29874>.

⁸ Reports from field observers, May 2009.

Center for Human Rights and Environmental Development;" *Osman Hummaida*, the former director of the "Sudanese Organization Against Torture;" and *Abdelmoneim Aljak*. The three men were questioned by the security apparatus about their relationship with the ICC and reports confirmed that they were subjected to physical and psychological torture.⁹

Following statements issued by the director general of the Sudanese security and intelligence apparatus threatening to "cut off the hands, heads, and limbs of ICC supporters," the authorities froze the bank accounts of the "Khartoum Center for Human Rights and Environmental Development" before suspending the group's license and shutting it down permanently in March 2009. Similar measures were taken suspending the licenses of the "Amal Center for the Rehabilitation of Victims of Torture and the Sudanese Development Organization" (SUDO). Authorities preceded these measures by waging a smear campaign in the press against Sudanese regional and international organizations that monitor and document abuses by the regime in Khartoum against Darfurians.¹⁰ In this context, the Cairo Institute for Human Rights Studies (CIHRS) was also slandered after it aired a documentary containing confessions by several perpetrators of crimes in Darfur against those responsible for planning and funding the crimes.¹¹

Human rights defenders have been summoned for questioning and others have been threatened; in some cases their personal belongings were taken and their relatives summoned for questioning by the security apparatus, particularly in Darfur. The father of *Mohamed Al-Badawi*, who previously worked with the "Amal Center for the Rehabilitation of Victims of Torture," was summoned for questioning, and lawyer *Mohamed Al-Mahjoub* was arrested on April 11, 2009, and confined to his home. Attorney *Mossaad Mohammed Ali*'s car was confiscated and attorney *Abu Talib Hassan* was arrested on March 28, 2009, and transferred to the security apparatus facility in Khartoum. A staff member of the "Abu Shook Justice and Confidence Center," *Ahmed Abd Al-Rahman Arbab*, was also arrested on April 11, 2009.¹²

⁹ "Cairo Institute for Human Rights Condemns the Detention of Human Rights Defenders in Sudan and Demands their Immediate Release," CIHRS statement Nov. 27, 2008, <http://www.cihrs.org/Arabic/NewsSystem/Articles/336>.

¹⁰ "The Sudanese Government Takes Measures Against Human Rights Organizations," CIHRS statement, Feb. 26, 2009, <http://www.cihrs.org/Arabic/NewsSystem/Articles/1499>.

¹¹ "The Sudanese Government Launches a Media Attack Against the Cairo Institute and Independent Newspapers," CIHRS statement Feb. 23, 2009, <http://www.cihrs.org/Arabic/NewsSystem/Articles/1268>.

¹² "Sudan Human Rights Monitor," African Center for Justice and Peace Studies, no. 1, Mar. – May 2009, <http://www.responsibilitytoprotect.org/Human+Rights+Monitor-Issue1-FINAL1.pdf>.

In June 2009, the "Commission on Humanitarian Affairs" in the province of Khartoum prohibited the "Al-Khatim Adlan Center for Enlightenment and Human Development" from holding a series of symposiums on the elections and democratization, on the grounds that the center is not legally registered in the province, although it does possess a license from the unified commission. Increasing complaints have been heard about security harassment aimed at preventing the organization of any activities related to elections.¹³

Arbitrary arrest and torture

In addition to the arbitrary arrest and torture of several human rights defenders, several political leaders were arrested, most prominently *Hassan Al-Turabi*, the chair of the Popular Congress Party, who was detained on January 14 following statements he made condemning the Sudanese President for war crimes committed in Darfur and asking *Al-Bashir* to voluntarily appear before the ICC. *Bashir Adam Rahama*, the party's foreign affairs secretary, was arrested at the same time. *Al-Turabi* was detained for more than two months. In late December 2008, the vice president of the Democratic Unionist Party, *Ali Mahmoud Hassanein*, was also arrested and taken to an undisclosed location for supporting the international prosecution of *Al-Bashir*.¹⁴

Many Darfurians arrested after the armed assault on *Omdurman* in May 2008 remain in detention and some of them are numbered among the missing as the authorities refuse to inform their loved ones as to where they are detained.

After death sentences were handed down to nine Darfurians in April after being convicted on charges of murdering journalist *Mohammed Ahmed Taha*, the security apparatus launched a broad arrest campaign targeting Darfuri students in Khartoum. Seven of the students are still detained in the *Dabak* Prison without charge.¹⁵

Complaints have continued to be heard about the torture of detainees, in some cases leading to death. On June 11, detainee *Mohammed Abdullah* was tortured to death by policemen. Although his family filed a police report, the authorities launched no investigation. On March 21, *Al-Tayyeb Ahmed Ali*

¹³ Reports from field observers, Jun. 2009.

¹⁴ "Sudan: Arrest of Deputy Claiming Support for the Prosecution of Bashir in The Hague," *Alsharq Al Awsat*, Dec. 30, 2008, <http://www.aawsat.com/details.asp?section=4&article=500835&issueno=10990>.

¹⁵ Reports from field observers, Jul. 2009.

Mohammed Osman was arrested in Khartoum and brutally beaten with whips and electrical cables. An unknown substance was also injected into his testicles, causing severe pain and making it impossible for him to urinate. *Taj Al-Sirr Jaafar*, a student at Khartoum University, was detained in March, beaten, kicked, and forced to ingest pills that caused him to lose consciousness.

Complete absence of due process

The Sudanese judiciary lacks all semblance of independence. The President still reserves the prerogative to appoint and dismiss members of the Judicial Commission, which has replaced the Supreme Judicial Council, and the exceptional courts continue to violate citizens' rights to appear before their natural judge. One example of the exceptional system is the network of counterterrorism courts, created by a ministerial decree issued by the Minister of Justice in conjunction with the head of the judiciary. The establishment of these courts constituted a blow to the separation of powers mandated by the transitional constitution.

Since 2008, these courts have issued more than 100 death sentences against those convicted of taking part in the armed assault on *Omdurman* by Darfuri militias under the Justice and Equality Movement. These courts have not given due consideration to allegations from dozens of defendants that their confessions were extracted under torture, and the procedural rules for these courts do not give the defense counsel adequate opportunities to appeal verdicts. Motions for appeal must be submitted within one week of the issuance of the verdict.¹⁶

Unfortunately, the Constitutional Court has rejected appeals challenging the constitutionality of these courts, while the head of the judiciary considers the contested procedures be a product of exceptional circumstances that have led to the victimization of many innocent civilians.¹⁷

Nine people were executed after their conviction for the murder of journalist *Mohammed Taha* three years ago. All the defendants stated before their execution on April 1, 2009, that they had been tortured and were forced to sign confessions used in court to prove their guilt. Although they withdrew their confessions in court, the appeals court upheld their conviction

¹⁶ For more on these trials and courts, see "Sudan: Death Penalty" Amnesty International (AI) statement, Apr. 29, 2009, <http://www.amnesty.org/en/library/asset/AFR54/012/2009/en/2136abc4-2bf6-48af-8fdc-da57606ba8b7/afr540122009eng.html>.

¹⁷ Letter from the head of the judiciary to Salva Kiir Mayardit, Sudanese first vice president and president of the autonomous government of south Sudan.

using the same confessions and refused to respond to defense requests for medical exams of the defendants to investigate the allegations of torture despite the fact that there were clear signs of torture on the bodies of several defendants.¹⁸

Complete erosion of freedom of expression

The year 2009 has seen a fierce assault on press freedoms, illustrated by the powers of press censorship invested with the national security and intelligence apparatus. Some newspapers have been compelled to skip issues after security personnel banned entire stories or interfered editorially to remove certain key sections that stripped the stories of all journalistic value and meaning. The newspapers most harmed by security interventions have been *Al-Maidan*, the mouthpiece of the Sudanese Communist Party which has had five issues censored entirely, and *Ajras Al-Hurriya*, associated with the SPLM, which has had nine issues censored.¹⁹

Security officers force editors, managers, and their deputies to sign an oath not to publish any material banned by the security censor elsewhere, including in online versions of the paper that have been commonly used for this purpose in the past.²⁰

Unfortunately, the Constitutional Court, which presumably acts as the watchdog for the constitutional right of freedom of expression, rejected appeals filed by a group of journalists asking for an end to the regime of security censorship. As a result, editors in chief of several newspapers have grudgingly complied with the charter of journalistic ethics handed down by the Sudanese security apparatus through the Journalists Union without prior debate with journalists. Journalists were severely undermined when the editors of 34 papers took part in a ceremony to sign the charter, attended by representatives of the security and intelligence apparatus. Although the charter is promoted by the security apparatus as a means of paving the way to the end of censorship, observers believe that it creates a situation in which editors themselves assume the role of security censors, particularly since the charter places broad restrictions on the freedom of expression and press to prevent, for example, "violations of the public order or safety and public morals."²¹

¹⁸ "Nine Men Executed in Sudan Following Unfair Trial," Amnesty International statement, Apr. 14, 2009, <http://www.amnesty.org/en/news-and-updates/news/nine-men-executed-sudan-following-unfair-trial-20090414>.

¹⁹ "Debating Press Freedom in Sudan," UN Mission in Sudan Report, Jan. 2009, <http://unmis.unmissions.org/Portals/UNMIS/2009Docs/inSUDAN-jan-en-online.pdf>.

²⁰ "The State of Freedom of Expression and the Press in Sudan: Night is Day," mid-year report from Journalists for Human Rights, Jan.-Jun 2009.

²¹ Abdulgabar, Mahmoud Dosa "Trend of Journalistic Ethics," Sudanese Online Sep. 15, 2009, www.sudaneseonline.com/ar1/publish/article_287.shtml.

At the same time, a number of journalists and writers were arrested, among them *Musa Rahouma*, who was arrested on March 12 and referred to trial after publishing a book about Darfur. Attorney *Kamal Omar*, a member of the ruling Popular Congress Party, was sentenced to prison because of articles he wrote that were published in the party newspaper.²² The trial of journalist *Lubna Ahmed Hussein* and the flagrant violation of her personal freedom sparked fierce reactions. *Hussein* was referred to a criminal court on charges of wearing clothes that, “aggrieved public sentiment,” punishable under the Penal Code by 40 public lashes. The move was seen as targeting *Hussein* for her dissident articles about both the Sudanese regime and Islamist militants. The Sudanese police detained journalists working for Reuters, the *Hurra* channel, *Al-Maidan*, and *Ajras Al-Hurriya* who were covering *Hussein’s* trial in July 2009.²³ The general discipline police authority also filed a complaint against journalist *Amal Habbani* for her coverage of the *Hussein* case. She was summoned to appear before the press and publications prosecutor for questioning on the complaint, which demanded that she be fined \$400,000 for insulting the police force.²⁴

The security apparatus, joined by several Islamic militants, also attacked protestors demonstrating in solidarity with *Hussein* in front of the courthouse in August 2009, and the Islamists organized a counter-protest supporting the lashing of the journalist.²⁵ On September 6, security arrested nearly 50 women demonstrating in front of the courthouse in support of *Hussein* when the verdict was announced. She was fined \$250 to be replaced with a one-month prison sentence if the fine was not paid. Continuing her just battle against the oppression of women, *Hussein* refused to pay the fine on the grounds that she was not guilty. But, seeking to protect the Sudanese authorities from further embarrassment in the case, the head of the Journalists Union paid the fine on her behalf.

²² Reports from field observers, Mar. 2009.

²³“Sudan: Lubna Case Adjourned To 4\8\2009...Four Reporters Detained After Trial. ANHRI Asserts Its Support Of Sudanese Reporter Lubna Al Hussein And Requests Changing Article #152 Of The Criminal Law that Boosts Aggression Against Women.” Statement from the Arabic Network for Human Rights Information (ANHRI), Jul. 29, 2009, <http://www.anhri.net/en/reports/2009/pr0729-2.shtml>.

²⁴ “Sudanese Police Sues A Reporter Supporting Lubna Al Hussein And Claims A \$400,000 Compensation, ANHRI Resents The Oppressive Sudanese Practices And Requests Changes To The General Discipline Law,” ANHRI, Jul. 22, 2009. <http://www.anhri.net/en/reports/2009/pr0722.shtml>.

²⁵“Sudanese Security Assaults Female Supporters, ANHRI Resents the Attitude of the Sudanese Security of Dealing With Demonstrations and Asks the Government to Respect the Citizens Right to Express,” ANHRI, Aug. 4, 2009, <http://www.anhri.net/en/reports/2009/pr0804.shtml>.

Yemen

Between Fragmentation and "Somalization"?

Yemen is not only witnessing a serious deterioration in its human rights situation, the structure of the state itself has become extremely fragile due to destructive policies imposed by the ruling regime. The ruling regime is excessively using its monopoly of power and wealth to aggravate corruption in the country and eliminate and repress any opposition. The regime instead gives priority to military solutions and disrupts the mechanisms of dialogue between political and social forces that will be required to reach a general consensus among Yemenis and avoid the dissolution of the central state.

Tribal and religious extremism is used by the ruling regime to achieve narrow and short-term political objectives. It does not come as a surprise in this context that Yemen is being besieged by an armed rebellion in the north, which is growing stronger in its sixth year. Nor is it surprising to see the political and social protest movements in the South – which remained peaceful for several years – to be acquiring the characteristics of an armed insurgency. In fact, more and more Yemeni sectors in the south are now expressing their anger about existing marginalization by the government that has turned them into second-class citizens through declaring that they no longer want to be a part of the Yemeni state – a state that they once voluntarily choose to be a part of. It is also not surprising that a regime that had once brought in radical Islamists to support it during the 1994 civil war and showered some of its members with the highest accolades, to now become the base of *al-Qaeda* in the Arabian Peninsula. Or that the new generation of Islamic militants in Yemen have turned on those who once

supported them and are now seeking to benefit from the weakness of the central government, reside in areas less controlled by the government and exploit the tendency towards secession in the south to serve its scheme to establish a rule of Islamic extremism in the *Taliban* style.¹

In the light of these major threats, the country witnessed a dramatic escalation in human rights violations. In the north, the *Saada* war resumed its sixth round despite a pledge from the President to stop the war last year. This war has resulted in hundreds of civilian casualties and the refugee camps have received about 130,000 additional displaced people. In the south, the violent repression of peaceful protests led to dozens of casualties. At times these protests have also turned into armed uprisings, in which members of *Al-Qaeda* have participated. Thousands of people are being arrested, and enforced disappearances have become a systematic policy for large numbers of those arrested, including human rights defenders.

The war does not stop at the borders of what the political system labels as "the rebels in *Saada*" or "the separatists in the south", the government has also launched a fierce war on freedom of the press and expression. The government has raided some media headquarters and seized trucks for the distribution of newspapers and set them on fire. It banned and confiscated some newspapers from printing and distribution, and arrested a number of journalists, subjecting them to unfair trials that resulted in prison terms or stripped them of the ability to practice journalism.

In light of the existing crisis in Yemen, there is little hope for the possible political breakthrough which had seemed to be revived: at the beginning of the year the ruling party and opposition parties reached a consensus to postpone the general elections for two years, in order to provide the appropriate political climate for dialogue between the parties on the reform of the electoral system. However, the ongoing conflicts in the north and south of the country taking place under the auspices of President *Ali Abdullah Saleh*'s obstinacy and tyranny, threaten to plunge the country into full-out and protracted civil war.

¹ O'Neil, Brian, "The Rebel Movements and the Existential Crisis," Arab Reform Bulletin, The Carnegie Endowment for International Peace, Sep. 2009, <http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=23807>; See also, Butschek, Christopher, "Yemen: How to Avoid Progressive Collapse?" Carnegie Papers, No. 102, the Carnegie Endowment for International Peace, Sep. 2009, http://carnegieendowment.org/files/Yemen_Final.pdf; Also see, Abdel-Hamid, Tarek, "Is It Too Late for Yemen?" Al-Sharq Al-Awsat, Aug. 11, 2009, www.aawsat.com/leader.asp?section=3&article=531419&issueno=11214; Also see, Iskandar, Abdullah, "Barrels of Gunpowder and Yemen," Al-Hayat, July 26, 2009, <http://www.daralhayat.com/portaliarticlendam/41495>.

The war on *Saada*

The Yemeni President officially declared the end of the war in *Saada* in July 2008, after five rounds of military confrontation which first erupted in 2004 with so called *Houthis* rebels. The sixth round of the war broke out in August 2009, when authorities announced a state of emergency in the *Saada* district. The war had been continuing indirectly before this date through the increasing participation of tribal militia, who worked on both sides – either that of the government or the *Houthis*. The fighting escalated as a natural result of the failure of authorities to take appropriate steps to create peace, including the refusal to give amnesty to combatants, end collective punishment and widespread sectarian discrimination against the population of the region, the majority of which held to a *Zaydi* doctrine, or in any way redress the harm to the civilian population as a result of the war.

Exacerbating the conflict is its relation to the political and sectarian conflict between the Kingdom of Saudi Arabia, who supported the Yemeni government and government aligned tribes on one hand, and Iran, who is seen as supporting the *Houthi* insurgency.² It should be noted in this context that despite the fact that the Yemeni President declared a pardon for prisoners last year, this decision has not resulted in the release of all detainees and enforcedly disappeared persons on account of the conflict in *Saada*. Security forces continued to hold about 62 prisoners since 2007, in addition to the 184 people who got arrested in 2008.³

During the last year renewed fighting and the resuming of aerial bombing of some sites within the region resulted in more civilian casualties and the displacement of large numbers of civilians, estimated at more than 130,000 people. Reports indicate that tens of thousands who were unable to find refuge in refugee camps were forced to take flee to remote areas where they starvation and disease, especially in light of the difficulties relief agencies are facing in reaching them.⁴

The risk of military force against civilians is exacerbated by the *Houthis*, who hide among the population, using civilians to lure in the army.⁵ The

² "Yemen: Defusing the Saada Time bomb," Middle East Report, International Crisis Group Report No. 86, May 27, 2009, <http://www.crisisgroup.org/home/index.cfm?id=6113&l=1>.

³ Lists of detainees of the conflict in *Saada* are available on the Yemeni Organization for Defending Rights and Democratic Freedoms' website, <http://hurryat.org/?p=447>.

⁴ "The Yemeni Observatory for Human Rights," Aug. 25, 2009, <http://www.anhri.net/yemen/makal/2009/pr0825.shtml>.

⁵ "International Organization: The Yemeni war resulted in the displacement of tens of thousands and the deteriorating of humanitarian conditions," Al-Sharq Al-Awsat, Issue no. 11247, Sep. 13, 2009, <http://www.aawsat.com/details.asp?section=4&article=535774&issueno=11247>.

highest civilian losses occurred during an air strike in September 2009. A refugee camp in one of the directorate areas called *Jarf Sufian* in the *Amran* governorate was bombed, which led to the death of at least 88 civilians. Military confrontations were connected to the resumption of a campaign of arrests, leading to dozens of arrests of followers of the *Zaydi* sect as well as the arrests of a number of participants who were monitoring violations in *Saada*; some of them even disappeared.⁶

As authorities continue to exert pressure against the free exercise of *Zaydi* religious rites, ceremonies and religious events, likewise the Ministry of Religious Endowments continues to replace *Imams* of mosques affiliated to the *Zaydi* sect with others who belong to other sects. This has resulted in a dispute over control of mosques between the *Houthis* and the "Yemeni Reformist Party," which is of a Muslim (Sunni) orientation. The dispute led to the deaths of ten people in the *Az-Zahir* directorate in *Al-Jouf* province in the north-east of Yemen after an armed clash between the two parties.⁷

A merciless war on protest movements in the south

The Yemeni government has escalated its repressive measures against various forms of protest movements in the south of the country. These movements have been growing since 2007, and now threaten to intensify calls for separatism and to renew the civil war between the north and south, as was the case in 1994. Southerners often protest against their treatment as second-class citizens due to marginalizing of the south both politically and economically, as well as the neglect of their most basic demands with regards to redressing the damage done to them and their institutions as a result of the war. Those in the south whose employment was terminated were not restored to their jobs, nor have the patterns of the distribution of wealth and power between the north and south been reviewed.⁸

⁶ A report issued by the Foundation to Support Arab Women's Issues in Aden on the status of human rights violations, Aug. 24, 2009, www.anhri.net/yemen/makal/2009/pro824.shtml.

⁷ Al-Jirbani, Hussein, "Death of ten in armed clashes between Al-Islah and Houthi forces in Al Gouf province," *Aakhbar*, Aug. 21, 2009, http://www.akhbaar.org/wesima_articles/index-20090721-72811.html.

⁸ Abdel-Hamid, Tarek, "Is It Too Late for Yemen?" *Al-Sharq Al-Awsat*, Aug. 11, 2009, www.aawsat.com/leader.asp?section=3&article=531419&issueno=11214; Also see O'Neil, Brian, "The Rebel Movements and the Existential Crisis," *Arab Reform Bulletin*, The Carnegie Endowment for International Peace, Sep. 2009, <http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=23807>.

It has been reported that the suppression of political and social movements in the south in 2007 led to the death of eight people, the injury of 32 others and the arrest of 432 people. In 2008, repressive measures led to the deaths of 7 people, the injury of 94 others, the arrest of 870 persons, and the enforced disappearance of 21 others. In the year 2009, however, a dramatic increase occurred. By early August at least 45 people died, 109 others were wounded, and more than 1500 people were arrested.⁹ The majority of cases of killings came as a result of excessive use of force by security forces in quelling protests and other forms of peaceful movements.

The Yemeni government has developed a civilian militia to participate in repression under the name the "People's Committees for the Defense of Unity" (PCDU). Its members dress in civilian clothes and drive governmental vehicles. This militia opened fire on a massive march in *Al-And* on June 8, 2009, which led to the death of three people and the injury of a number of others. On June 24, participants in a movement marching in the southern city of *Dali* were surprised by another march organized by the PCDU, which attacked the movement participants. In fact, members of the PCDU participated in the repression of the movement, side by side with security forces. This clash resulted in the injury of five persons as well as the arrest of 59 others.¹⁰

The situation in the southern provinces reached a boiling point in April and threatened a new wave of civil war. Armed clashes took place between government forces and armed members of the *Radfan Belhag* after Yemeni authorities embarked on the transfer of combat units and the development of new military posts in the region. These confrontations resulted in the death of four people and the destruction of several houses.

July 7 witnessed clashes and massive arrests of thousands in the southern province during peaceful protests. That day marked the anniversary of the end of the civil war that did not conclude in the favor of the people of the south. The security services and military forces blockaded these protests, and allowed the supporters of the ruling party to mobilize. The suppression of a movement of the south in *Al-Des Al-Sharqiya Bil-Mukalla* resulted in the death of one citizen, and the detention of hundreds in the governorate of

⁹ These statistics for 2007 and 2008 are based on annual reports published by the Yemeni Observatory for Human Rights. As for the 2009 statistics, they were also drawn from documentation made by the Yemeni Observatory for Human Rights, http://www.yohr.org/docs/1/doc1_30_6_8-6-5-57.pdf; http://www.yohr.org/docs/1/doc1_30_6_7-56-36.pdf.

¹⁰ Statement made by the Yemeni Observatory for Human Rights on 25 June 2009.

Aden alone.¹¹

The city of *Zanjibar* in the *Eben* province witnessed the highest rates of civilian deaths when around 20 people were killed on July 23 as a result of security forces using live ammunition to disperse agents of the southern movement.¹² In what appeared to be revenge for the victims of repression in *Zanjibar*, four soldiers from the security forces were killed by unidentified gunmen in *Om El-Ain* in the *Lauder* district in the northern governorate of *Abyan*. It should be noted that the demonstration that was suppressed in *Zanjibar* was led by *jihadists* and the former leader in the ruling party *Sheikh Tariq Fadhli*, who is currently one of the most senior *al-Qaeda* leaders in Yemen.¹³

The suppression of a peaceful gathering in *al-Dali* on September 30, 2009 led to the death of two people due to injuries sustained when they were shot at with rifles and tear gas canisters being thrown at them. Around 48 people were arrested during these events.¹⁴

Wide-scale war on the press, media and other means of expression

Media and other means of expression saw the worst violations that the country has ever known since the establishment of the Republic of Yemen in 1990. In addition to the usual harassment of journalists, their abduction and enforced disappearances, a large number of newspapers were confiscated at newsstands or were prevented from being printed altogether, and a number of journalists were put on trial on charges of a political nature on account of

¹¹ "Death of a Citizen and the Arrest of Thousands on the 7th of July...The Authorities Prohibit Visits to the Detainees and will not Release any Information About them," Yemeni Observatory for Human Rights, Aug. 7, 2009,

<http://www.yohr.org/details.asp?id=218&catid=2>.

Some reports have estimated that the arrests affected nearly 7500 people. Within three days, thousands of them were transferred to government or military warehouses, because the prisons were already full. The authorities released them after about two weeks. See the report issued by the Foundation to Support Arab Women's Issues in Aden.

¹² "20 People Killed and More than 40 Wounded in Zanzibar, as well as the Death of a Citizen in Dali and Four Others Seriously Injured by Police Shootings This Morning," Yemeni Observatory for Human Rights, Jul. 25 2009,

<http://www.anhri.net/yemen/makal/2009/pr0725.shtml>.

¹³ Al-Jirbani, Hussein, Madabesh, Arafat, "Yemen: armed forces kill 4 soldiers in an attack in Abin," Al-Sharq Al-Awsat, Jul. 29, 2009,

<http://www.aawsat.com/details.asp?section=4&article=529648&issueno=11201>.

¹⁴ "Number of deaths increase to two and the arrest of 48 others," The Yemeni Observatory for Human Rights, Oct. 1, 2009, <http://www.yohrs.org/details.asp?id=245&catid=2>.

their criticism of the general situation, government policies and procedures. Vague laws have been adapted to create penalties for conviction to include imprisonment, fines, and even preventing journalists from practicing their profession. Measures to ban internet websites or hacking and destroying their contents persist as well as the increased restrictive measures on media broadcasts.¹⁵

May 2009 witnessed a sweeping attack on the freedom of the press and on independent newspapers in particular. A special court has been developed for journalists, by decision of the Supreme Judicial Council – an administrative body attached to the Ministry of Justice – ostensibly to speed up action taken on media issues.¹⁶ Security forces raided the premises of *Al-Ayyam* newspaper, the most famous Yemeni daily newspaper in *Eden* (the capital of the south). It was reported that newspaper security guards were killed during the raid and trucks that distribute *Al-Ayyam* were seized and set on fire. This falls in line with the procedures taken by the Ministry of Information against seven independent newspapers, which were confiscated or prevented from printing or prohibited from distributing prints. These newspapers were *Al-Nada*, *Al-Mustaqila*, *Al-Shara'a*, *Al-Diyar*, *Al-Watan*, *Al-Ahaly*, and *Al-Masdar*. The Ministry of Information justified the raid on the grounds that what is published by these newspapers is a detriment to national unity.¹⁷

On May 18, 2009, the Public Prosecution's office for journalism and publications began investigating *Sami Ghalib*, editor of *Al-Nada*, after the Minister of Information accused *Al-Nada* of publishing articles that harm national interests, threaten national unity, and tarnish the reputation of the President of the Republic of Yemen. The investigation of *Sami Ghalib* was only one of around 30 legal actions taken against journalists, who were summoned within the same week for investigation on charges such as "incitement to armed insurrection" and "incitement of sectarian strife among the people of Yemen."¹⁸

The appeals court upheld the original sentence that would deprive *Khalid Salman*, former editor of *Al-Thawry* newspaper from appointment as the

¹⁵ "Report Issued by the Arab Sister's Forum in Support and Solidarity of the Newspapers," Arab Sisters Forum for Human Rights, Jun. 7 2009, <http://www.anhri.net/yemen/saf/2009/pr0607.shtml>.

¹⁶ "Yemen: Halt Crackdowns on Newspaper," Human Rights Watch, May 15, 2009, <http://www.hrw.org/ar/news/2009/05/15-0>.

¹⁷ Ibid.

¹⁸ "Report issued by presidents of 6 newspapers halted in Yemen," Arabic Organization for Human Rights Information, May, 17, 2009, <http://www.anhri.net/yemen/makal/2009/pr0517.shtml>.

editor-in-chief for any newspaper for a year. The court also decided to prevent *Naif Hassan*, editor of *Al-Shara'a*, from practicing journalism for a year, as a result of a charges pressed by the Ministry of Defense three years ago.¹⁹ In July, the journalist *Anis Mansour Hamida*, a reporter for *Al-Ayyam* was sentenced to imprisonment for a period of 14 months, after he was accused of publishing articles that harmed national unity, inciting sedition, and for participating in unauthorized demonstrations. The court refused to give the defense enough time to submit their arguments.²⁰

Political and media activist *Abdel Rahman Al-Samty* served a 3-months prison term after being charged with establishing a forum to stand in support of the newspaper *Al-Ayyam* and publishing in a banned magazine. According to reports issued in August, *Saleh Al-Saqlady*, editor of online newspaper *Shabaka Khalij Aden* and the director of the *Taghir* organization in the governorate of *Aden* has remained in detention since his arrest on June 18. *Fouad Rashid*, editor-in-chief of *Al-Mukalla Press* website has also remained in detention. During the month of July the newspaper *Al-Diyar* had once again one of its issues banned. A number of news websites and forums remained subject to a complete ban or at least a ban in Yemen. The most prominent of these sites are: the website for the newspaper *Al-Ayyam*, *Sawt Al-Janub* forums, *Al-Manbar Net*, *Shabab Al-Janub* forums, *Shabaka Al-Tayaf*, *Al-Taghir Net*, *Al-Mukalla Press*, among others.²¹

In August, sources at the Journalism Syndicate reported that the Ministry of Information confiscated an issue of *Al-Ahaly* and *Al-Diyar* newspapers. The sources reported thousands of copies of the independent newspaper *Al-Watan* had been confiscated while being transported for distribution in *Aden* on July 9. Reports also confirm *Nasser Tamimi*, the journalist and writer for *Al-Muharrar* remains in detention since his arrest on June 20.²²

On September 18, 2009, journalist and political activist *Mohamed al-Maqaleh*, head of the site *Al-Ishtiraky Net* was abducted by unknown gunmen in one of the streets within the capital city of Yemen. The Public Prosecutor promised to reveal *al-Maqaleh's* fate and whereabouts once it

¹⁹ "Report by the editor in chief of Al-Sharaa newspaper stating that it has been banned from publication for a year," May 23, 2009,

<http://www.anhri.net/yemen/saf/2009/pr0523.shtml>.

²⁰ "Yemeni Observatory for Human Rights condemns the sentence against journalist Anis Mansour, calls for solidarity," Yemen Observatory for Human Rights, Jul. 18, 2009,

<http://www.yohr.org/details.asp?id=220&catid=2>.

²¹ Ibid.

²² "Journalist Syndicate in last procedures of the investigation of Al-Ahali and Al-Diyar newspapers," The Freedom Committee in the Association of Journalist, Aug. 10, 2009,

<http://www.anhri.net/yemen/makal/2009/pr0810.shtml>.

was found that elements of the Yemeni secret service were responsible for his abduction.²³

The staff of the Qatari channel *Al-Jazeera* in Yemen was the subject of heavy scrutiny and pressures to the extent that the bureau chief *Murad Hashim* received death threats that prevented him from covering the meetings of the Council of Representatives. Likewise, one of the members of the ruling party in the House of Representatives demanded that office of *Al-Jazeera* in Yemen be closed down under the pretext that the station broadcasts news hostile to the unity and security of Yemen.²⁴

The suppression of human rights defenders

Human rights defenders are paying a high price for their opposition and their exposure of widespread abuses taking place in different regions of Yemen. *Yasser Al-Wazir*, a member of the Yemeni Organization for Defending Rights and Democratic Freedoms, remained in detention without trial for more than a year. He had been abducted and his whereabouts unknown for nearly three months, before it was revealed that he was being detained in one of the political security prisons. Reports suggested that *Yasser's* abduction could be linked to his role in exposing violations against followers of the *Zaydi* sect in the province of *Saada*.²⁵ In December 2008, authorities released *Yahya Al-Amad*, member of the Yemeni Organization for Defending Rights and Democratic Freedoms after more than 5 months after his arrest. They also released *Khaled al-Sharif*, a member of the same

²³ "Yemeni Observatory for Human Rights condemns the abduction of Maqaleh, and calls for pressure on the authorities to account for their own destiny," The Yemeni Observatory for Human Rights, Sep. 18, 2009, <http://www.yohr.org/details.asp?id=243&catid=2>; "Attorney-General addresses the security chief of the political press release Maqaleh," The Yemeni Observatory for Human Rights, Sep. 29, 2009, <http://www.yohr.org/details.asp?id=244&catid=7>; also see "The IFJ Demands the Release Editor Abducted in Yemen," The International Federation of Journalists, Sep. 28, 2009, <http://www.anhri.net/ifex/alerts/yemen/2009/0928.shtml>.

²⁴ "Yemeni Observatory for Human Rights Condemns the Phrase Violations Suffered by Workers in the Office of Al Jazeera in Sana'a, and Demands their Protection and Solidarity," Yemeni Observatory for Human Rights, Jul. 29, 2009, <http://www.anhri.net/yemen/makal/2009/pr0729.shtml>; see also "After the Independent Press: Is it time for Restrictions on Space Stations? Deputy Government Demanding the Closure of Al Jazeera's Bureau in Yemen," Arabic Network for Human Rights Information, Jul. 13, 2009, <http://www.anhri.net/press/2009/pr0713-2.shtml>.

²⁵ "International and Arab Organizations Demands for the Release of Yasser Minister a member of the Yemeni Organization and all the Detainees, Detained Outside the Framework of the Law," The Yemeni Organization for Defending Rights and Democratic Freedoms, Aug. 27, 2009, <http://www.anhri.net/yemen/yoddrf/2009/pr0827.shtml>.

organization, in January 2009, after six months spent in detention without charge or trial. *Ibrahim al-Mutawakkil*, another member of the organization and a member of "Change Organization for Defending Rights and Freedoms," remained in detention. According to reports, *Ali Al-Amad's* whereabouts remained unknown until he was released from detention; it was revealed that he was subjected to torture during his detention, while *Khaled al-Sharif* was denied recourse to legal counsel and regular visits.²⁶

On September 28, an armed group dressed in civilian clothes abducted *Ali Ahmed Al-Saqqaf*, member of the "Yemeni Organization for Defending Rights and Democratic Freedoms." Prior to his abduction, it was alleged that he has received threats from the security forces because of his human rights activities. As such, *Al-Saqqaf* remains one of human rights defenders who have forcibly disappeared. Other victims include *Sadeq Al-Sharafi* and *Muammar Al-Abdali*, who were arrested two months prior.²⁷

In September, *Waddah Abdel Al-Wasa*, media officer for the "Yemeni Observatory for Human Rights," received threats over the phone that he would be harmed unless he stopped his human rights activities. All of his movements have been subjected to close scrutiny.²⁸ Furthermore, *Walid Sharaf al-Din*, a United Nations staff, was kidnapped, and forcibly disappeared since August 25, 2009. His disappearance was allegedly related to an illegal raid of his house that took place in his absence by a group, some of which were wearing military uniforms and others civilian clothing and two women police officers who searched his house and confiscating three computers, papers and CDs.²⁹

²⁶ Launched a Protest in Front of the House of Representatives, and then Marched to the Prime Minister. Human Fights Organizations and Relatives of the Detainees are Demanding the Release of Other Detainees, Against the Backdrop of the *Saada* war," The Yemeni Organization for Defending Rights and Democratic Freedoms, Feb. 10, 2009, <http://www.anhri.net/yemen/yoddrf/2009/pr0210.shtml>.

²⁷ "Yemeni Organization Condemns the Abduction of Human Rights Activist and Member of the Organization of Yemen Ali Al-Saqqaf," The Yemeni Organization for Defending Rights and Democratic Freedoms, Sep. 29, 2009, <http://www.anhri.net/yemen/yoddrf/2009/pr0929.shtml>.

²⁸ "Yemeni Observatory for Human Rights Condemns the Threat of Headline Media and Requests Solidarity," Yemeni Observatory for Human Rights, Sep. 16, 2009.

²⁹ "Yemeni Observatory for Human Rights demands the Attorney General to Investigate the Disappearance of Walid Sharaf al-Din," Yemen Observatory for Human Rights, Sep. 8, 2009, <http://www.yohr.org/details.asp?id=234&catid=7>.

Torture

Complaints of torture in detention centers continue, particularly with the widespread practice of abductions and enforced disappearances, and the authorities' refusal to disclose the whereabouts of detainees, and denying those detained the ability to communicate with their families or lawyers for prolonged periods.

Bassam Abu Taleb died in the basement of a political security prison on September 4, 2009, after being detained for more than two years without being brought to trial. Human rights organizations had called for his release or providing health care for him while his health was deteriorating in prison.³⁰

Concern is growing for the mass arrests against those involved in the movement of the south and for the continued detention and isolation of many who participate. According to some reports, *Qassem Askar Gibran*, *Ahmad Muhammad Bamwalim*, and *Fadi Baom*, were at risk of torture and ill-treatment, after their placement in the political security prison in *Sanaa* in April 2009.³¹

Parliamentary elections and the dilemma of legitimacy

Parliamentary elections were supposed to be held in April 2009, however, an agreement was reached between the ruling party and the main opposition parties, represented by the parties of *Al-Liqa Al-Mushtarak* to extend the mandate of the current parliament, and to postpone elections for two years. This was considered to be a limited victory for the opposition, which had announced its intention to boycott the elections if elections were not accomplished by constitutional and legal amendments relevant to the electoral system, the formation of a Supreme Commission for Elections, and the modification of ruling system towards a parliamentary system.

This resulted in the amendment of Article 65 of the Constitution, so that the continuation of the current parliament would not become subject to

³⁰ "Yemeni Organization Calls for an Independent Commission to Investigate the Immediate Hashem Hagar... After the Death of Bassam Abu Taleb, a Prisoner in the Political Security Prison in Sana'a in Light of the events of Saada," The Yemeni Organization for Defending Rights and Democratic Freedoms, Oct. 5, 2009, <http://www.anhri.net/yemen/yoddrf/2009/pr1005.shtml>.

³¹ "Detention in Isolation from the Outside World: Fear of Torture and Other Ill-treatment," Amnesty International, Jun. 30, 2009, <http://www.amnesty.org/ar/library/asset/MDE31/006/2009/ar/6d33c719-eaec-41c9-bfe5-47c19a418f6b/mde310062009ara.pdf>.

abuse. This agreement was supposed to help in providing the appropriate political climate for holding elections, and to provide an opportunity for dialogue between the parties on the reforms that should be made. However, in light of the tragic events taking place in Yemen, which constitute a serious threat to the overall structure of the state, opportunities for the completion of major tasks that are supposed to be of common interest for both the ruling party and opposition parties alike are rapidly diminishing before the elections in 2011.³²

There seems to be no real possibility for providing the appropriate political climate for either national dialogue or for elections under a system addicted to military and security solutions, and the exclusion of political opponents. If this dynamic continues resulting in further violence in the north and south of the country *Al-Qaeda* cells will most likely entrench themselves in Yemen even further. What is left of the legitimacy of the regime may diminish completely by the time of the elections and the country will be faced with two dangerous possibilities: Either to split the country into two states, or allow Yemen to collapse into an entirely "failed" state like in the case of Somalia.

³² "Yemen: Agreement Between the Government and the Opposition to Extend the Mandate of the Parliament for Two Years and the Postponement of General Elections," *Al-Sharq Al-Awsat*, No. 11048, Feb. 26, 2009, <http://www.aawsat.com/details.asp?section=4&article=508691&issueno=11048>.

Lebanon

A Dual Power Structure Threatens Further Deterioration

The political and sectarian divisions in the Lebanese society, aggravated by regional players' interventions in Lebanon, continue to stoke the political crisis that has plagued Lebanon since the assassination of *Rafiq al-Hariri* five years ago. That event, and the bombings and assassinations that followed, are closely related to steps taken by the international community to end Syrian hegemony in Lebanon and attempts to disarm *Hizbullah*. *Hizbullah* now not only constitutes a state within a state, but also represents a threat to broad segments of the Lebanese people, particularly after it turned its weapons inward on May 7, 2008, thereby imposing its political will by force on all parties involved in Lebanese politics.

Although the Qatar-sponsored Doha Agreement of May 21, 2008, temporarily defused a potential civil war and growing Shiite-Sunni rift, thus reviving some limited hope in the ability of constitutional institutions to reclaim their roles and prerogatives, major concerns remain. The Doha Agreement failed to address the crux of the problem: the dual power structure in the country. In short, *Hizbullah's* overwhelming military superiority is sufficient to deter its opponents, paralyze state institutions, and prevent them from taking steps deemed unsuitable by the Iran-backed party.

While the violence and bombings did recede after the Doha Agreement, weapons have not been withdrawn from the streets. It was thus not surprising

that *Hizbullah* inaugurated its electoral campaign for parliamentary elections earlier this year – just one month before elections – with a speech by its secretary-general reminding the Lebanese people of the day the party imposed its will on Beirut by force of arms on May 7 and holding it up as a day of glory that should be commemorated by the Lebanese.¹ The message to the Lebanese people was clear: their choices in "democratic" elections cannot be above the wishes of *Hizbullah*, which is capable of resolving matters by force of arms.

As a result, the victory of the March 14 alliance in the parliamentary elections was only so much ink on paper, despite the opposition's official recognition of the outcome and although the elections saw no major abuses that undermined the integrity of the electoral process. It became clear that the minority opposition, supported by weapons and threats of *Hizbullah*, was imposing its political will. It was also clear that Syria, despite its military withdrawal from Lebanon, continues to exercise political influence through the opposition March 8 forces. As a consequence, state institutions were incapacitated by the imposition of impossible conditions on the selection of ministers and ministerial portfolios, and the opposition insisted on a one-third share of cabinet posts, guaranteeing it veto power over any decisions it deems unacceptable.²

In the midst of these developments, the President is incapable of exercising his limited prerogatives through an interim government, and the parliament cannot exercise its legislative function or oversee a government that has not yet been formed, although it has been five months since elections and the appointment of *Saad al-Hariri* as Prime Minister-elect.³

Given this dual power structure, authorities are unable to take measures guaranteeing accountability and ending impunity, whether for crimes committed during *Hizbullah*'s assault on Beirut or for the series of bombings and assassinations seen in Lebanon over the past few years. The government is also incapable of following through on its vow to investigate the fate of

¹ Al-Jisr, Basem, "Madha yudmir hizb allah li-Lubnan?" AlSharq Al-Awsat, Jun. 3, 2009, <http://www.aawsat.com/leader.asp?section=3&article=521827&issueno=11145>; see also Safa, Oussama, "After the Parliamentary Elections," Arab Reform Bulletin, Carnegie Endowment for International Peace, Jun. 2009, <http://www.carnegieendowment.org/arb/?fa=show&article=23212&lang=ar>.

² Khuri, Imil, "Syria is Prepared to Give to Palestine and to Iraq in Order to Take from Lebanon," Al-Nahar, Oct. 4, 2009.

³ As the present report was sent to publication, the stalemate was broken and a government of 30 ministers was formed; the majority took 15 portfolios and the minority 10, while 5 ministers were chosen by the president. See Al-Ahram, Nov. 9, 2009.

those who went missing during the civil war and the years of Syrian guardianship over Lebanon.

Although the international tribunal set up to prosecute the murderers of *Rafiq al-Hariri* was finally inaugurated after much stalling by Syrian-backed forces, the tribunal's decisions are still dependent on international and regional players and their willingness to take greater responsibility to prevent impunity for these types of crimes.

Undermining the results of democratic elections

The parliamentary elections of June 7 took place in a climate of severe sectarian division, nourished by inflammatory sectarian propaganda, particularly between Sunnis and Shiites, each of which heads a broad political alliance: the March 8 alliance, close to Syria and Iran, which entered elections with the claim that it had become a majority after *Hizbullah* successfully stood up to the Israeli aggression of 2006, and the March 14 alliance, supported by the Saudi-Egyptian axis and Western countries. Various Christian sects were divided between these alliances, while the majority of the *Druze* community lined up behind the March 14 alliance.

The campaigns of both major blocs were marked by broad sectarian mobilization, as their respective media and propaganda wings heightened the sectarian polarization and increased tensions within the Lebanese society. There was limited friction between some of March 14 partisans and journalists sympathetic to the bloc; at the same time it was difficult for supporters and journalists with the March 8 bloc to move in areas under the control of the Sunni "Future Movement," which leads the March 14 bloc. The media as a whole engaged in violations of the elections law, but no media organization was held accountable. These outlets include *Hizbullah's* Manar station and the "Free Patriotic Movement's" OTV—both part of the March 8 bloc—as well as the Future channel, run by the "Future Movement."

Contrary to the expectations of the March 8 bloc, elections yielded an easy victory to the March 14 bloc, which received 71 seats in parliament compared to 57 seats for the March 8 forces. But the voters' will as expressed by this outcome was not translated into reality because of the imbalance of military force between the majority and minority.

This was illustrated in the selection of the speaker of parliament. The majority wisely chose a relatively easy path and some of its MPs supported the reelection of *Nabih Berri*, the head of the "Amal Movement" and one of

the March 8 leaders, as the speaker, although it is *Berri* who obstructed work in the house for nearly 18 months. Nevertheless, the fact that *Berri* received only 90 votes raised complaints by the minority.

Amidst these developments, the skies over Beirut were filled with gunfire, RPG rounds, and fireworks, let loose in a show of celebration by supporters of both *Berri* and *Saad al-Hariri*, who was chosen to form the new government. As a result, fears of street fighting were again raised, particularly after the *Aisha Bakkar* district witnessed armed clashes in the streets that left one Sunni woman dead and several other people injured, prompting the intervention of the Lebanese army. In the meantime, some army officers were accused of failing to capture "Amal Movement" partisans, who had occupied the area with their arms.⁴

The most serious development, however, was the intentional obstruction of the formation of a new government under *al-Hariri*. Although the elections gave the majority a mandate to govern, the fact that *Hizbullah* is in possession of arms made it difficult to form a government that did not meet the conditions and demands of the opposition bloc that lost the elections. As a result, the majority struggled to form a new government, despite its willingness to give 10 ministerial portfolios to the opposition, allow the President to appoint 5 ministers, and reserve 15 ministerial portfolios for itself. The opposition set impossible conditions, not only demanding the right to name its ministers, but also to choose their portfolios. The President and Prime Minister-elect had no choice but to submit or not form a government.⁵

Due to the impasse, constitutional institutions were unable to function. Overall, the possibility of civil war will continue to loom as long as international and regional parties do not show the high degree of responsibility needed to help Lebanese factions reach solutions that can end the duality of power and maintain the Lebanese state rather than undermine it.

Pressures on freedom of expression

Journalists and media workers came under pressure as a result of political and sectarian polarization and were targeted by lawsuits that reflected intolerance for freedom of expression by the objects of criticism.

⁴ "Family of Victim Aisha Bakkar Demand the Hand Over of Perpetrators," *Asharq Al-Awsat*, Jul. 1, 2009,

<http://www.aawsat.com/details.asp?section=4&issueno=11173&article=525665&feature>.

⁵ *Ibid.* Imil Khuri.

Nevertheless, there was a positive development in April 2009, when MTV resumed broadcasting after a hiatus of seven years occasioned by a decree issued against it in 2002 by authorities, which were under Syria's control at the time. The channel, which opposed the Syrian guardianship over Lebanon, was accused of broadcasting news and material undermining relations with Syria as well as being offensive to then president *Emile Lahoud*, whose term had been extended unconstitutionally.⁶ The Lebanese authorities officially lifted the ban on MTV in 2005.

The most prominent assault on journalists was seen in November 2008 when partisans of the Syrian Social Nationalist Party, a party in the March 8 alliance, brutally attacked journalist *Omar Harqous* with the "Future Movement's" *al-Mustaqbal* newspaper and *Mustaqbal* news station.⁷ In addition, a crew with *Hizbullah's Manar* channel was attacked in one area dominated by the "Future Movement" amidst violence that followed a soccer game on April 26, 2009.⁸ *Charles Ayoub*, the editor-in-chief of *al-Diyar* also received death threats warning him to stop publishing articles criticizing General *Michel Aoun*, and Syrian authorities simultaneously banned the distribution of the paper inside Syria.⁹

Journalist *Lucy Barsikhian*, a reporter with *al-Balad* and *al-Sharq*, was verbally assaulted on May 18, and a crowd attempted to destroy her car in the town of *Saad Nayel* in the *Beqaa* while she was doing her job. Journalist *Oqab Saqr*, a parliamentary candidate in the *Zahle* district, was accused of collaborating with Israel and received death threats from the district's current MP, *Hassan Yakoub*. In addition, *Saqr* was also the target of an attempted physical assault following a televised debate between the two candidates. Domestic security forces intervened to defuse the situation.¹⁰

⁶ "MTV Music Channel Broadcasted Again After 7 Years of Absence," Statement from Reporters Without Borders, Apr. 8, 2009, http://arabia.reporters-sansfrontieres.org/article.php3?id_article=30782.

⁷ "Maharat Deplores the Attack on Journalist Omar Harqous," Statement from the Maharat Foundation, Nov. 28, 2008, <http://www.anhri.net/ifex/alerts/lebanon/2008/pr1128.shtml>.

⁸ "Attack on Al-Manar Channel's Crew in Beirut," Press Release from SKeyes Center for the Defense of Media and Cultural Freedoms, 28 Apr. 2009, <http://www.anhri.net/lebanon/sk/2009/pr0428-2.shtml>.

⁹ "The Press is a Victim of Political Tension," Reporters Without Borders, Apr. 24, 2009, http://arabia.reporters-sans-frontieres.org/article.php3?id_article=30912.

¹⁰ "Attack on the Press While in Action," Mahart Foundation Statement, May 20, 2009, <http://www.anhri.net/ifex/alerts/lebanon/2008/pr1128.shtml>; See also "Report on the Violations Against Journalists in Lebanon, Syria, Palestine and Jordan in the month of May," Report from the SKeyes Center, May 2009, http://www.skeyesmedia.org/middle.php?page=news&id=278&lang_id=2.

On voting day, observers documented several assaults on press and media freedom, including an attack on a crew with LBC in an area of *Beirut* under *Amal* and *Hizbullah* control. The Lebanese army intervened to secure the crew and removed them from the area under guard. At the same time, there was gunfire reported in the vicinity of the Future news building in the *al-Qantari* area of *Beirut*, after which the Lebanese army intervened to arrest one of the shooters and place a security cordon around the station's building.¹¹ After the elections, the car of *Sana El-Jack*, a journalist with *Asharq al-awsat*, was attacked in front of her *Beirut* home on June 9, 2009.¹²

In July, the Publications Court acquitted *Youssef Howayek*, the director of *al-Diyar*, in a libel suit filed by *Saad al-Hariri*, who later withdrew from the suit. A court also sentenced *Fares Khashan*, a journalist with *al-Mustaqbal*, to one year in prison in absentia after convicting him of libeling a judge during a television appearance in which *al-Khashan* criticized the injustices perpetrated against himself and other journalists by judges.

The trial of *Tahsin Khayyat*, the chair of the board of "New TV" along with that of *Mariam al-Bassam*, the director of political programs at the channel, and *Ghada Eid*, a presenter of the program "al-Fasad" is still taking place after they were named in three libel suits filed by judges, who claim that some episodes of the program slandered them.¹³

As part of the crackdown on artistic freedom, general security obstructed a screening of the film "Help," by director *Mark Abi Rached*, on February 16, although he had received prior permission to show the film from the censorship authorities. The ban came following pressure from the "Catholic Media Center," which believed that the film contained undue sexual content. According to *Abi Rached*, removing the objectionable scenes would entail editing out 28 minutes of the film and eliminating a main character in the movie.¹⁴

¹¹ "The End of the Electoral Process in Lebanon and the Registration of Two Security Incidents Related to the Press," SKeyes Center, Jun. 10, 2009, <http://www.anhri.net/lebanon/sk/2009/pr0610.shtml>.

¹² Ibid., Jun. 12, 2009.

¹³ SKeyes Center monthly report, Jul. 2009, <http://www.anhri.net/lebanon/sk/2009/pr0803.shtml>.

¹⁴ "Lebanese General Security Aborts the Showing of a Film After it had Been Cleared," Press Release SKeyes Center, Feb. 23, 2009, <http://www.anhri.net/lebanon/sk/2009/pr0223.shtml>.

Grave abuses and the dilemma of impunity

After a long delay in the prosecution of those responsible for the assassination of former Prime Minister *Rafiq al-Hariri* and 22 others, and in the face of fierce intransigence from the Syria-supported March 8 bloc, this past year the Special Tribunal for Lebanon officially opened in The Hague on March 1.

On March 29, the court issued an order releasing four generals detained for suspected involvement in the *Hariri* assassination. The decision boosted the impartial claims of the court, which was established at the behest of March 14 forces, particularly since the four generals were suspected by these very forces. It is expected that the release will deflect questions raised by the opposition about future measures and decisions the court may impose. Nevertheless, it does not seem likely that the tribunal will investigate the entire series of assassinations and bombings seen in Lebanon, both before and after *Hariri*'s assassination, unless these incidents are shown to have some direct connection to the latter.¹⁵ The potential challenges facing the court, posed by regional and international parties, cannot be denied. These may further prolong the proceedings or obstruct the appearance of suspects or extradition of convicted parties who should be prevented from escaping punishment.

Although the court may ultimately be able to exercise its prerogatives in the *Hariri* assassination case, a great many grave, yet uninvestigated human rights abuses remain witness to the fact that this justice is selective. For example, thus far the Lebanese authorities have conducted no independent, impartial investigation into the military clashes in the *Nahr al-Barid* refugee camp, in which dozens of civilians were killed.

Given the dual power structure operative in Lebanon, it is difficult to imagine any serious measures taken to investigate and enforce accountability for crimes perpetrated in Lebanon this past year, after *Hizbullah* decided to turn its weapons on Lebanese to extract political gains, sparking clashes that left more than 100 people dead in May 2008. Thus, it should not be surprising that the courts have indicted only one person in connection with these events, on charges of killing two people.¹⁶

¹⁵ "Lebanon: Special Tribunal Insufficient Without Wider Action to Combat Impunity," Amnesty International, Feb. 27, 2009, <http://www.amnesty.org/en/for-media/press-releases/lebanon-special-tribunal-insufficient-without-wider-action-combat-impuni>.

¹⁶ "Lebanon: A Year Later, No Accountability for Killings," Human Rights Watch, May 8, 2009, <http://www.hrw.org/ar/news/2009/05/07/lebanon-year-later-no-accountability-killings>.

Although the Lebanese government pledged in its cabinet statement of August 2008 to take steps to determine the fate of Lebanese nationals and others who disappeared between the eruption of the civil war in 1975 and the early 1990s and promised to ratify the international convention protecting all persons from enforced disappearance, the government's mandate expired without it having taken any steps to do so.¹⁷ Even if *Saad al-Hariri* manages to form a government, the failure on this issue may continue, particularly regarding people thought to have been detained and moved to Syria during the years of Syrian guardianship over Lebanon, given that pro-Syrian forces are able to deter the majority through force of arms and circumscribe any attempts to condemn or question the Syrian authorities. Even some March 14 forces have no interest in pursuing this issue since they are suspected of having taken part in enforced disappearances.

In a related matter, the fate of Syrian dissident *Nawar Abboud* remains unknown since he was detained by Lebanese military intelligence in December 2008, although military intelligence told the public prosecutor in February 2009 that it had released *Abboud* the day after his detention. All efforts to discover his whereabouts have failed, sparking fears that he may have been forcibly moved to Syria. *Abboud* has links with the United National Alliance, a political organization with ties to *Rifaat al-Assad*, an opponent of the Syrian regime.¹⁸

Lebanese national *Joseph Sader* was also kidnapped on February 12 by unknown persons near the *Beirut* airport in a *Hizbullah*-controlled district.¹⁹ *Elie Haddad*, Roman Catholic bishop of the *Sidon* and Southern *Archdiocese*, later stated that he received a call from an allegedly high-placed Muslim source telling him that *Sader* was still alive and would be turned over to the state for prosecution if there was sufficient evidence of his collaboration with Israel; if no such evidence was found, he would be released.²⁰

¹⁷ "Lebanon's 2009 Parliamentary Elections: A Human Rights Agenda," Human Rights Watch, May 13, 2009, <http://www.hrw.org/en/news/2009/05/13/lebanon-s-2009-parliamentary-elections>.

¹⁸ "Lebanon: Investigate Syrian Opposition Figures' Fate," Human Rights Watch, Mar. 24, 2009, <http://www.hrw.org/ar/news/2009/03/24/lebanon-investigate-syrian-opposition-figure-s-fate>.

¹⁹ "March 14 Warns of Armed Chaos and Lawlessness," *Al-Mustaqbal*, Feb. 19, 2009, <http://www.almustaqbal.com/stories.aspx?StoryID=333071>.

²⁰ Salah, Mohammed, "Military and Security References Question Information Issued by Bishop Haddad About Joseph Sader," *Al-Safir*, no. 11425, Oct. 20, 2009, <http://www.assafir.com/Article.aspx?ArticleId=2188&EditionId=1368&ChannelId=31667>.

Rights organizations filed several complaints to UN bodies regarding the torture of 13 people arrested during the armed clashes in the *Nahr al-Barid* camp in 2007; after being held in secret detention for several months, they are to be tried by a military tribunal in *Beirut*, although the charges against them do not constitute violations of the military code. They were allegedly demeaned, insulted, threatened, beaten with electrical cables and clubs, slapped, and kicked all over their bodies. Some were deprived of sleep and forced to stand for long periods. Others say they were hung or subjected to electroshocks. The investigating military judge charged them with attempting to form an armed group, attempting to engage in terrorism, and threatening state security.²¹

Palestinian refugees

Palestinian refugee camps continue to be blockaded by the Lebanese army. The *Nahr al-Barid* refugee camp has not been rebuilt in the two years since its destruction following clashes from May to September 2007 between the Lebanese army and an organization known as *Fatah al-Islam*. The removal of rubble only began in late 2008, and it was March 2009 before a basic foundation was laid in the camp. Only some 900 families have returned to what remains of viable housing in the camp. The Lebanese authorities attribute the slow pace of reconstruction to the meager donation thus far given by donor nations. Although UNRWA was seeking \$445 million for reconstruction, it has only received about \$42 million.²² Reconstruction ground to an almost complete halt following a lawsuit filed with the State Council by the chair of the "Free Patriotic Movement," *Michel Aoun*, who claimed there were important Roman ruins on the site, which delayed construction for months.²³

In addition to the tragic conditions of the camp, some 300,000 Palestinian refugees live in difficult socioeconomic circumstances because of legalized discrimination that denies them the right to own property and the right to work in some 70 professions. This discrimination is reinforced by a political discourse, echoed by the media, which claims that if Palestinians are given

²¹ "Lebanon: Torture and Ill-Treatment of Civilians and their Trials before Military Tribunals," Karama Human Rights Organization, Oct. 17, 2008, http://ar.alkarama.org/index.php?option=com_content&view=article&id=3457:---&catid=108:-&Itemid=120.

²² Abdullah, Ghassan, "Nahr al-Barid: A Model You Do Not Want," *Al-Nahar*, Sept. 28, 2009, http://ar.euromedrights.org/index.php/news/member_releases/3388.html.

²³ "Artosea: Impedes the Return of Thousands of Displaced Persons," *Al-Hayat*, Oct. 13, 2009, <http://international.daralhayat.com/internationalarticle/65405>.

rights enjoyed by other refugees, it will undermine their right of return and lead to their permanent resettlement in Lebanon.²⁴

Many Palestinians without identity papers face additional pressure, since they are not legally recognized. Such persons are compelled to hide in refugee camps fearing harassment and prosecution by the authorities, which consider their presence in Lebanon illegal. In the last months of 2008 and the first part of 2009, some 45 Palestinian refugees without identity papers were detained on charges of illegal residency.²⁵

Positive developments

In a climate in which constitutional institutions are paralyzed and the possibility of a new civil war looms, discussions of legislative developments are of little value. Rights organizations say that Lebanon often passes reformist legislation, but these reforms are not implemented because of the conditions that have always fostered instability, occupation, or war in Lebanon.²⁶

Nevertheless, it is worth noting that in December 2008, the Ministry of Justice ratified the Optional Protocol of the Convention Against Torture, which requires establishing a national instrument to monitor and protect against torture. At the same time, it was decided to form a committee headed by a judge and including several MPs, public servants, and representatives from human rights organizations and NGOs to draft legal articles and the instruments necessary to comply with the protocol, in preparation for the activation of the national monitoring institution one year after ratification, on December 22, 2009.

In February 2009, the Minister of Interior also issued a decree giving citizens the right to omit mention of religious and sectarian affiliation in their civil registry records. If the new Lebanese government commits to reform, this may foster the adoption of a civil personal status law that applies to all Lebanese citizens regardless of their religious affiliation and guarantees equality before the law in matters of personal status.²⁷

²⁴ "Lebanon's 2009 Parliamentary Elections: A Human Rights Agenda," Human Rights Watch, May 13, 2009, <http://www.hrw.org/en/news/2009/05/13/lebanon-s-2009-parliamentary-elections>.

²⁵ "Support this Campaign to Make Human Rights a Reality, A Sequel to the Campaigns to Support the Palestinian Refugees in Lebanon Who have no Papers and to demand an end to their misery and complete and complete recognition of their legal personality" Statement from the Palestinian Human Rights Association (Witness), Aug. 10, 2009, <http://www.anhri.net/lebanon/monitor/2009/pr0811.shtml>.

²⁶ "Lebanon's 2009 Parliamentary Elections: A Human Rights Agenda," Human Rights Watch, May 13, 2009, <http://www.hrw.org/en/news/2009/05/13/lebanon-s-2009-parliamentary-elections>.

²⁷ "Lebanon: Removal of Religion from IDs Positive But Not Sufficient," Human Rights Watch, Feb. 17, 2009, <http://www.hrw.org/ar/news/2009/02/16/lebanon-removal-religion-ids-positive-not-sufficient>.

Chapter Two
The Dilemma of Human
Rights and Democracy

Egypt

Signs of Merging a Police State and a Religious State

The human rights situation in Egypt continues to deteriorate, and although there has been relative tolerance with demand-based movements, the outlook for human rights will remain bleak as long as all forms of political action continue to be repressed and authorities continue to use legal and security institutions to contain freedom of peaceful assembly and the freedom to engage in strikes.

Despite a limited decline in freedom-depriving penalties for press and publication crimes thanks to several court decisions that replaced prison terms with heavy fines, a fierce war has been initiated against electronic media and internet activists who have become more frequent targets according to emergency law measures and practices of abduction and disappearance in State Security police facilities. Nevertheless, the margin for freedom of expression in Egypt is relatively better than in most Arab countries, a situation that is attributable first and foremost to the courage of journalists, writers, and bloggers who dare to cross the red lines drawn by the authorities for decades.

Due to the ongoing state of emergency—now in its 28th year—and impunity enjoyed by the security apparatus, hundreds of Egyptians and undocumented migrants were the victims of extrajudicial killings as a result of the excessive use of force or torture in police stations.

Dozens of citizens also faced unfair trials before exceptional emergency courts and military tribunals. Although the government has always argued that the emergency law is used only toward suspects in drug trafficking or terrorist crimes, the year 2009 saw its use against a number of political activists and bloggers who have not been charged with either of these two crimes; an approach that has been followed by the security apparatus since the declaration of a state of emergency 28 years ago. This indicates that the Anti-terrorism law – which the government is about to finish preparing – will likely be used against critics and political opponents who are not accused of using violence. In fact, the Anti-terrorism Law will in its very essence "normalize" the state of "emergency" and turn it into a "permanent" one.

As religion has been increasingly exploited as a tool for state administration, the state has begun to acquire some theocratic features. This year, the Ministry of Interior arrogated to itself responsibility of searching for Copts who pray in their homes as they are not allowed to build churches to pray in. This is in addition to policing those who eat in public during the holy month of Ramadan. The emergency law has been used to harass so-called “deniers of the Prophetic Sunna” and hundreds of Shiites in the midst of an orchestrated anti-Shiite media campaign. These developments have been reflected in the parliament as well, where members of Parliament of the ruling National Democratic Party (NDP) have called for legislation criminalizing the *Bahai* faith and imposing punishments for eating in public during Ramadan.

Given this context, Muslim-Coptic sectarian violence is on the upswing and has expanded geographically as well, with incidents documented in ten governorates this year. *Bahais* were also the target of unprecedented physical attacks by Muslims.

Civil society groups remain prisoners to security interventions and administrative pressures; hundreds of members of the banned Muslim Brotherhood have been harassed and prosecuted; and the Political Parties Committee, dominated by representatives of the NDP, continues to reject applications for the establishment of new parties. The founder of the *Ghad* Party, *Ayman Nour*, was released for health reasons only months before the completion of his five-year prison term in response to foreign pressure. Although this can be viewed as a positive development, *Nour* continues to be deprived of his political rights following his conviction in a politically motivated trial.

On the legislative front, there were several limited, but nevertheless positive developments, most significantly an amendment to the executive regulations of the Civil Status Law, pursuant to a ruling from the State Council, which makes it easier for some *Bahais* to obtain personal identification cards that do not classify them as adherents of a religion they do not embrace.

The People's Assembly Law was also amended to allocate an additional 64 seats in the parliament for women. A response to demands for increased political participation for women, the amendment is largely seen as a decorative step that will not guarantee real political participation for women or men, but rather guarantee additional parliamentary seats for the ruling NDP, as independent or opposition female candidates are not expected to nominate themselves unless there is an agreement with the ruling NDP. This is because the "women's districts" are extremely large most of them cover entire governorates and because the most decisive factors in electoral victory, for men and women both, are money, bullying, violence, and government support for NDP candidates, which extends even to interfering and changing election results.

Without accountability: torture and extrajudicial killing

In the eight-month period from June 2008 to February 2009, reports from rights groups documented 13 cases of death caused either by torture in various detention facilities or shootings by police in the course of a criminal pursuit.¹ Border Guard forces also increasingly employed excessive force against undocumented migrants crossing the Egyptian-Israeli border, killing at least 26 people.² From May 2009 unlawful killings against migrants were resumed up until September 2009. At least 12 migrants were killed while trying to cross the border into Israel; the governor of North Sinai considered these killings "necessary."³

Among the incidents of extrajudicial killings by police include an incident in Aswan in November 2008 in which a police force with the anti-drug bureau shot and killed *Abdel Wahab Abdel Razeq* in front of his house

¹ "When Will the Crime of Torture Stop?" The Egyptian Organization for Human Rights, Mar. 10, 2009, <http://en.eohr.org/?p=138>.

² "Egypt: Amnesty International Expresses Concern about Police Recklessness," Amnesty International statement, Nov. 25, 2008, <http://www.amnesty.org/ar/library/asset/MDE12/023/2008/ar/e02fa544-bbb0-11dd-a0a0-599e4c28c8aa/mde120232008ara.html>.

³ "Stop Killing Migrants in Sinai," Human Rights Watch, Sep. 10, 2009, <http://www.hrw.org/ar/news/2009/09/10/egypt-stop-killing-migrants-sinai>.

while in pursuit of a suspected drug dealer. The prosecutor charged one officer with murder and released two others; following protests by locals, security forces used excessive force to repress the demonstrators, firing rubber bullets and tear gas to disperse them and causing the death of another citizen in the process, *Yehya Abdel Megid Maghrabi*. In the same protest some 50 people were arrested and detained at Camp *al-Shalal*, a Central Security Forces facility, where they were beaten. The prosecutor's office charged 27 of them with illegal assembly and rioting. One month before the events in Aswan, *Mervat Abdel Salam* was killed when police raided her home in the town of *Salamut*, in the *Minya* province, and brutally beat her during questioning about an armed robbery.⁴

One of the most tragic incidents of torture took place in the *al-Khusous* police station, in the *Qalyoubiya* province, in December 2008, when two men and five women were arrested following a quarrel between a Christian and Muslim family. They were tortured for nearly three hours including with blows, kicks, and electroshocks. Two women, one aged 70, were restrained and lashed on the soles of their feet and were sexually groped in front of their families. The chief of police ordered that the wife and mother of one of the male detainees be brought in, after which he threatened to rape the women.⁵

In the *Shubra al-Kheima* (2) police station, *Mona Said* was assaulted by police officers after she filed a complaint against the chief of police for repeatedly detaining and torturing her husband. The woman's head was shaved, cigarettes were put out on her body, and she was threatened with rape.⁶

In the so-called *Zeitoun* terrorist cell case, 26 people were charged with attacking jewelry shops owned by Copts in the *Zeitoun* area and planning terrorist operations. The defense accused the security apparatus of torturing the defendants, and defense attorneys said that security obstructed the execution of prosecutorial orders referring the defendants to a forensic

⁴ "Police Unlawfully Kill Abdel Wahab Abdel Razak in Aswan," Hisham Mubarak Law Center, Nov. 23, 2009, <http://www.anhri.net/egypt/hmcl/2008/pr1123.shtml>; Also see "The Truth Begins to Emerge with Regards to the Killing of Citizens in Aswan," Hisham Mubarak Law Center, Nov. 24, 2009, <http://www.anhri.net/egypt/hmcl/2008/pr1124.shtml>.

⁵ "The Egyptian Initiative for Personal Rights Calls for Suspension of the Chief of Investigation and Referring Him to Trial on Charges of Torture, Indecent Assault and Unlawful Detention," Statement from the Egyptian Initiative for Personal Rights, Dec. 24, 2008, <http://www.anhri.net/egypt/eipr/2008/pr1224.shtml>.

⁶ "The Association for Human Rights Legal Aid Submits Complaint to the Attorney General with New Incidents Against Officers in Shobra Al-Khaima," Statement from the Association for Human Rights Legal Aid, Feb. 2, 2009, <http://www.anhri.net/egypt/ahrla/2009/pr0202.shtml>.

physician for examination. The defense also demanded that the Minister of Interior reveal the whereabouts of 14 defendants in the case who were not brought before the prosecutor and not permitted to contact their attorneys. Although the case was officially made public in July 2009, the families and lawyers of the accused were not permitted to meet with the defendants for weeks or know where they were being detained. The defendants launched a hunger strike in detention, and their attorneys announced a sit-in in front of the Public Prosecutor's Office, having exhausted all legal channels to determine the whereabouts of the detainees and the charges against them.⁷

Fierce war on freedom of expression

This year liberty-depriving penalties in publication and press cases were less common than in the past, although not altogether absent, as courts tended to replace such punishments with fines.

The editors-in-chief of four independent and partisan newspapers—*al-Dustour*, *Sawt al-Umma*, *al-Fajr*, and *al-Karama*—were each sentenced to one year in prison in September 2008 following lawsuits by pro-NDP attorneys prompted by their papers' criticisms of the president, his son, and senior officials. In January 2009, the Court of Appeals amended the sentence, overturning the prison time and fining them each LE 20,000.⁸

A criminal court in *Sayyida Zeinab* in February 2009 fined five journalists, among them the editors of *al-Masry al-youm* and the opposition *al-Wafd*, LE 10,000 each after they were convicted of violating a gag order in the *Suzanne Tamim* murder case. *Hisham Talaat Mustafa*, a prominent businessman and a pillar of the ruling NDP, was charged with the murder.⁹

Blogger *Tamer Mabrouk* was fined LE 2,500 and directed to pay a compensation of LE 40,000 to a company after publishing information about alleged legal violations by the company, although the issue was widely

⁷ Shalaby, Ahmed, Ghada Abdel Wahed, "Those Accused of Organizing the Accident in Al-Zeitun go on a Hunger Strike to Demand their Reference to the Supreme State Security," *Al-Masry Al-Youm*, Jul. 18, 2009, <http://www.almasry-alyoum.com/article2.aspx?ArticleID=219414>.

⁸ "Punishing the Four Editors in Chief is a Black Stain on the Government, Arabic Network Calls for the Fine to be Rescinded," *Arabic Network for Human Rights Information*, Jan. 31, 2009, <http://www.anhri.net/en/reports/2009/pr0131.shtml>.

⁹ "Sayeda Zeinab Court Sentences 5 Journalists to 10 Thousand Pound Fine," *Egyptian Organization for Human Rights*, Feb. 26, 2009, <http://www.anhri.net/egypt/eohr/2009/pr0226.shtml>.

debated in the People's Assembly and both government and opposition newspapers.¹⁰

Some publication crimes continued to be punished with prison time. This year several journalists, including *Salah Qabadaya*, the head of the board of *al-Ahrar*; *Essam Kamel*, the paper's managing editor; and *Alaa Shibl*, a journalist at the paper were each sentenced to one month in prison.¹¹ *Yasser Barakat*, the editor-in-chief of *al-Mujaz* was sentenced to six months in prison on a libel charge, but his opponent withdrew the lawsuit as a result of pressure from the Journalists Syndicate.¹²

The stiffest prison sentence was handed down this year to *Mounir Said Hanna Marzuq*, from the *Minya* governorate, who was given three years in prison because of six verses of colloquial poetry that the court considered an insult to the President.¹³ The verdict was overturned on appeal on the grounds that the lawsuit was brought by a member of the security apparatus, who was ruled to have no direct standing or interest in the case.

On a positive note, the *Maadi* Criminal Court in May 2009 rejected two lawsuits, one criminal and one civil, against Dr *Saad Eddin Ibrahim*, the director of the "Ibn Khaldoun Center for Development Studies," for articles he had published critical of the regime. The court ruled that the plaintiffs had no legal standing to sue. One of the suits charged Dr *Ibrahim* with disseminating news and information abroad liable to harm the national interest. Dr *Ibrahim* had been the target of a similar lawsuit last year, in which he was sentenced in absentia to two years in prison with a bail of LE 10,000. That verdict was overturned on appeal also in May, on the grounds that the complainant had no legal standing.

The Ministry of Information banned issue 50 of *al-Balagh al-Jadid*, a foreign-licensed paper distributed in Egypt, on the grounds that it is a foreign publication subject to Ministry of Information censorship under the

¹⁰ "Support the Ruling of a Heavy Fine Against a Blogger. The Verdict Against Tamer Sends a Warning Message to Egyptian Bloggers," Arabic Network for Human Rights Information, May, 26, 2009, <http://www.anhri.net/press/2009/pr0526.shtml>.

¹¹ "New Setback for Freedom of Expression; Hadayek al- Qobba Misdemeanor Court Sentences Chairman of the Board of Al-Ahrar Newspaper and Two Others to Three Months Imprisonment," Egyptian Organization for Human Rights, Mar. 3, 2009, <http://en.eohr.org/?p=91>.

¹² "The Egyptian Organization Demands the Immediate Release of Yasser Barakat," Egyptian Organization for Human Rights, Jul. 9, 2009, <http://www.anhri.net/egypt/eohr/2009/pr0709-2.shtml>.

¹³ Nafi' Saeed, "Reservations Over the Poet of Al-Miya After he was Found Not Guilty of the Charge of Insulting the President," Al-Masry al-Youm, Jul. 20, 2009, <http://translate.google.com/?hl=ar#ar|en%D8%A7%D9%84%D8%AA%D8%AD%D9%81%D8%B8>.

publications law. The ban—the third against the paper in less than a year—was prompted by the paper's coverage of Egyptians detained in Saudi prisons.¹⁴

The Administrative Court in April 2009 cancelled the license of *Ibdaa*, a magazine put out by the Ministry of Culture, after it published a poem by well-known poet *Helmy Salem* that allegedly “offends the divinity.” The High Administrative Court suspended the implementation of this provision in June 2009.¹⁵

In the context of the escalating war against internet activists, blogger *Musaad Abu Fagr*, an activist for the rights of Bedouins in Sinai, continued to be detained under the emergency law after his arrest in December 2007. Although the Administrative Court ordered the Ministry of Interior to release him in June 2009, he remains in detention, and his detention orders had been renewed 13 times as of July.¹⁶ His colleague, Sinai activist *Yahya Abu Nasira*, has been detained since 2007 as well.

Christian blogger *Hani Nazir*, the proprietor of the blog *Karz al-Hubb*, remains detained under the provisions of emergency law since his arrest on October 3, 2008. He is also subjected to assaults and maltreatment in the *Burg al-Arab* Prison, where he is detained as a criminal offender.¹⁷

In February 2009, the security apparatus arrested blogger *Diaa El-Din Gad* in front of his home and took him to an undisclosed location, where he was kept for three weeks before being transferred to the *al-Qatta* Prison.¹⁸

¹⁴ "Egyptian Information Minister Confiscates an Independent Paper," Arabic Network for Human Rights Information, Aug. 3, 2009, <http://www.anhri.net/en/reports/2009/pr0803-2.shtml>.

¹⁵ "Quarterly Report on Freedom of Religion and Belief in Egypt," Egyptian Initiative for Personal Rights, Apr.-Jun. 2009, http://www.eipr.org/reports/FRB_quarterly_rep_Jul09/2907.htm.

¹⁶ "A Historical Decision Deprives State Emergency Court from Jurisdiction Over Detention Warrants. Administrative Court: Obliges Ministry of Interior to Immediately Release Musaad Abu Fagr," Hisham Mubarak Law Center, Jun. 16, 2009, <http://www.anhri.net/egypt/hmcl/2009/pr0616.shtml>.

¹⁷ "After Ignoring to Investigate Attempts to Force him to Islam, A Brutal Assault on a Christian Blogger Detained by Emergency Law at Borg al- Arab Prison," Sep. 16, 2009, <http://www.anhri.net/en/reports/2009/pr0916.shtml>.

¹⁸ "Egyptian Police Attack and Kidnap a Blogger," Arabic Network for Human Rights Information, Feb. 9, 2009, <http://www.anhri.net/en/reports/2009/pr0209-2.shtml>. See also, "Diaa Eddin Gad Still Detained in Katta Prison: State Security Attacks him for Governmental Criticisms on his Blog. The Attorney General is Aware of Dia Eddin Gad's Situation, Yet Nothing is being done. The National Council for Human Rights is Powerless to Help," Arabic Network for Human Rights Information, Feb. 25, 2009, <http://www.anhri.net/en/reports/2009/pr0225.shtml>

In April 2009, blogger *Ahmed Mohsen*, the proprietor of "*Fattah Aynayk*" (Open your Eyes) blog, was arrested and spent nearly two months in provisional detention before being released. According to the State Security investigation file, the State Security prosecutor accused him, among other things, of "exploiting the democratic environment to overthrow the regime."¹⁹

In November 2008, the security apparatus arrested blogger *Mohammed Adel* and took him to an undisclosed location where he remained for one month. He was then brought before the High State Security prosecutor for questioning on charges of belonging to the banned Muslims Brothers. *Adel* was detained until March 8, 2009; blogger *Abdel Aziz Mogahed* was subject to the same measures and charges.²⁰

Internet activist *Ahmed Mohammed Alaa El-Din* was kidnapped from his home on April 7 and had his cell phone and personal computer confiscated. He was taken to an undisclosed location and kept for three weeks; after his release, it was found that he had been detained at the State Security headquarters in *Minya al-Qamh*.²¹

Well-known blogger *Wael Abbas* was detained at the Cairo Airport for five hours upon his return from Sweden in June 2009, where he was subjected to a personal search and his laptop was confiscated; he endured the same arbitrary measures on his return from Lebanon in August 2009.²²

¹⁹ "Comic New Charges Created by State Security: Blogger in Jail on Charges of Exploitation of the Democratic Climate," Arabic Network for Human Rights Information, May 14, 2009, <http://www.anhri.net/press/2009/pr0514-2.shtml>.

²⁰ "Security Forces Step Up Persecution of Bloggers Under the Auspices of the State of Emergency Four Days After his Kidnap, Blogger Mohamed Adel has Disappeared and it is Feared that he is being Tortured," Arabic Network for Human Rights Information, Nov. 25 2009, <http://www.anhri.net/en/reports/2008/pr1125.shtml>, See also, "The Egyptian Interior Minister Breaks Emergency Law - Mohamed Adil is Kidnapped and Detained in an Unidentified Location," The Arabic Network for Human Rights Information, Dec. 4, 2008, <http://www.anhri.net/en/reports/2008/pr1204.shtml>. Also see, "State Security Prosecution Decides to Release Blogger Mohammed Adel," The Arabic Network for Human Rights Information, Mar. 8, 2009, <http://www.anhri.net/en/reports/2009/pr0308-2.shtml>.

²¹ "Three Weeks After Kidnapping, Ahmed Alaa Released. Hossam Hijazi and Ahmed Morgan are the State Security Officers who Kidnapped Ahmed Alaa. We Know Where they Detained him. What is Lacking the Public Prosecutor to Conduct an Investigation into the Crime?" Arabic Network for Human Rights Information, Apr. 28, 2009, <http://www.anhri.net/en/reports/2009/pr0428.shtml>.

²² "Egypt - A New Episode of Violating Rights and Laws.State Security Officers Detain Wael Abbas at Cairo Airport," The Arabic Network for Human Rights Information, Jun. 30, 2009, <http://www.anhri.net/en/reports/2009/pr0630.shtml>; Also see, "For the Second Time...Known Blogger Detained at Cairo Airport, Infringement of Wael Abbas and Seizing his Belongings

The Administrative Court in May 2009 issued a ruling requiring the Ministry of Communications to block "obscene websites," an order which frees the executive authority to ban nearly any website in practice, especially since the court did not put a definition for what an "obscene" website is.

Justice standards undermined in exceptional trials

Dozens of people continued to be deprived of their right to appear before their natural judge after they were referred to trial in "emergency" State Security courts or military tribunals.

In February 2009, a military court convicted three civilians on charges of illegally entering Gaza, sentencing both *Ahmed Saad Doma* and *Ahmed Kamal* to one year in prison and a fine of LE 2,000. The third defendant, prominent opposition figure *Magdi Ahmed Hussein*, the secretary-general of the frozen Labor Party and the editor of *al-Shaab*, closed by administrative decree nine years ago, was sentenced to two years in prison and fined LE 5,000 on the same charges.²³

The High State Security Court, emergency division, issued verdicts against defendants in the *Mahalla al-Kubra* case, where demonstrations and a call for a general strike were repressed on April 6, 2008. The 22 defendants were given terms of 3 and 5 years in prison. Although several defendants told the court they had been tortured, the court did not order an independent investigation of their allegations and used their confessions to convict them on charges of weapons possession, assault on police officers, and theft. At the same time, authorities failed to identify those responsible for the deaths of three people during the protests who were killed as a result of excessive force by security forces, including the use of live ammunition.²⁴

Illegally," The Arabic Network for Human Rights Information, Aug. 8, 2009,

<http://www.anhri.net/en/reports/2009/pr0808.shtml>.

²³ "Military Court Sentences Anmed Saad Dumah and Ahmed Kamal to 1 year Imprisonment with Labor and a 2000 Pound Fine," Hisham Mubarak Law Center, Feb. 10, 2009,

<http://www.anhri.net/egypt/hmcl/2009/pr0210.shtml>; Also see, "The Organization Calls on the President to Stop the Implementation of Magdi Hussein's Sentence of Two Years Imprisonment with Labor, and a Fine of 5000 Pounds," The Egyptian Organization for Human Rights, Feb. 11, 2009, <http://www.anhri.net/egypt/eohr/2009/pr0211.shtml>.

²⁴ "When Will the Referral of Civilians to the Emergency State Security Courts End?" Press Release by The Egyptian Organization for Human Rights, Dec. 15, 2008, <http://www.anhri.net/egypt/eohr/2008/pr1215.shtml>; Also see, "Emergency Court Rulings on Mahalla Protests Entrench Abuses," Amnesty International, Dec. 15, 2008, <http://www.amnesty.org/en/for-media/press-releases/emergency-court-rulings-mahalla-protests-entrench-abuses-20081215>.

A total of 26 people were referred to a High State Security court, emergency division, in connection with the so-called *Hizbullah* cell case, among them two Lebanese nationals, five Palestinians, and 19 Egyptians. The defendants faced several charges, including "planning assassinations" and "spying on behalf of a terrorist organization." The trial began on August 23, 2009, with all defendants in attendance except four fugitives.²⁵

The right to assembly and peaceful protest

On several occasions the authorities tolerated protests, demonstrations, sit-ins, and strikes in which protestors advanced no explicitly political claims. These include protests by bus drivers, pharmacists, and postal workers, as well as sit-ins by media workers in front of the television building, almost daily sit-ins by Ministry of Justice experts, and teacher protests, in addition to labor strikes in several industrial areas.

But protests of an overtly political nature were a different matter altogether. In late December 2008 and early January 2009, the authorities prevented thousands of Egyptians from demonstrating against the Israeli assault on Gaza. Police blockaded large public squares, mosques, and universities and used force to disperse small gatherings in the capital and several provinces. Security also beat dozens of journalists and reporters to prevent them from covering these events, and hundreds of people of all political stripes were arrested; some of them were later charged with membership in the Muslim Brotherhood and possession of organizational flyers.²⁶

On February 6, the security apparatus stopped a group of activists with the Palestinian solidarity campaign who were on their way to *Rafah* with food and medical supplies for Palestinians in Gaza. They were detained for several hours in front of the *Abu Zaabal* police station, and journalist-activist *Philip Rizk*, a dual national with German citizenship, was abducted and taken to an undisclosed location; his whereabouts were only revealed after the German embassy intervened. Reportedly he spent five days blindfolded in

²⁵ "Report to monitor the Egyptian Organization for meeting the Hezbollah cell delayed to 24 October," Egyptian Organization for Human Rights, Aug. 23, 2009, <http://www.anhri.net/egypt/eohr/2009/pr0823.shtml>.

²⁶ "Police Surrounded Protesters in Cairo and Arrested Citizens and Activists in the Streets," Hisham Mubarak Law Center, Dec. 31, 2008, <http://www.anhri.net/egypt/hmcl/2008/pr1231.shtml>; Also see, "EOHR Calls for the Release of Detainees in the Palestinian Solidarity Demonstrations," Egyptian Organization for Human Rights, Jan. 6, 2009, <http://en.eohr.org/?p=75>.

detention, most likely in a State Security facility, before his release on February 11.²⁷

In the wake of renewed calls for demonstrations and a general strike on April 6, 2009, the security apparatus arrested dozens of students and members of the April 6 and *Kifaya* movements, the *Ghad* Party, and the Muslim Brotherhood; they were charged with inciting a strike and possession and distribution of material urging a strike.²⁸

On May 4, the security apparatus arrested nine political activists who had organized a protest in front of the State Council to demand an end to the export of natural gas to Israel. During the protest, police attacked journalists with *al-Kayan al-'Arabi* and *al-Ahali*.²⁹

Civil and political society under siege

The authorities continued to pressure and contain non-governmental organizations (NGOs) through administrative means using the NGO law (84/2002), which gives the authorities broad powers in licensing associations and dissolving them or their boards, as well as discretion over their material resources and the authority to monitor their activities.

The government has still not released its proposed amendments to the highly repressive NGO law, but it is certain that the changes will entail further restrictions and harassment, particularly for advocacy groups. The amendments expand the prerogatives of the General Federation of Associations, a semi-governmental agency whose chair is appointed by the President, along with one-third of the members of the board. The amendments will give the federation authority over all decisive matters, particularly licensing, monitoring, and inspection. The amendments will also impose additional restrictions on foreign funding for NGOs through the creation of an organizational framework for international and regional grants and aid overseen by the federation.³⁰ This change will place civic associations under the authority of at least three different administrative

²⁷ "Despite the Release of Phillip Rizk, Egyptian Security Forces Must be Held Accountable for this Crime," The Arabic Network for Human Rights Information, Feb. 11, 2009, <http://www.anhri.net/press/2009/pr0211.shtml>.

²⁸ "Egypt: Authorities Must End Suppression of Peaceful Protesters," Amnesty International, Apr. 6, 2009, <http://www.amnesty.org/en/library/info/MDE12/021/2009/en>.

²⁹ "EOHR Calls for the Release of Demonstrators in the Case of Gas Exportation," The Egyptian Organization for Human Rights, May 4, 2009, <http://en.eohr.org/?p=103>.

³⁰ "In a Letter from EOHR to the Minister of Social Solidarity, The Bill of NGOs is a New Restriction to Civil Society Organizations," The Egyptian Organization for Human Rights, Sep. 9, 2009, <http://en.eohr.org/?p=127>.

agencies: the Ministry of Interior, the Ministry of Social Solidarity, and the General Federation of Associations. The role of the latter will grow pursuant to the amendments, becoming a large bureaucracy performing a semi-police role. It is in this context that the chair of the General Federation of Associations, a former prime minister, launched a media campaign against human rights groups, accusing them of threatening national security and defending security interference in civic affairs.³¹

In May 2009, the "Egyptian Organization for Human Rights" (EOHR) received a notice from the Ministry of Social Solidarity warning of its impending dissolution after the organization applied for approval of a foreign grant from the ministry. Administrative procedures had delayed approval of the grant for nearly ten months, in violation of the NGO law itself, but the EOHR had received verbal approval from ministry officials, prompting the organization to move ahead with the activity covered by the grant. The government was compelled to withdraw its threats of dissolution following an international solidarity campaign with EOHR.³²

It should be noted that the Ministry of Social Solidarity shut down two groups more than a year ago, the "Center for Trade Union and Workers' Services" and the "Association for Human Rights Legal Aid," confiscating the organizations' funds and assets without waiting for a court ruling, which came in October 2008 and declared the decree arbitrary and illegal. The ministry waited nearly four months to implement the court ruling. At the same time, the Ministry of Social Solidarity refused in May 2009 to license a rights group known as the "Association of Veteran Egyptians for Human Rights," citing the opposition of the security apparatus.³³ The group "Egyptians Against Religious Discrimination" was forced to turn to the courts, having been refused a license by the government since 2008.

³¹ "Human Rights Activists Respond to Accusation by Abdul Aziz Hegazy that they are a Threat to National Security by Saying they are not Surprised by the Remarks and state that Hegazy is Merely Protecting the Security of the System," Al-Shorouk Newspaper, Sep. 12, 2009,

<http://www.shorouknews.com/ContentData.aspx?id=110926&terms=%d9%82%d8%a7%d9%86%d9%88%d9%86+%d8%a7%d9%84%d8%ac%d9%85%d8%b9%d9%8a%d8%a7%d8%a+%d8%a7%d9%84%d8%a3%d9%87%d9%84%d9%8a%d8%a9>.

³² "It is the Duty of the Ministry of Interior to Stop the Procedures to Dissolve The Egyptian Organization for Human Rights," A statement issued by 41 organizations in 8 Arab countries, www.cihrs.org/Arabic/NewsSystem/Articles/1646.

³³ "Freedom to Organize Campaign Condemns the Ministry of Solidarity for Article 11 Which Refuses the Establishment of NGOs and Demands Social Dialogue on Amendments to the Law," The New Women Foundation, May 30, 2009, <http://www.anhri.net/egypt/nwf/2009/pr0530.shtml>.

In September 2009, the Minister of Social Solidarity and the governor of Cairo issued decrees dissolving the board of the Faculty Club at Cairo University and canceling the results of the club's elections in April, in which the Muslim Brotherhood list was the major victor.³⁴ In July 2009, the Ministry of Social Solidarity also dissolved the board of the Cairo Atelier—one of the most venerable associations for writers, poets, and artists—and appointed an ad-hoc administrative committee. Security forces raided the Atelier facilities to impose the arbitrary government order, thwarting a meeting of the club's general assembly and so forestalling any decisions opposed to the government decree.³⁵

Turning to trade unions and professional syndicates, the extremely arbitrary restrictions imposed by Law 100/1993 and its amendments on the organization of syndicate elections remained in place, which have prevented elections in 12 professional syndicates for some 14 years.³⁶ The Engineers Syndicate has been under government custodianship for 14 years, despite a court ruling issued in 2008 upholding engineers' right to convene a general assembly and lift custodianship.³⁷

Although civil servants with the Property Tax Agency successfully won their labor rights and established the first general independent syndicate to protect their interests,³⁸ the Public Prosecutor, pursuant to a complaint from the government-controlled General Federation of Workers, referred the elected head of the syndicate, *Kamal Abu Eita*, to questioning on charges of establishing a syndicate in violation of the law. The labor union law stipulates that a union shall be declared from the day its establishment documents are filed, and it denies the administrative body the right to object one month after the filing.³⁹

The Political Parties Committee, which is controlled by the ruling party and has refused to license some 75 parties since its establishment, rejected an

³⁴ Al-Yawm al-sabi' online, Sep. 18, 2009.

³⁵ Al Muslimany, Nadia Al-'Arabi Newspaper, Jul. 19, 2009.

³⁶ Collective report from the Forum for Independent Human Rights Organizations, submitted on Aug. 30, 2009, to the UN Human Rights Council as part of the periodic review.

³⁷ "After the Cancellation of the Decision that Allows Security at their Syndicate... Who Will Protect the Engineers in Egypt?" El-Ghad, Feb. 12, 2008, http://www.elghad.com/Print.asp?News_Id=9288.

³⁸ "Campaign Together for the Launch of Trade Union Freedoms, The Birth of the First Independent Trade Union," Hisham Mubarak Law Center, Apr. 22, 2009, <http://www.anhri.net/egypt/hmcl/2009/pr0422.shtml>.

³⁹ "Human Rights Organizations, Unions and Social Movements in Solidarity with the Labor Activist, Kamal Abu Eita and General Trade Union of Real Estate Tax Workers," The Egyptian Center for Economic and Social Rights, Sep. 15, 2009, <http://www.anhri.net/egypt/ecesr/2009/pr0915.shtml>.

application from the *Wasat* Party in August 2009—the third such rejection in 14 years.

In November 2008, the offices of the opposition *Ghad* Party, established by *Ayman Nour*, came under an organized assault in collaboration with the security apparatus just as it was set to convene an exceptional general assembly. Although the offices were surrounded by huge numbers of security personnel and senior members of the police leadership, assailants were able to throw stones and bottles at the offices and set it on fire without any security intervention.⁴⁰ In September 2009, the Administrative Court issued a ruling against the Ministry of Interior and required it to pay LE 200,000 in damages to the *Ghad* Party.

Throughout 2009, members of the Muslim Brotherhood were targets of security harassment and investigation on charges of belonging to an illegal organization. Arrests netted four of the group's leaders in June 2009, including *Abd al-Moneim Abu al-Futouh*, the secretary-general of the Federation of Arab Doctors and a member of the Brothers' Guidance Bureau. The four men were charged with working to revive the international Society of Muslim Brotherhood and money laundering. These are the same charges on which 25 Muslim Brotherhood leaders were convicted last year before a military tribunal, among them *Khairat al-Shater*, the second deputy to the group's general guide. The 25 defendants received prison terms of 3 to 10 years.

Observers believe that the increased harassment and prosecution of the Muslim Brotherhood is an attempt to crush them as political competitors, in view of the fact that the next two years will witness elections for the *Shura* Council, the People's Assembly, and the Presidency. Some press reports view the campaign as a means of compelling the group to conclude a deal with the government under which the harassment will stop if the group agrees to only nominal participation in parliamentary elections and vows not to Coppose moves to pass the presidency to Mubarak's son.⁴¹

⁴⁰ "Report on the Events of el-Ghad Party Under Complete Police Supervision," The Egyptian Association for Community Participation Enhancement, Nov. 6, 2008, <http://www.mosharka.org/content/view/230/21/lang.en/>. The report details the security collaboration in the assault.

⁴¹ "The arrest of leaders of the Muslim Brotherhood; Adoption of the women's quota in the House of Representatives," The Arab Reform Bulletin, published by the Carnegie Endowment for International Peace, Jun. 2009, <http://www.carnegieendowment.org/arb/?fa=show&article=23348&lang=en>; Also see, "A Deal Between the Government and The Muslim Brotherhood...With a Few Weeks Time Limit," Al-Shorouk Newspaper, Jul. 26, 2009, <http://shorouknews.com/ContentData.aspx?id=81810>.

Crackdown on religious freedoms

Infringements of religious freedoms continued and touched even members of sects or legal schools belonging to Islam itself. Starting in June, the authorities launched a broad arrest campaign targeting Shiites, starting with the arrest of Shiite cleric *Hassan Shehata* and dozens of his followers. Although the authorities have not disclosed the number or whereabouts of the detainees, Shiite sources in Egypt estimate that more than 300 people have been arrested. The charges against them include embracing extremist ideas that contradict true Islam and holding organizational meetings. Shiite sources fear that the detainees may be accused of maintaining organizational ties with the *Hizbullah* cell, whose members were arrested earlier this year.⁴²

As part of the pressure applied to *Quranists*, State Security police at the Cairo airport enforced a travel ban against *Abd al-Latif Mohammed Ahmed*, prohibiting him from boarding a plane and forcing him to leave the airport. *Abd al-Latif* was arrested in May 2007 on charges of embracing *Quranist* thought and denying the Prophetic *Sunna*.⁴³

Blogger *Reda Abdel-Rahman* was held in administrative detention under the provisions of emergency law until January 2009. Detained in October 2008, *Abdel-Rahman* obtained a final release order from a State Security court (emergency division) on January 6, but the Ministry of Interior continued to detain him until January 22. He was arrested because of his *Quranist* beliefs, and during interrogation he was questioned about his opinions and attitude toward the Prophetic *Sunna*, after which he was charged with defaming Islam.⁴⁴

Well-known thinker and writer *Sayyid al-Qimni* was the object of a campaign to brand him an infidel that was waged by several figures known for attempting to enforce religious orthodox through the courts. During the smear campaign, the Egyptian *Dar al-Ifta*, a government religious institution, issued a *fatwa* that effectively declared him an infidel, although it

⁴² "Egyptian Sources Suggest Link Between the Spread of Shi'a Islam and Hezbollah," The official website of the Supreme Council for Ahl al-Bayt in Egypt, Jul. 19, 2009, <http://www.egyptianashraf.com/news/2009/July2009/10.htm>.

⁴³ "Quarterly Report on Freedom of Religion and Belief in Egypt," The Egyptian Initiative for Personal Rights, Apr.-Jun. 2009, http://www.eipr.org/reports/FRB_quarterly_rep_Jul09/2907.htm.

⁴⁴ "After two Days of the Court Order to End his Arrest: State Security Prosecution Ordered the Release of Quran Blogger Reda Abdel-Rahman," The Egyptian Initiative for Personal Rights, Jan. 8, 2009, <http://www.anhri.net/egypt/eipr/2009/pr0108.shtml>; Also see, "Interior Ministry to Release the Blogger Quran Reda Abdel Rahman After Three Months of Arrest because of his Religious Beliefs," The Egyptian Initiative for Personal Rights, Jan.25, 2009, <http://www.anhri.net/egypt/eipr/2009/pr0125.shtml>.

did not mention him by name. The campaign, waged in several media outlets after it was announced that *al-Qimni* had received a state appreciation prize, was also joined by the *Azhar Scholars Front*,⁴⁵ an association that was officially dissolved after taking part in a similar campaign against the secular intellectual *Farag Foda* before he was assassinated by an extremist Islamist group in 1992.

Perhaps the most positive development of the year for religious freedom was the end of a five-year court battle waged by *Bahais* against the Ministry of Interior policy that forced them to claim affiliation with one of the three recognized revealed religions in order to obtain official identity documents. In March 2009, the High Administrative Court upheld a ruling from the Administrative Court requiring the Interior Ministry's Civil Status Bureau to leave the slot allocated for religious affiliation on official documents blank for *Bahais*. Pursuant to the ruling, the Ministry of Interior issued a decree amending the executive regulations of the Civil Status Law to enable *Bahais* to obtain these documents.⁴⁶ But the ministerial decree does not apply to all *Bahai* citizens, but only to those who have obtained court orders in their favor or those who already possess official documents stating they are *Bahai*. *Bahais* are still unable to receive recognition of their marriages and are thus forced to travel to other Arab countries to get married and then register the marriages at the Egyptian embassy.

Bahais were the target of unprecedented attacks in the village of *al-Shuraniya*, located in the *Sohag* governorate, in March 2009, after an Egyptian satellite channel aired an episode of a talk show on which one of the guests incited violence against *Bahais* and called for them to be killed; a leader of the ruling NDP also incited violence against *Bahais* in the village. As a result, dozens of villagers gathered in front of the homes of the town's five *Bahai* families, throwing stones at them and attempting to break in. The first day, the police merely dispersed the assembly. Later the homes of *Bahais* were hit with firebombs and Molotov cocktails and the water pipes to their homes were vandalized to prevent the fires from being extinguished. Some *Bahai* families were forced to flee the village as a result, and the police ordered the remaining *Bahais* to leave.⁴⁷ After the incident several

⁴⁵ "Sayyed Alqimni's Life Is At Stake Amidst An Extremist Campaign. Iftaa Council Declares War Against Free Enlightened Thought," The Arabic Network for Human Rights Information, Jul. 27, 2009, <http://www.anhri.net/en/reports/2009/pr0727.shtml>.

⁴⁶ "Quarterly Report on Freedom of Religion and Belief in Egypt," The Egyptian Initiative for Personal Rights. Jan.-March, 2009, http://www.eipr.org/reports/FRB_quarterly_rep_Apr09/frbq5_final.pdf.

⁴⁷ "Human Rights Organizations Call for the Attorney General to Prosecute those Responsible for Instigating Attacks on Baha'is," The Egyptian Initiative for Personal Rights, Apr. 2, 2009, <http://www.anhri.net/egypt/eipr/2009/pr0402.shtml>.

MPs with the ruling party demanded that a law be passed criminalizing the *Bahai* faith, on the grounds that it constitutes a danger to national security.⁴⁸

This year Muslim-Coptic sectarian tensions and violence increased as well. Reports documented at least 20 sectarian incidents from October 2008 through June 2009 in which at least seven people were killed, among them four Copts and three Muslims. The violence spread geographically as well, touching villages and cities in ten governorates: *Cairo, Giza, Beni Soueif, Minya, Qena, Qalyoubiya, Sharqiya, Gharbiya, Daqahliya, and Alexandria*. In most cases, these acts of violence involved assaults on the homes and property of Copts or their places of worship. Roughly 30 percent of these incidents were sparked by some Muslim citizens' hostile stance towards Copts who tried to repair or expand churches or circumvent the unjustifiable restrictions that prevent them from enjoying the equal right to practice their religious rites in licensed places of worship. Also noteworthy is the security apparatus's tendency to cast the law aside when dealing with sectarian violence and use the channels of customary reconciliation instead, at the expense of the principles of standards of justice. This is in addition to the handful of media and government-supervised school curricula that continue to play a negative role in fostering religious hatred.

In some incidents, participants to disputes were placed under administrative detention under the provisions of the emergency law to compel them to renounce their rights and accept customary reconciliation.⁴⁹ Notably, 2009 witnessed the emergence of a dangerous phenomenon of attacking Christians while they perform their prayers in their homes due to the ban on building new churches. Security forces often show favor toward the attackers and fail to arrest those who commit such attacks. The security forces respond to such attacks by laying siege these houses and pressuring their owners to abandon these houses and/or detaining the owners and patrons on charges of "sedition" or "a prayer in an unauthorized place."

In this context, the village of *Azebet Boshra* in *Beni Suef* governorate witnessed sectarian attacks in June 2009, after the spread of rumors that Copts perform their prayers in a house owned by a priest. The security forces tried to put pressure on the priest to leave his home and move to another one outside the village. Additionally, according to a number of Copts in the village, the security forces broke into their homes and they were beaten and insulted.⁵⁰

⁴⁸ Ibid., The Egyptian Initiative for Personal Rights, quarterly report on freedom of religion and belief in Egypt, Apr.-Jun. 2009.

⁴⁹ Data is taken from incidents documented in the quarterly reports on freedom of religion and belief put out by the Egyptian Initiative for Personal Rights, from Oct. 2008 to Jun. 2009.

⁵⁰ Al-Yom Al-Sabaa News paper, Jun. 22, 2009; See Also, Al-Masry Al-Yom newspaper, issue no. 1836, 23 Jun. 2009.

Also, the village of *Alhawwasalia* in *Minya* witnessed some violent incidents in July 2009 as a result of rumors alleging that Copts were "secretly" praying in some houses. Accordingly, the security forces recalled a number of priests of the village and took pledges from them not to use houses for anything except inhabitation.⁵¹

In one of the villages, *Samalout* in *Minya*, police responded to a communication made by a Muslim citizen calling for measures to be taken to prevent Copts from praying in a house owned by one Christian. Subsequently, the police called the owner of the house in October 24, 2009, and detained him for 24 hours, after accusing him of performing prayers in an unauthorized place.

The increased severity of sectarian violence and tension is a worrying symptom of the state's failure to act on the principle of equality before the law regardless of religion, sect, or belief, particularly the right to build houses of worship and practice religious rites.

On the other hand, MPs with the ruling party drafted a bill criminalizing showing contempt for religion. In practice, such a law would criminalize every sect, tenet, or idea that contradicts the official, state-sanctioned interpretation of Islam and specifically the *Sunni* interpretation, the *de facto* official state confession. In short, the law would provide legal, political, and media cover for the security harassment and legal prosecution of Shiite, *Bahai*, or *Quranist* citizens and others.

In the midst of rising sectarian tension, the police, without any legal basis, arrested several citizens in numerous governorates for eating, drinking, or smoking in public during the day time (fasting time) in Ramadan—the same actions undertaken by the religious police in Saudi Arabia. The deputy of the Minister of Interior for media affairs justified this unprecedented action by citing the law.⁵² When no such law was found to exist, some MPs with the ruling NDP demanded that this gap in legislation be filled and a law be passed criminalizing eating in public during the month of Ramadan.

⁵¹ Al-Yom Al-Sabaa newspaper, 24 Jul. 2009; See Also, Al-Dostor newspaper, issue no. 730, 25 Jul. 2009.

⁵² "Human Rights Organizations Reject Permission of Ministry of Interior for Arrests on Basis of Eating and Drinking in Public During Fasting Hours in Ramadan". Arabic Network for Human Rights Information. Sep. 14, 2009. <<http://www.anhri.net/egypt/eipt/2009/pr0914.shtml>>.

Tunisia

A Classic Example of a Police State

Preparations for the presidential elections that ended with a victory for *Zine el-Abidine Ben Ali*—now a fifth-term president in power since 1987—were accompanied by an increasing deterioration of human rights and public liberties, as Tunisia's police state was further entrenched and all independent voices and platforms were repressed.

The results of the presidential and parliamentary elections were, as usual, utterly predictable, given the ruling party's hegemony over all state institutions, including the judiciary and the media. The victory was a result of policies pursued by the *Ben Ali* regime over the past 22 years designed to repress and crush all real political opposition and throttle civil society, while establishing a loyal and illusionary opposition of cut-out parties bribed by shares in a parliamentary system run by the ruling party.

The presidential elections were turned into a *de facto* referendum following constitutional amendments that allowed *Ben Ali* to disqualify potential presidential competitors, and the campaign was accompanied by brutal assaults on those who exposed the farcical nature of these elections. In addition, equal opportunity among candidates was severely undermined as the Supreme Council for Communications—the media—was given the right to censor and edit candidates' speeches on radio and television.

In the same way, the outcome of the parliamentary elections was highly predictable given an electoral law that guarantees 75 percent of the seats to the ruling party and limits competition over the remaining seats to other pro-regime parties.

Throughout this year authorities have continued to harass trade union leaders, rights advocates, and activists with the social protest movement in the mining region of *Gafsa*. This year has also witnessed fierce assaults on freedom of expression, particularly on new media forms and the country's few independent newspapers. The authorities have continued their harassment of human rights defenders, political activists, and journalists, crowning their attacks on the press and civil society with the removal of the legitimate, independent, elected leaders of the National Syndicate of Tunisian Journalists, who were replaced with journalists loyal to the ruling party.

The authorities used the same tactics employed in the past to contain or control civic organizations and professional associations through a combination of government penetration of the administrative boards, fomenting conspiracies and security unrest with the aid of loyal agitators, and, finally, bestowing false legal legitimacy on the new pro-government leadership, with the blessing of a judiciary that is wholly subservient to the regime.

The counterterrorism law was broadly employed in almost daily trials that lacked the faintest semblance of justice to expand the scope for arrests to repress Islamists and those of opposing views. Complaints have continued to be heard regarding torture and the mistreatment of prisoners, perpetrated without accountability or punishment, while the suppression of peaceful assemblies extended to demonstrations decrying the Israeli aggression in the Gaza Strip.

Formal elections further entrench absolute rule

Real competitive presidential elections remain a dream, as this year's election was, once again, used as a tool to cement what is in actuality a referendum on President *Zine el-Abidine Ben Ali*. Constitutional amendments to the presidential electoral system placed severe restrictions on the right to candidacy; for example, a potential candidate must receive an official statement of support from 30 members of parliament or mayors to be eligible to run. These amendments, introduced last year, were specifically

tailored to thwart potential candidates from independent parties and deny them the right to run for president.¹

Other changes to the electoral system made in June 2009 give the chair of the Supreme Council for Communications the authority to censor in advance candidates' recorded speeches before they are broadcast on radio or television. The chair of the council or his authorized deputy can demand that a candidate remove sections of his speech; if he refuses, the chair has the right to ban the broadcast of the taped speech.²

While the law limits electoral campaigning to the two weeks immediately preceding elections, posters and fliers supporting President *Ben Ali* filled city streets and public squares weeks and even months before the official opening of campaign season. The media, which is under full government control, was recruited as usual to proclaim the achievements of *Ben Ali*'s regime as media officials and outlets justified the disproportionately heavy coverage of the incumbent by noting that he was the president, not a candidate. The authorities confiscated several issues of the weekly magazine put out by the *Ettajdid* Party, *al-Tariq al-Jadid*, that contained the electoral platform of Ahmed Ibrahim, the party's presidential candidate, on the grounds that the issues had appeared prior to the official campaign season. During the campaign, the Ministry of Interior asked the same candidate to eliminate five planks from his platform, including criticisms of what *Ibrahim* described as one-party rule. *Ettajdid* Party posters were also removed from various places around the country.³

The Tunisian League for the Defense of Human Rights documented several examples of the denial of equal campaign rights during the election and noted that some independent media outlets were prevented from covering the elections. The group found that President *Ben Ali* received 97.2 percent of the media coverage; the remaining three competitors—if they can be called competitors—received less than 3 percent of the coverage between them.⁴ It should also be noted that the electoral law gives the Ministry of Interior the authority to supervise the entire election process, starting with voter registration and up to the announcement of results. Ironically, the

¹ "From Exporting Terrorism to Exporting Repression", Cairo Institute for Human Rights Studies, annual report, 2008 p. 11.

² "Tunisia: the parliament adopted amendments to increase number of seats and decreases the age of voting," Alsharq al-awsat News paper, no. 11075, Mar. 25, 2009, <http://www.aawsat.com/details.asp?section=4&article=512347&issueno=11075>.

³ "Tunisia: Elections in an Atmosphere of Repression," Human Rights Watch, Oct. 23, 2009, <http://www.hrw.org/ar/news/2009/10/23/tunisia-elections-atmosphere-repression>.

⁴ "Monitoring the media coverage during parliamentary and presidential elections, primary report," Tunisian League for the Defense of Human Rights, Oct. 23, 2009, www.anhri.net/tunisia/fidh/2009/pr1023.shtml.

minister of interior himself was President *Ben Ali*'s campaign manager⁵—that is, he was responsible for both promoting Ben Ali and overseeing his competition.

The authorities readied themselves for presidential and parliamentary elections by increasing the repression of social movements, labor and syndicate activities, political activists, human rights defenders, and the small independent media at an early date. As the countdown to elections began in earnest, people who questioned and exposed the nature of the elections came under physical assault as well. The most prominent attack was that on *Hamma Hamami*, the secretary-general of the Communist Party of Tunisian Workers, on September 29. *Hamami* was physically and verbally assaulted at the Tunis airport upon his return from Paris, where he gave several televised interviews with the Qatar-based *al-Jazeera* and France 24 during which he criticized the police-state tactics of the Ben Ali regime and elaborated on the reasons his party had advocated a boycott of elections.⁶

The attack extended to *Hamami*'s wife as well, *Radhia Nasraoui*, a prominent lawyer and rights advocate and the president of the Tunisian Association Against Torture. Later, starting on October 10, the police set siege to *Hamami* and *Nasraoui*'s home, and both were banned from traveling to France to attend a symposium on the Tunisian elections.⁷

While President *Ben Ali* took 89.6 percent of the votes in the presidential election, his party, the Constitutional Democratic Rally, won 84.5 percent of the votes in the parliamentary elections. As a result, pursuant to the electoral law that gives 75 percent of the seats in parliament to the party that wins an absolute majority, the Constitutional Democratic Rally was given 161 seats while the remaining 53 seats were divided up among the six parties of the loyal opposition.

A few days before elections, the Tunisian authorities arrested rights activist *Zouhir Makhlof*, a founding member of the Liberty and Justice Association and a candidate in parliamentary elections on the Progressive Democratic Party list. Security forces surrounded *Makhlof*'s home and prevented several party members from entering, forcing his wife to meet them in the street.⁸ *Sihem Bensedrine*, the coordinator for the National

⁵ Khames Bin Briek, "Tunisian election's law raises many arguments," *Al-Jazeera*, Jul. 13, 2009, <http://www.aljazeera.net/NR/exeres/2E676EA6-3D98-4A31-ADEC-B5E375D89578.htm>.

⁶ "After being interviewed twice on Al-Jazeera and 24 Tunisia channel, Hamah Al-Hamamy was exposed to a physical attack," The Arabic Network for Human Rights Information, Sept. 30, 2009, www.anhri.net/press/2009/pr0930.shtml.

⁷ "Elections in an Atmosphere of Repression," Human Rights Watch, Oct. 23, 2009, <http://www.hrw.org/ar/news/2009/10/23/tunisia-elections-atmosphere-repression>.

⁸ "Human rights activists Zohir Makhlof started a strike," The Arab Network for Human Rights Information, Oct. 22, 2009, <http://www.anhri.net/tunisia/makal/2009/pr1022.shtml>.

Council for Liberties, was also violently beaten and prevented from entering the offices of the Tunisian Association for Democratic Women.⁹

Bensedrine and her husband, *Omar al-Mestiri*, were detained for several hours near the city of *Tabarka* for attempting to cover elections there for Radio *Kalima*. Many other political activists, rights advocates, and journalists were also subjected to the same measures during the elections.¹⁰

Repressing trade union activities and social ferment

Several trade unionists and activists involved in the peaceful social protest in the mining region, which erupted in January 2008 and reached its peak in June of the same year, were put on trial.¹¹ In the most prominent of these trials, harsh prison sentences were handed down to 38 people convicted of forming a criminal gang with the goal of assaulting the public order, taking part in acts of insurrection, and obstructing traffic on public roads. Seven of the defendants were given ten-year prison terms: *Adnan Hajji*, *Bechir Laabidi*, *Adel Jayyar*, *Tarek Halimi*, *Tayeb Ben Othman*, *Hassan Ben Abdullah*, and *Maher Fajraoui*.

The trial had several flaws. Confessions were obtained from the defendants under torture, and although the court confirmed this, it refrained from referring them to a forensic doctor and refused to hear witnesses testifying on the defendants' behalf. The trial was conducted in semi-secrecy amid heavy presence of security personnel who prevented citizens from attending the trial sessions.¹² *Mouheiddine Cherbib* was sentenced to 26 months in prison for his role in fostering international solidarity with the Tunisian protest movement, after the court convicted him in absentia on charges of "disseminating false information abroad." *Cherbib* is the president of the "Tunisian Federation of the Citizens of Two Shores" and has lived in

⁹ "Monitoring the media coverage during parliamentary & presidential elections, primary report," Tunisian League for the Defense of Human Rights, Oct. 23, 2009, www.anhri.net/tunisia/fidh/2009/pr1023.shtml.

¹⁰ Ibid.

¹¹ The movement erupted in the city of Gafsa in southern Tunisia in the form of sit-ins and hunger strikes to protest rising unemployment, deteriorating economic conditions, and the spread of cronyism in appointments. Despite fierce security repression, during which security forces broke into homes and attacked locals, the protests escalated. See "From Exporting Terrorism to Exporting Repression", 2008 Annual Report, CIHRS, 2008, at p. 110.

¹² "Without Accountability, The Tunisian Government Continues its Violation of Human Rights," Sawasiya 86, Mar., 2009 (Cairo: CIHRS); see the joint statement issued by the World Organization Against Torture, International Freedom of Expression Exchange, Euro-Mediterranean Human Rights Network, Amnesty International (AI), Jul. 17, 2009; Also see *Muwatinun*, no. 115, Jul. 22, 2009, http://www.fdtl.org/IMG/pdf/mouwatinoun_115.pdf.

Paris for more than 30 years. His prosecution for acts committed outside Tunisia is a breach of Tunisian legal principles.

Protest leaders have continued to be harassed in prison. They were transferred to prisons far from their families' places of residence and some were denied necessary medical care, such as *Bechir Laabidi* and *Tayeb Ben Othman*. In his attempt to demand the right to medical treatment and better prison conditions, *Ben Othman*, launched an open-ended hunger strike.¹³

Follow-up trials included some residents of the mining region. On June 24, 2009, the Gafsa Appeals Court convicted seven citizens who had been arrested in May because of actions taken demanding the release of prisoners from the mining region; sentences ranged from four to eight months in prison.

Ongoing repression of the freedom of expression and absolute media hegemony

The authorities arrested *Tarek Soussi*, a former political prisoner and a founding member of the "International Association for the Support of Political Prisoners," after he took part in a program aired on the Qatar-based *Al-Jazeera* in August 2008, during which he criticized the abduction by secret police of seven young men from the city of *Bizerte*. *Soussi* was referred to trial on charges of intentionally disseminating false information that may upset public harmony, and he was sentenced to three years in prison (suspended); the verdict was upheld on appeal in June 2009.¹⁴

Dr *Al-Sadeq Shorow*, the former president of the *Nahda* movement who has spent more than 17 years in Tunisian prisons, was once again arrested only a few weeks after his release following an appearance on the London-based *Al-Hiwar* channel in December 2008, during which he talked about the circumstances of his detention and the torture he and other detainees endured.¹⁵ *Shorow's* trial began on December 13, 2008, on charges of belonging to an unlicensed association—a reference to the banned "*Nahda* movement"—and he was sentenced to one year in prison.

As part of the fierce campaign against the opposition press, the Minister of Interior banned issue no. 113 of *Al-Tariq Al-Jadid* newspaper after it

¹³ Statement from the Tunisian Federation of the Citizens of Two Shores, Aug. 5, 2009, www.ftcr.eu.

¹⁴ "Opinions: Tarek Soussi in a New Judicial Process," The Arab Network for Human Rights Information, Mar. 23, 2009, <http://www.anhri.net/tunisia/aispp/2009/pr0324.shtml#>.

¹⁵ The transcript of the show "Bilaa Ta'shera, can be found on <http://alfajrnews.net/News-sid-ae--ss-ae-ae-----ss----10979.html>.

published the transcript of the judicial interrogation of prisoner *Bechir Laabidi*, a symbol of the uprising in the mining region. The Ministry justified its decision claiming that the press law bans the publication of case documents before they are heard in a courtroom; the argument bears no weight since the text was published after the announcement of the preliminary verdict in December 2008.

No. 506 of *Al-Mawqif* newspaper, the mouthpiece of the "Progressive Democratic Party," issued on July 10, 2009, was also banned after it published a statement by the secretary general of the party, *Meyya Al-Jribi*, holding the Minister of Interior responsible for an assault on her in the province of *Sidi Bouzid* in the south.¹⁶

In January 2009, the authorities surrounded the offices of "Kalima", a media outlet run by the "National Council for Liberties" that operates an online site and web-based radio station, and prohibited visiting journalists and rights advocates from entering. The offices were raided on January 30; only four days after the group launched its radio broadcast via an Italian satellite. Some staff members were verbally and physically attacked, as was the case with *Zouhir Makhlouf*, a founding member of the "Liberty and Justice Association." *Omar Al-Mestiri*, the director of "Kalima" and a well-known rights advocate, was threatened with murder after being assaulted; he was also banned from traveling. *Sihem Bensedrine*, a prominent rights advocate, was questioned by the prosecutor on charges of violating Tunisian law with the broadcast, despite it being subject to Italian law. The authorities also cut off all of the land and mobile phone lines for the entire staff of "Kalima."¹⁷

As part of the trials targeting activists in the mining region protests, journalist *Fahem Boukadous* who was working for the independent *Al-Hiwar Al-Tunisi* channel, was sentenced to six years in prison in absentia, a verdict upheld on appeal in February 2009.¹⁸

The campaign against the press and media also affected the "National Syndicate of Tunisian Journalists" as the government orchestrated an internal coup to remove its elected leadership, after the syndicate published a scathing report criticizing the status of press freedoms in Tunisia. Moreover, the syndicate did not take part in the "pledge of allegiance" celebrations usually attended by pro-government professional syndicates and unions, thus

¹⁶ See <http://www.alfajrnews.net>.

¹⁷ "Closure of the Independent Radio Kalima," Reporters Without Borders, Jan. 30, 2009, http://www.rsf.org/spip.php?page=article&id_article=30135.

¹⁸ "The Continued Pursuit of Tunisian Reporter in Gafasa," Al Badil Tunisian Socialist Worker's Party, Feb. 13, 2009, <http://www.albadil.org/spip.php?article2044>.

refusing to support President *Ben Ali*'s run for a fifth term. The authorities first encouraged four pro-government elements in the syndicate's executive bureau to resign, thus leading to the dissolution of the bureau under the syndicate's bylaws. Although the independent majority complied with the bylaws and set a date for new elections in September 2009, the minority supported by the ruling party and the security apparatus headed off the date by calling for an exceptional session on August 15, during which a new board was installed, all of whose members are pro-government.¹⁹

Repression of human rights defenders

The authorities have continued to harass human rights defenders, as seen in the attack on the "Radio Kalima", criminal prosecutions, security blockades, intensive surveillance, restrictions on domestic travel, and blocks on phone and electronic communications. Lawyers involved in defending human rights have come under severe and varied types of security pressure, including a blockade on their offices to reduce their sources of income by intimidating clients and urging them to deal with other attorneys.

Lotfi Amdouni, a member of the Tunisian branch of Amnesty International (AI) and the International Association for the Assistance of Political Prisoners, was twice barred from leaving his house in July 2009 by state security officers, who camped outside his house to prevent him and others from attending the annual general meeting of AI's Tunisian branch.

In June, three human rights defenders—*Radhia Nasraoui*, *Abdelraouf Ayadi*, and *Abdelwahed Maatar*—were assaulted by security personnel on their return from Geneva, where they were participating in a conference for Tunisian exiles; the three were subjected to a full personal search at the Tunisian airport. *Radhia Nasraoui* was previously the target of humiliation and a degrading physical search at the airport when she returned from France in May 2008. State security officers also broke into her home in April 2009 while she was abroad at a conference for human rights defenders in Africa.²⁰

¹⁹ "Conference Regarding the Tunisian Journalist's Syndicate with the Support of The Judiciary," Statement to the National Observatory for Freedom of the Press, Publishing and creativity, Aug. 14, 2009, <http://www.anhri.net/tunisia/olpec/2009/pr0814.shtml>. See also "The Tunisian League expresses its solidarity with the journalists and the Executive Office of the legitimate head of their syndicate," Statement of the Tunisian League for the Defense of Human Rights, Aug. 18, 2009, <http://www.anhri.net/tunisia/ldh/2009/pr0818.shtml>; Also see "An Open Letter to All Journalists Urging them to Boycott the Conference on August 15," Statement by The National Union of Tunisian Journalists, Aug. 16, 2009, <http://www.anhri.net/tunisia/makal/2009/pr0816.shtml>.

²⁰ "Tunisia: Crackdown on Human Rights Defenders," Amnesty International Jul. 7, 2009, <http://www.amnesty.org/en/region/tunisia>.

The home of *Khamis Chamari*, a prominent rights expert and a member of the "October 18 Movement for Rights and Freedoms," was also put under siege by security personnel who prohibited guests from visiting him for more than five months. Members of the executive bureau of the "Liberty and Justice Association" were prohibited from meeting and subject to an ongoing crackdown, including attacks such as the vandalizing of the car of *Hamza Hamza*, a member of the bureau.²¹ *Mohamed Nouri*, the president of Liberty and Justice, *Fathi Al-Jarbi*, a founding member of the group,²² and *Chadi Bouzouita*²³ also a member of the association, were harassed as well.

The smear campaigns against human rights defenders also continued in the pro-government media. The pro-government *Al-Hadath* newspaper has continued to slander human rights defenders, particularly *Mohamed Abbou* a well-known lawyer, and *Siham Bensedrine*, the spokeswoman for the "National Council for Liberties." *Mohamed Abbou* was threatened with prison in response to accusations written in one article published by the paper.²⁴

Grave abuses in the name of combating terrorism

Although changes were made to the counterterrorism law in July 2009, the amendments did not change the vague definition of a terrorist crime, which is broadly used to criminalize freedom of expression, assembly, and organization. Nor did the amendments put an end to arbitrary arrests, unfair trials, and torture. The changes only abolished articles that preserved identity confidentiality for judges and prosecutors involved in counterterrorism cases, as well as other articles that classified incitement to hatred as a terrorist act. Torture remains widespread, particularly since the state has taken no decisive measures to prohibit the use of information and statements obtained under torture during trials.

Reports indicate that a great number of people who are arrested have been tortured and otherwise mistreated, including subjugation to weeks-long solitary confinement, denial of visitation rights, and a refusal to hand over

²¹ "October 18 Movement to Review the Abuse of Power," October 18 Movement for Rights and Liberties statement, Aug. 21, 2009, <http://www.anhri.net/tunisia/makal/2009/pr0821-4.shtml>.

²² "Detention of the Head of Freedom and Justice and One of its Members Outside the City of Solmon," Freedom and Justice Association statement, Jul. 26, 2009, <http://www.anhri.net/tunisia/makal/2009/pr0726.shtml>.

²³ "Chadi Bouzouita, Arrested Human Rights Activist" Liberty and Equity, Aug. 13, 2009, <http://www.tunisnews.net/17Out09f.htm>.

²⁴ "The Escalation of Mass Violations Against Defenders of Human Rights," The National Council for Liberties statement, Jun. 26, 2009, <http://www.anhri.net/tunisia/cnlt/2009/pr0629.shtml>.

food and clothing brought by family members. An important case is that of *Abdelmottaleb Ben Marzoug*, who was arrested in February 2009 and kept incommunicado from his family and lawyers for nearly a month. When he appeared before a judge for questioning on March 12, *Ben Marzoug* said that he had been tortured, stating that he was hung in the “roasted chicken” position, and the signs of torture were still clear on his body. Nevertheless, the investigating judge did not order an investigation into the allegations of torture.²⁵

The authorities continued to cast a wide net in their arrests, detaining people simply on suspicion of their ties to terrorist activities or because their appearance suggests familiarity with Islamist groups. These people are detained for periods longer than allowed by the Criminal Code of Procedure.

Since the counterterrorism law was passed in December 2003, some 15 trials have been held every month.²⁶ According to international reports, some 2,000 people have been sentenced in terrorism cases, although the minister of justice stated in May 2009 that no more than 300 people have stood trial.²⁷ The most significant trial this year was that of the “Soliman Group,” whose members were arrested following armed clashes with the security forces in late 2006 and early 2007. The 22 defendants faced charges of alleged membership to a terrorist organization, incitement to terrorist acts, and collecting funds to finance people linked to terrorism. While appearing in court on January 24, 2009, the defendants retracted their confessions, claiming they had been extracted under torture. But the court did not address their allegations and handed down prison terms ranging from 6 to 14 years. In June, the sentences were reduced on appeal to 3- to 8-year terms. In addition, the sentence places the defendants under five years of surveillance after the completion of their prison terms.²⁸

In this and other trials, reliance on confessions obtained under torture was not the only violation of due process. The defendants were also denied contact with their lawyers and refused their right to a defense.²⁹

²⁵ “Tunisia: Continuing Abuses in the Name of Security,” Amnesty International, Aug. 20, 2009, <http://www.amnesty.org/en/library/asset/MDE30/010/2009/en/5215d731-d6ec-4a2d-ad72-ab8244c7040e/mde300102009eng.pdf>.

²⁶ Monthly Report From the Freedom and Justice Association, www.tunisnews.com.

²⁷ “Tunisia: Continuing Abuses in the Name of Security,” Amnesty International, Aug. 20, 2009, <http://www.amnesty.org/en/library/asset/MDE30/010/2009/en/5215d731-d6ec-4a2d-ad72-ab8244c7040e/mde300102009eng.pdf>.

²⁸ Ibid.

²⁹ Ibid.

Algeria

Towards Individual Dictatorship

Developments in Algeria this year have served to further entrench the individual monopoly of power exercised by Algeria's President, and forestall chances for the proper rotation of power.

The text of the Charter of Peace and National Reconciliation contained parts which actually strengthened impunity for both crimes committed by armed Islamist groups in the 1990s and those perpetrated by the army and security apparatus. Ongoing terrorist activity was used to give the security apparatus license to commit fresh abuses without fear of accountability, and to justify the existing Emergency Law that has been in place since 1992. Accordingly, arbitrary arrests and secret detentions as well as torture continued throughout 2009.

Threats to freedom of expression increased, seen in repressive punishments for journalists and the confiscation and banning of printed material. Repression of the activities of human rights non-governmental organizations (NGOs) increased, and a new bill is currently being drafted that will impose further restrictions on civil society. In light of a policy to suppress cultural and ethnic diversity in Algeria, minorities feel greatly marginalized and social tensions are acquiring an increasingly violent nature.

Monopoly of power and a blockade against the rotation of power

In April of 2009, President *Abdelaziz Bouteflika* was reelected for a third term in closed elections. It was obvious who the winner would be from the moment it was decided to amend Article 74 of the constitution to do away with the two-term limit for the presidency – an amendment approved by parliament in November 2008. Some opposition parties believe this has completely closed the door to the possibility of the peaceful rotation of power, and an indication that *Bouteflika* would remain President for life. As such, many predict Algeria will increasingly become a country of one-man rule.

Attempting to avoid further international and domestic criticisms to the constitutional amendment, which only exacerbated the problem of the rotation of power in Algeria, authorities attempted to link it to other constructive constitutional changes, one of which aims to “promote and strengthen the role of women in political participation.” A new provision, Article 31(b), states that “the state shall work to promote the political rights of women and expand their share of representation in elected councils. The organic law shall determine the manner in which this article shall be implemented.”

Although this amendment was ratified a year ago, no law has yet been issued defining a practical framework to foster women’s political participation. President *Bouteflika* meanwhile directly benefited from the immediate application of the amendment to extend the term limits of the President which cleared the way for his reelection. Women constitute no more than 3 percent of deputies in the National People’s Assembly and 6 percent in the Council of Nation (the upper chamber of parliament).

Despite, or perhaps as a result of the absence of any real competition in the elections, which was boycotted by several opposition parties and won by *Bouteflika* with more than 90 percent of the votes, the electoral process was still accompanied by a lack of equal opportunities for electoral campaigning. The state media were recruited to *Bouteflika*’s side while opposition forces boycotting the election were smeared. The Ministry of Interior barred the opposition "Socialist Forces Front" from advocating an election boycott; police arrested and charged several members and partisans of opposition parties who had distributed flyers urging a popular boycott of the elections. The police justified their actions by noting that public halls were reserved for participants in the elections and hence those not participating or urging others not to participate had no rightful place there.

Furthermore, on the eve of the Algerian presidential elections in April 2009, the authorities banned the French newspaper *L'Express* on the grounds that it had broken Algerian law and breached the nation's sovereignty. Other French newspapers, such as *Journal du Dimanche*, *Marianne*, and *Afrique Magazine*, were also banned after they addressed the topic of support for *Bouteflika's* regime among senior army officers and the prominence their allies and families enjoy in Algerian political life. Moroccan journalists who had arrived in Algeria to cover the election campaign were arrested and questioned by police for hours before being released.

Some reports have noted the clear presence of army and security personnel at polling stations dressed in civilian clothes. At the same time, there seemed to be a lack of election monitoring agents at 90 percent of these polling places due to the failure of competitors to provide a sufficient number of monitoring agents. The "Rally for Culture and Democracy" party accused authorities of engaging in several abuses to increase voter turnout to more than 70 percent, including forcing police and army personnel to vote.¹

Counterterrorism measures

Algeria still suffers from violent terrorist attacks, which this year left dozens of victims in their wake. The most significant was the attack in June 2009 which targeted a police patrol in the eastern part of the country, killing 2 civilians and 18 policemen.

Deaths as a result of terrorist activity and encounters with armed militias are estimated at 340 in 2008, compared to 490 in 2007 and 300 in 2006. Counterterrorism measures are used to justify serious violations of the human rights of terrorism suspects arrested and detained in Algeria. In light of the severe information blackout imposed by the authorities on measures taken to track and pursue armed groups, it is difficult to have a precise estimate of the number of such suspects arrested or killed. Often detainees are placed in secret facilities for several months, isolated from all judicial oversight, where they are tortured for several weeks.

Most disposals result from abuses by security forces using laws under the state of emergency (which has been in place since 1992) or which were related to counterterrorism measures. Arbitrary detention has been integrated into the legal framework of the country. It is under these provisions that suspects in terrorism cases are tried in military courts, where the judiciary

¹ "Opposition Party Accuses Ministry of Interior of Raising Participation Rate to 70 percent," Al Khabar, Apr. 10, 2009, <http://algeriamedia.org/modules.php?name=news&op=NEArticle&sid=344>.

gives no consideration to detainees who claim that their confessions were obtained under duress and without investigations.²

For example, an MP and several Algerian newspapers in June 2009 exposed the torture of a citizen from the *Tipaza* province by the area police commander. Despite the scandal, no judicial investigation was launched and no internal investigations were conducted by the police to prosecute those responsible.³

On March 17, 2009, *Moussa Rahli* disappeared for five weeks after his arrest. His family found out that he was detained at the military prison *Blida* where he still remains. In May 26, 2006, *Adel Saker*, was arrested by the *Tamalous (Skikda)* police, and his whereabouts remained unknown till April 12, 2009 when his family was finally allowed to visit him in prison. It has been uncovered that he was tortured during the period in which he was secretly detained.

Secret detention is closely related to disappearance, torture and deprivation of visitation rights and legal aid for periods that can extend years without trial. *Mohamed Rahmouni* and *Mohamed Boudjelti* disappeared for more than 8 months since their arrest on July 18, 2007. Their families have known that they were detained in the military jail of *Blida* in March 2008 but they couldn't visit them till April 2008. They are still being held in the military jail of *Blida* without trial. Their families have hired lawyers to represent them in court, however, under the code of military justice, the President of the military tribunal has the right to deny the lawyers appointed by the family from attending the court session. *Rahmouni* was able to meet with the lawyer appointed by his family before they appointed another lawyer by order of the President of the military tribunal. *Mohamed Boudjelti*, on the other hand, does not have a lawyer due to his families refusal to follow the judge's orders.

Both *Malik Medjnoun* and *Abdelhakim Chenoui* have been detained for ten years in *Tizi Ouzou*, since being arrested in September 1999 on charges of killing *Kabyle* singer *Matoub Lounès*. They were subjected to enforced disappearance for seven months, during which they were tortured by various means including beatings, electric shocks, and forced ingestion of trash and chemical substances. *Chenoui* was also sodomized with a broom handle. Although the criminal court of *Tizi Ouzou* was scheduled to hear their case

² "Algeria: A Legacy of Impunity: A Threat to Algeria's Future," Amnesty International, Mar. 30, 2009, <http://www.amnesty.org/en/library/info/MDE28/001/2009/en>.

³ "Case Against the President of the Gendarmerie Before a Military Tribunal on Charges of Torture," Al-Khabar Newspaper, Jun. 14, 2009, http://elkhabar.com/quotidien/?idc=30&ida=160903&date_insert=20090613.

in May 2001, neither of the defendants has been brought before a court. Talk of a trial began again in July 2008, but it was postponed without further notice.⁴

The consequences of the national reconciliation policy on the individual and collective rights of the families of the disappeared

During the presidential campaign of 2009, President *Bouteflika* introduced a report in April on the third anniversary that the implementation of the *Charter for Peace and National Reconciliation* entered into force. On this occasion, the Algerian authorities officially declared that the number of documented disappeared persons increased – due to the methodology followed by the security apparatus in tracking armed militia since the 1990s – to 8023 persons. The officially recognized number by the state in 2005 was 6143 disappeared persons.⁵

The increase in the number of disappeared people's raises more concerns with regard to the financial compensation owed to families of those disappeared, especially since compensation was estimated according to figures lower than the correct number of persons who disappeared during the years of military confrontations. Fair compensation to the families of disappeared persons is of particular importance since the Charter and its enforcing texts provides impunity for agents of the State who engaged in acts of enforced disappearance as well as committed other serious human rights violations during the 1990s. Article 45 of the *Charter* says, “[n]o lawsuit can be filed, individually or collectively, against the agents of the State for security and defence of the Republic, and all other entities, for their actions taken in favour of the protection of people.”

It is to be noted that countless members of the family of disappeared persons face difficulties in proclaiming their due compensation as they are required to first get a court decision confirming the death of the disappeared person. Additionally, Article 46 poses a serious constraint on family members and associations in charge of representing the disappeared persons, as it stipulates a 5-year prison term on anyone who writes about the national conflict during the 1970s or uses it in order “to weaken the State, cause any nuisance to public figures or use it to tarnish the image of Algeria

⁴ "Algeria: Immediately Try or Release Detainees Jailed for Nine Years Without Being Convicted by a Court," Amnesty International, Sep. 28, 2008, <http://www.amnesty.org/en/library/info/MDE28/008/2008/en>.

⁵ "The Outcome of President Abdelaziz Bouteflika," Djelfa News Forum, Apr. 1, 2009, <http://www.djelfa.info/vb/archive/index.php/t-118330.html>.

internationally.” This puts a clear limitation on the role that the media or civil society can play in support of the families of disappeared.

In this context it is to be noted that the families of the disappeared are almost always prevented from expressing their demands through demonstrations and sit-ins, as was the case when they were prevented from demonstrating in front of the Ministry of Justice on November 23, 2008.⁶ This was repeated on April 8, 2009 in front of the “National Commission for the Protection and Promotion of Human Rights” – just one day prior to the presidential election⁷ – and again in early November 2009 during the annual celebrations of the Algerian revolution.⁸

Freedom of expression and media

The state continues to exercise a monopoly on all visual and audio media, refusing to open the field for the private sector on the grounds that the Algerian society is not yet ready and that “national interest” calls for such a monopoly. As a result, media organs reflect the dominance of official propaganda; all political opposition voices are stifled and the activities of associations that do not adopt the authorities’ stances are boycotted. This was particularly clear during the elections, when the performance of the public media breached all the standards of integrity and public service and became no more than a propaganda tool in service of President *Bouteflika*’s campaign. Authorities also used the public media to attack opposition figures calling for a boycott, describing them as traitors and infidels.⁹

The laws stipulated under the Penal Code and the articles of the “Charter for Peace and National Reconciliation” continue to pose threats on journalists either through prison terms or criminal charges. Journalist *Hassan Bouras* received two prison terms in less than a year; the first in October 2008 when a *Saïda* court sentenced him to two months in prison and a fine of 40,000 Algerian dinars (AD) after being convicted of libeling and undermining a public authority. In July 2009, the court of *El-Bayadh* sentenced him in absentia to three months in prison in addition to a fine of AD 50,000 after an MP accused him of libel.

⁶ "Families of Dissappeared Persons Abused Before the Ministry of Justice," Collectif Des Familles de Disparu(e)s en Algérie, Nov. 24, 2009, http://www.algerie-disparus.org/cfda/index.php?option=com_content&task=view&id=248&Itemid=121.

⁷ Ibid.

⁸ Ibid.

⁹ "The Media in the 2009 Presidential Election," Joint Report by The Algerian League for the Defense of Human Rights and The Arab Working Group for Media Monitoring, Jul. 2009, <http://www.la-laddh.org/IMG/pdf/rapport-monitoring-elect-2009.pdf>.

In March of 2009, the *Ghardaïa* Court sentenced *Nedjar Hadj Daoud*, the director of the local *al-Waha*, to six months in prison on charges of libel¹⁰ – a decision that was later suspended for medical reasons.¹¹ *Daoud* is notable for his work on corruption cases that have been subject to intensive follow-up by the justice system over the years. In July 2009, *Rabah Lamouchi*, a correspondent for *al-Nahar*, was convicted on charges of slander and libel and received a six-month sentence.¹² In November 2008, the Algerian Appeals Court upheld the conviction of lawyer and prominent rights advocate *Amin Sidhoum* and sentenced him to a six-month prison term (on suspension of execution) on charges of defaming the Algerian judiciary because he wrote an article in which he expressed that the imprisonment of one of his clients was unfair.¹³ Furthermore, journalist *Hafnaoui al-Ghoul* – a member of the High Board of the Algerian League for Human Rights – appeared before the *Djelfa* Court on October 26, 2009 on charges of libel and slander and was sentenced to 2 months in prison (suspended sentence).

These repressive laws often force journalists and editorial offices to enforce some form of self-censorship for fear of persecution. Journalists frequently receive orders prohibiting them from publishing any press releases addressing the human rights situation in Algeria, particularly those that address the prevalent enforced disappearances, arbitrary detentions or torture in the country. Consequently, most newspapers automatically avoid addressing or tackling human rights issues for fear of reprisals, and legal penalties against anyone who writes about these issues under Article 46 of the “Charter for Peace and National Reconciliation.”

Restrictions on the freedom of association and human rights defenders

This year saw further restrictions on the freedom of association and peaceful assembly, as well as further restrictions on human rights defenders. The Ministry of Interior refused to license associations for missing persons and victims of terrorism, and it also prohibited the "Algerian League for the Defense of Human Rights" from organizing a training workshop for young

¹⁰ "Release Nedjar El Hadj Daoud," *Al Watan* Newspaper, Mar. 3, 2009, <http://www.elwatan.com/Liberez-Nedjar-El-Hadj-Daoud>.

¹¹ See www.rsb.org/artical.php3?id-artical=30461.

¹² "Conviction of a Journalist in Tebessa to Six Months in Prison," Reporters Without Borders, Jul. 14, 2009, <http://www.rsf.org/Interpellation-d-un-journaliste-a.html>.

¹³ "Algerian Human Rights Lawyer Convicted for Denouncing Violations," Amnesty International, Nov. 26, 2008, <http://www.amnesty.org/en/news-and-updates/news/algerian-human-rights-lawyer-convicted-denouncing-violations-20081126>.

journalists in May 2009, without providing any reason for the rejection.¹⁴ Authorities also banned the "Algerian League for the Defense of Human Rights" from organizing a seminar in a hotel on the occasion of the national day of the abolition of death penalty.¹⁵ In July 2009, the police prohibited a symposium on the memory of the victims, and the reconstruction of societies. The symposium was scheduled to be organized by a coalition of victim organizations and hosted by the House for Syndicate Freedoms in the capital. *Mohammed Al-Rahwi*, a former victim of enforced disappearance in Morocco, was denied entry into Algeria to participate in the symposium and was returned on the same plane he arrived on. The Algerian authorities have in the past taken similar measures against *Siham Bensedrine*, the prominent Tunisian rights advocate who was prohibited from participating in one of the programs organized by the "Algerian League for the Defense of Human Rights" and was also denied entry.¹⁶

There are indications that the government intends to impose additional restrictions on civil society groups through the introduction of greater restrictions on the laws regulating NGOs and political parties. The groundwork is already being laid in the media, in the midst of official accusations and a media assault launched in particular by the Minister of Interior in September 2009 in which he stated that NGOs were ineffective and blamed them for being unable to contain protest movements and the *Sunni-Ibadi* sectarian events in *Berriane*, *Oran*, and *Chlef*. According to the Minister, the objective of the changes to the laws is "to purify the fabric of the NGO movement and the party class and protect pluralism from degeneration." The changes will involve additional restrictions on the licensing of NGOs, define their sphere of activity, and place them under stronger tutelage to compel them to achieve the objectives for which they were created.¹⁷

At the same time, the refusal of the authorities to have an open a dialogue with civil society organizations, particularly independent unions, led to many strikes and protests in several fields of work such as health, education and student activities. Most of these protests are usually repressed and those involved prosecuted under the Penal Code. On November 10, 2009, the

¹⁴ "Human Rights Under Supression," The Algerian League for the Defense of Human Rights, May, 15, 2009, <http://www.anhri.net/algeria/laddh/2009/pr0525.shtml>.

¹⁵ "Despite Prohibition, We Continue to Exist," Algerian League for the Defense of Human Rights, Oct. 8, 2009, www.la-laddh.org/splp.php?article151.

¹⁶ "The Memory is Prohibited in Algeria!" Collectif Des Familles de Disparu(e)s en Algérie, Jul. 17, 2009, http://www.algerie-disparus.org/cfda/index.php?option=com_content&task=view&id=277&Itemid=121.

¹⁷ "Algeria: Investigations into the Fate of the Funds Collected by the Muslim Civil Societies," Al-Hayat, Sep. 11, 2009, <http://www.daralhayat.com/portalararticlendam/55564>.

teachers union organized a sit-in in front of the Ministry of Education, which was stopped by security forces who attacked those involved physically and verbally. It was reported that 50 men and women were arrested as a result, where men were sent to the police station and women were held inside the headquarters of the union.¹⁸

Restrictions imposed on initiatives or actions taken by members of civil society usually fuel riots, such as the riots that took place in late October 2009 and continued for several days in the bloc of *Diar Echems* in Algeria, which is a slum area whose inhabitants protested the failure of authorities to relocate them to decent accommodation over the past years. These protests were met with repression which in turn caused more riots, resulting in several injuries and widespread arrests.¹⁹

Minority rights

The regime's policies continue to entrench a closed, centralized system that views cultural, linguistic and religious pluralism as a threat to national unity and/or to Algeria's Arab and Islamic heritage. This was seen particularly in the continued suppression of various local cultures, first and foremost the *Amazigh* identity which still has no status in the country's Constitution or in state cultural and educational systems.

In April and May 2009, the *Berriane* area of the *Ghardaïa* province in the south of the country witnessed clashes between the *Amazigh* minority belonging to the *Ibadi* confession and the *Maliki* confessional majority that left four people dead, dozens injured, and several government facilities vandalized. The clashes erupted after a group of *Ghardaïa* residents asked the President to recognize the *Ibadi* sect.²⁰

On June 25, 2009, Dr *Kamel Eddine Fekhar*, member of the "Algerian League for the Defense of Human Rights" together with two other political activists from the "Socialist Forces Front" were arrested after they called for the official recognition of the *Ibadite* faith as well as the ability to preserve the *Mazabeh* identity which also includes many *Amazigh* who belong to the same faith. They were charged and accused of harming public good and the

¹⁸ "Teachers Beaten and Insulted by Police," El Watan, Nov. 12, 2009, http://www.algeria-watch.org/fr/article/pol/syndicat/enseignants_battus.htm.

¹⁹ Memmoud, Sharif, "Diar Echem Does Not Abate," Liberte Newspaper, Oct. 21, 2009, http://www.algeria-watch.org/fr/article/pol/revolte/diar_echems_decolere_pas.htm.

²⁰ Gamal Eldin, Fakher, "How Long Will the War Between the Amazingh Ibadis and the Mozabits Last?" MZABNews, Jul. 10, 2009, <http://www.mzabnews.org/archive/content.php?rub=alddh&num=129>.

arson of a police van during the *Berriane* riots that took place in February 2009. Although one of the material witnesses in the case withdrew his statement, Dr *Fekhar* was sentenced to six months in prison (suspended) in addition to a fine of AD 50,000. The verdict for the two other defendants remains unknown.²¹

During the month of Ramadan of this year, more people have been arrested and incarcerated for eating in public during Ramadan, which stands in violation of the Algerian law.²²

²¹ "Kamel Fekhar Denounces Injustice," El-Watan Newspaper, Nov. 9, 2009, <http://www.elwatan.com/Kamel-Fekhar-denonce-l-injustice>.

²² Yaseen Tamlaly, "Does Algeria Remain a Civil State?" Al-Akhbar Newspaper, Jul. 17, 2009, <http://www.al-akhbar.com/ar/node/157086>.

Morocco

Worrying Indicators for the Future of Human Rights

Morocco witnessed several developments this year that suggest a retreat from the gains made over the last decade, most significantly the establishment of the "Equity and Reconciliation Commission" in 2004 - a royal initiative to bring the truth to light, achieve some sort of conciliatory justice, and mitigate the harm done to victims of extrajudicial killing, forced disappearance, and arbitrary arrest and detention over the past four decades.

Nevertheless, there were several positive developments as well. Women's political participation was strengthened through the allocation of additional seats for women candidates in local elections, and the lifting of Morocco's reservations to CEDAW, which will hopefully be translated into real progress on the ground.

However, relative improvements to Morocco's human rights record were threatened by continuing repression of political activists and *Sahrawi* rights advocates. Such abuse included abduction, arbitrary arrest, torture, and unfair trials that referred some reformists to military trials for the first time in 14 years. Government intolerance for any media coverage—even positive coverage—of the king or the royal family also increased, leading to more restrictions on freedom of expression, the closure and confiscation of newspapers, and the imprisonment of journalists and others who have exposed corruption or influence peddling. Human rights still suffer from

counterterrorism policies as well, which have been increasingly used to carry out arbitrary arrest and torture since 2003. This year several political and party activists fell victim to such “counter terrorism” policies.

Despite royal speeches celebrating a refinement of religious discourse, tolerance, and the repudiation of extremism, the Moroccan authorities, often displayed religious and social intolerance. Such intolerance included arrest campaigns directed against Shiites, and the use of force against those protesting a law that punishes those who eat in public during the month of Ramadan.

On the political front, although the local elections saw a higher number of seats go to women, the run-up to elections marked a return of to the traditional practice of using “palace parties” or “administrative parties” to head off opposition and independent political parties and shut out other parties from the political process, particularly Islamist parties.

The best indication of the current critical human rights situation is the authorities’ failure or delay in implementing some of the most important recommendations of the “Equity and Reconciliation Commission,” designed to create a decisive break with the violations of the so-called “Years of Lead.” According to the Commission, a clean break requires adopting an integrated national plan to combat impunity for crimes and an entire array of institutional and legal reforms for the security and judicial sectors,¹ as well as the penal code and criminal policies. Now, more than three years after these recommendations were made, the delay in the application of the Commission’s recommendations is cause for legitimate questions about the authorities’ desire to make a break with the past, including with those policies and practices that have led to grave human rights violations.

The Western Sahara conflict and its impact on the human rights situation

The conflict in the Western Sahara remains a source of the worst human rights abuses in Morocco. These violations include the harassment of

¹ A reform of the legal system and the establishment of full judicial independence from the executive branch was one of the commission’s most significant recommendations. Although four years have passed, no serious steps have been taken to implement it. Recently the minister of justice stated that court reform and the establishment of new courts would take another eight years and would not be completed before 2017. *See* “Moroccan Minister of Justice: An ambitious Project to Develop the Working Methods of the Courts Over the Next 8 Years,” *Asharq al-Awsat*, Sep. 5, 2009, <http://www.aawsat.com/details.asp?section=4&issueno=11239&article=534707&search>.

political activists and human rights defenders in the region, the repression of peaceful protests and assemblies, the refusal to recognize human rights organizations, as well as arrests, torture, and trials that in most cases do not provide a minimum degree of due process.²

One of the most negative developments witnessed in the last 14 years occurred when the authorities referred 7 *Sahrawi* activists in October 2009 to the military court in *Rabat* in the wake of their visit to the *Sahrawi* refugee camps located in south-west *Tindouf*, Algeria. Such actions by the government have not occurred since 1996.³

In October 2008, *Mustafa Abdel Dayem*, a member of the *Assa-Zag* office of the "Moroccan Association for Human Rights" and the "Sahrawi Journalists and Writers Union," was arrested following peaceful demonstrations in the city. Although *Abdel Dayem* claimed that he did not take part in the demonstrations, he admitted to taking the Moroccan flag off the school building where he works to show his support for the protestors. *Abdel Dayem* was convicted and sentenced to three years in prison on charges of denigrating the country's official flag, helping to organize an armed gathering, and participating in the destruction of public property. The verdict was upheld on appeal in December 2008 in a trial in which *Abdel Dayem* was not permitted to have his attorney present. *Abdel Dayem* launched a long hunger strike to protest what he described as false statements in the interrogation files.⁴

In October 2008, *Yahya Mohamed El Hafed*, a member of the "Collective of Sahrawi Human Rights Defenders" and the "Moroccan Association for Human Rights," was sentenced to 15 years in prison; eight others were tried with him and given four-year prison sentences. The trials followed protests against the "Moroccan Administration of the Western Sahara" that turned violent and led to the death of a policeman. *El Hafed* denied involvement in the protests and the trial offered no evidence of his participation. In addition, all defendants alleged that they were tortured by various means, including

² "Human Rights in Western Sahara and in the Tindouf Refugee Camps," Human Rights Watch Report, Dec. 19, 2008, www.hrw.org/en/reports/2008/12/19/human-rights-western-sahara-and-tindouf-refugee-camps-0; see also the "Morocco/Western Sahara: No More Half Measures: Addressing Forced Disappearances in Morocco and Western Sahara," Amnesty International report, Aug. 28, 2009, <http://www.amnestyusa.org/document.php?id=ENGMDE290052009&lang=e>.

³ Statement by Collectif des Défenseurs Sahraouis des Droits de l'Homme (CODESA), Oct. 17 2009, <http://www.codesaso.com/>.

⁴ "Morocco/Western Sahara: Irregularities in Sahrawi Activist Trial," Amnesty International statement, Dec. 23, 2008, <http://www.amnesty.org/en/library/info/MDE29/016/2008/en>.

hanging by the feet and sleep deprivation, during questioning in order to force confession. The court failed to investigate these claims.⁵

In April 2009, the *Agadir* court handed down two-year prison terms to three Sahrawi detainees—*Ali Bouamoud*, *Mahjoub Aillal*, and *Hassan Khallad*—for taking part in a peaceful demonstration.⁶ In August 2009, a court in *Tantan* in southern Morocco sentenced human rights defender *Al-Naama Asfari* to four months in prison on charges of insulting a public servant after an argument with a police officer who had ordered him to remove a Sahrawi flag token from his keychain.⁷ In September, the security apparatus broke up two protests by Sahrawis in the *Belaayoune* area of the Western Sahara, injuring some protestors. Some of those detained during the events were assaulted before their release.⁸

Former Sahrawi political prisoner *Mohamed Tahlil* was abducted by police officers and taken blindfolded to a police car where he was beaten all over his body before losing consciousness. He woke to find himself lying in a deserted area next to a cemetery.⁹ Sahrawi detainees held at the local *Benzekan* Prison were assaulted in April by prison employees after they declared a hunger strike and chanted political slogans; their hands were bound and they were brutally beaten.¹⁰ Human rights defenders in the Western Sahara also endured various forms of harassment during a fact-finding mission by a delegation from the European Parliament. A heavy security presence was in effect during the visit and the homes of human rights defenders were blockaded. Some activists were verbally abused and physically assaulted at checkpoints, and several human rights defenders were

⁵ "Morocco/Western Sahara: Investigate Allegations of Torture of Sahrawi Human Rights Defender," Amnesty International statement, May 12, 2009, <http://www.amnesty.org/en/library/info/MDE29/004/2009/en>.

⁶ "Two Years Prison Sentence for 3 Sahrawi Political Prisoners," Statement by the Executive Bureau of the Collective of Sahrawi Human Rights Defenders, Apr. 23, 2009, <http://www.anhri.net/morocco/makal/2009/pr0423-2.shtml>.

⁷ "New Jail Term for Western Sahara Activist," Human Rights Watch statement, Aug. 31, 2009, <http://www.hrw.org/en/news/2009/08/30/morocco-new-jail-term-western-sahara-activist>.

⁸ "Violent Interventions Against Sahrawi Demonstrators," Statement from the Executive Bureau of the Collective of Sahrawi Human Rights Defenders, Sep. 24, 2009, <http://www.anhri.net/morocco/makal/2009/pr0924.shtml>.

⁹ "Moroccan Police Assaults Sahrawi Political Prisoner," Statement from the Executive Bureau of the Collective of Sahrawi Human Rights Defenders, Aug. 26, 2009, <http://www.anhri.net/morocco/makal/2009/pr0828-3.shtml>.

¹⁰ "Violent intervention against the Sahrawi political prisoners at Local prison Banczykan/Morocco," Statement from the Executive Bureau of the Collective of Sahrawi Human Rights Defenders, Apr. 4, 2009, <http://www.anhri.net/morocco/makal/2009/pr0404-2.shtml>.

denied entrance to the hotel at which the European delegation was staying. Many were detained for several hours.¹¹

Freedom of expression

Freedom of expression in Morocco is considered to be relatively better than in most of the Arab states. Despite the remarkable growth in independent newspapers over the last few years and an expanded margin for public criticism of government policies and practices, freedom of the press and expression are still restricted, particularly in matters related to religion, the King, the monarchy, the royal family, and dissident views of the conflict in the Western Sahara that go against the official position of the government.

The absolute intolerance for the "sanctity" of the King led to the confiscation of two weekly newspapers, *TelQuel* and *Nichane*, in August 2009 and a distribution ban on the French *Le Monde* after the two Moroccan papers published the findings of an opinion poll conducted in conjunction with *Le Monde* about the achievements of the Moroccan King over the last decade. Ironically, poll results were in support of the King, where it revealed that 91 percent of Moroccans viewed the King's performance as positive or very positive. In explaining the measures taken, the Minister of Communications stated, "[t]he monarchy cannot be a topic of debate, even in the form of a poll."¹² That is, the monarchy has become a sacred icon above reproach.

In September 2009, *Ali Anouzla*, the manager of *Al-Oula* newspaper, and *Bochra Al-Daou*, an editor at the same paper, were referred to trial on charges of publishing false information about the health of the King. On October 26, 2009, the first instance court in *Rabat* sentenced *Anouzla* to one year of imprisonment and handed down a 3 month sentence for *Al-Daou*. Both are in suspension, and also received a 5000 AED fine.¹³

¹¹ "Morocco / Western Sahara: Sahrawi Human Rights Advocates Face Obstacles During the Visit of a European Parliament Delegation to Morocco and Western Sahara," Amnesty International statement, Feb. 29, 2009, <http://amnesty.org/ar/library/asset/MDE29/002/2009/ar/9084af16-f138-11dd-b725-0b1f440fe647/mde290022009ara.pdf>.

¹² "Morocco: the confiscation of magazines, "Tel Quel" and "Nichane" for publishing a Survey of the Reign of King and The Ministry of Communication Threatens to Confiscate Newspaper "Le Monde" if they Publish the Survey," Statement from the Arabic Network for Human Rights Information, Aug. 2, 2009, <http://www.anhri.net/press/2009/pr0802.shtml>.

¹³ "National Day Gift to the Media: Banning of 'AL-Mashaal' by Orders from the King's Deputy," The Arab Network for Human Rights Information, Nov. 14, 2009, www.anhri.net/urgent/index.shtml#27.

Eight journalists at *al-Ayyam* and *al-Mishaal*, were questioned on the same charges. The Journalists Syndicate protested at the lengthy interrogation of its members, who were held by police for several hours in difficult conditions and denied food and sleep.¹⁴ Soon after, on October 15, the trial of the editor of *al-Mishaal* *Idris Al-Shahtan* resulted in him being sentenced to one year in prison – a sentence that was immediately implemented without waiting for his appeal. In addition, two other journalists working for the same newspaper were sentenced to 3 months in prison.¹⁵

In the same month, the Moroccan authorities took the unprecedented step of shutting down the independent *Akhbar al-Youm*, freezing the paper's accounts, confiscating printed copies of the paper, and prohibiting staff from entering the paper's offices after the paper covered the wedding of the King's cousin. The Ministry of Interior stated that a cartoon—not satirical— included in the coverage “constitutes a blatant infringement of the respect that must be shown a member of the royal family.” The paper's editor-in-chief believed that this to be a false premise for the measures taken against the paper.¹⁶

In February 2009, a police force raided the Casablanca offices of *Al-Ayyam*, arresting two officials with the paper, who were questioned on charges of preparing a dossier on the King's mother.¹⁷ The trial of *Idriss Chahtan*, the manager of the weekly *al-Michaal*, and *Mustafa Adhari*, the chair of a branch of the "Moroccan Association for Human Rights," continued, prompted by the publication of a news dossier that was allegedly insulting to several of the King's relatives.¹⁸ A high-school student was also sentenced to one year in prison on September 28, 2008, on charges of

¹⁴ "Disputes Among Moroccan News Publishers as a Result of Charges for False Reporting with Regards to the King's Health," *Asharq al-Awsat*, Sep. 9, 2009,

<http://www.aawsat.com/details.asp?section=4&article=535262&issueno=11243>.

¹⁵ "32 IFEX Members and 24 Egyptian Human Rights Organizations Condemn the Violent Crackdown on Press Freedom in Morocco," Press Release ANHRI, Oct. 24, 2009, www.anhri.net/press/2009pr1024.shtml.

¹⁶ "The Closure of the Independent Newspaper," *Akhbar Al Youm*; "Due to Publishing Caricatures of Prince Ismail's Wedding," *Asharq al-Awsat* Newspaper, Sep. 30, 2009, <http://www.aawsat.com/details.asp?section=4&article=538073&issueno=11264>.

¹⁷ "Newspaper Raided, Editors Harassed for Wanting to Write About King's Mother," *Reporters Without Borders*, Feb. 13, 2009, <http://www.rsf.org/Newspaper-raided-editors-harassed.html>.

¹⁸ "The fourth session of the trial the President of the Moroccan Association for Human Rights Bouknifera and the Director of the Weekly Newspaper "Al-Mashaal" Will Be Held on Tuesday September 15 at Nine O'clock," *The Moroccan Association for Human Rights*, Sep. 14, 2009, <http://www.anhri.net/morocco/amdh/2009/pr0914-2.shtml>.

insulting the King after he wrote the phrase “God, Country, Barsa” on a school wall, inserting the nickname of the Barcelona soccer club in the kingdom’s official motto, “God, Country, King.” It was reported that the student was beaten and subjected to electric shocks before being released under a royal pardon after spending 33 days in jail.¹⁹

Three newspapers—*Al-Massae*, *Al-Ahdath Al-Maghribiya*, and *Al-Jarida Al-Oula*—were each fined \$12,500 following a suit filed by the Libyan embassy in *Rabat* because of criticism of Libyan leader *Muammar al-Qaddafi* and members of his family. The court also ordered the papers to pay compensation of \$123,500 to *al-Qaddafi* for insults to the person and dignity of a head of state.²⁰

Following the online discussion of official corruption, blogger and journalist *Hassan Barhoun* was arrested on February 26 and referred to court on charges of publishing false news. On March 6, a preliminary sentence was issued of six months in prison and, in an unprecedented step, the appellate court increased the sentence to ten months. *Barhoun* received a royal pardon in August 2009.²¹

The Ministry of Communication exercised its prerogatives and banned the distribution of the French weekly *L'Express* on October 31, 2008, on the grounds that it had insulted Islam after publishing a dossier about the relationship between Christianity and Islam.²²

¹⁹ "Morocco/Western Sahara: Release School Student Imprisoned for Offending the King," Amnesty International statement, Oct. 29, 2008, <http://www.amnesty.org/en/library/info/MDE29/015/2008/en>.

²⁰ "In A Statement to the Central Bureau of the Moroccan League for the Defense of Human Rights The League Expressed its Solidarity with the Three National Newspapers," Jul. 5, 2009; "Gaddafi Sues Three Moroccan Newspapers that Reported Arab-Maghreb Countires to be Non-Democratic, Egyptian Human Rights Organisations State their Solidarity with them and Egypt to those Countries," The Arabic Network for Human Rights Information, May 17, 2009, <http://www.anhri.net/press/2009/pr0517.shtml>.

²¹ "Investigations into What was Written by Hassan Barhoun Would be Better than Arresting him" Mar. 2, 2009; "Morocco: Hasty Verdict Sentences Journalist and Blogger Hassan Barhoun to 6 Months Prison"; Mar. 8, 2009; "Moroccan Appeals Court Increases Blogger Hassan Barhoun's Prison Sentence from 6 Months to 10," Apr. 15, 2009, Statements from the Arabic Network for Human Rights Information, <http://www.anhri.net/morocco/nov08apr09.shtml>.

²² "French Weekly Censored in Morocco, Tunisia, and Algeria for 'Attack on Islam'," Reporters Without Borders, Nov. 3, 2008, <http://www.rsf.org/French-weekly-censored-in-Morocco.html>.

Counterterrorism measures

Complaints continue to be made concerning arbitrary arrest, torture,²³ and the disregard of legal and procedural guarantees given to suspects during detention and questioning, particularly in connection with the counterterrorism law issued in May 2003 following terrorist attacks in Morocco. The law allows suspects to be provisionally detained for 14 days without access to an attorney, making it easier for detainees to be physically and psychologically tortured.²⁴ Of the 3,000 people arrested following the 2003 attacks, nearly 1,000 of them remain in prison.²⁵

On July 28, the Salé Appeals Court issued harsh sentences for 35 defendants charged with forming a terrorist network inside Morocco and abroad in the known "Belliraj cell" case. Among the defendants were six political prisoners, three of whom were given 25-year prison sentences: *Mohamed Merouani*, the secretary-general of the Umma Party; *Mustapha Moatassim*, the secretary-general of *al-Badil al-Hadari* Party; and his deputy *Mohammed Amine Ragala*. *Abdelhafid Sriti*, a correspondent for *Al-Manar* channel, and *Ma'a al-Ainin Abadla*, a member of the national council of the Justice and Development Party, were both sentenced to 20 years in prison, while the court sentenced *Hamid Najibi*, a member of the Unified Socialist Party, to two years in prison. The rest of the sentences ranged from life in prison to a suspended sentence of one-year imprisonment. The trial was marred by several irregularities: the defendants were abducted and arbitrarily arrested, lawyers were prohibited from attending the preliminary interrogations, and the court ignored the defendants' allegations of torture. The defense was also not allowed to view the case files or the arrest and search reports, and the court refused to hear defense witnesses.²⁶

²³ As police torture returned to Morocco, Moroccan police officers offered their ideas and experience to neighboring countries, participating in the interrogation and torture of detainees in Mauritania. Amnesty International documented this development in "Mauritania: Torture at the Heart of the State," Amnesty International, Dec. 3, 2008, <http://www.amnesty.org/en/library/info/AFR38/009/2008/en>.

²⁴ "Central Office of the Moroccan Association for Human Rights Considers that the Draft Anti-Terrorism Act in Essence is Incompatible with Human Rights and Calls for Mass Protests to Demand a Recall of the Parliament," The Moroccan Association for Human Rights, Feb. 11, 2003, <http://www.ahewar.org/debat/show.art.asp?aid=5774>.

²⁵ See the Human Rights Watch annual report on the state of human rights around the world, 2008.

²⁶ "In the Absence of All Safeguards to Ensure Fair Trials: The Court of Appeal Issued Harsh and Unfair Sentences in the 'Belliraj Case', Which Confirms that the Judiciary Still, as in the Past, has Been Involved in Gross Violations of Human Rights," The Moroccan Association for Human Rights, Jul. 30, 2009, <http://www.anhri.net/morocco/amdh/2009/pr0730.shtml>.

Pressure on human rights defenders

The Moroccan authorities generally show a degree of tolerance for human rights defenders and organizations in large cities. The harassment of human rights defenders normally takes place outside these urban areas, and the pressure is greatest in the Western Sahara region. In addition to Sahrawi rights advocates, members of the "Moroccan Association for Human Rights" face particular pressure, at times including detention or referrals to trial, because its members are active in social, political, and trade union protests.²⁷

One of the most significant abuses of human rights defenders this year was the arrest of *Shekeib El-Khayari*, the president of the "Association for Human Rights in the Rif." *El-Khayari* was tried on charges of insulting state institutions after he accused senior officials of involvement in a drug-smuggling network. During his trial additional charges were leveled at him for opening a bank account abroad through which he received 225 Euros from a Spanish paper for an article he wrote. He was sentenced to three years in prison in June 2009. The trial is viewed as politically motivated given *El-Khayari* and his organization's defense of migrants and *Amazigh* cultural rights, as well as *El-Khayari*'s statements on corruption.²⁸

The right to peaceful assembly

In contrast to the right to demonstrate and protest in the Western Sahara region, authorities show relative flexibility towards peaceful protests and demonstrations in major cities. Nevertheless, some aspects of political action and peaceful assembly remain targets for repression. In this context, authorities have forcibly dispersed a student demonstration on December 28, 2008, the purpose of which was to show solidarity with the Palestinian people. Several students were arrested and one student, *Abd al-Razeq Al-Kadiri*, died from wounds sustained during the protest.²⁹

Security forces also used excessive force in September to thwart a labor sit-in at the *Samisi Riji* Company, beating workers and chasing them down in cars. After workers sought shelter at the offices of the Moroccan

²⁷ See the sections on freedom of expression, the Western Sahara issue, and the freedom of peaceful assembly.

²⁸ "Morocco/Western Sahara: Immediately Release Human Rights Defender," Feb. 20, 2009; "Morocco/Western Sahara: Free Activist Convicted for Speaking Out Against Corruption," Jun. 26, 2009, Amnesty International statements, <http://www.amnesty.org/en/region/moroccowestern-sahara>.

²⁹ Statement from the Moroccan Association for Human Rights, Jan. 4, 2009, <http://www.amdh.org.ma/arabe/indexarb.htm>.

Employment Union, security forces raided the place, injuring several workers. A total of 41 workers were arrested, among them trade union activists. They were released a few hours later, but four of them were referred to trial.³⁰

Security forces intervened in April 2009 to break up a sit-in of truck drivers in the city of *Taroudant*, part of the protest activities sponsored by the transit trade unions against the traffic law. Security forces closed the roads leading to the sit-in site and began pursuing groups of protestors. In connection with this event, the head and treasurer of the local branch of the "Moroccan Association for Human Rights" was arrested and taken in for questioning along with four drivers on charges of refusing to obey orders and insulting a public servant.³¹

In April, a court sentenced defendants involved in events in *Sidi Ifni* with terms ranging from fines to 7 to 18 months in prison.³² At the same time, authorities failed to launch any serious investigation into the events, which saw abuses by security forces, including raids on homes, the destruction of furniture, and assaults on male and female detainees, including forcing them to stand naked.³³

On several occasions, dozens of members of the banned Islamist group "Justice and Charity" were arrested on charges of assembling without a permit, among them *Mohamed Abadi*, a member of the group's guidance council, who was detained along with dozens of men and women during a meeting of the group on June 9; they were later released.³⁴ Four members of the group were arrested on the same charges in *Al-Nazour* in northern Morocco on August 12.³⁵

³⁰ "Report on the Brutal Intervention by the Security Forces Against the Workers of Smisi Reggie," The Moroccan Association for Human Rights, Sep. 16, 2009, <http://www.anhri.net/morocco/amdh/2009/pr0916.shtml>.

³¹ "The Moroccan Association for Human Rights calls for the abolition of follow-up and stop all harassment and abuses aimed at trade union rights," The Moroccan Association for Human Rights, Apr. 16, 2009, <http://www.anhri.net/morocco/amdh/2009/pr0416.shtml>.

³² "Court of Appeal in Agadir Convicts Detainees from the Events in Sidi Ifni," The Sbouya Ait Baamrane Association for Development and Solidarity, Apr. 9, 2009, www.sbouya.com/ar/?p=2834.

³³ In June 2008, a sit-in by unemployed youth in Sidi Ifni protesting deteriorating socioeconomic conditions was repressed. The authorities charged detainees with forming a criminal gang, destroying industrial facilities, and demonstrating without a permit. See, "From Exporting Terrorism to Exporting Repression," CIHRS 2008 Annual Report, at pp. 122.

³⁴ "Comprehensive Coverage of the Release of Prisoners of Justice," Statement by Al-Jamaa, Nov. 5, 2009, <http://www.aljamaa.net/ar/document/30471.shtml>.

³⁵ Al-Maghribiya, Aug. 14, 2009.

Minority rights and religious freedom

Since 2001, the *Amazigh* issue has taken a new turn as the cultural rights of the *Amazigh* minority have been recognized through a royal initiative to establish the "Royal Institute for *Amazigh* Culture." The initiative has been accompanied by efforts to strengthen *Amazigh* culture in the official media and educational institutions; in December 2008, the state established a *Amazigh* television channel.

Nevertheless, some *Amazigh* groups still view the slow progress of granting them rights as insufficient, and some have gone so far as to call for autonomous rule or the internationalization of their cause. The sense of marginalization felt by these groups is exacerbated by the fact that the authorities have yet to respond to other demands, first and foremost the official constitutional protection of the *Amazigh* language (not only as a national, but also as an official language) as well as the constitutional recognition of the *Amazigh* group in national identity. In this context, reports continue of discrimination against the *Amazigh*, particularly bans on *Amazigh* names for newborns, which has prompted many parents to file lawsuits. *Amazigh* names are allowed to be given to children in some cases but are also disallowed at times.

Similarly, the Ministry of Education refuses to use the names of certain *Amazigh* figures for schools and has not included the names of *Amazigh* figures and battles in the school curriculum. The *Amazigh* language has not been approved for use in the administration and judiciary. Moreover, some *Amazigh* groups are refused official recognition by the state, and *Amazigh* activists are harassed.³⁶

In contrast to official declarations about the refinement of religious discourse and the repudiation of extremism in accordance with Islam's tolerance and moderation,³⁷ some state practices evince a degree of religious militancy as the authorities attempt to show that they are the ultimate guarantor of religious and moral values, a policy closely connected to its competition with political Islamist groups.³⁸ It is significant in this regard that the authorities arrested at least four people in September 2009 who were

³⁶ Bennis, Said, "The Amazigh Question and National Identity in Morocco," The Arab Reform Initiative, Jul. 20, 2009, <http://arab-reform.net/spip.php?article2253>; See also "Lift Restrictions on Amazigh (Berber) Names," Human Rights Watch, Sept. 3, 2009, <http://www.hrw.org/ar/news/2009/09/03/morocco-lift-restrictions-amazigh-berber-names>.

³⁷ "The King Calls for the Integration of Religious Discourse in Community Based Projects," Alsharq al-Awsat Newspaper, Apr. 30, 2009,

<http://www.aawsat.com/details.asp?section=4&article=517210&issueno=11111>.

³⁸ See www.alarabia.net/articales/2009/03/24/691/html.

using Facebook to organize a forest picnic as a form of protest against a provision in the criminal code that mandates a prison sentence of one to six months for Muslims who eat in public during Ramadan.³⁹

In March 2009, the authorities closed a school on the grounds that it was propagating Shiite beliefs. The move was accompanied by the arrest of dozens—and perhaps hundreds—of people suspected of sympathizing with or being affiliated to the Shiite rite. Books and CDs were confiscated from their homes and they were questioned about their religious beliefs before being released. The arrests were followed by statements from the Minister of Foreign Affairs, who stressed the utter rejection of any activities by Moroccan groups that seek to promote the Shiite school of thought, and he criticized attempts to undermine the *Maliki* school of thought prevalent in Morocco.

At the same time, the Ministry of Interior stated its intention to repress any practices, writings, or books that undermine religious and moral values, a reference to a series of newspaper articles advocating greater tolerance of homosexuals, some of who have been subjected to arbitrary arrested.⁴⁰ Although Morocco shows tolerance for Christian and Jewish minorities, those engaging in public proselytization are often arrested. On March 5, the authorities expelled five missionaries who were holding a meeting with Moroccan citizens in Casablanca and confiscated materials in their possession, including books and videotapes.

Political participation

Limited electoral reforms were implemented shortly before local elections on June 12, 2009. The reforms seemed primarily aimed at guaranteeing superiority for the traditional parties at the expense of the Islamist Justice and Development Party, as well as assuring greater electoral gains for women and a higher voter turnout. Voter turnout reached its lowest level in the parliamentary elections of 2007, when no more than 37 percent of eligible voters participated.

As part of the electoral reforms, additional seats were allocated specifically for women, who won less than 1 percent of the seats in the local

³⁹ "Morocco: End Police Actions Against Persons Accused of Breaking Ramadan Fast," Human Rights Watch, Sep. 19, 2009, <http://www.hrw.org/en/news/2009/09/19/morocco-end-police-actions-against-persons-accused-breaking-ramadan-fast>.

⁴⁰ See www.alarabia.net/articales/2009/3/24/69134/html.

elections of 2003.⁴¹ Political parties were also given incentives to slate female candidates in the form of a government electoral fund that gave women candidates five times the material support as men.⁴²

In their efforts to increase voter turnout, authorities reviewed the voter rolls and removed some three million names, either because of repetition or insufficient information. Although this automatically increased voter turnout by reducing the number of eligible voters, it did not deal with the core of the problem: the increasing recognition by the public of the marginal role played by elected representative bodies and political parties in contrast to the overwhelming role of the court.

Observers expressed concerns about the distribution and division of polling districts, which gave greater weight to votes from rural areas, increasing the odds for traditional parties linked to the court and reducing the odds for other parties, particularly Justice and Development, which does not enjoy great influence in the countryside.⁴³ Although the municipal elections did see voter turnout rise to 52.54 percent, compared to a 37 percent turnout for the 2007 parliamentary elections, the comparison is misplaced for two reasons: the actual reduction of the pool of eligible voters and the greater public draw of local elections, which are linked directly to citizen services. Nevertheless, turnout was likely higher than in the 2003 local elections, which saw 54 percent of eligible citizens vote, despite the inflated voter rolls. As a result of the support given to women candidates, more than 3,400 seats were won by women, compared to only 127 seats in 2003.⁴⁴

The most important outcome of the elections was the realignment of the political map. The biggest winner was the Authenticity and Modernity Party, established less than one year before by former Minister of Interior *Fouad Ali El-Himma*, which took more than 21 percent of the seats in an election

⁴¹ Weichselbaum, Geoffrey and Michael Meyer-Resende, "Electoral Reform with Public Relations Value," Arab Reform Bulletin, Carnegie Endowment for International Peace, Jun. 2009,

http://www.carnegieendowment.org/arb/?fa=show&article=23192&zoom_highlight=Michael+Meyer%2DResende.

⁴² "Communal Elections in 2009 Legal Amendments and the Political Dilemma," Justice and Charity Website, <http://www.aljamaa.net/ar/document/26969.shtml>.

⁴³ Ibid.

⁴⁴ "Parliamentary Election 2007 in Morocco," Al Ma'refa, <http://www.marefa.org/index.php/%D8%A7%D9%84%D8%B5%D9%81%D8%AD%D8%A9-%D8%A7%D9%84%D8%B1%D8%A6%D9%8A%D8%B3%D9%8A%D8%A9>.

that saw 30 parties compete.⁴⁵ The Islamist Justice and Development Party came in sixth among the eight parties that took 90 percent of the seats.⁴⁶

The elections were also marred by several irregularities, most significantly the use of public funds to support certain candidates, vote purchasing, and the repression of protests advocating a boycott of the election, a claim pressed by the Democratic Way Party, in addition to the many objections to politically motivated districting. The government also refrained from enforcing some provisions in the political parties law, which allowed changes to party affiliation during the elections, particularly moves from the old court parties to the new Authenticity and Modernity Party.⁴⁷

⁴⁵ Observers explain the rapid rise of Authenticity and Modernity by the court's desire to control the partisan landscape and particularly its desire to undermine the Islamist Justice and Development Party. This is the same strategy pursued by the late king Hassan II, although he turned it against the Moroccan left. Several Moroccan MPs left their parties, including the traditional parties created in the time of Hassan II, for the new one. Mustapha al-Mansouri, the secretary-general of the National Rally of Independents, one of the older court parties, went so far as to warn that Authenticity and Modernity was seeking to take Morocco back to the "Years of Lead" (see the Elaph website, Sept. 20, 2009, and Hespress online). Meanwhile Mohamed Cheikh Biadillah, the secretary-general of Authenticity and Modernity, condemned the systematic attempt to "break taboos" and defended the use of "legitimate violence"—that is, the apparatus of repression—to confront what he called "the assault on our identity and sacred tenets" (see Hespress online, Sept. 19, 2009). For more information on the rise of Authenticity and Modernity, see James Liddell, "Modern Politics or the Politics of Modernity?" Arab Reform Bulletin, Carnegie Institute for International Peace, Dec. 2008, <http://www.carnegieendowment.org/arb/?fa=show&article=22487&lang=ar>.

⁴⁶ Ibid.

⁴⁷ For more on these irregularities, see the report from Moroccan Center for Human Rights, "General Report by the Moroccan Center for Human Rights on the Result of the Election Monitoring Group," Jun. 30, 2009, <http://ageddim.jeeran.com/archive/2009/6/901110.html>.

Syria

A Graveyard for Reformers and Human Rights Defenders

The human rights situation in Syria has further deteriorated as the security apparatus, which enjoys absolute authority in managing the country's affairs, strengthened its grasp amid a state of emergency and martial law that has lasted for 46 years. The authorities employed farcical penal provisions aided by both regular and exceptional courts to harass political activists, reformers, human rights defenders, and Kurds.

The torture and mistreatment of prisoners continued unabated, and more complaints were heard about enforced disappearances and extrajudicial killings, amid the environment of impunity and the immunity enjoyed by security apparatus with regard to human rights crimes.

The Syrian authorities failed to take even one positive step to review their policies, practices, or legislative framework, all of which are hostile to human rights and civil liberties. In fact, they moved in the opposite direction on the legislative front, granting greater immunity to the security apparatus, compounding the systematic discrimination against minorities—particularly the Kurdish minority—and submitting a personal status bill that undermines the rights of women and religious minorities.

Abuse of human rights defenders

Authorities have escalated their attacks on human rights defenders and political activists. In a significant attempt to intimidate human rights defenders, the security authorities in July 2009 arrested prominent lawyer *Muhannad Al-Hassani*, president of the Syrian human rights organization *Sawasiyah*. The arrest was intended to punish him for his advocacy role, particularly his monitoring of the trials of political activists in exceptional state security courts. A few days prior to his arrest, *Al-Hassani* was physically assaulted and his briefcase taken near the courthouse where he had attended a trial session; the victim of an attack by a court employee at the behest of the chief prosecutor for the State Security Court. *Al-Hassani* was referred to trial on charges of, "undermining the prestige of the state," "weakening national sentiment" and "disseminating false news that may weaken the nation's morale"—all charges routinely leveled against political activists and rights advocates in Syria.¹

To set an example for other human rights defenders, *Al-Hassani* was placed in a cell reserved for defendants in prostitution-related crimes. The Bar Association which is under security control—like all professional syndicates—was induced to file a disciplinary charge against *Al-Hassani*; accordingly *Al-Hassani* was referred to the disciplinary committee on charges of heading an unlicensed organization without the consent of the Bar Association, engaging in activities insulting to Syria, and attending and recording sessions at the State Security Court. The Bar considered this to be a violation of the law regulating the legal profession and the Bar's internal bylaws,² despite the fact that there was no legal basis for these charges in any law, including the syndicate's own law and its bylaws. The fact that the Bar Association reprimanded a lawyer for his defense of human rights illustrates the severe lack of ethical and professional standards of the Bar Association due to its political manipulation by the security apparatus.

In October 14, 2009, the authorities detained the prominent human rights defender *Hitham Al-Maleh* aged 78. He participated in establishing the "Syrian Association for Human Rights" in 2001 and remained its Director until 2006. His whereabouts remained unknown for about a week before the military persecutor ordered a warrant of arrest on October 21. He was then sent to Damascus central prison in preparation to send him to a military trial

¹ "Mohanad Al-Hasani's Detention: An attempt to Hush Syrian Regime Victims," CIHRS statement, Jul. 30, 2009, <http://www.cihrs.org/English/NewsSystem/Articles/2512>.

² "Reference of the Colleague The Lawyer Mohanad Al-Hasani to the Disciplinary Board and the Movement of Disciplinary Proceedings Against Him," ANHRI Statement, Aug. 7 2009, <http://www.anhri.net/syria/makal/2009/pr0807.shtml>.

on charges of "disseminating false news that may weaken the nation's morale and insulting the President and judiciary of Syria."

Some sources declared the measures that targeted *Al-Maleh* to be the result of defending *Mohanad Al-Hasani* in addition to giving some television interviews criticizing the Syrian authorities' behavior in suppressing freedom of expression and the conditions of public freedoms in the country.³

In September 2009, a joint team from the General Intelligence Office and the Damascus police closed and sealed the offices of the "Syrian Center for Media and Freedom of Expression," one of the most active Syrian organizations in the field of press freedom, and confiscated all the contents inside. *Mazen Darwish*, a well-known journalist and advocate who runs the center, was not given any legal warrant in advance.⁴

In March 2009, the Office of the Military Judiciary filed a suit against lawyer and rights activist *Khalil Maatouq* on charges of "showing contempt for the president," "slandering a public office" and "inflaming sectarian sentiments" after he demanded the prosecution of those who killed his nephew, *Sami Maatouq*, a member of the Syrian Observatory for Human Rights, together with a friend. The two men were killed in October 2008 by a security patrol while in front of their home.⁵

Although *Nizar Rastanawi*, a member of the Arab Organization for Human Rights imprisoned since April 2005, completed his four-year prison term, he was not released and his fate is unknown.⁶ It has been reported that he was detained at the *Sednaya* Prison, which was the scene of a massacre last year that took the lives of many prisoners. The authorities have thus far not officially released the number and names of the victims.

³ "Campaigns against human rights defenders must stop," statement from Cairo Institute for Human Rights Studies, Oct. 19, 2009, www.anhri.net/egypt/cihrs/2009/pr1019.shtml;
"The military persecutor ordered a warrant arrest against Syrian human rights defender Hitham Al-Maleh," statement from Syrian Observatory for Human Rights, Oct. 21, 2009, <http://www.anhri.net/syria/shro/2009/pr1021.shtml>.

⁴ "Syria: Closure of the Syrian centre for Media and Freedom of Expression," Statement from the Syrian Center for Media and Freedom of Expression (SCM), Sep. 15, 2009, <http://www.fidh.org/The-Observatory-for-the-Protection.6971>.

⁵ "Committee for the Defense of Democratic Freedoms and Human Rights in Syria Declares its solidarity with the lawyer and human rights activist Khalil Matouk," Statement from the Committee for the Defense of Democratic Liberties and Human Rights (CDF), Apr. 24, 2009, <http://www.anhri.net/syria/cdf/2009/pr0424.shtml>.

⁶ "Demanding the Release of Nizar Ristnawi after the Expiration of his Sentence," Statement from the Syrian Human Rights Committee, Apr. 30 2009, <http://www.shrc.org/data.aspx/d4/3914.aspx>.

Twelve leaders of the political coalition that adopted the "Damascus Declaration for National Democratic Change" are still detained as part of a two and a half year prison sentence issued against them in August 2008. The sentence was upheld by the Court of Cassation in July 2009 when it rejected the appeal filed by the defense.

Authorities have continued the arbitrary practice of prohibiting the most prominent political activists and human rights defenders from travel, even though some of them have not been active for years. In one case a travel ban was issued for *Al-Sayyid Abdel Karim Zoueir*, a former member of the Committee for the Defense of Democratic Liberties and Human Rights, 18 months after his death.⁷ Available data indicate that as of May 2009 travel bans were in effect for at least 414 people, among them 293 political activists, 101 human rights defenders, 11 people living outside Syria, and 9 people detained in Syrian prisons.⁸

Absolute confiscation and repression of freedom of expression

The authorities maintained their absolute monopoly on all media outlets under the publications law, which grants the Prime Minister absolute authority in the licensing of published materials. Authorities continue to tighten their surveillance of internet cafes, whose proprietors are required to maintain records with the personal information of internet users and turn them over to representatives of the security apparatus on demand.

As of early May 2009, 225 websites were blocked, which is an increase of 65 over the last year. Kurdish websites topped the list with 48 sites blocked, followed by that of political dissidents with 33 sites and Islamists with 27 sites.⁹ As of mid-September 2009, 241 sites were blocked.¹⁰

In September 2009, the Exceptional State Security Court handed down a three-year prison term to blogger *Karim Antoine Arbaji* on charges of, "disseminating false news" that may "weaken the nation's spirit." *Arbaji* was

⁷ "The Problem of Travel Ban in Syria," Report from the SCM, May 26, 2009, <http://www.ettihad-sy.net/modules.php?name=News&file=article&sid=8405>.

⁸ Ibid.

⁹ "Syrian Center for Media: silent pens and noise control, continued silencing and repression leads to degradation, ignorance, corruption" report by the Center for Defense of Media and Freedom of Expression. May 2009, <http://free-syria.com/loadarticle.php?articleid=34655>.

¹⁰ "Blocking SKIES Brings the Number of Blocked Websites in Syria to 241," Report from the SCM, Sept. 16, 2009, <http://www.anhri.net/syria/scm/2009/pr0961.shtml>.

arrested in June 2007 because of his participation in the management of internet forums.¹¹

A criminal court in March 2009 handed down a three-year prison term to writer and political activist *Habib Saleh* and stripped him of his civil rights after he was convicted on charges of, "weakening national sentiment in wartime" and "inflaming sectarian and confessional passions." *Saleh* was arrested in May 2008 for the sixth time since the 1980s because of his opinions and his dissident political activities.

In August 2009, the Ministry of Information banned an episode of the television program, *Al 'Alama Al-Fariqa*, even though the guest was the head of the Syrian parliament's Foreign Relations Committee and the program had already been approved by the television censorship authority. The Minister justified the ban by saying that he first needed to consult with unspecified parties,¹² an indication that the security apparatus' reach extends even to the cabinet and parliament.

In July 2009, authorities decided to close the Damascus offices of *Al-Mashriq*, a Syrian satellite channel that broadcasts from the United Arab Emirates and deals with daily life in Syria from various political and economic aspects. The authorities also banned the distribution of the monthly *Shabablek* for continuing to address the official blocking of Facebook, which has been in place since 2007.¹³

In August 2009, the Ministry of Information banned the distribution of four newspapers in one week, including an edition of the Lebanese *Al Safir*, two editions of the Lebanese *Al Akhbar*, and the 66th edition of the Syrian weekly *Al Khabar*. The latter paper has now had 26 out of a total of 67 issues banned.¹⁴ On July 5, 2009, the security apparatus arrested Palestinian journalist *Helmi Musa*, the editor of the Lebanese *Al Safir*, while taking part in a political symposium; the authorities gave no reason for the arrest and did not divulge where he was being detained.¹⁵

¹¹ "Supreme State Security Court in Damascus Sentenced Blogger Karim Arabji to Three Years in Prison," Statement from the CDF, Sep. 13, 2009, <http://www.anhri.net/syria/cdf/2009/pr0913.shtml>.

¹² "Who Can Talk in Syria?!" Statement by SCM, Aug. 9, 2009, <http://www.anhri.net/syria/scm/2009/pr0809.shtml>.

¹³ "Syrian Intelligence close Syrian Channel 'Mashreq'," Center for the Defense of Media and Cultural Freedoms (Skies), Jul. 30, 2009, <http://www.anhri.net/lebanon/sk/2009/pr0730-2.shtml>.

¹⁴ "Report of the Center for the Defense of Media Freedoms and Cultural Rights for the Month of August 2009," Skies. Sept. 7, 2009, <http://www.anhri.net/lebanon/sk/2009/pr0907.shtml>.

¹⁵ "Syrian Security Detained Journalist Helmi Moussa in Demascus," Skies, Jul. 9, 2009, <http://www.anhri.net/lebanon/sk/2009/pr0709.shtml>.

Torture, enforced disappearance, and murder

In light of the absolute immunity under which the security apparatus operates, the torture and mistreatment of prisoners continues, as does the use of excessive force which has led to death in several cases. Detainees have also disappeared or been placed in undisclosed locations for long periods of time while the authorities have refused to officially acknowledge their fates.

Yusuf Al-Jabouli, arrested in December 2008, was tortured to death and his body turned over to his family one week after his arrest.¹⁶

A year after the massacre in *Sednaya* Prison, the authorities in July 2009 allowed only 70 families to visit their relatives in prison, which stoked fears about the lives of the remaining 1,500 political prisoners whose families were not able to obtain visiting permission.¹⁷ The authorities have still not released the number and names of the victims of the massacre.

Political detainees and prisoners in the *Adra* Prison endure poor prison conditions and have been subjected to collective punishment since January 2007 after a riot by a handful of prisoners. They are allowed to leave their cells for short periods of time only and are given inadequate food. Overcrowding is also a problem, with each cell holding 60-90 prisoners. Health conditions are poor and there is a severe shortage of doctors needed to care for the approximately 7,000 prisoners.¹⁸

Rights reports revealed that *Ahmed Ramadan* died in October 2008 after he was shot in a military intelligence facility in the province of *Idlib* and his body was then thrown over the wall of the facility. *Mohammed Khalil Omran*, a military police officer, was executed in the field by his commanding officer in September 2008.¹⁹

The authorities continue to refuse to divulge the fate of thousands of detainees who have disappeared in Syrian prisons and detention facilities since the 1980s and there has been an increase in complaints concerning the ambiguity of the fate of some detainees during this year. Among those who have disappeared are *Faris Mohammed Al-Alo* and *Hadi Mohammed Al-Akaal*, who were arrested in October 2008 in the province of *Al-Raqqa*. As of July 2009, there has been no information about their fate or

¹⁶ "The continued decline in respect for human rights and fundamental freedoms and the further growth of corruption, unemployment and poverty," Annual report of the CDF, 2008.

¹⁷ "Syrian Authorities to Allow Some Prisoners Visits with their Children," Skies, Jul. 21, 2009, <http://www.anhri.net/lebanon/sk/2009/pr0721.shtml>.

¹⁸ "A letter from the Prisoners of Conscience in Damascus Central Prison in Adra To the Arabic Network for Human Rights Information," Arabic Network for Human Rights Information, Jun. 28, 2009, <http://www.anhri.net/press/2009/pr0628.shtml>.

¹⁹ "The continued decline in respect for human rights and fundamental freedoms and the further growth of corruption, unemployment and poverty," Annual report of the CDF, 2008.

whereabouts.²⁰ The condition and reason of arrest of those detained in the province of *Daraa* in March 2009—including *Mohammed Al-Homsi*, *Bassam Hilal*, *Mohammed Al-Dalla*, and *Maher Kirman*—were still unknown as of the time of writing this report.²¹

A tightened siege on civil society and political action

The Ministry of Social Affairs maintained its tight grip on civic action under NGO Law 93/1958, which gives it broad authority to license associations, intervene in their operations, attend meetings, and dissolve NGOs or their boards. As a result, 80 percent of NGOs work in purely charitable fields.²² No rights association has been able to obtain a legal permit and the number of associations working on women's rights shrank to two after licenses given to other groups were revoked. The "Together Committee in Support of Women's Issues" was unable to obtain any official response to its licensing request which was submitted in 2006, and the "Association to Combat Violence Against Women," established in 2001, has still not received an official license.

During hearings on a lawsuit filed by the "National Human Rights Organization" contesting the government's decision to refuse to recognize it, the government filed a motion with the State Cases Bureau urging a civil suit against the members of the organization, on the grounds that they had broken the law by starting operations before receiving a license.²³ Just one day before members of the general assembly of the "Union of Charitable Associations" were scheduled to meet in Aleppo to elect a new board, the government dissolved the existing board and appointed a temporary one in

²⁰ "Enforced Dissappearance: A Crime Against Human Dignity and A Waste of Fundamental Rights and Freedoms," Statement from the Syrian League for the Defense of Human Rights, Jul. 22, 2009, <http://www.anhri.net/syria/shrl/2009/pr0722.shtml>.

²¹ "The League Calls for the Disclosure of the Fate of a Number of Syrian Citizens that have been Subjected to Enforced Disappearances," Statement from the Syrian League for the Defense of Human Rights, Jul. 27, 2009, <http://www.anhri.net/syria/shrl/2009/pr0727.shtml>.

²² Abdullah Turkmani, "Civil Society in the Arab World- Reality, Constraints and Prospects," *Al -Hiwar Al Mutamaddin*, Apr. 25, 2009, <http://www.ahewar.org/debat/show.art.asp?aid=169901>.

²³ Statement from the National Human Rights Organization, Jul. 13, 2009, <http://www.nohr-s.org/new/2009/07/13/%d9%88%d8%b2%d8%a7%d8%b1%d8%a9-%d8%a7%d9%84%d8%b4%d8%a4%d9%88%d9%86-%d8%aa%d8%b7%d8%a7%d9%84%d8%a8-%d8%a8%d9%85%d8%ad%d8%a7%d9%83%d9%85%d8%a9-%d8%a3%d8%b9%d8%b6%d8%a7%d8%a1-%d8%a7%d9%84%d9%85%d9%86/#more-2491>.

its place.²⁴ The board of the "*Ihsan*" charitable association was also dissolved and replaced with an appointed board.²⁵

All forms of social and political action have continued to be repressed. For example, the authorities cracked down on a popular protest advocated by several political parties in February 2009 to demand the suspension of Law 49/2008.²⁶ Security forces dispersed the protestors and arrested dozens before they were later released.²⁷

An exceptional State Security Court sentenced *Khaled Ahmed Bin Mohammed* and *Sufouh Al-Asaad Al-Bakri* to 12 years in prison and stripped them of their civil rights after they were convicted on charges of belonging to the Muslim Brotherhood.²⁸

In May 2009, the political police in the province of *Hamah* raided the home of *Tawfiq Omran* and arrested him and four others who had already been detained for long periods on charges of belonging to the Communist Labor Party.²⁹

Legislative framework

In September 2008, Law 64 was issued granting greater immunity to employees within the security apparatus and further protecting them from prosecution. The law prohibits the prosecution of police, political security, and customs security for crimes they may commit in the course of doing their jobs, save for prosecution initiated by the general command of the army and armed forces, although the security agencies in question are administratively part of the Interior Ministry—an indication that the military security apparatus has the final say in the country, even with regard to agencies of the Ministry of Interior.

During the same month, Law 49 was issued restricting the sale and purchase of real estate in border areas. The law requires both purchaser and seller to obtain a security permit from the Minister of Interior before any

²⁴ "Minister of Social Affairs and Labour to Head the Board of the Union of Charitable Organizations in Aleppo," *Nisa Syria*, Jun. 8, 2009, <http://nesasy.org/content/view/7460/257>.

²⁵ Annual Report from the Syrian Human Rights Committee (SHRC), 2009, <http://shrc.org/data/asp/ANNUALREPORT2009.aspx>.

²⁶ See the sections below on the legislative framework and the Kurdish minority.

²⁷ "Peaceful Assembly, Confronted with Repression and Arrests," Statement from the CDF, Feb. 28, 2009, <http://www.anhri.net/syria/cdf/2009/pr0228.shtml>.

²⁸ "Under the provisions of the new repressive law 49 / 1980," Statement from SHRC, May 14, 2009, <http://www.anhri.net/syria/shrc/2009/pr0514.shtml>.

²⁹ Report from the CDF on the state of human rights in the first half of 2009.

sale. The law places the property of citizens living in border regions under the *de facto* trusteeship of the security apparatus and subject to its whims. The residents of the province of *Al-Hasakah*, which has a disproportionately high number of Kurds, were the most affected by the law which has brought economic activity in the province to a standstill and prompted real estate investors and many families to leave for other areas.³⁰

With regards to honor killings, in July 2009, Law 37 was issued amending Article 548 of the Penal Code. The amendment allows the imposition of more lenient sentences in cases where a man kills a female family member for engaging in a sexual relationship outside of marriage. While the amendment allows lighter sentences for men, it sets a minimum sentence of two years in prison.

The cabinet released a new personal status bill which came under fire from human rights and women's organizations, and representatives of non-Muslim confessions, who believe the bill discriminates on the basis of sect, confession, and religion, imposing precepts from Islamic law onto non-Islamic religious groups. The bill was also criticized for demeaning the status of women and not recognizing them as independent entities but rather through a patriarchal lens that defines them as wives, virgins, widows, and adulteresses. The bill also permits the marriage of minors by setting the minimum marriage age at 13.

The plight of the Kurdish minority

Syria's 1.7 million Kurds have been the target of ongoing, systematic discrimination. Since the census of 1962, some 300,000 Kurds remain without citizenship and some are officially registered as foreigners. This legal status deprives them of the right to obtain passports and travel, the right to own property or cars, and the right to work in government institutions or as professionals. Since many other segments of Kurds are not officially recognized by the state, they have no official identity documents and hence no civil rights, including the right to study at Syrian universities and colleges. They are also not allowed to leave Syria.³¹ The situation of Syrian Kurds became worse when Law 49/2008 discussed above was issued.

The authorities have continued to repress all forms of promoting or preserving Kurdish identity and rights through arrests, crackdowns on

³⁰ "The continued decline in respect for human rights and fundamental freedoms and the further growth of corruption, unemployment and poverty," Annual report of the CDF, 2008.

³¹ "Annual report on human rights in 2008: major countries of concern – Syria," March 2009, www.fco.gov.uk.

peaceful protests, and unfair trials. Kurds are regularly charged with belonging to a secret association that aims to usurp part of Syrian territory and annex it to a foreign state, inflaming sectarian and confessional passions, and fomenting civil strife and war.

A criminal court handed down a three and a half year sentence to *Meshaal Al-Tammo*, the official spokesman of the Kurdish "*Al-Mustaqbal*" group.³² The military judge in *Al-Qamishli* handed down three-month sentences to three people who were arrested in March 2009 during the Kurdish Democratic Party's celebration of International Women's Day,³³ and three leaders of the Kurdish Freedom Party were referred to trial in June 2009.

The authorities intimidated Kurdish activists in order to prevent them from celebrating *Newroz*, the Kurdish national holiday. The pressure included summons for some and the arrest of others, among them *Suleman Oso*, a member of the leadership committee of the Kurdish Yekiti Party. Security also forcibly disbanded several peaceful assemblies on the occasion.³⁴

³² "Criminal Court Sentences Syrian Opposition Activist Mishaal Al-Tamu to Three and a Half Years in Prison," Syrian Observatory for Human Rights, May 11, 2009, <http://www.anhri.net/syria/shro/2009/pr0511.shtml>.

³³ "Trials and Arrests," Statement from the Kurdish Organization for the Defense of Human Rights and Public Liberties in Syria, Aug. 9, 2009, <http://www.anhri.net/syria/makal/2009/pr0809.shtml>.

³⁴ Report from the CDF on the state of human rights in the first half of 2009.

The Kingdom of Saudi Arabia

Promoting Interfaith Dialogue Internationally while Internally Repressing Religious Minorities

The human rights situation in Saudi Arabia has continued to deteriorate despite limited changes ordered by the Saudi monarch within the government, the armed forces, the judiciary and the religious establishment. These changes include eradicating the symbols of militancy and extremism in the presidency of the High Judiciary Council and in the religious police (also known as Hay' at *Al Amr bil-Ma'ruf wal-Nahy 'an Al Munkar* – Committee for the Propagation of Virtue and the Prevention of Vice), and appointing the first woman to hold the position of deputy minister.¹ However, these changes have had no positive effect on the human rights situation in the country. This indicates the existence of a more conservative wing within the royal family that stands against the more reformist trends of King *Abdullah*. The religious police continue to restrict personal freedoms, and to prevent the Shiite religious sect from practicing their Islamic rituals. Systematic discrimination continues against the Shiite community, as well as the prosecution of Shiite activists. There is increasing oppression of freedom of religion in Saudi Arabia, such as accusations of apostasy, the arrest of those who do not follow the official interpretation of *Sharia* law, or those who convert from Islam. With the absence of an independent press in the

¹ "Wind of Change in Saudi Arabia Has Begun to Blow," Middle East Times, Feb. 16, 2009, http://www.metimes.com/Editorial/2009/02/16/wind_of_change_in_saudi_arabia_has_begun_to_blow/3060/.

country, there is an increasing trend toward the blocking of internet sites, the persecution of bloggers and the banning of satellite channels. Authorities clamp down on all forms of protest and peaceful assembly. Saudi Arabia's counterterrorism policies have continued to employ arbitrary detention procedures and show a complete disregard for standards of justice by resorting to secret trials which have resulted in the detention of hundreds of people over the past year. Male guardianship of women still prevails and rigid Saudi jurisprudence that calls for women to forfeit their rights is implemented.

Freedom of belief and religious minorities

Despite the Kingdom's perpetual attempts to appear tolerant of all religious sects and beliefs by calling for an interfaith dialogue on an international level, this so-called tolerance is not reflected in the Kingdom's policy of discrimination towards religious minorities, in particular the Shiite community. Violations of Shiite's human rights have increased, leading some Shiite public figures to demand the secession of the eastern region from Saudi Arabia as a last resort if sectarian violations and discrimination persist.² On September 7, 2008, Saudi security forces in *Al-Ahsa* arrested Sheikh *Tawfiq Jaber Ibrahim Al-Amer* for administering the *azahn*, or call to prayer, according to the Shiite rituals and for refusing to sign a pledge to stop this practice.³ On January 7, 2009, security forces prohibited a Shiite funeral procession in *Qatif* province. The following day, security forces confiscated Shiite banners from the streets of the *Al-Ramleya* village of *Al-Ahsa* which had been put in place to commemorate the beginning of *Ashoura*. On the same day, Shiites accused the government of cutting off electricity to *Al-Sabtin* mosque in *Al-Ahsa*. On January, security forces attacked one of the religious performances in the public square of *Safwa* city in the *Qatif* province, destroying the assembly of the performance and arresting *Saleh Al-Sada*, who was in charge of organizing it.

On January 18, 2009, the government detained four brothers of the Shiite sect of the *Al-Ahsa* province - *Jaafar, Ibrahim, Abd-Al-Hady* and *Hassan Ahmed Al Maliky* - for organizing a number of Shiite religious activities.⁴ On February 20, 2009, members of the Committee for the Propagation of Virtue

² This argument was found in a speech delivered by Sheikh Nimr Al-Nimr—one of the most prominent Shiaa clerics, March 2009.

³ Statement to Human Rights First Society (HRFS) (Saudi Arabia), Sept. 9, 2008.

⁴ "Arbitrary Detention of four Shi'a Brothers," CDHRAP Statement, Jan. 22, 2009, <http://cdhrap.net/english/index.php?sec=V1d4a1IySm5QVDA9&sub=V1cweFYwMHIUak5RVkRBOQ==&r={000A2BC95A/000088854AD72A812FC4A/0000000DBD23A5ED3CE561BDE49AE97657DB162}&id=2419&act=show&Sectyp=149>.

and Prevention of Vice prohibited a number of Shiite women from visiting the *Baqi'a* cemetery in Medina. As the women protested this decision, one member of the Committee photographed them, which led to clashes between Shiite pilgrims and Saudi security forces, resulting in the injury of a number of Shiites and the arrest of many Shiite youth who were later held incommunicado.⁵ Despite reports by human rights organizations that indicate Saudi security forces have shot and stabbed Shiites in these clashes, the spokesman for the Saudi Ministry of Interior denied that there were any casualties.

On February 24, 2009, hundreds of Shiites demonstrated in the city of *Awamiya*, located near *Al Qatif*, a Shiite-majority eastern province. The Shiites were protesting against the manner in which the *Baqi'a* cemetery incident was handled by security forces. In response riot police dispersed the crowd.⁶ On March 4, 2009, King *Abdullah* met with citizens of the eastern province and announced after the meeting that he had agreed to release those who had been arrested during the events at the *Baqi'a* cemetery (18 detainees).⁷ However, a few days later, on March 22, 2009, the Saudi government arrested approximately 14 more Shiites in the eastern province when Sheikh *Nimr Al-Nimr* criticized the authorities. The arrests were made during a sit-in protesting against the police raids carried out against Shiites to locate Sheikh *Al-Nimr*. The spokesman for the Ministry of Interior claimed that only 11 arrests had been made and that these detainees were suspected of disturbing public peace and committing acts of sabotage causing electricity to be cut off to the Shiite town of *Awamiya*.⁸

During the Saudi authorities' search for Sheikh *Al-Nimr* they committed a number of human rights violations, including raiding and searching houses without a warrant, arresting citizens in violation of the Law on Criminal Procedure, and cutting off power to the town of *Awamiya* twice within ten days.⁹ Authorities also banned Sheikh *Al-Nimr's* daughter from traveling to

⁵ "Saudi Authorities Prevented of Shi'a to Visit the Baqee," CDHRAP Statement, Feb. 23, 2009, <http://cdhrap.net/english/index.php?sec=V1d4a1IvSm5QVDA9&sub=V1cweFYwMHIUak5RvKRBOQ==&r={000A2BC95A/000088854AD72A812FC4A/0000000DBD23A5ED3CE561BDE49AE97657DB162}&id=2426&act=show&Sectyp=149>.

⁶ "Shiite Protests in Saudi Arabia Following Events in Al Baqee," Al Sherouk Newspaper, Feb. 25, 2009, <http://www.shorouknews.com/ContentData.aspx?id=9960>.

⁷ "Saudi Releases Shiites Arrests After Clashes;" Masadir: Al Su'udia satufriq 'an Shi'a l'toqilo ba'd Ishtibakat," Reuters, Mar. 4, 2009, <http://ara.reuters.com/article/topNews/idARACAE5230WJ20090304>.

⁸ "Saudi Police Detains Shi'a in Search for Religious Figure," Reuters, Mar. 22, 2009, <http://ara.reuters.com/article/topNews/idARACAE52L0N220090322>.

⁹ Statement made to Human Rights First Society (HRFS), (Saudi Arabia), Mar. 23, 2009.

complete her education and detained the Sheikh's only son.¹⁰ On May 17, 2009, Saudi security forces arrested Shiite cleric, *Ali Hussein Al-Amar*, who is from *Al-Bataliya* village in *Al-Ahsa* province, on charges of raising funds and providing financial support for Shiite religious occasions. The authorities have denied him contact with his family.¹¹

Saudi authorities have continued to block access to websites that are related to the Shiite sect, such as a website dedicated to the martyrs of *Al Qatif*, the website of the news network *Rased*, *Hagr Cultural Network*, the network for defending Sheikh *Nimr Al-Nimr*, *Al-Moltaka* network, the website for the Committee for the Defense of Human Rights in the Arabian Peninsula and the site of the Institute for Gulf Affairs in Washington.¹²

Under a religious extremist regime that forbids conversion from Islam to any other religion, Saudi authorities arrested *Hamoud Bin Saleh* on January 13, 2009 upon announcing that he had converted from Islam to Christianity and launching his blog, "Christian in Saudi Arabia," which was subsequently blocked.¹³ He was released approximately six months later.

Freedom of expression

The blocking of websites has increased to the extent that observers estimate the number of websites blocked in the Kingdom to be over thousands. The Ministry of Interior imposed even more restrictions on the use of the internet in April 2009, which included forcing internet cafe owners to install cameras that monitor internet users and coercing them into keeping records of names and phone numbers.¹⁴ In October 2008, authorities blocked the website of the Observatory for Human Rights in Saudi Arabia,¹⁵ and the following month blocked the site of the "Voice of the Saudi Woman," claiming that its contents did not conform with the prevailing attitude towards women.¹⁶

¹⁰ A statement to HRFS (Saudi Arabia), Jul. 18, 2009.

¹¹ "Saudi Arabia: Prominent Shi'a Cleric Arrested," CDHRAP Statement, May 19, 2009, <http://cdhrap.net/english/index.php>.

¹² Statement to HRFS (Saudi Arabia), Apr. 11, 2009.

¹³ "KSA Arrests Blogger Blocks his Blog. His Life at Risk as he Embraced Christianity," Press Release ANHRI, Jan. 14, 2009, <http://www.anhri.net/en/reports/2009/pr0114.shtml>.

¹⁴ "After Flocking Ten Thousand Sites in Saudi Arabia, New Security Measures Against Internet Cafes," Press Release ANHRI, Apr. 19, 2009, <http://www.anhri.net/en/reports/2009/pr0419.shtml>.

¹⁵ Later, in Aug. 2009, authorities blocked both Facebook and Twitter.

¹⁶ A statement to Reporters Without Borders (RWB), Oct. 17, 2008.

The situation of Syrian blogger *Raafat Al-Ghanim*, who is living in Saudi Arabia, is a cause for concern since his arrest by Saudi security in August 2009. *Al-Ghanim* has reportedly been taken to an unknown location, which raises fear that he is being tortured and his life has been put in danger. The reason for his detainment is most likely the content of what he writes on his blog, *Defaf*, as well as other blogs in which he criticizes Saudi and Syrian policies and where he has signed petitions demanding the release of political activists and bloggers.¹⁷

In November 2008, the Committee for the Propagation of Virtue and the Prevention of Vice arrested blogger and poet, *Rushdie Al-Ghadir*, who was accused of apostasy based on a poem that he posted on his blog. He was released after being forced to sign a pledge that he would never again publish such poems on the internet.¹⁸ The Lebanese satellite channel the Lebanese Broadcasting Corporation (LBC) in *Jeddah* was shut down by a decree issued by the Ministry of Culture and Information in August 2009 because they aired an interview in which a Saudi citizen discussed his "sexual adventures."¹⁹ He was then put on trial for the charge of "speaking about sins in public," where he was sentenced to 5 years in prison and 1000 lashes. *Rozana Al-Yamami Rohy* – a Saudi woman working in the same program that broadcast the interview – was charged with working for a unlicensed foreign TV channel and sentenced to a number of lashes.²⁰ The King, however, has issued a royal decree to drop the sentence of lashing and ordered the referral of the case to the Ministry of Culture and Information as the competent body.²¹

It is worth noting that intimidation campaigns are being waged against media networks, writers and intellectuals on a wide scale using *fatwas*. The most prominent and dangerous of these is the *fatwa* of September 2008, issued by *Saleh Al-Luhaidan*, who at the time was Chairman of the Supreme Judiciary Council of Saudi Arabia. In this *fatwa*, *Al-Luhaidan* approved the killing of owners of satellite television stations who air TV series, which promote sedition or promiscuity, or programs on the subject of magic or indeed anything that sparks conflict among Muslims. The danger of this

¹⁷ "Saudi Security Arrests a Syrian Blogger and Detains him in an Unknown Location Fears of Raafat Al Ghanem Being Tortured After Deleting his Last post," Press Release ANHRI, Aug. 5, 2009, <http://www.anhri.net/en/reports/2009/pr0805.shtml>.

¹⁸ A statement to RWB, Nov. 12, 2008.

¹⁹ A statement to RWB, Aug. 24, 2009.

²⁰ "Trial of the preparatory of *In Bold Red* program in charge of speaking about sins publicly," The Arab Network For Human Rights, Oct. 19, 2009, <http://www.anhri.net/press/2009/pr1019-3.shtml>.

²¹ "A royal pardon for the media person working in LBC," Al-Watan newspaper, Oct. 27, 2009, <http://www.alwatan.com.sa/news/newsdetail.asp?issueno=3315&id=122932>.

fatwa has not been lessened by the fact that *Al-Luhaidan* – in response to criticism – explained that execution should only be carried out by court order.²² Sheikh *Abdullah Bin Jibrin*, a member of the Council of Senior Religious Scholars, also issued a *fatwa* that demanded journalists and writers who criticize Islamic religious scholars and sheikhs be punished by flogging, imprisonment and dismissal from their jobs.²³

Arbitrary detentions and unfair trials in the name of the war on terror

In light of the measures taken by the Kingdom of Saudi Arabia to combat terrorism since 2003, the number of those held in prisons reaches nearly 9,000 detainees. Most of those detained have been in prison for a number of years without charge or trial, which stands in violation of the Law on Criminal Procedure that stipulates that the detention period does not exceed six months. Saudi authorities justify extended detention by claiming that they put detainees through “religious guidance” programs that will ensure their rehabilitation and social reintegration. Until the end of 2007, the Ministry of Interior announced the release of 1,500 detainees who had completed their rehabilitation programs. However, since this time many others have been arrested and some of the released detainees have been re-arrested. It is difficult to come up with an accurate estimate of the number of those detained under charges of terrorism considering the generalized, non-transparent policy of detention imposed by the government.

In October 2008, authorities announced that 991 detainees would be referred to trial, however, they did not officially disclose the detainees’ names nor the charges made against them. Trials were conducted semi-secretly, where Saudi authorities would not allow international observers to attend and official media refrained from covering the trials. Some newspapers claimed that the detainees were faced with charges of, “spreading corruption on earth,” while other newspapers claimed that the charges included membership to *Al-Qaeda*, working with foreign agencies that conspire against security, and supporting and financing terrorism, regardless of the fact that Saudi Arabia does not have laws under which to punish terrorist crimes or the crime of incitement to violence or terrorism.

²² "Religious Leaders Condemned for Fatwas Declared Against Journalists," Reporters Without Borders, Sep. 16, 2008, <http://www.rsf.org/Religious-leaders-condemned-for.html>.

²³ "Clerics Issue Fatwa Against Journalists and Writers," Committee to Protect Journalists (CPJ), Sept. 22, 2008, <http://cpj.org/2008/09/cleric-issues-fatwa-against-journalists-and-writer.php>.

By the beginning of July 2009, these secret trials convicted 330 detainees; one detainee was sentenced to death. Among those convicted, eight were of Yemeni origin, seven of whom were sentenced to prison for a period that ranged between three months and four years. Despite the fact that they have already served their prison time since they have been detained since 2005, they have still not been released.²⁴ In addition, the eighth prisoner has not been released even though he has been acquitted by a court of law. Many of the detainees suffer from cruel treatment, are kept in shackles, beaten, deprived of sleep and are not allowed contact with their families.

Some reports indicate that Bahraini citizen *Abdullah Al-Naimy*, who spent four years imprisoned in Guantanamo Bay and was released in 2005, was arrested when he traveled to Saudi Arabia in October 2008 and taken to an unknown location. Even though *Al-Naimy* was able to surreptitiously contact his family in Bahrain in December 2008 and confirm his detention, Saudi authorities notified Bahraini authorities that they had no connection to his detention.²⁵

Arbitrary detentions without charge or trial are increasingly starting to target non-Saudi Arabs. One of these detainees is Yemeni citizen, *Aziz Al-Remy*, who was arrested in October 2008 and was detained until the preparing of this report in Saudi custody.²⁶ Likewise, Kuwaiti citizen, *Tamer Al-Mutairy*, was arrested in November 2008 and his family was unaware of his place of detention until three months after his arrest. Saudi authorities consider their measures to be, "ordinary measures to verify identity."²⁷ The detention of Egyptian citizen, *Yousef Al-Ashamawy*, has continued for over a year now. He is reportedly being detained in *Al-Ha'er* prison in *Riyadh*, and has been since August 2008. Authorities have not disclosed the official charges against him. The Egyptian Ministry of Foreign Affairs denied that *Al-Ashamawy* was spying for the Egyptian Secret Services.²⁸

²⁴ For more details, see the report "Human Rights and Counter-Terrorism Policies in Saudi Arabia" issued by HRW, Aug. 10, 2009.

²⁵ "Saudi Arabia: Mr Abdallah Al Nuaimi, Former Detainee at Guantanamo Subjected to Enforced Disappearance," Al Karama for Human Rights, Feb. 2, 2009, <http://ar.alkarama.org>.

²⁶ "Saudi Arabia: Al Sayyid Al Reimy, A Yemeni National Detained Arbitrarily," Al Karama for Human Rights, Aug. 5, 2009, <http://ar.alkarama.org>.

²⁷ "Saudi Arabia: Detention of Thamer Al Mutairy Since July 2, 2008," Al Karama for Human Rights, Mar. 29, 2009, <http://ar.alkarama.org>.

²⁸ See www.anhri.net/press/2009/pr010h-2.shtml.

Hostility towards political activism and human rights

Political activists, reformers and human rights defenders remain the target of harassment and repression. Establishing independent, non-governmental human rights organizations remains impossible in the Kingdom of Saudi Arabia as the government refuses to register them. Both Human Rights First (Saudi Arabia) and the National Commission for Human Rights are faced with this problem.

Even though renowned reformist Dr *Matrouk Al-Faleh* was released in January 2009 after spending eight months under arbitrary detention,²⁹ a long list of others who became known in the media as, "Prisoners for Justice, Advocacy and Human Rights," were arrested in February 2007, and remain in detention. The list of detainees includes former judge, *Suleiman Al-Rashudy*, *Abd Al-Rahman Bin Muhammad Shamiry*, Dr *Abd-Al-Aziz Suleiman Al-Kharijy*, *Seif Al-Din Bin Faisal Al-Sherif*, *Fahd Al-Sakhry Al-Farshy*, *Abd-Al-Rahman Bin Sadiq*, and Dr *Saud Bin Muhammad Al-Hashamy*. *Ali Bin Hadian Al-Qarny* and *Mansour Bin Salam Al-Auza*.

Saud Al-Hashamy was reportedly tortured after going on a hunger strike to protest his long detention without trial. *Al-Hashamy* was stripped of all of his clothes, except his underwear, then shackled and dragged to a freezing cold cell where he was kept for five hours. Saudi authorities accuse Prisoners for Justice, Advocacy and Human Rights of collecting funds to support terrorism. International reports suggest that they were detained for calling for political reform, the establishment of an independent human rights organization in the Kingdom, and for demanding an end to impunity for those who violate human rights.³⁰

Human rights activist, *Walid Abu-Al-Kheir*, who works for the Human Rights Observatory in Saudi Arabia, was threatened with imprisonment for filing a lawsuit against the Ministry of Interior for violating the law and keeping *Abd Al-Rahman Shamiry* locked up without trial. The Saudi authorities investigated *Shamiry's* relationship with *Walid* and informed him that he would soon join his friend in prison.³¹

Khaled Al-Rashed, activist in the so-called Islamic Reformist Movement, was sentenced to serve a 5 year prison sentence in 2006 for his speeches opposing government policies. Surprisingly, the sentence of the *Hay'at Al-Tamyeez court*, which was acting as the Court of Appeals, tripled the

²⁹ Statement to HRFS (Saudi Arabia), Jan. 11, 2009.

³⁰ "Saudi Arabia: The Violations Committed in the Name of Counter-Terrorism Must Stop," Amnesty International's (AI) report, Jul. 22, 2009.

³¹ Statement to HRFS (Saudi Arabia), Jan. 11, 2009.

original sentence in April 2009 to 15 years in prison. The Court did not allow *Al-Rashed* to defend himself or recourse to an attorney.³²

Saudi authorities banned human rights activist, *Muhammad Saleh Al-Begady*, from traveling outside of the Kingdom as a result of interviews he conducted. *Al-Begady*, the administrator for the official website of the Human Rights Observatory in Saudi Arabia, was arrested in January of last year when he started a weekly web forum called the "Citizen and His Rights."³³

Human rights activist, *Abd-Al-Rahman Al-Lahm*, was also banned from traveling in November 2008 as he was invited to receive an award by Human Rights Watch. *Al-Lahm* was previously arrested in 2004 and has been banned from traveling more than once. *Al-Lahm*, however, was allowed to leave the country recently and travel to the United States to pursue further studies.

Suppression of peaceful protests

Saudi authorities do not show the slightest tolerance for any form of peaceful protest, be it a demonstration, a sit-in, or even showing solidarity with the Palestinian people. Security forces arrested 13 demonstrators on December 19, 2008, who were protesting the continued siege on Gaza. Ten days later authorities arrested eleven others for their participation in similar demonstrations.³⁴ On January 1, 2009, security forces arrested *Khaled Al-Amir* and *Muhammad Al-Atiby* for demonstrating peacefully against Israeli aggression in Gaza.³⁵ The Ministry of Interior banned the organization of peaceful sit-ins for solidarity with the Palestinian people at that time. Most of those who were arrested during these demonstrations were released after they signed a statement pledging not to engage in any demonstrations or protests in the future. Those who refused to sign the pledge, such as the likes of *Khaled Al-Amir* and *Muhammad Al-Atiby*, remain in detention.³⁶

³² "Mister Khaled Al Rashed Sentenced to 15 Years in Prison After an Expedited Process," Al Karama for Human Rights, Apr. 9, 2009, <http://ar.alkarama.org>.

³³ Statement to Front Line, the International Foundation for the Protection of Human Rights Defenders, Aug. 7, 2009.

³⁴ Statement to HRFS. (Saudi Arabia), Jan. 2, 2009.

³⁵ Statement to HRFS (Saudi Arabia), Jan. 1, 2009.

³⁶ "Six Months After the Arrest of Al Amir and Al Atibuya and General...Refuses Orders to Release Them," Al Karama for Human Rights, Jul. 4, 2009, <http://ar.alkarama.org>.

Obscuring the deplorable condition of women

Saudi women are still prisoners of the restrictive male guardianship laws whenever they want to travel or even if they need to undergo surgery, according to the regulations of the Ministry of Health. Saudi authorities in June prohibited *Wajihah Al-Howeider*, a women's rights activist, from leaving the country because she did not acquire permission from her male guardian. The necessity to receive permission from a male guardian extends to other spheres of life such as marriage, education, working, and even the opening of a bank account.³⁷

Saudi women are deprived of the right to participate in politics, in both electing and nominating candidates. They cannot give their Saudi citizenship to their foreign husbands or children from these marriages. Women are forced to wear clothing that completely covers their bodies and faces. Women who do not wear the *niqab* are subjected to harassment by religious police of the Committee for the Propagation of Virtue and the Prevention of Vice.

Saudi women are not allowed to become lawyers, and they do not have equal status with men under the law. Saudi women are required by law to be represented by a male lawyer or a male relative. In cases of divorce, women are sometimes forced to rely on their husbands to represent them in court, despite being an adversary.³⁸

In February 2009, the first woman was appointed vice deputy in Saudi Arabia. Even though this is a step that should be encouraged, it has not brought women any closer to gaining their rights. *Nura Al-Fayez*, Vice Deputy of the Minister of the Affairs of Girls' Education, confirmed in June after four months of appointment that she cannot appear on television without permission. She has also refused to allow girls to play sports in school because the Saudi religious establishment forbids it.³⁹

³⁷ Statement to Human Rights Watch., Jun. 12, 2009

³⁸ "New Opportunities for Women's Rights in the Arab Gulf," Report By Freedom House, <http://www.freedomhouse.org/uploads/womensrights/arabic/OverviewEssay.pdf>.

³⁹ "Female Minister in Saudi Arabia Requires Permit to Appear on Television," Reuters Arabia Jun. 8, 2009, <http://ara.reuters.com/article/idARACAE5570JV20090608>.

Bahrain

Systematic Discrimination against Shiites to Strengthen the Rule of the Sunni Minority

The general human rights situation in Bahrain has continued to deteriorate, particularly in light of increased tensions resulting from the systematic discrimination and exclusion endured by Shiites, who constitute the majority of the Kingdom's population. In addition, human rights defenders face various types of repression including smear campaigns that incite hatred against them.

In this context, the margin for freedom of expression narrowed further as journalists were tried and websites and internet forums were blocked. The authorities used excessive force to suppress peaceful assemblies, and pressure on human rights defenders increased, who in turn became targets for arrest, prosecution and campaigns of slander and defamation to the extent that many fled the country. Although a royal pardon decree for 178 political prisoners and human rights defenders accused of security crimes was issued not all of those covered by the decree were actually released. It is unclear whether the decree of pardon meant dropping charges or revoking sentences against those covered by the pardon.

In a somewhat positive but limited development, migrant workers are now allowed to move from one sponsor to another. However, the sponsorship system itself, a form of exploitation that is reminiscent of slavery, was not abolished.

Given the increase of human rights abuses in Bahrain, the authorities' declaration of the establishment of a national human rights council in April 2009 remains an unfulfilled promise that has been repeated by the Bahraini government for several years. So far as it is not accompanied by a set of measures and policies that indicate a real desire to respect human rights, it will remain merely an attempt to burnish the country's image for the international community.

Systematic discrimination against Shiites

Shiites face clear and severe discrimination by the government of Bahrain. Although they constitute the majority of the native population (about two-thirds), they occupy less than 15 percent of senior positions in the Kingdom. Shiites work primarily in service institutions and all but a very select few are denied employment in influential sovereign bodies. In institutions such as the Ministry of Defense, Interior Ministry, or the Royal Court Bureau there are virtually no Shiite employees at all. Only 5 out of the 25 ministers in Bahrain's current government are Shiites, and three of these occupy nominal ministerial positions without portfolio. This is considered the lowest rate of Shiite representation in the executive authority since January 1970, noting that most ministers belong to the royal family (Sunni) Shiite representation in state institutions has declined from 18 percent in 2003 to 13 percent in 2009. In an attempt to change the demographic balance of a country with a Shiite majority ruled by a tribal Sunni minority, the Bahraini government continues to grant citizenship to many of the Arab and the Asian population whilst denying some of the Shiite community of this right, despite their being born to Bahraini parents.¹

The freedom of Shiites to practice their religious rites is restricted by government decrees that limit freedom of religion in Bahrain. On January 2, 2009, Bahraini special security forces surrounded the Shiite *Al-Sadeq* Mosque in the capital, *Manama*, and worshippers were prohibited from frequenting the mosque. Meanwhile, authorities staked out the annual Shiite festival of *Ashoura*, in several areas ripping up the religious banners carrying the liturgical slogans.² The *Al-Sadeq* Mosque was cordoned for a second time on February 12, 2009, following orders issued by the Ministries of

¹ Rajab, Nabeel, Talk by the President of the Bahrain Center for Human Rights at Cairo Institute for Human Rights Studies, Egypt, Jul. 10-11, 2009 (unpublished), <http://www.bahrainrights.org/en/node/2480>.

² "Deploying Foreign Mercenaries to Hinder Religious Practices, Close a Shiite Mosque, and Prevent Prayers," Press release, BCHR, Jan. 3, 2009, <http://www.bahrainrights.org/en/node/2643>.

Justice, Islamic Affairs, and Interior, which prohibit prayer and sermons at the mosque on Friday evenings.³

Extremist Sunni preachers support discriminatory policies against Shiites, and the government turns a blind eye to sermons that brand Shiites as infidels and incite hatred towards them.⁴

As part of the Ministry of Culture and Information's internet campaign, several Shiite websites were blocked and Shiites are persistently defamed in government-run media.

Freedom of expression

In September 2008, the Bahrain Ministry of Information referred the owners of the National Edifice Forum (*Muntada Al-Sarh Al-Watani*) website to the Public Prosecutor, claiming that they had violated the press law. The Ministry threatened to shut down the site, well-known for publishing news and articles by political dissidents and statements from advocacy organizations, if they continued to violate the law.⁵ Citing the need to "combat obscenity on the internet and protect public morals," the authorities blocked several websites with religious or political content.

On January 14, 2009, the Ministry of Culture and Information issued a decree that required all internet service providers to prohibit access to a list of blocked websites issued by the ministry.⁶

One week after the decree was issued some 25 websites had been blocked,⁷ the most prominent of which was the *Al-Fasila* blog maintained by human rights activist *Abduljalil Al-Singace*.⁸ The Ministry focused on links

³ "Escalation of sectarian discrimination and restrictions on freedom of religious practice - a list of arrests and charges on the basis of sectarian affiliation," Press release BCHR, Feb. 14, 2009, <http://www.bchr.net/ar/node/2755>.

⁴ "Bahrain: an oppressive campaign against Shiite," Press release BCHR, Jan. 15, 2009, <http://www.bahrainrights.org/en/node/2720>.

⁵ "Website Accused of Violating Press Code, BCHR Concerned that Move is Aimed at Silencing Critical Voices," Press release BCHR, Sep. 30, 2008, <http://www.bahrainrights.org/en/node/2446>.

⁶ "BCHR Listing of the Blocked Website by Bahrain Ministry of Information Which Among them is Google translation," Press release BCHR, Jan. 18, 2009, <http://www.bahrainrights.org/en/node/2690>.

⁷ "More Human Rights Websites Blocked on Information Ministry's Orders," Press release Reporters Without Borders, Jan. 22, 2009, <http://www.bahrainrights.org/en/node/2695>.

⁸ "Article 19 Condemns the Targeting of Human Rights Activists and Calls for the Reform of Laws Aimed at Silencing Dissenting Voice," Press release BCHR, Feb. 9, 2009, <http://www.bahrainrights.org/en/node/2745>.

to articles by political opponents and reports from human rights groups, including several links on the social networking site "Facebook."⁹ Blocking went as far as blocking the online translation engine, "Google Translate", as well as *Multaqa Al-Bahrain*, *Muntadayat Al-Bahrain*, the National Edifice Forum, and dozens of political and news sites and web forums were blocked, as were the websites of the Bahrain Center for Human Rights (BCHR), the Arab Network for Human Rights Information,¹⁰ the news website Aafaq, and the Bahrain Eve blog. Overall, some 70 websites had been blocked three months after the decree came into effect.¹¹

In early December 2008, the Public Prosecutor summoned *Maryam Al-Sherooqi*, a journalist at *Al Wasat* newspaper, and questioned her on charges of publishing an article, "that harms national unity and incites sectarian strife among the citizenry."¹² She was also accused of defaming the Civil Service Bureau in her article, which alleged that the bureau discriminates against citizens on the basis of sectarian and political affiliation.¹³

On May 6, 2009, criticisms of the Civil Service Bureau provided the pretext for similar accusations against *Abdul Hassan Buhussein*, also a journalist at *Al-Wasat*, after he published a series of articles from September to November 2008 criticizing the bureau's practices which he called a violation of constitutional principles. Journalist *Lamees Dhaif* was questioned in March 2009 for criticizing practices by the judicial authority in her articles in *Al-Waqt*.¹⁴

Abbas Al-Murshid, a journalist known for his writings on democracy and human rights, was assaulted on January 27 by members of National Security's special forces, who injured him with a rubber bullet in his right eye while he was leaving a social center near his home. In April, *Al-Murshid* and his family were detained upon their return from Saudi Arabia and were mistreated by members of National Security, who forced *Al-Murshid* to give

⁹ "Authorities Block Links Posted on BCHR Facebook Page," Press Release BCHR, Mar. 16, 2009, <http://www.bahrainrights.org/en/node/2812>.

¹⁰ "The Committee to Protect Journalists: Concerned About Bahrain Web Crackdown," The Committee to Protect Journalists to His Majesty Shiekh Hamad Bin Isa al Khalifa King of Bahrain, Apr. 7, 2009, <http://www.bahrainrights.org/en/node/2843>.

¹¹ "Bahrain: More Websites and Blogs Blocked by Authorities," Press Release BCHR, Apr. 23 2009, <http://www.bahrainrights.org/en/node/2862>.

¹² This charge is leveled upon anyone who criticizes the discriminatory policies carried out against the Shiite majority.

¹³ "Menassat: Bahrain: Journalist Prosecuted for Alleged Sediton, Slander, and False Reporting," Press Release BCHR, Dec. 10, 2008, <http://www.bahrainrights.org/en/node/2568>.

¹⁴ "Journalist Lamees Dhaif Summoned to Public Prosecutor's Office, Faces Charges Under Penal Code," Press Release BCHR, Mar. 13, 2009, <http://www.bahrainrights.org/en/node/2787>.

them the password to his laptop. The security personnel made copies of files on his computer and confiscated several books in his possession.¹⁵

On June 22, Bahraini authorities issued an administrative decree banning the daily *Akhbar Al-Khalij*, without a judicial warrant, alleging that the newspaper had violated the publications law.¹⁶ *Al-Ayyam* newspaper also came under pressure when the Ministry of Trade and Industry filed four lawsuits against it because of reports it published about the Ministry's performance. The Ministry considered the stories, "an affront, assault, and defamation of the Ministry's image and an affront to the Minister."¹⁷

Pressure against the free flow of information extended to ordinary citizens. On May 14, security services arrested *Hassan Salman* and confiscated his computer and personal belongings, questioning him on charges of disseminating and publishing information about the National Security apparatus. A website had published a list of individuals with National Security who were responsible for most of the abuses documented in recent years by human rights organizations. The security apparatus pressured Salman into confessing to receiving money from rights activists and then into denouncing them for inciting him to leak information which was then used in a report about National Security abuses.¹⁸

Human rights defenders

The Bahraini authorities continued to apply pressure to human rights defenders, even charging some with terrorism-related charges, particularly those who contested the practice of systematic discrimination against Shiites. In addition, authorities escalated pressure on the activities of human rights defenders abroad, and in early November 2008 the Minister of Interior threatened to sue Bahraini activists if they held meetings abroad.¹⁹

Several political and rights activists were arrested in what became known as *Al-Hujaira* case on December 17, 2008. Security apparatus forces tried to contain the annual peaceful demonstration held in commemoration of the

¹⁵ "Authorities Question Critical Journalist and His Family, Confiscate Books and Other Materials," Press Release BCHR, Apr. 2009, <http://www.bahrainrights.org/en/node/2852>.

¹⁶ "Politically Motivated Closure of the Bahraini Akhbar al Khaleej Newspaper," Press Release BCHR, Jun. 24, 2009, <http://www.bahrainrights.org/en/node/2918>.

¹⁷ "Trade and Industry Confirms the Legal Prosecution of a Local Newspaper for Charges of Public Defamation of against the Minister," *Asharq Alawsat*, Jul. 13, 2009, no. 11185.

¹⁸ "Arbitrary Detention of a Citizen for Disseminating Information on the National Security Apparatus," Press Release BCHR, Jun. 8, 2009, <http://www.bahrainrights.org/en/node/2914>.

¹⁹ Bahrain News Agency (BNA), Nov. 5, 2008.

two young men who were shot dead by the security apparatus in the 1990s during a peaceful protest demanding democratic freedoms. Many Shiite activists were arrested during the 2008 demonstration and later charged with forming a terrorist cell and disturbing public order,²⁰ according to confessions allegedly obtained from the accused and published in the media. The attorneys for the accused stated that confessions were obtained by torture—including electroshocks, beatings on sensitive areas of the body, and sleep deprivation—after the accused were placed in solitary confinement.²¹

In connection with this case, on January 26, the authorities arrested three human rights defenders: *Abduljalil Al Singace*, a university professor and prominent rights advocate; *Hassan Mushaima*, the president of the Movement for Civil Liberties and Democracy - HAQ; and *Mohammed Habib Al-Muqdad*, a cleric and activist in defense of social and religious rights. The three were charged with inciting violence and using terrorist means as part of a plan to overthrow the regime, and were placed in solitary confinement in the Dry Dock Prison.²² In all, 35 people were charged in the *Al-Hujaira* case, among them 13 in absentia, including *Abbas Al-Omran*, a member of the Board of Directors at the BCHR. After questioning by the prosecutor's office, three defendants were released, among them *Abduljalil Al-Singace*.²³

Following the pardon decree in April for 178 people charged in connection with security cases, many detainees and prisoners were released, among them detainees in the *Al-Hujaira* case and several other human rights defenders.²⁴ Nevertheless, the terms of the pardon remain vague, particularly as some of those supposedly covered by the decree had not been released till the beginning of September 2009. Moreover, the text of the pardon decree was not published in the official newspaper, and some of the persons covered by it were informed by Ministry of Interior officials that their

²⁰ "Bahrain: Apprehending Activists...Using Excessive Force...Dawn Raids of Shiite Villages by foreign special forces," Press Release BCHR, Dec. 21, 2008, <http://www.bahrainrights.org/en/node/2609>.

²¹ "Bahrain Security Authorities Return to the Use of Torture to Extract Confessions from Detainees," Press Release BCHR, Jan. 9, 2009, <http://www.bchr.net/ar/node/2660>.

²² "Joint Statement by BCHR, BHRS, and BYSHR: Alarming Deterioration in Human Rights Situation, Detaining Two Prominent Activists," Press Release, Jan. 28, 2009, <http://www.bahrainrights.org/en/node/2711>.

²³ "The Public Prosecution Charges Human Rights Defenders With Serious Accusations Based on Terrorism Law," Press Release BCHR, Feb. 16, 2009, <http://www.bahrainrights.org/en/node/2763>.

²⁴ "Welcome the Release of 178 Activists in Bahrain," Joint Press Release BCHR and Bahrain Youth Society for Human Rights (BYSHR), Apr. 12, 2009, <http://byshr.org/?cat=45>.

release did not entail a full pardon or final suspension of the remainder of their prison terms. As such, it appears simply to be a temporary reprieve from prison or prosecution. As such, it is not inconceivable that at a later date the files of all those who received the royal pardon may be reopened—a possibility made more likely by imposed travel bans.²⁵

One of those covered by the pardon was the prominent rights advocate, *Abdul Hadi Al-Khawaja*, the regional representative for Front Line. *Al-Khawaja*, whose trial began in March, was prosecuted for delivering a speech in a public street and charged with inciting hatred of the regime and advocating change by force, in addition to disseminating false rumors with the objective of harming the public interest and national security.

After participating in a symposium in New York on October 15, 2008, three human rights defenders—*Nabeel Rajab*, *Abduljalil Al-Singace*, and *Maryam Al Khawaja*—were subjected to a month-long smear campaign by government-run media and religious figures; the campaign went so far as to describe them as the “traitors of Bahrain.”²⁶ Rights lawyer *Mohammed Al-Jishi* was detained at Bahrain International Airport on November 3, 2008, while on his way to Geneva to attend an advocacy workshop at the UN National Security confiscated his cell phone and personal computer and copied all the information from them.²⁷

While *Mohammed Al-Maskati*, the President of the Bahrain Youth Society for Human Rights (BYSHR), was facing charges of establishing an NGO without a permit,²⁸ the British embassy in Bahrain refused to grant him an entry visa into Britain to take part in a rights symposium. Press reports indicate that officials in the Foreign Ministry and several pro-government MPs held intensive meetings with the British ambassador in Bahrain to express the government's dissatisfaction with Britain for granting political asylum to several Bahraini activists and organizing annual events that addressed the human rights situation in Bahrain.²⁹ Although *Hassan*

²⁵ Talk by Nabeel Rajab.

²⁶ Petition of Solidarity with Human Rights Defenders in Bahrain, "Joint Action: 24 IFEX Members and Partners Call for Solidarity with Human Rights Defenders at Risk for Speaking Out About Rights Abuses," International Freedom of Expression Exchange (IFEX), Nov. 7, 2008, http://www.ifex.org/bahrain/2008/11/07/twenty_four_ifex_members_and_partners/.

²⁷ "BCHR Lawyer Subjected to Search and Interrogation at the Airport," Press Release BCHR, Nov. 12, 2008, <http://www.bahrainrights.org/en/node/2521>.

²⁸ For more information, see the section on Bahrain in the CIHRS 2008 Annual Report on the status of human rights in the Arab world, www.cihrs.org.

²⁹ "The British Embassy in Bahrain Prevents a Human Rights Activist from Getting a Visa," Joint Press Release BYSHR and Arab-European Center for Human Rights and International Law, Dec. 17, 2008, <http://www.bahrainrights.org/en/node/2579>.

Mushaima, the president of HAQ, was able to travel to Britain and take part in the symposium, upon his return he was physically assaulted by special forces at Bahrain airport.³⁰

Abduljalil Al-Singace was prohibited from traveling three times on April 15, 25, and 29, and was dismissed from his job after more than 22 years of service as punishment for his advocacy activities.³¹ On May 7, rights advocate *Ja'far Kazem* was abducted and tortured by individuals whom he alleged were from the security apparatus, as he reported that they were carrying walkie-talkies and used batons to beat him. The assault came after *Kazem* contacted political activists who had been released by the security apparatus concerning information he had been collecting about torture during their detention. Three months before the assault, the security apparatus had arrested and detained *Kazem* on February 4 for approximately a month before releasing him on March 2.³²

With regard to the harassment of rights advocates abroad, *Abbas Al-Omran*, a member of the Board of Directors of the BCHR, and *Ali Mushaima*, a member of the Committee for the Unemployed and Low-Income Workers, were physically attacked by unknown assailants in London on July 2 before receiving a phone call warning them of the consequences of continuing their protest activities in front of the Bahraini embassy. This occurred after an intelligence officer accused of torture was appointed as Bahrain's ambassador to Britain. In an incident that rights defenders linked to the assault on *Al-Omran* and *Mushaima*, unknown persons attempted on July 6 to torch the home of *Saeed Al-Shehabi*, a Bahraini political dissident living in Britain. He was unharmed in the incident.³³

³⁰ "Bahrain: A Worrying Deterioration in the Situation of Human Rights," Joint Press Release Bahrain Center for Human Rights, The Bahrain Human Rights Society, Bahrain Youth Society for Human Rights, Jan. 28, 2009, <http://www.anhri.net/bahrain/bhrs/2009/pr0128.shtml>.

³¹ "Starvation and Cutting Sources of Income to Punish Human Rights Defenders: Termination of Mohammed Singace's Human Rights Activities," Joint Press Release BCHR and BYSHR, Jul. 30, 2009, <http://www.anhri.net/bahrain/byshr/2008/pr1217.shtml>.

³² "Bahrain: Investigate Abduction, Beating of Rights Activist," Human Rights Watch (HRW), May 12, 2009, <http://www.hrw.org/en/news/2009/05/12/bahrain-investigate-abduction-beating-rights-activist>.

³³ "Attack on 3 Bahraini Activists in London- BCHR Calls on the British Government for an Urgent Investigation in the Attacks," Press Release BCHR, Jul. 22, 2009, <http://www.bahrainrights.org/en/node/2934>.

Suppression of peaceful assembly

On December 19, 2008, special forces used tear gas and rubber bullets to suppress a peaceful march held in solidarity with the Palestinian people.³⁴ On March 13, security forces used live ammunition to disperse participants in a peaceful assembly in the *Sitra* area who were demanding that the government return land appropriated for military use. The authorities again used live ammunition on March 15 against several citizens who had gathered to demand the release of their detained children.³⁵

The authorities continued to suppress symposiums and conferences. As soon as the National Democratic Action Society – *Wa'ad* – announced a seminar on political crisis and national dialogue, the Ministry of Interior demanded that the group obtain a permit in advance. Refusing to cede to the Ministry's demands, the association went ahead with the seminar. Hours before it was to take place on April 22, security forces surrounded the group's offices and prevented anyone but members from entering in order to prohibit the seminar by force.³⁶ On May 16, security forces disrupted a seminar organized by six Bahraini associations on political naturalization in Bahrain.³⁷

It should be noted that several NGOs and rights centers are prohibited legally from operating in Bahrain, including the BCHR. Several associations that have taken steps to register with the Ministry of Social Development have received no response from the authorities on their applications, among them the BYSHR and the National Committee for the Unemployed and Low-Income Workers.

Torture

It was reported in September 2008 that 28 detainees at the Dry Dock Prison had been subjected to inhumane treatment and that the prison administration had intentionally provoked them and shown contempt for their beliefs. Most of the victims were human and social rights activists in

³⁴ Khalifa, Reem, "AP: Police Disperse Bahrain Protest," BCHR, Dec. 24, 2008, <http://www.bahrainrights.org/en/node/2588>.

³⁵ "Bahrain: Special Forces Target and Injure Demonstrators Using Shotguns," Press Release BCHR, Mar. 17, 2009, <http://www.bchr.net/ar/node/2811>.

³⁶ "Enforcing an Obligation to Notify the Ministry Prior to Meetings or Seminars Causes a Serious Decline in the Freedom of Assembly in Bahrain," Press Release Bahrain Human Rights Monitor, Apr. 23, 2009, <http://www.anhri.net/bahrain/bhrws/2009/pr0423.shtml>.

³⁷ "Special Security Forces Prevent People from Holding Public Seminar," Joint Press Release BCHR and IFEX, May 26, 2009, <http://www.bahrainrights.org/en/node/2896>.

Bahrain, largely from the village of *Karzakan*. They declared a hunger strike to protest the authorities' refusal to investigate their complaints of maltreatment, but authorities responded by raiding them with tear gas and beating them with plastic batons.³⁸

Detainees held in the *Al-Hujaira* case were also tortured. A member of the defense team stated that they were beaten with water hoses and received electroshocks, particularly on the genitals, with one detainee claiming that he was threatened with sexual assault.³⁹

On May 21, 2009, *Sayed Adnan Sayed Majeed*, aged 16, was abducted and brutally beaten by two people wearing civilian clothing. During the beating they asked him why he went to the *Al-Sadeq* Mosque, frequented by *Hassan Mushaima*, president of HAQ. He was warned that next time he would be placed in prison detention rather than the criminal investigations building and was left in a dire physical condition.⁴⁰ *Sayed Adnan* had been harassed by National Security for a month before being arrested on February 28 on charges of torching a car belonging to the Ministry of Interior and assaulting a security officer. He was released on April 12, 2009, among the 178 people covered by the royal pardon.

³⁸ "Objection to Inhumane Treatment of Prisoners Which is Contrary to Treaties Signed by Bahrain," Joint Press Release BYSHR, Bahrain Public Liberties Society, BSHR, the Movement for Civil Liberties and Democracy - HAQ, and BCHR, Sep. 24, 2008, <http://www.anhri.net/bahrain/bchr/2008/pr0924.shtml>.

³⁹ "Bahrain: Coerced Testimony Taints Trial," Press Release HRW, Mar. 23, 2009, <http://www.hrw.org/en/news/2009/03/23/bahrain-coerced-testimony-taints-trial>.

⁴⁰ "Bahrain: Kidnap and Assault of After his Release Among the Royal Pardon," Press Release BYSHR, May 24, 2009, <http://byshr.org/?m=200905>.

Part Two

When the Oppressed are Used as Shields! Women's Rights Up for Negotiation

When the Oppressed are Used as Shields! Women's Rights Up for Negotiation

The general status of women in the Arab region remains dependent upon the conflicting considerations and calculations of Arab regimes. Women are affected as all citizens by the silencing of regime opponents and critics and the crackdown on public liberties. As many regimes attempt to face the challenge posed by political Islam, they have increasingly used religion as a tool to appease some of the more militant trends, and work towards preserving the prevailing patriarchal culture. As a result, women's rights are often up for negotiation, and creating legal and social means of disciplining or controlling women remains a common way for regimes to give the impression that they are still the best and most worthy guardians of social values and traditions.

Nevertheless, the last decade has seen the establishment of more women's groups in the Arab world and closer cooperation among them; these groups have also become more cognizant of how to use international instruments to pressure their governments. As a result of this pressure several countries have introduced more progressive provisions in their personal status laws in recent years. This has been aided by the fact that Arab regimes have begun to find a powerful negotiating card in women's rights issues, one that is helpful in burnishing their image internationally or for alleviating pressure for democratic reforms. The limited concessions made by Arab governments in the field of women's rights are the least politically costly insofar as they do not affect the structure and tools of authoritarian rule over the populace, both women and men. When it comes to the exercise of public liberties women and men in Arab countries face many of the same types of repression.

1- The rights of women as a propaganda tool

Tunisia provides the best example of how to market advances in women's rights in international fora and continuously flout "gains" in this area made in the era of President *Habib Bourgiba*. Yet the police state in Tunisia has not hesitated in singling out women for abuse when they challenge the series of tremendous restrictions imposed by the authorities on freedom of expression and organization or the repression of all forms of social and political action.

The Tunisian Association for Democratic Women still faces various forms of harassment and restrictions on its activities, as does the Tunisian League for the Defense of Human Rights. Scores of political police are parked in front of the association and often use violence to prevent staff and activists from entering.¹ Women journalists and rights advocates are also targets for abuse, physical and verbal attacks, and both official and unofficial smear campaigns in the press. Most prominent victims of this include, *Radhia Nasraoui*, the chair of the Tunisian Association Against Torture; *Sihem Bensedrine*, the spokeswoman for the National Council for Liberties; and journalist *Naziha Rejiba*.

Moreover, the Tunisian authorities subject women to further pressure as a means to punish their male relatives. The authorities targeted women in the mining region in order to punish their husbands, trade union members, who were involved in the broad social protest in the area in 2008. Many wives and mothers of activists, such as *Leila Khaled* and *Jumaa al-Jalabi*, were assaulted and intimidated.

Tunisian female judges who took a stance against the coup undertaken by the ruling party against the legitimately elected governing body of the Association of Tunisian Judges were punished in various ways, including arbitrary transfer, denial of promotions, and cutbacks in their salaries. Judge *Kalthoum Kennou*, the secretary-general of the association, was attacked in her office in Kairouan on February 18, 2009, and the authorities took no immediate measures to prosecute the perpetrators.²

In the context of assaults on freedom of the press and expression in Bahrain, women journalists like *Maryam al-Sherooqi* and *Lamees Dhaif* were targeted for judicial action on charges of harming national unity and showing contempt for state institutions and authorities.

¹ "Democratic Women's Association Under Pressure," Statement by Tunisian Women Today, Mar. 17, 2009, <http://nissa.aljil-aljadid.info/spip.php?article95>.

² "Statement of Tunisian Women Judges to mark International Women's Day," Mar. 13, 2009, <http://nissa.aljil-aljadid.info/spip.php?article94>.

In Egypt, several satellite channels broadcast scenes from the 2005 parliamentary elections showing security forces surrounding polling stations and preventing citizens, both men and women, from voting. Women journalists and opposition figures were also subject to sexual harassment during the 2005 referendum on the constitutional amendments in plain view of the police, but the Public Prosecutor later closed the investigation into that incident without charge. When the call went out for a general strike in Egypt on April 6, 2009, dozens of people were illegally arrested, among them two female students in the province of Kafr al-Sheikh, along with several other women who were randomly arrested.³

Additionally, women are victims of the routine use of torture and excessive force by Egyptian police. They are at times threatened with rape and subject to sexual abuse, both with the objective of obtaining information and as a means of pressuring their male relatives and coercing confessions from them.⁴

2- Gender discrimination against women

Women face many systematic violations of their rights to equality and citizenship. Legal, institutionalized discrimination exists in many countries, despite constitutional provisions in many Arab states that theoretically uphold equality and international conventions ratified by these same countries. Below is an overview of the most significant areas of discrimination:

A. Personal status laws

Personal status laws continue to facilitate a patriarchal system that maintains itself through an affirmation of women's inferior status. Most Arab women still suffer from coercive family relationships regulated by laws that combine patriarchal aspects of French and Roman law and some of the more conservative provisions of Islamic law. Some countries, such as Bahrain, lacked a personal status law until last year while others, such as Saudi Arabia, are still without one. Indeed, until the beginning of the 21st century, Arab governments, with the exception of Tunisia, refused to address the issue of personal status laws at all.

³ See <http://www.anhri.net/Egypt/aft/2009/pr0404.shtml>.

⁴ See the section on Egypt in this report; also see, several reports issued by the Nadim Center for the Rehabilitation of Victims of Violence over the last five years discuss women victims of torture as well.

In Egypt, a new family court law and a law allowing litigation in personal status cases (the so-called *khula'* law) offered some relief to women seeking divorce. Additionally, in Morocco⁵ and Algeria some statutes in the family code have been changed. The Bahraini courts began applying the Sunni provisions of the new personal status law in early July 2009, but the Shiite provisions of the law have not yet passed. On the other hand, in Syria the attempt to appease Islamists is clearly illustrated. After a government committee formed in 2007 completed the draft of a new personal status law and made the bill public on May 4, 2009, it sparked a storm of protest among women and rights organizations, some of which considered it “a bill that will transform Syria into a Taliban emirate.”⁶ Article 44 of the bill sets the minimum marriage age for women at 13, while Articles 284 and 294 deprive non-Muslim mothers of custody of their Muslim children. Moreover Article 21 allows for the establishment of a special prosecutor’s office that can intervene in personal status matters without a complaint from a party directly involved in the relationship, much like the *hisba* law currently in effect in Egypt.⁷ The bill also contains provisions that clearly discriminate against religious minorities, by ignoring the Druze community, for example, and referring to other minorities as “*dhimmis*” or making them subject to provisions in Islamic law.

B. Citizenship laws

In recent years, the CEDAW Committee’s comments on the periodic reports filed by Arab governments that have ratified the convention have consistently raised two major issues: personal status laws and citizenship laws. Nearly all Arab governments have declared reservations on Article 9/2 and 16 of the convention, despite the fact that the issue of citizenship is not one that governments can object to on the grounds that it violates Islamic law. Furthermore, it is one right whose observance requires no financial expenditures by the state.

⁵ Moroccan feminist organizations still believe that the code requires further amendments. See the statement issued by the Association of Democratic Women of Morocco, Oct. 10, 2008: “We have still not sufficiently approached equality as long as family law, despite the amendment, continues to contain several discriminatory provisions, such as those provisions upholding polygamy and others discriminating between men and woman in divorce, child custody, and inheritance.”

⁶ Syrian Women Observatory, Jul. 23, 2009.

⁷ Al-Sawt, journal published by the Committees for the Defense of Democratic Liberties and Human Rights in Syria, Jun. 2009.

Arab governments' reluctance to making changes in their citizenship laws illustrates how deeply ingrained patriarchal thought is in Arab societies and the extent of the resistance to the idea of equal citizenship for women. Perhaps the best example is the Saudi citizenship law, which was amended in 2007. The Saudi law not only discriminates between men and women as parents, but also between daughters and sons, allowing only sons to apply for citizenship upon reaching the age of 18. Additionally, Article 3 of the Yemeni citizenship law was amended in 2003 to allow the children of Yemeni women married to non-nationals to obtain citizenship at age 18, if the father is deceased, has divorced his Yemeni wife, or has been declared mentally incompetent.

Unstable political formations and fragile sectarian balances in some countries (Lebanon and the Gulf countries, for example) contribute to these nations' refusal to amend citizenship laws. They fear such changes may upset the current balance of power between various religious or ethnic communities and, in turn, the system of governance. The fear of Palestinian influence by allowing women to have legally recognized children of Palestinian descent is another reason that some countries, such as Egypt, Syria, Jordan, and Lebanon, refuse to address the issue, although they maintain that the reason is a desire to protect the Palestinian identity. Although the Egyptian citizenship law was amended in 2004 to give Egyptian women married to non-nationals the right to pass their citizenship on to their children, there is still an exception for Egyptian women married to Palestinian men.

As of the end of 2008, Tunisia, Egypt, and Morocco⁸ were the only states whose citizenship laws allowed women married to non-nationals to pass on their citizenship to their children. Even in these states, however, there are exceptions: the Tunisian law requires the consent of the father while the Moroccan law restricts this right to Muslim couples. The Egyptian government informed the CEDAW Committee that it had withdrawn its reservation to Article 9/2, and in early 2009 Algeria followed suit with the presidential decree of February 7, 2009, which ordered the withdrawal of reservations on Article 9.

In Bahrain, the Supreme Women's Council recommended changes to the current law in November 2008, and Bahraini rights organizations requested they join a debate on the subject to provide additional recommendations. In July 2009, the Bahraini cabinet issued a decree⁹ exempting children born to a

⁸ The Moroccan parliament approved an amendment to Section 6 of the citizenship law in April 2007 granting citizenship to any child born to a Moroccan father or mother.

⁹ See <http://www.learningpartnership.org/citizenship/2009/08/bahrain-children-nationality/>.

Bahraini mother and non-national father from paying education, health, and residency fees. While NGOs welcomed this initial step, they stressed that it was insufficient. The Syrian parliament rejected a similar recommendation in February 2009 despite a large petition drive that collected 20,000 signatures in support of the change.¹⁰

Finally, it should be noted that many campaigns for citizenship are built upon the notion of the rights of children to citizenship as opposed to the rights of women to equal treatment and citizenship. While these two sets of rights are not inconsistent with one another, basing demands exclusively on children's rights means that changes to the relevant laws will undoubtedly remain limited. For example, they will not address the right of male non-nationals to obtain citizenship through marriage in the way that female non-nationals are automatically granted citizenship through marriage in most Arab countries. In Kuwait, the non-national spouses and adult children of female citizens are treated like foreign workers—they must renew their residency every three years and possess a valid work contract—in contrast to the non-national spouses of Kuwaiti male citizens, who are given permanent residency immediately upon marriage.

C. Violence against women and the guardians of virtue

Although some nations did take measures to combat violence against women pursuant to the 1993 Declaration on the Elimination of Violence Against Women and the appointment of a special rapporteur in 1994, silence still is the norm regarding violence against women in most Arab states, not only on the legal level, but also within the general cultural realm. Laws criminalizing violence against women have been issued in many Muslim-majority states (Turkey and Malaysia, for example), but only one Arab state—Jordan, in March 2008—has issued a law specifically criminalizing violence against women.

In Morocco, the Minister of Social Development vowed to pass a law combating violence against women in response to demands from women's groups. Furthermore, according to sources in the Supreme Council for Women in Bahrain, work is currently underway in order to draft a bill to combat domestic violence there as well.¹¹

In addition, with very few exceptions, prevailing legal systems in most Arab states contain statutes that institutionalize violence against women—

¹⁰ Claiming Equal Citizenship campaign, <http://www.learningpartnership.org/citizenship/2009/09/syria-campaign/>.

¹¹ "Bahrain Adopts New Law to Combat Domestic Violence," *Akhbar al-Khalij*, Jun. 5, 2009.

for example, the provision that allows a rapist to evade punishment if he marries his victim, and various provisions that reduce penalties for murder in so-called honor crimes. Unfortunately, attempts to change laws in some of these states have only further entrenched paternalistic family relations and violence against women. For example, President *Bashar al-Assad* issued Decree 37 on July 1, 2009, abolishing Article 548 of the Syrian Penal code. Originally, the law reduced the penalty for men who murdered a woman in their family due to “provocation” as a result of “illegitimate sexual acts,” or husbands who murdered unfaithful wives.¹² But the new article that replaced it also allows reduced punishment in these cases, while stipulating a minimum sentence of two years in prison.

Corporal punishments that undermine human dignity—such as lashes—continue to be applied to women in Saudi Arabia and Sudan. A Saudi court sentenced a woman to prison and 100 lashes on charges of adultery after she was abducted and raped. Lashes are also meted out to women arrested in the company of non-related men.¹³ In Sudan the virtue police arrested Sudanese journalist *Lubna Ahmed Hussein* while she was attending a public celebration on the grounds that her clothing was immodest. Eleven other Sudanese women were also arrested and referred to trial on charges of dressing in a way that offends public sentiment. According to Article 152 of the law on the public order, the crime is punishable by 40 lashes. *Lubna Ahmed Hussein* was employed by a UN office in Sudan, which gave her a form of judicial immunity, but she bravely insisted on being tried as a Sudanese citizen, in an attempt to turn her trial into a trial of the legal statute. The Sudanese authorities subsequently cracked down on all forms of public solidarity with *Hussein* and security forces brutally disbanded women’s demonstrations in front of the courthouse. The court fined *Hussein*, and when she refused to pay the fine, the chair of the Journalists Syndicate intervened and paid on her behalf in order to avoid further embarrassment to the authorities.

Another example is that *Hamas* police in the Gaza Strip have also begun disciplining women: Palestinian journalist and writer *Asma al-Ghul* was arrested while in the company of male and female colleagues on charges of

¹² Al-Thawra reported on Mar. 29, 2006, that there are 40 such murders every year, but the Syrian Women Observatory, (an independent Syrian website focusing on women’s issues) estimates that 200 murders of this type are committed every year.

¹³ "Letter from Civil Society Organizations in the Arab Region about Reelecting KSA to the HRC," Press Release, Apr. 22, 2009, <http://www.cihrs.org/English/NewsSystem/Articles/1620>.

wearing inappropriate swimming attire, laughing loudly while swimming, and not being in the presence of a relative.¹⁴

3- Attempts to alleviate pressure for reform

Regardless of the painful status of women throughout the Arab world, Arab governments do not hesitate to use women's rights to improve their image abroad. While they suggest that they are responding to international demands for reform, they are, in large part implementing superficial measures that are careful not to upset the prevailing balance of power within the country.

This tactic helps explain why Arab governments are willing to join certain international conventions, particularly those related to women and their rights, even as they lodge objections to several articles in these agreements. Similarly, some Arab states have taken steps to improve women's political participation by setting representative quotas, although domestically the population, both women and men, have long despaired the futility and uselessness of show elections and purely formal "elected" institutions.

Therefore it should not be surprising that Saudi Arabia joined CEDAW although it has yet to join the Covenant on Civil and Political Rights or the Covenant on Economic, Social and Cultural Rights, both of which provide the international legal basis for human rights, equality, and the right to be free of discrimination. After Qatar joined CEDAW in 2008, there remains two Arab states not party to the convention: Sudan and Somalia. Nevertheless, the fact that most Arab countries have now ratified the agreement does not necessarily entail true commitment towards the right to equality. All signatory Arab states, with the exception of Comoros, have made reservations to particular articles of the convention, on the grounds that they are incompatible with Islamic law. Saudi Arabia was the most insistent on making its ratification conditional to these reservations, and Qatar and Mauritania followed suit.

More significant, however, is the fact that signatory nations expect that the international community will not seriously press the obligations facing countries upon ratification of human rights conventions. Hence, with very few exceptions, Arab states have not amended domestic legislation to make laws more compatible with the provisions of these conventions. This includes

¹⁴ "Journalist: They confiscated my Passport because of laughter and clothing," Sep. 2009, <http://www.alarabia.net/articles/2009/09/7734.html>.

statutes that cannot be rejected by pointing to Islamic law, such as laws on citizenship, health, labor, and political participation.

Over the past two years both Egypt and Algeria have withdrawn their objections to Article 9/2 of CEDAW, which upholds the right of women married to non-nationals to pass their citizenship on to their children. Kuwait is expected to withdraw its reservation to Article 7, related to women's political participation in public life, while Jordan is expected to withdraw its reservation to Article 15, related to freedom of movement and housing. Although two years ago Morocco announced an ambitious plan to withdraw all its reservations to the convention and ratify the optional protocol, the plan has not yet been implemented; although the state made a similar, follow-up declaration in December 2008. Despite all these shortcomings, it is still important that Arab states ratify the treaty, since this action can have long-term effects on women's inclusion and equality. This is because it does force states to take some steps, no matter how limited, which may shore up the long-term struggle against the oppression of women and discrimination against them. We can thus view the Egyptian authorities' moves to gradually include women in the judiciary, first announced three years ago, as a positive step. Regardless of the fact that the regime has not yet embraced full equality between men and women and equal access to positions in the judiciary based on merit, and even though this step comes in a context of the authorities' stubborn refusal to respond to judges' demands for judicial independence it can still be seen as a positive sign.

Similarly, it is ironic that Saudi Arabia has opened a new university that has the potential to be "an island of freedom in an ocean of repression," according to Human Rights Watch. The state has declared that the new university will respect academic freedom and offer coeducational classes. It has even been reported that female students will also enjoy the right to drive. Certainly this is completely at odds with the severe restrictions Saudi women continue to face. This includes complete gender segregation in all areas of public life, including all universities in the kingdom. Women must conform to strict dress codes in public places and must obtain permission from their male guardians to work, study, marry, or travel. The religious police routinely arrest both women and men for unauthorized mixing, while in various Saudi universities male professors communicate with their female students through video.¹⁵

¹⁵ "Saudi Arabia: New University a Chance to Expand Freedom," Human Rights Watch, Sept. 23, 2009, <http://www.hrw.org/en/news/2009/09/23/saudi-arabia-new-university-chance-expand-freedom>.

Arab states attempt to polish their image internationally by seeming to comply with demands for democratic reform. Changes in this regard are most evidently on display in measures taken by some states to strengthen women's participation in public life, whether through the appointment of more women to public office or through increasing the number of women in representative bodies, both appointed and elected. Such measures may have some limited positive significance, but they remain far from the steps truly needed to remedy the flagrant imbalances in structures of political participation for all citizens, including women. Serious measures are needed to restore the citizens' confidence in representative institutions, the lack of which is manifested in unenthusiastic turnouts in general elections, among both men and women, and the refusal of political parties to run in elections whose results are entirely predictable beforehand given the monopolization of power held in place by outright repression and administrative interventions that manipulate voters' wishes and falsify their will.

In this climate, measures taken to strengthen women's political participation do not hold the promise of real equality or democratization.

The appointment of the first female deputy minister in Saudi Arabia is worth mentioning in this context; despite this positive advance, the minister still cannot appear on the television without prior permission of her male guardian. A similar paradox is seen in Sudan where the authorities who sentence women to lashes and stand accused by the International Criminal Court of collaborating in the rape of thousands of women in Darfur are the same authorities who, in seeking to relieve international pressure to engage in legislative reform as stipulated by the peace treaty between the north and south, set aside 25 percent of the seats in the parliament for women.¹⁶ Despite the establishment of a quota of seats for women, reform is still stalled on the most important matter: a redistribution of political power.

In Algeria, the authorities used women's political participation as a tool to evade criticism about the constitutional amendments that removed presidential term limits, allowing President *Bouteflika* to remain in office for life. These amendments were downplayed while a new electoral law was highlighted that increases women's political participation. While *Bouteflika* was immediately awarded a third term in office thanks to the constitutional amendments, no practical steps have yet been taken towards achieving more representation for women.

¹⁶ "From Exporting Terrorism to Exporting Repression," the 2008 annual report on the state of human rights in the Arab world, CIHRS.

In Egypt, the authorities amended the People's Assembly Law to add 64 seats to the house allocated exclusively to women. Although this is a partial response to demands for affirmative action for women, in practice the additional seats will merely increase representation for the ruling party and its allies.¹⁷ Following the presidential and parliamentary elections of 2005, Egypt introduced constitutional and legal amendments that abolished judicial oversight of elections and thus secured the ruling party's hegemony. Observers believe that the elections for municipal councils and the Shura Council, both of which took place after these changes, were the worst in decades.

Of all the Arab states, Morocco has taken the most serious steps to increase women's participation in the public sphere, which was reflected in local elections held this year. The elections were preceded by several reforms in the electoral system that set a quota for women and also provided financial incentives for parties that included women candidates on their electoral lists. These reforms led to a tangible increase in women's representation in municipal councils. Whereas women occupied no more than 0.56 percent of all municipal seats in 2003, after this year's elections they now occupy 12.17 percent of all seats.¹⁸ While these reforms may put Morocco in first place for women's empowerment, they still fall short of the reforms needed to address the more general problem of political participation. Voters continue to show little enthusiasm, an expression of the popular realization of the marginal role played by representative institutions and political parties when compared to the dominant role of royal institutions.

Regardless of the fact that Arab governments have dealt with demands for women's quotas in a way that empties them of any real content, as well as using such advances to evade other claims for reform and democratization, it must be stated that quotas for women in parliamentary bodies is a positive development insofar as it makes a long-term contribution to changing stereotypes about women and thus altering cultural views of women and the roles they should occupy in society.

¹⁷ For more details, see the chapter on Egypt in this report titled "Egypt: Signs of Merging a Police State and the Religious State."

¹⁸ Maati Monjib, "A Legislated Victory for Women," Carnegie Endowment for International Peace, Oct. 2009, <http://www.carnegieendowment.org/arb/?fa=show&article=23950>.

Part Three
Arab Governments before the
Regional and International
Organizations

The Uncertain Future of International Human Rights Arab States within the United Nations Human Rights System

Introduction: Hostility, Culpability and the UN Human Rights System

From October 2008 – October 2009 Arab states, individually and as a group, continued their efforts to systematically weaken both international human rights standards and the United Nations (UN) institutional framework meant to uphold and strengthen these standards. Over the last several years members of the League of Arab States (AL), or Arab Group in UN terminology, have prioritized and intensified their efforts to influence the institutional processes surrounding the UN human rights system, and have proven remarkably successful at doing so.

The collective and individual policies pursued by almost all Arab states within the international human rights system are an extension and natural outgrowth of the repressive and authoritarian political systems that dominate state structures throughout the Arab world. The same goals that motivate almost all Arab governmental repression on a national level also motivate their attempts to undermine the UN human rights system. These goals are the elimination of systems of governmental accountability and the preservation of the current ruling regimes. The repressive strategies that Arab states have employed to achieve these interlocking goals on a national level are being exported into the international system with increasing effectiveness, and pose a long term systemic threat to the entire international human rights system.

The observations above apply to many highly repressive governments acting within the international system. The Arab Group, however, represents the largest, most cohesive, most motivated and most successful group of states in this regard. Egypt and Algeria are traditionally the most committed and visible members of the Arab Group who individually and with the consent and support of the group attempt to undermine the UN human rights system. Morocco constitutes the only state within this group that has demonstrated sustained constructive engagement with the international human rights system. Lebanon, while democratic, remains highly passive. All states within the Arab Group adhere uniformly at almost all times with positions and policies that undermine international forms of accountability by either adopting a group-related defensive approach or by demonstrating a passive complicity with those in the region seeking to undermine the UN human rights system and standards. Since accountability is often the main perceived threat to nondemocratic repressive governments, civil and political rights often constitute the primary target of these states.

Democratic and rights-dependent¹ governments are culpable in this destructive process. Thus far most have failed to take action or adjust their policies to significantly reduce the extent of this long-term threat to the international human rights system. In fact, these states often demonstrate a lack of motivation to protect rights standards on the international level and commonly use international rights as a tool of *real politik*. This results in blatant double-standards and selectivity in their policies within UN human rights mechanisms.

In particular, the United States and members of the European Union, often considered some of the most democratic, rights-dependent governmental systems, continue to demonstrate highly reserved or rejectionist policies when it comes to accountability for rights violations within certain countries/situations, most notably Israel/Palestine, or particular thematic areas of rights if and when they judge such rights to be counter-productive to their immediate state interests, such as some economic and migrant rights. Moreover, a general erosion of rights standards within these countries due to “counter terrorism” measures continues to undermine their international legitimacy within human rights diplomacy.

¹ *Rights-dependent* implies a government that tends not to violate the basic human rights of its citizens or those under its direct control in a systematic and wide-spread manner due to various forms of governmental accountability mechanisms for such abuses.

The type of policies above have greatly strengthened the ability of highly motivated rights-hostile² states, particularly within the Arab Group, to create a “West against the rest” agenda around which to mobilize a majority of developing and “southern” states. This distorted political platform of “developing world” or “global south” solidarity is often designed and/or deeply influenced by rights-hostile states who insert policies into this agenda that are designed to undermine the international human rights system. Unless more dynamic, cross-regional, principled, consistent and proactive international strategies and policies are adopted by democratic and rights-dependent governments to uphold and strengthen the international human rights system against efforts to undermine it, including by beginning to address their own double-standards and selectivity in human rights promotion, then the future effectiveness and credibility of this system is likely to progressively deteriorate.

Within this political context, Arab governments act to ensure that no effective investigation of national human rights violations within their own or allied countries takes place. Thus, Arab states employ strategies designed to dismantle and impair the UN human rights system. These strategies include: (1) Undermining the independence and freedom of expression of human rights experts, quasi-judicial bodies, and civil society organizations, (2) Reinterpreting existing international standards to insert governmental interpretations of conditionality into them, (3) Manipulating the institutional formation and precedent setting of UN human rights mechanisms in order to weaken these institutions and/or the system as a whole.

The following is a brief overview of the most dangerous, damaging policies, and behavior promoted and pursued by Arab states within the United Nations human rights system between October 2008 and October 2009.

² *Rights-hostile* implies a government that tends to violate the basic human rights of its citizens or those under its direct control in a systematic and wide-spread manner due to a lack of governmental accountability mechanisms, and which also attempts to forcefully undermine the creation and effectiveness of human rights accountability mechanisms on both a national and international level.

I. The Human Rights Council and Arab States Silence the Victims - Shoot the Messenger

Since the creation of the HRC,³ Arab states have demonstrated a strong commitment to influence its formation and work, most notably Algeria and Egypt. This has been accomplished by maintaining leadership and/or strong internal influence over regional and political groups, as well as attaining positions within the internal structures of the HRC itself.

From 2006 to the beginning of 2009 North African states pushed for and received the leadership position of the African Group at the HRC (Algeria 2006 – 2007, Egypt 2008 – 2009). This leadership role was often abused, and the African Group “position” used as a tool to pursue Arab Group policies and positions with little or no consideration for dissenting voices among other members of the African Group. This type of manipulation of the African Group’s position came to a head during a vote on Sudan at the 11th Session of the HRC in June, 2009, which resulted in an open clash between Egypt and members of the African Group, an incident that is described in more detail below.

In July, 2009, Nigeria became the first sub-Saharan African country delegation to lead the African Group. This has slightly weakened the relative influence of Egypt, and by extension the Arab Group. However, in an attempt to maintain its influence Egypt lobbied for and received both the leadership role of the Non-Aligned Movement (NAM), as well as the position of Vice-President of the HRC for the year 2009-2010. Predictably, Egypt has attempted to use its leadership position of NAM to force through Arab Group priorities, but has been more restrained by the larger diversity of the group, as well as proactive rights-dependent NAM states such as Chili. The Organization of Islamic Conference (OIC), within which Arab Group states constitute a majority of members, is very influential at the HRC and usually pursues Arab Group priorities very forcefully, in particular issues dealing with Israel/Palestine and the revisionist concept of “Defamation of Religion.”

³ The UN Human Rights Council (HRC) was established in 2006 to replace the former Commission on Human Rights, and constitutes the preeminent United Nations human rights body. The mandate of this body is to expose and address human rights violations throughout the world, as well as to ensure respect for and aid in the creation of human rights standards. The HRC attempts to do this through thematic and country-based examination of and resolutions concerning human rights violations, as well as the formation and promotion of international human rights standards.

1- Arab states and the Universal Periodic Review mechanism (UPR)⁴

The most beneficial aspect of the UPR for the Arab region has not been what has occurred in Geneva, but what the process has stimulated on a national level. Indeed, no other UN human rights mechanism is currently as successful at stimulating national level action by both governments and civil society organizations within the Arab region.

Despite the forceful attempts by Arab states to prevent a meaningful review of their human rights records, the UPR has still been an important tool in many regards. Due to its high-profile and the fact that it takes place publicly in front of many states, NGOs and the press, the UPR has been taken seriously by almost all governments that have been reviewed under it, including Arab governments. In particular Yemen, Tunisia, Bahrain, Egypt and Morocco have all dedicated a great deal of time and effort to at least appear as if they are constructively engaging, and to cover up rights violations in their countries during the process. This increases the cost of rights violations and provides an incentive to enact some form of rights-friendly reform.

Bahrain in particular has put a great deal of effort into “follow up” efforts to UPR recommendations, which includes giving an update every year to the HRC on their reform efforts. Bahrain has also enacted limited legal reform concerning migrant rights as a follow up to the UPR.⁵ Whether or not this translates into concrete improvement should be monitored and reported on by Bahrain civil society actors. It is incumbent on the civil society within each country under UPR review to ensure that they use the UPR as an opportunity to give an independent on-the-ground assessment of the human rights situation. Doing so prevents the UPR from simply becoming a propaganda victory for the state under review.

Most beneficial of all perhaps has been the opportunity of international engagement and national networking that the UPR has provided to national civil society organizations. The Bahrain Centre for Human Rights effectively used the UPR process to create a large amount of publicity around human rights violations within the country. In Yemen, Jordan and Egypt the UPR has stimulated the formation of a national NGO coalitions that have engaged together on the creation and submission of information to the UPR process.

⁴ The UPR is a new mechanism of the Human Rights Council that seeks to review the human rights record of all UN member states in four year cycles.

⁵ Brett, Rachel, "A Curate's Egg-UN Human Rights Council: Year 3," Quaker United Nations Office, Aug. 2009, p.13.

This has resulted in increased capacities and closer working relationships among some of these organizations.

A. The “Filibuster of Praise”

During the year under consideration three Arab states were reviewed under the UPR: Jordan, Saudi Arabia and Yemen. Also, the UPR report of the United Arab Emirates (UAE) and Israel were adopted in March, 2009 during the 10th Session of the HRC.

The 4th Session of the UPR, held in February 2009, was characterized by the increased use of strategies by repressive governments to ensure that a genuine investigation into the human rights situation in their countries did not occur. In this respect, Saudi Arabia and Jordan, along with other countries such as China and Cuba, adopted the model of engagement first created and implemented by Tunisia, Algeria, Bahrain and, to a lesser extent, Morocco, in previous UPR sessions.

This model of engagement is characterized by the use of a “filibuster of praise” during which repressive governments lobby very forcefully for other allied states to take the floor during the UPR session in order to concentrate on the report submitted by the government under review while largely ignoring the more critical human rights assessments from the UN and NGO reports also submitted under the UPR. Many UPR state interventions avoid bringing substantive critical issues on the table for friendly states under review, or even distort the reality of human rights violations by explicitly supporting a particular governments’ own evaluation of its human rights policies. In this way the state under review is able to further its own account of the human rights situation in its country. Furthermore, a preponderant amount of time is spent by these allied states on the many “positive” human rights developments in the county being reviewed, its governments “good intentions”, and the “challenge” of terrorism” and cultural and/or economic relativity to the implementation of human rights.

During the review of Saudi Arabia and Jordan, Arab states and OIC states once again constituted a majority of speakers and offered mostly praise, thus continuing to succeed in their efforts to shield one another from a substantive human rights review. Such practices have prompted some to rename the Universal Periodic Review the “Universal Periodic Rhetoric.” NGOs have consistently decried such practices as doing more for state propaganda than it does for human rights promotion and protection. However, an increase in the amount of critical observations and non-Arab

and OIC states that inscribed to speak and offered substantial recommendations increased compared to previous Arab state UPR sessions. This is due in large part to an increase in the commitment of other states to ensure the UPR is a genuine human rights review. Both Saudi Arabia and Jordan ignored or rejected most recommendations made to them to improve their human rights policies, especially those concerning civil and political rights. Yet, in a positive step, both states issued statements during the adoption of their UPR reports at the 11th Session of the HRC (June 2009) indicating that they would accept most of the UPR recommendations.

During the 5th Session of the UPR (May 2009), Yemen came under review. The model of engagement by Arab states described above once again applied as Arab states took the floor in mass to offer praise for Yemen's human rights record despite the worsening human rights situation in the country. Furthermore, no state from any region brought up the worsening humanitarian situation caused by the escalating conflict in the *Saada* region.

B. Attacking NGOs during the UPR

In addition to propagating a "filibuster of praise," Arab states, in particular Egypt and Algeria, have attempted to prevent NGOs from revealing human rights violations within Arab states that come under review. Egypt and other Arab states have repeatedly attacked NGOs who attempt to do so by calling points of order while the NGO is speaking and asking the President of the HRC to silence the NGO speaker. This practice was very prevalent during the adoption of the UPR report of Bahrain, Algeria and Tunisia during 2007. Egypt and others, under strong pressure from the OHCHR and other states, stopped this practice during the 10th (March, 2009) and 11th (June, 2009) Sessions of the HRC when the UPR report of the United Arab Emirates, Saudi Arabia and Jordan were adopted. However, Egypt once again began this form of NGO censorship during the 12th Session (September, 2009) of the HRC when Yemen's UPR report was brought before the HRC.

Calling repeated points of order and demanding that NGOs be silenced who criticize the human rights situation in an Arab country is a phenomena that occurs in several different ways during the HRC. Another growing threat that has been most dramatically demonstrated during the UPR process

has been the growing phenomenon of GONGOs.⁶ During the UPR of Cuba and China, GONGOs succeeded in largely monopolizing NGO speaking slots. This practice will undoubtedly be built on by Arab states that will be reviewed in 2010. Arab states that will be reviewed during the UPR in 2010 include Egypt, Qatar, Iraq, Libya, Kuwait and Lebanon.⁷

2- Attacks on country mandates

Throughout 2006-2009, Egypt and other Arab states have consistently put forth a position that all country mandates should be done away with at the HRC despite that fact that country specific human rights mechanisms are often considered the most important tool of the HRC to address urgent human rights situations. As head of the African group Egypt pushed for all African country mandates to be discontinued or very limited in scope and duration. With the new leadership of Nigeria it will be important to monitor if this hostile position of the African Group towards country specific mandates will continue, or if more openness to county specific action will arise.

During the 10th Session of the HRC (March, 2009), Egypt attempted to use its leadership role of the African group to weaken and/or do away with the HRC's mandate on Somalia. This resulted in the mandate on Somalia being renewed for only a 6 month period instead of the traditional one year period. This tactic of decreasing the time period of country specific mandates, which Egypt has succeeded in ensuring in several instances, puts these mandates in a constant state of insecurity, greatly hindering their effectiveness.

⁶ GONGOs are government supported NGOs that push a particular state(s) agenda while attempting to discredit or limit the voice of independent NGOs. GONGOs are NGOs who are either established or supported by a particular state/s to uphold that state's agenda. Arab states and Israel have been at the vanguard of this trend and regularly fund and ensure the participation of GONGOs within UN human rights mechanisms, most prominently the HRC. Sometimes funding institutions participate in funding these organizations either because they are ignorant of the nature of its true role or because of pressures practiced by the governments in the context of deals between them. These organizations are "non governmental" theoretically but in reality they are "governmental," at the same time trying to discredit independent NGOs.

⁷ For a full calendar of states to be reviewed under the UPR, see: <http://www.upr-info.org/IMG/pdf/uprlist.pdf>. For more information on the UPR processes in general see: <http://www.upr-info.org/>.

Sudan as an example

During the 11th Session of the HRC (June, 2009) Egypt and Sudan, with the unanimous support of the Arab group, led an attempt to have the grave and ongoing human rights situation in Sudan, including the humanitarian crises in Darfur, completely eliminated from the HRC's agenda. Egypt, claiming to represent the African group, tabled a resolution that would have done away with any HRC mechanism on Sudan. However, key African and Asian states rose above immediate political interests and emerged as last minute heroes. Uganda, Zambia, Mauritius, Senegal and Gabon all took principled decisions to preserve the existence of an independent expert on human rights in Sudan. In a stirring speech after the vote on Sudan, Uganda—indirectly addressing Egypt, the head of the African group—asserted: “*We look forward to a time when the positions of the [African] group are represented accurately...From the Holocaust to apartheid to the genocide in Rwanda we were always reminded that never again should we allow these events to happen through inaction or political expediency...today we reassert the credibility of the Human Rights Council.*” Uganda's speech highlighted the manner in which North African countries have often assumed a leadership position of the African Group only to use this formal grouping as a means to further the policies of the Arab Group.

3- Attacks on Independent Experts and Thematic Human Rights Mandates

From October 2008 to October 2009, Arab states and the OIC launched unprecedented attacks on particular Independent Experts and Special Rapporteurs within the Special Procedures⁸ system of the Human Rights Council.

Such attacks came to the forefront in June of 2009 during the 11th Session of the HRC. Before the 11th Session even began, the OIC, lead by Pakistan, issued a letter to the President of the HRC threatening to strip Frank La Rue, the current Special Rapporteur on Freedom of Expression, of his position unless he conformed to the OIC's interpretation of his mandate. Mr La Rue's report to the HRC had pointed out that the concept of *Defamation of Religion*, a concept whose advancement is a high priority of the OIC and

⁸ Special Procedures: The thematic and country specific system of human rights experts at the HRC, including Special Rapporteurs, Independent Experts, Working Groups, etc.

Arab Group, did not conform to international legal standards. The letter by the OIC was followed up by similar oral threats directed at Mr La Rue during the plenary of the HRC, including by Egypt (on behalf of the African Group), United Arab Emirates (on behalf of the Arab Group), Pakistan (on behalf of the OIC), and individual delegations such as Algeria, Malaysia, Sudan and Yemen. Soon after, a more diverse group of states also leveled similar attacks against the Rapporteur on Extrajudicial Killings.

These threats were followed up by a resolution put forward by NAM which attempted to limit the independence and freedom of expression of the entire independent expert system at the HRC – the heart of the international human rights system. On 11 June, in a joint open letter to the HRC initiated by CIHRS, human rights NGOs from around the world responded that these “*political attacks*” are “*a threat to the Council itself,*” and “*appealed, in the strongest terms*” for states at the HRC to “*ensure that the long term integrity and credibility of the Human Rights Council itself is not sacrificed to political expedience.*” The final NAM resolution adopted by the HRC did not include the most damaging aspects of the original but does represent a move toward the erosion of the independence of the Special Procedures system of the HRC.

During the 12th Session (September, 2009) of the HRC the Special Rapporteur on contemporary forms of racism, racial discrimination xenophobia and related intolerance was similarly attacked by the OIC, Arab Group and NAM (lead by Egypt). These threats were once again due to the Special Rapporteur’s observation that the concept of Defamation of Religions does not conform to international human rights standards. Such attacks levelled against the Special Rapporteurs on Freedom of Expression and Discrimination were carried out in a more aggressive and open manner than any time in recent history at either the HRC or former Commission, and represent a highly dangerous precedent that will undoubtedly be built on by Arab states in the future if not sufficiently resisted.

II. Weakening International Human Rights Standards with Revisionist Tactics

Freedom of Expression and Defamation of Religion

Defamation of Religion is a concept that has been exported by Arab governments and other members of the OIC into the international human rights system. Defamation of religion and related vague blasphemy laws are commonly used by authoritarian and repressive governments within the Arab region to violate basic civil liberties and discriminate against religious minorities, including different branches of the Islamic faith. Independent human rights experts throughout the world, including Special Rapporteurs at the HRC (see section above) , have repeatedly pointed out that the concept of Defamation of Religions is contradictory with international human rights standards and open to abuse by governments since it is individuals and groups, not systems of belief, that are protected by human rights. Arab governments and the OIC use the concept of Defamation of Religion to disguise their attempts to undermine current international protections on the right to Freedom of Expression and other basic civil rights behind the façade of protecting minority Muslim communities in Europe and the United States from discrimination.

A. Defamation of Religion at the UN

At the close of the 10th Session of the HRC on March 26, 2009 the OIC once again proposed and pushed through the adoption of an annual resolution on “combating defamation of religions.” The resolution is the latest in a series. The first was adopted in 1999 by the UN Commission on Human Rights. Using Defamation of Religion resolutions passed at the Commission on Human Rights and HRC, the OIC has also pushed annual resolutions on Defamation of Religion through the General Assembly of the United Nations. The cumulative effect of these resolutions serves to undermine established international human rights guarantees on the right to Freedom of Expression by reinterpreting this international standard to be conditional on a particular state’s interpretation of religious “truth” and piety.

The more success Arab states achieve in their efforts to reinterpret existing international standards of Freedom of Expression, the more

encouraged they will become to attempt to insert restrictions on other human rights standards through similar methods of reinterpretation.⁹

Unfortunately, democratic and rights-dependent states from almost all regions in the world, have often voted for or declined to vote against the resolution on Defamation of Religions at both the HRC and General Assembly for short term political gain, they do so at the detriment of the entire international human right system.

B. Freedom of Expression Resolution at the HRC

The traditional annual resolution on Freedom of Expression usually tabled by Canada and adopted by the Commission on Human Rights was almost discontinued during 2009. The HRC resolution on Freedom of Expression has been an important one at the HRC/Commission for years. The possibility that the HRC would be unable to pass a resolution upholding Freedom of Expression is indicative of the dangerous role that the Arab Group and OIC are playing at the HRC and larger UN human rights system.

Due to the demands made by Egypt, with the support of the Arab group and OIC, to include language within this resolution that would place restrictions on freedom of expression that exceed those contained in international human rights law Canada withdrew its sponsorship of the resolution in 2008. Egypt then took up the resolution at the 10th Session (March, 2009) and threatened to push a version through the HRC that would have included overly restrictive language. At the 12th Session of the HRC

⁹ As this report was being finalized Algeria was chairing an effort to greatly weaken international Freedom of Expression standards by building on the Defamation of Religion resolutions, and inserting this concept into a legally binding international Convention. The *Ad Hoc Committee for the Elaboration of Complementary Standards* met in Geneva from the 19-30 October, 2009, and is mandated to “elaborate, as a matter of priority and necessity, complementary standards in the form of either a convention or additional protocol(s) to the International Convention on the Elimination of All Forms of Racial Discrimination, filling the existing gaps in the Convention, and also providing new normative standards aimed at combating all forms of contemporary racism, including incitement to racial and religious hatred” (Human Rights Council resolution 6/21). State submissions of the Organization of Islamic Conference (“OIC”), represented by Pakistan, on proposed language for the convention includes “new binding normative standards relating to religious ideas, objects and positions while incorporating ..contemporary issues” such as “defamation of religions.” The African Group submission, represented by Egypt, proposes that the Ad Hoc Committee defines “Islamophobia”, “Anti-Semitism” and “Christianophobia” without offering up any definitions of these concepts. The attempt to create a binding Convention that upholds the concept of Defamation of Religion and outlaws blasphemy, as defined by a individual government, is the strongest and most disturbing attempt yet by Arab states and the OIC to weaken basic international civil rights through revisionist tactics.

(September, 2009), after deciding to no longer boycott the HRC and become a member, the United States (US) was able to use its political leverage to take over the resolution from Canada and present a carefully worded joint text with Egypt that did not exceed existing limitations to Freedom of Expression as contained in Article 20 of the International Covenant on Civil and Political Rights. This represented a highly positive breakthrough on this issue but will require sustained effort and pressure to maintain.

III. The Repression and Co-opting of Non-governmental Organizations

From October 2008-October 2009, Arab states continued to attack and take repressive measures against independent NGOs who criticized human rights violations in their countries.

In recent years the NGO Committee¹⁰ has increasingly become dominated by undemocratic and/or rights-hostile governments. Currently this includes Egypt, Sudan, Qatar, and other governments that often work with Arab states to undermine NGO participation and the UN human rights system, such as Pakistan, China, Cuba and Russia. These governments use the NGO Committee both as way to prevent the participation of a large number of human rights NGOs – in particular national human rights NGOs – and as a tool of repression. Often independent NGOs will not be granted ECOSOC status or the consideration of their application will be indefinitely postponed, while an increasing amount of government controlled NGOs (GONGOs) are speedily granted status. Furthermore, the Committee is used by repressive governments to take away the ECOSOC status of NGOs who criticize their or allied government's human rights record. Unless democratic, rights-dependent states from all regional groups make a concerted effort to ensure that NGO Committee is not a tool of repression then it will pose an increasing danger to independent NGO UN participation.

¹⁰ The Committee on Non-Governmental Organizations (NGO Committee), located in New York, is a subsidiary organ of the UN Economic and Social Council (ECOSOC). The NGO Committee is responsible for deciding if UN accreditation is given to an applicant NGO, reviewing the activities of accredited NGOs, and deciding if an NGO should be suspended or lose its UN accreditation for any complaint made against it by a government. UN accreditation (or ECOSOC Status) allows an NGO to send representatives and directly participate in the processes of the UN. It therefore represents the main point of entry for NGOs to contribute in the Human Rights Council deliberations and to make States accountable at the international level.

The Case of the Arab Commission for Human Rights

On 28 January 2009, the UN NGO Committee decided to suspend the ECOSOC status of The Arab Commission for Human Rights for one year. The suspension came after Algeria accused a former Amnesty Prisoner of Conscience, the current Head of Legal Affairs of *Al Karama* (a Geneva-based NGO) and a registered UN representative of the Arab Commission at the time, of being a member of an "armed terrorist group" shortly after he made an oral intervention on behalf of the Arab Commission at the HRC adoption of Algeria's UPR report at its 8th Session.

The NGO Committee came to this decision despite a lack of evidence to prove Algeria's accusations, and in disregard of the established procedures of the UN and international due process standards. The decision against the Arab Commission represents the successful exportation of the use of "kangaroo" and exceptional "anti-terrorism" courts from within the Arab region into the UN human rights system. In this case, it would appear that a state (Algeria) was allowed to export repressive tactics used domestically to silence independent NGOs into the NGO Committee. As a result an NGO was stripped of its status for critical comments of Algeria's human rights record made during HRC proceedings.

Unfortunately, despite the clear flaws of the NGO Committee decision, the annual ECOSOC substantive session, which reviews the decisions of the NGO Committee, decided in July 2009 to accept the decision against the Arab Commission by consensus with only one voiced objection raised by Canada. Such a precedent not only opens up more NGOs to similar accusations and persecution in the future, but the fear generated by the decision and its acceptance by ECOSOC may force many NGOs and human rights defenders, especially those that are from or criticize the most repressive countries, to practice self-censorship at the HRC and other UN human rights mechanisms.

Governmental Non-Governmental Organizations (GONGOs)

During the last year Arab states continued to verbally and procedurally attack civil society organizations, especially human rights organizations from the Arab region within the proceedings of the Human Rights Council. The new HRC representative of Morocco, an NGO friendly government in relation to other Arab regimes, began the 10th Session of the HRC by accusing civil society organizations within the Arab region of being traders and spies. As mentioned earlier, in 2009, the use of points of order and other procedural tools by Arab states to attempt to silence NGOs at the HRC has

decreased. This is in part due to the added media attention that NGOs who have been openly attacked by states often receive. Instead, Arab states have decided to rally behind and initiate less obvious but more dangerous means of attacking and undermining independent NGOs, especially Arab human rights NGOs.

The propagation of GONGOs by non-democratic and repressive states, combined with their increasing UN accreditation by the NGO Committee, constitutes a systematic attack on independent NGO participation within the UN human rights system that is the most long-term, dangerous and difficult to solve. At times during 2009, governments have intervened strongly within the work of the Secretariat of the HRC, a branch of the OHCHR, to pressure and intimidate the employees of this office to allow GONGOs to have privileged speaking slots within the HRC's proceedings to the great detriment of independent NGO participation. During the 11th Session of the HRC, half of all NGO speaking slots under the Sudan agenda item were taken up by GONGOs who praised Sudan for its human rights efforts and denounced the HRC for its efforts to uphold the rule of law in Darfur. The large number of GONGOs that sometimes engage within the HRC can radically reduce and detract from independent NGO participation. Since no sufficient solution to this problem has been discovered repressive non-democratic states increase their use and support of GONGOs every year. This could potentially lead to a dramatic decrease in the already limited opportunities for independent NGOs to intervene within UN processes.

IV. Arab States and the UN Human Rights Treaty Body System Obligations Ignored, Independence Depleted

Arab states have undermined international human rights treaty¹¹ law in three main ways: 1. Refusing to adhere to the treaties; 2. Failing to report to human rights treaty expert committees; and 3. Undermining the independence of UN human rights treaty expert committees (Treaty Bodies).¹²

Many Arab states, especially those within the Arabian Peninsula, have refused to sign or ratify a large percentage of basic international human rights treaties. Even when Arab states do ratify such treaties they consistently fail to enforce the human rights standards they commit to or

¹¹ United Nations Conventions/Treaties on human rights are legally binding instruments that constitute the core of international human rights standards.

¹² Committees that are supposed to monitor the application of treaty obligations and provide interpretive opinions on the standards contained in the treaties.

submit state reports on their adherence to these standards to human rights Treaty Bodies, that can reach 7-12 years (Egypt, Tunisia, Jordan, Lebanon, Iraq, Algeria, Libya, Yemen and Saudi Arabia as examples), though obligated to do so as party to that particular Treaty.¹³

A common facet of state behavior by repressive governments on a national level within the Arab region is to ensure that key judicial appointees are under the control of the ruling regime. This model seems to be imitated in the appointment of experts by Arab states to UN Treaty Body Committees. These constitute the main international quasi-judicial bodies that make binding decisions concerning a states adherence or non-adherence to treaty based human rights standards and judicial interpretations of these standards.

According to publicly available information

- Two out of the four Arab representatives on the Human Rights Committee (Civil and Political Rights treaty body) are associated with an Arab government.
- Two of the three Arab representatives on the CESCR (Economic, Social and Cultural Rights treaty body) are associated with an Arab government.
- The two Arab representatives on the CERD (Racial Discrimination treaty body) are associated with an Arab government.
- The two Arab representatives on the CEDAW (Discrimination Against Women treaty body) are associated with an Arab government.
- One of the three Arab representatives on the CRC (Rights of the Child treaty body) is associated with an Arab government.

As such, it is more common to find a representative from the Arab region who is associated with the State than not. Among these representatives three remain governmental officials and the rest are former high ranking government officials, most commonly Ambassadors and Ministers. While this report is not calling into question the individual independence of any particular representative on the Treaty bodies it is important to note that such practices greatly increase the likelihood that loyalties to a particular government and political grouping could influence the judicial independence

¹³ The status of treaty ratification and state reports for these treaty bodies can be found at the following web address:

<http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>.

that Treaty Body experts are required to possess. Several experts sitting on the treaty bodies have expressed to CIHRS their concern that this practice has begun to weaken the independence of these bodies.

The Culpability of Inconsistency and “West Against the Rest” Solidarity

As mentioned earlier, double-standards and selectivity in the human rights policies of democratic and/or *rights-dependent* states on both a national and international level greatly contributes to the undermining of the international human rights system. This occurs in several different ways: 1. Such behavior undermines the rule of law and resultant pressure felt by states to adhere to international human rights standards; 2. Such behavior contributes to the “West Against the Rest” type of international solidarity within UN mechanisms that rights-hostile states often use to push through policies that are designed to weaken the UN human rights system, including the policies of Arab states described above.

It is also important to note that the last decade’s propagation of “counter-terrorism” measures by rights-dependent governments, which attempt to make international and domestic rights conditional on a host of vague security grounds, are highly detrimental to the effectiveness of all international human rights standards, and help to legitimize the repressive “counter-terrorism” policies of authoritarian and/or rights-hostile states.

Double-Standards and Selectivity

From October 2008 – October 2009, selectivity and double-standards in the support and enforcement of particular rights and concerning particular country situations by the most powerful contingency of rights-dependent states, including the United States (US) and European Union (EU) members, and other states that often vote with these states, including Japan, South Korea and others, have greatly strengthened the ability of Arab states and other rights-hostile states to influence the outcome of UN human rights processes.

On a thematic level the states with the most developed economies, including the US and most EU states, consistently show little motivation or even actively work against initiatives concerning some economic rights, migrant worker and refugee rights, and initiatives designed to combat racism. Rights-hostile states capitalize on these indifferent and/or rejectionist

positions by supporting such initiatives if it will allow them to gain political influence. This dynamic has encouraged states in the developing world, even democratic, rights-dependent states such as South Africa, to almost always support initiatives proposed by the most repressive countries in the world even if they clearly undermine international accountability in general.

During the last year the most damaging demonstration of double-standards and selectivity by rights-dependent states, most prominently the US and EU, has been concerning particular human rights situations. At no time did the US and EU support the investigation of human rights violations in Iraq and Afghanistan by any UN human rights body. Furthermore, the USA, Germany, Netherlands, Italy and other EU members actively worked to provide impunity for rights violations and war crimes committed by Israel.

Human Rights on the Alter of Israel

Since its creation the Human Rights Council has been consistently attacked by the US, many EU member states, Israel and some civil society organizations as being extremely biased toward Israel. According to these actors, the fact that the human rights situation in the Occupied Palestinian Territories (OPTs) is dealt with by the HRC as a permanent agenda item during each HRC session, and that several Special Sessions of the HRC have been devoted to rights violations committed in the OPTs and Israel is proof that the HRC is being used by repressive regimes to unjustly attack Israel.

This argument, however, is not supported by the vast majority of states, UN human rights experts and civil society organizations from throughout the world, most of whom contend that the OPTs/Israel constitutes a unique and grave human rights situation that deserves consistent and constant attention by the international community. Nigeria, speaking on behalf of the African Group at the latest HRC Special Session on the OPTs/Israel (October, 2009), spoke for many when it argued:

Half the Special Sessions of the Human Rights Council have been dedicated to the situation in the Middle East. This is a manifestation of the acuteness and urgency required to resolve a long standing crises which the international community has been grappling with since the founding of the Commission on Human Rights which preceded the Human Rights Council. At that time the situation in the OPTs and other occupied Arab territories was one of two major country concerns of the UN, the other being Apartheid in South Africa. Since then Apartheid was removed from the Commission's agenda...while progress toward alleviating the suffering of innocent victims in Palestine has eluded the Commission and now the Council.

A related view is that it is not regular scrutiny of human rights violations in the OPTs that is the problem, rather, it is the success other states have had in preventing the HRC from also examining other grave human rights situations on a regular basis. In short, those states and organizations who argue against a regular investigation of human rights violations in the OPTs by the HRC appear to favor universal impunity over selective accountability. CIHRS would suggest that the more consistent human rights approach is for universal accountability, i.e. to argue that many other grave human rights situations need the type of high-level, regular attention that the situation in the OPTs has received.

The Goldstone Report

The United Nations fact finding report on the Israeli invasion of Gaza in December 2008 (Goldstone Report) was presented before the 12th Session of the HRC (September, 2009). The report is the first to be presented to the HRC dealing with violations carried out by both Israeli armed forces and Palestinian armed groups. The report found evidence that the Israeli military and some Palestinian armed groups, including Hamas, were guilty of committing war crimes during the offensive. It recommended that both Israel and the Palestinians conduct creditable investigations and court proceedings on this matter within six months, and if this did not occur then for the Security Council to refer the situation to the International Criminal Court (ICC).

A Special Session to vote on whether to uphold this report's findings and recommendations was called by the HRC in October, 2009. The vote resulted in 25 in favor, 11 abstentions, and 6 against. Most abstentions and all votes against the resolution came from the "Western" group- i.e. EU member states and the United States. Those who abstained or voted against called this report "deeply flawed" and its recommendations "over reaching," without offering any constructive action-oriented alternative or any convincing arguments to support their position. Yet it is these same states (the "Western" group) that have repeatedly been the most supportive of efforts by the HRC to investigate and end impunity for war crimes in Sudan, Sri Lanka and many other situations . Speaking before the HRC during the Special Session, CIHRS argued that this "type of double-standards...not only undermine the credibility and influence of these states, but also greatly weakens the foundations on which this Council and international justice stand upon."

The UN Durban Review Conference

The United Nations anti-racism and anti-discrimination conference which occurred in Geneva from 20-24 of April, 2009, otherwise known as the Durban Review Conference, was meant to mobilize the world's governments to commit themselves to combating racism and other forms of discrimination. Diplomats bargained over the wording and message of an outcome document for the Conference for several months with little progress. However, significant compromises had been made by Arab and OIC states over the last several weeks to accommodate the demands of EU members and other states. This included the removal of the contentious concept of "defamation of religion" and other language that attempted to create restrictions on criticizing or insulting particular belief systems. This constituted one of the most significant international victories for advocates of freedom of expression in years. Furthermore, all reference to Israel was taken out of the document. Red lines spelt out by EU countries for their support to the outcome document were all respected in the consensus text finalized before the formal opening of the Conference.

None-the-less, under pressure from Israel and pro-Israeli lobby groups, the United States, Australia, Germany, New Zealand and the Netherlands withdrew from the conference and other EU members threatened the same. Doing so not only constituted a politically unwise move that alienated the African group of states from the EU and United States, substantially weakening their ability to influence the political outcomes of the HRC and other UN bodies, but also endangered the major progress that was made in the area of freedom of expression through Arab and OIC concessions. This constituted another example of unprincipled decision making by the EU and US which leads to an "us against them," "West against the rest" mentality that Arab states continuously use to mobilize states within other regions for their own goals.

V. Beyond 2009

The next several years will be a crucial time for the international human rights system. Arab governments will attempt to capitalize on the success they have achieved in shielding themselves from human rights scrutiny, undermining independent voices and using revisionist tactics to reinterpret international human rights standards within UN processes. Their ability to do so will largely depend on two main factors: (1) Whether rights-dependent states will invest sufficient resources, and adopt principled, long-term approaches within UN human rights mechanisms, and (2) the degree of

success in creating national, regional and international levels of awareness and resistance among independent civil society and media organizations to Arab governmental policies designed to undermine international accountability mechanisms for human rights violations.

A major stumbling block for the progressive development of the UN human rights system may be the 2011 review of the Human Rights Council required by GA Resolution that mandated the creation of the Council. As with the initial institutional negotiations that occurred in 2006, Arab states and other rights-hostile governments will attempt to use this review to undermine the hard won institutional mechanisms of the HRC that provide some form of critical evaluation and accountability for human right violations by governments.

The current HRC institutional text that exists appears to provide a sufficient means to carry out the Council's mandate. In this respect, the problem is not an institutional one but a political one. The question is not how to improve the internal mechanism itself but how to create the necessary political will among a majority of member states of the HRC to ensure a more balanced and consistent approach to upholding international human rights standards, while also marginalizing attempts to use the HRC to undermine international accountability and revise existing standards.

Human Rights Commission within the League of Arab States Comes Under Siege

The League of Arab States has become the embodiment of the failures and disorders that afflict the Arab region. One of the only functions the League carries out is of releasing rhetorical statements regarding the Palestinian issue. Arab public opinion at times still holds the false idea that a common Arab-wide role exists and is able to face the "challenges, threats and great political crises." In reality, the League is in fact turning its back on political crises, or letting the international community deal with them. We have seen this happen in several places in the region, starting from the Western Desert crisis in Morocco and the Moroccan-Algerian conflict, up to Iraq, Darfur and southern Sudan, Lebanon, and armed conflicts in North and South Yemen, even the Palestinian cause itself.

When it comes to human rights violations, the League strictly follows the text of its Charter, which advocates respect for the principles of national sovereignty and prohibits any interference in what is considered to be the internal affairs of States. Thus, by considering human rights violations to be internal matters, the Charter facilitates the League's silence, and occasionally its complicity regarding major violations of human rights perpetrated by Arab regimes. The only occasion in which discussions regarding human rights take place in the League is when violations are committed by non-Arab Parties. This shows that the League acts using the same double standards which it rejects at the international level.

The League condemns Israeli war crimes and calls for the prosecution of their perpetrators by virtue of International Humanitarian Law while simultaneously rejecting the trial of members of *al-Bashir's* regime in Sudan for crimes of equal gravity against the population of Darfur. This condemnation is accompanied by the League's continuing silence regarding crimes against the population of the *Saada* province in Yemen. Violations in Yemen include military operations and collective punishment imposed on the population in the ongoing war on the so-called *Huthi* rebels, which has lasted five years so far. Furthermore, the League has shown no action towards the increased repression, which has claimed dozens of lives, and led to the arrest of thousands of people in South Yemen who protested against their continued political, economic, and social marginalization, consequently threatening a renewed civil war. Similarly the Arab League quickly abandoned its role in addressing the conflict over The Western Sahara leaving the United Nations to attempt to resolve it. In order to avoid stirring up the conflict between Algeria and Morocco, the League turns a blind eye to the overall violations the populations in these countries.

If the League considers itself party to the Qatari initiative which had some temporary success last year in defusing a civil and sectarian war between the Shiites and Sunnis in Lebanon, then the League's institutions failed to play an active role to ensure the sustainability of the "Doha" agreement. Furthermore, the League was not able to warrant a national dialogue that would address major problems in Lebanon, something which the Doha agreement preferred to postpone. These problems are primarily related to ending the state of dual power experienced by Lebanon and strengthening the power of the Lebanese State.

Immunity for Arab war criminals

The discourse of the Arab region and the Arab League continues to condemn – rightly so - the war crimes committed by Israel against the Palestinian people. During the Arab Summit held in Doha in March 2009 they called upon the United Nations "to investigate war crimes committed by Israel in the Gaza Strip," and to refer their perpetrators to international tribunals. Moreover, they expressed "support for the efforts of the Secretariat of the League in investigating these crimes." However, at that same Summit in Doha, they considered the Security Council's Resolution to refer war crimes in Darfur to the International Criminal Court (ICC) inconsistent with the object and purpose of the UN Charter. The Summit declared solidarity with Sudan against the ICC's decision to prosecute the Sudanese President after he was indicted for war crimes in Darfur. The Doha Summit considered

the decision to prosecute Sudan's president a way to undermine his "legitimate elected leadership", regardless of the fact that *al-Bashir* forcibly seized power through a military coup staged in 1989. They also condemned the ICC indictment as an act that undermines the security, stability and sovereignty of Sudan, and to disrupt efforts to bring peace to Darfur.

The pattern is clear. The Doha Summit condemned *al-Bashir's* indictment by the ICC as politicization of the principles of international justice. The Arab League welcomed the adoption by the United Nations Human Rights Council of the recommendations of the Goldstone report on war crimes in Gaza. The League considered that the decision made by the UN Human Rights Council prioritized human rights considerations over any political considerations. While the Secretary General of the League of Arab States rightly considered that the Palestinian National Authority's proposal to postpone voting on the Goldstone report only helped the occupation forces, both the Arab League and the Doha summit offered similar aid to the parties involved in war crimes in Darfur. They did so not only by refusing to prosecute *al-Bashir*, but also by misleading public opinion and distorting facts without regard to the victims of war crimes in Darfur. For example, The Doha summit had announced "appreciation of Sudan's legal, legislative and judicial management of the crisis in Darfur," despite a huge lack of this type of management by Sudan's government in Darfur.

It is not surprising in this context that some members of the Gulf Cooperation Council are seriously considering joining the International Criminal Court. As the developments in the Darfur issue showed that the reluctance by States to accede to the ICC Statute does not prevent the targeting of its officials from prosecution before the court. Furthermore, accession may grant an opportunity to influence the Court from the inside and amend its statutes in cooperation with other states.

The dilemma of the "Arab Human Rights Commission"

In light of the daily gross violations of human rights witnessed in the majority of Arab countries, indicative of an absence of political will among governments to improve this situation, it takes a great leap of imagination to believe that a subsidiary body of the Arab League, an assembly of these totalitarian regimes, will in the foreseeable future be allowed to independently work to protect human rights at a regional level, or in the same manner that regional protection systems operate at the European, South and North American, or even African level.

Five years ago the "Arab Charter for Human Rights" was unanimously adopted at the Tunisia Summit, however Arabs had to wait nearly four years before the Charter theoretically entered into force.¹ Despite the fact that the Charter lacks minimal standards and mechanisms for the protection of human rights, and has little ability to hold Arab states accountable, only ten countries out of twenty two have ratified the Charter.² In this context the following should be noted:

First: The Charter's entry into force and the formation of "The Arab Commission for Human Rights" coincides with a period in time during which Arab countries have been increasingly cooperative with one another, and the members of the Organization of Islamic Conference, to launch widespread and systematic attacks on the United Nation's international mechanisms for the protection of human rights in order to undermine and weaken these mechanisms. For Arab states to allow the Arab Charter for Human Rights to attain the type of mechanisms of accountability that these states are collectively undermining at the UN level is highly unlikely.

Second: The ability of international and regional committees for human rights to fulfill their roles effectively is primarily contingent upon relying on experts, who enjoy independence, integrity, impartiality and broad legal experience. With regard to the "Arab Commission for Human Rights," its seven members were elected in March 2009 by state appointment and without any competition, thus no distinction between candidates was apparent. State parties at that time (eight countries) only nominated one candidate per position on the Commission, with the exception of Yemen, which nominated several candidates including one woman. However, the absence of the Yemeni representative on the voting day led other countries to consider that he had withdrawn his candidacy. Hence, the League did not implement any election procedure similar to those of regional and international commissions, which allow civil society institutions and national human rights institutions to nominate, assess and express their views on the

¹ The Charter entered into force officially on 15 March 2008, after seven Arab States had ratified it, namely: Jordan, Algeria, Bahrain, Syria, Palestine, Libya and the United Arab Emirates. See in this regard: Cairo Institute for Human Rights Studies, "From Exporting Terrorism to Exporting Suppression", CIHRS Annual Report, 2008.

² After the completion of the ratification of seven countries, the necessary quorum for the entry into force of the Charter, Saudi Arabia, Yemen and Qatar ratified it. See Amnesty International document: "The Middle East and North Africa: Recommendations for the development of rules of procedure and working methods of the Arab Human Rights Commission," Amnesty International. 2009, <http://www.amnesty.org/en/library/asset/IOR65/001/2009/ar/271f8d4a-2485-4a4a-917e-86ef9ccee3ed/ior650012009ara.html>.

candidates. The composition of the Arab Commission also reflected a drastic gender imbalance, since no women were elected to the Commission.

However, a more serious flaw also exists regarding the independence of the Commission: some of its members were and still are holding governmental positions in their respective countries.³

Third: The ability of the Committee to promote rights contained in the "Arab Charter for Human Rights" – albeit its humbleness - requires genuine openness to civil society institutions, particularly Arab human rights organizations. Such openness would allow the members of the Commission – if the political will exists inside the League – to develop a system of action and regulations for the Commission, in order to integrate and assimilate at a faster pace the traditions established in the work of other international and regional commissions. This would include reliance upon reports released by human rights organizations as a source of information and seeking their views to interpret the Charter provisions that are in line with the developments in International Human Rights Law.

However, the opportunities for openness to civil society organizations within the League conflict with the hostile attitude exhibited by Arab governments towards Non Governmental Organizations (NGOs), and with the rules that League has adopted. According to such rules, NGOs cannot be granted observer status unless they are legally registered in an Arab country. Moreover, they require the consent of the host country in order to gain this status within the organization concerned. This policy ultimately leads to the rejection of requests made by the majority of independent and effective NGOs for observer status, due to the fact that governments in a number of countries do not allow for the legitimate establishment of NGOs, particularly human rights organizations. In some Arab states, no independent human rights NGO is legally recognized (Syria, Saudi Arabia, and Libya, are some examples).

It is therefore noted that the degree of openness permitted by the League of Arab States Secretariat is almost exclusively limited to the involvement of Arab experts working within international organizations, or with the High Commissioner for Human Rights. This situation allows the League to accord priority not to human rights protection but to ensuring the release of propaganda to revamp their image vis-à-vis the international community, without seriously addressing human rights problems in Arab countries, or creating a real relationship with local human rights organizations.

³ Ibid., AI document.

Commission already being undermined

However, the Secretariat of the League of Arab States has not been satisfied with the heavy restrictions imposed by the Arab Charter for Human Rights on the activities of the "Arab Commission for Human Rights". It has made strong efforts to prevent the possibility of the slightest degree of autonomy from being granted to the Commission– despite the modesty of the Commission's requests, which are administrative in nature– as well as blocking the openness of the Commission to Arab human rights organizations.

The Chairman of the newly created Commission has made a request since the first Commission meeting in May 2009, for a limited administrative secretariat exclusively for the Commission - including a full time Director - and for the League to provide the Commission with an office of its own. The requests were repeated twice during the second and third meetings in July and October 2009 respectively. None of these requests have been responded to, even though the requests have been discussed during at least two meetings with the Secretary-General of the League in May and July.

Immediately after the last meeting in October, the head of the human rights division within the League was dismissed from office, both as the head of the division as well as from performing his duties as the technical secretariat of the Commission. Many believe that he intended to support the Commission's efforts to acquire relative independence of action. Furthermore, the Secretariat was dissatisfied with his contribution in facilitating a meeting between the Commission and international and regional human rights organizations – including the Cairo Institute for Human Rights Studies – last October. It should be noted that the Commission made a decision during this meeting to allow for the cooperation of NGOs in the Arab world, which caused great concern to the Secretariat of the League

The chances of establishing a regional mechanism for the protection of human rights in the Arab world are almost impossible, at least in the foreseeable future. The adoption by the League of Arab States of the Arab Plan for Human Rights Education during the period 2009 - 2013⁴, seems more relevant to the requirements of public relations with the international community than to the requirements of promoting human rights values. In addition, the plan appears to be contradictory in practice, as it adopts the "Cairo Declaration on Human Rights in Islam," which contradicts with basic

⁴ Internal document of the League of Arab States carrying the same title has been adopted in the Damascus Summit in March 2008 and became valid as of January 2009.

international human rights standards, alongside the international covenants on human rights. The conflicting references are made particularly with regard to the principles of equality and non-discrimination.

The aim of this plan "in theory" is to integrate human rights into the various stages of the educational system. However, the implementation of this plan faces major challenges, notably the degree of the political will of the majority of governments to incorporate human rights values and standards into the educational curricula, as well as their readiness to cooperate in the promotion of these values and in raising the younger generations based upon them.

Another challenge is also noted in the draft plan, namely that the presence of effective civil society would enhance the chances of success of this plan; however, the draft in no way acknowledges that civil society, especially human rights NGOs, are under siege by governments throughout the region, or that civil society institutions are still largely excluded from the Arab League institutions.

