



# ANNUAL REPORT 2015

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More than ever, the scale and seriousness of human rights violations committed in the Arab world and on which our organisation works require that, as dictated by our mandate, we continue to provide support and assistance to all victims in a prompt and efficient manner.

Doing fieldwork, collecting testimonies, documenting some of the most serious human rights violations in a factual and objective way, then denouncing them by resorting to international legal mechanisms designed to protect them, remains an essential part of our work. Certainly, we are sometimes forced to watch helplessly as the results of these actions fall short of our expectations, and as the victims and their families continue to suffer in a persistent climate of impunity. Our organisation believes, however, that despite the objective limitations of these international legal mechanisms, we have no choice but to continue to fight at their service.

Never has mankind known a normative human rights framework as complete as the one we know today, even if room for improvement remains, most notably in making it more binding on States. In principle, numerous international instruments, key pieces of legislation, and other national, regional and international mechanisms guarantee every human being respect of his or her rights and freedoms. The establishment of an Office of the High Commissioner for Human Rights (OHCHR), following the Vienna Conference in 1993, with a mandate to “promote and respect the enjoyment and full realization, by all people, of all rights established in the Charter of the United Nations and in international human rights laws and treaties” was a pivotal step in this journey, as well as in the specific role Alkarama set for itself when it was created in 2004, namely to ensure that the rights and freedoms of all those in the Arab world are fully and fairly respected.

Thanks to its daily cooperation with the United Nations human rights protection instruments, Alkarama has contributed to tangible progress on the ground. Indeed, notwithstanding the fact that the Arab world is today the scene of some of the most heinous crimes, it must be recognised that the issue of human rights has become a key concern in the region. The following causal link can no longer be ignored: the systematic violation of human rights can only lead to failed States with all that this entails on the regional and international level, including the phenomenon of mass migrations and the rise of terrorism. Nevertheless, so-called “democratic” States too often pretend to ignore this reality and sometimes lend support to dictatorships who dare to assert that their people are “not yet ready for democracy” or advocate for a cultural relativism of “Arab human rights”.

Such attitudes actually illustrate the fact that the UN human rights system, led by the OHCHR, also finds itself powerless in the face of abhorrent situations that organisations like ours denounce. Unfortunately, the political and geostrategic interests of all parties too often lead far beyond empty promises, whereby victims and human rights defenders themselves have begun to doubt the very concept of the universality of human rights. Undoubtedly, human rights are too serious a matter to be left solely in the hands of politicians! The continuous, vigilant and professional work of organisations like ours, and civil society in general, is essential to ensure the sustainability and efficiency of a structure designed to “protect the enjoyment and full realisation, by all people” of human rights.

In 2015, Alkarama continued its work for the defence of human rights in the Arab world. In countries including Libya, Iraq, Syria, and Yemen, to the cataclysm caused by dictatorships came to be grafted increasingly grave abuses committed by non-State actors, while foreign interventions have ultimately made the situation worse when they were not at its origin.

The Arab revolutions of 2011 have so far failed to lead to the respect of the civil and political rights of the people in the region, the denial of which remains the source of most reported abuses. Once again, Alkarama noted that almost all Arab governments continue to regard human rights activists as “enemies” or “traitors”, deserving the worst forms of condemnation under the pretext of “terrorism”. Moreover, these same governments continue to have a negative attitude towards the UN human rights mechanisms, by refraining both from implementing the recommendations of the Treaty Bodies and from collaborating with the Special Procedures, or even by refusing to accept the requests for visits of UN experts.

Alkarama's wish is to see these governments adopt a constructive attitude, towards both the UN mechanisms and human rights defenders, in order to ensure the de facto respect for the principles at the very basis of the rule of law.

Alkarama expresses its appreciation to all those who, braving all dangers and repression, continue to fight to put an end to human rights violations in the Arab world. We would also like to thank all our colleagues in other NGOs, as well as those of the OHCHR, with whom we work on a daily basis.

*The Council*

*Alkarama Foundation*

## ACRONYMS

<b>CAT</b>	Committee Against Torture
<b>CED</b>	Committee on Enforced Disappearances
<b>CoI</b>	UN Commission of Inquiry
<b>HRC</b>	Human Rights Council
<b>HRCtee</b>	Human Rights Committee
<b>ICC</b>	International Criminal Court
<b>ICC-NHRI</b>	International Coordinating Committee of NHRIs
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ICCPR-OP1</b>	First Optional Protocol to the ICCPR
<b>ICPPED</b>	International Convention for the Protection of All Persons from Enforced Disappearance
<b>NGO</b>	Non-Governmental Organisation
<b>NHRI</b>	National Human Rights Institution
<b>NPM</b>	National Preventive Mechanism
<b>OHCHR</b>	Office of the High Commissioner for Human Rights
<b>OPCAT</b>	Optional Protocol to the UNCAT
<b>SCA</b>	Subcommittee of the ICC-NHRI
<b>SPT</b>	Subcommittee on Prevention of Torture and other cruel, inhuman or degrading treatment
<b>SR FPA</b>	Special Rapporteur on the rights to Freedom of Peaceful Assembly and of Association
<b>SR FRDX</b>	Special Rapporteur on the promotion and protection of the right to Freedom of Opinion and Expression
<b>SR HRD</b>	Special Rapporteur on the situation of Human Rights Defenders
<b>SR IJL</b>	Special Rapporteur on the Independence of Judges and Lawyers
<b>SR SUMX</b>	Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions
<b>SR CT</b>	Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering Terrorism
<b>SRT</b>	Special Rapporteur on Torture and other cruel, inhuman or degrading treatment
<b>UN</b>	United Nations
<b>UNCAT</b>	Convention against Torture
<b>UNSG</b>	United Nations Secretary General
<b>UPR</b>	Universal Periodic Review
<b>WGAD</b>	Working Group on Arbitrary Detention
<b>WGEID</b>	Working Group on Enforced and Involuntary Disappearances

## OTHER TERMS

<b>COMMUNICATION</b>	A letter sent by Alkarama to a UN Special Procedure Mandate Holder on an individual case of human rights violation
<b>SHADOW REPORT</b>	A report to the HRCtee, CAT, CED providing information about the implementation of the relevant treaty by the State party under review
<b>FOLLOW UP REPORT</b>	A report to the HRCtee, CAT, CED providing information about the implementation of the recommendations issued by the relevant Treaty Body to the State
<b>LIST OF ISSUES</b>	A contribution to the list of questions drawn up by the experts of the HRCtee, CAT or CED for a State party before its review



## WHO IS ALKARAMA?

### Mission

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

### Structure

Alkarama is, since 2007, registered as a Swiss foundation, founded by Mr Abdul Rahman Al Naimi. It is headed by a board whose members are Messrs **Abbas Aroua, Khalifa Mohamed Al-Rabban and Ahcene Kerkadi**.

The statutes of the Foundation have established an Advisory Committee consisting of recognised experts in human rights and the Arab world and whose mission is to guide the foundation in its strategic directions. Its members are :

- **Maha Azzam** is a leading policy expert on the Middle East and political Islam. She is Egyptian and holds a DPhil from Oxford University.
- **François Burgat** is a French political scientist and Senior Research Fellow at the French National Centre for Scientific Research.
- **Richard Falk** is an American professor emeritus of international law at Princeton University. He served from 2008-2014 as the United Nations' Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967.
- **Mutaz Qafisheh** is a Palestinian and French practicing international lawyer and currently the Dean of the College of Law and Political Science at Hebron University, Palestine.

A Charter explaining the vision, mission and values of the Foundation and establishing a line of ethical conduct for all collaborators of the organisation, was also adopted in August 2014 after approval by the Swiss Federal Authority of Foundations Surveillance.

### The Team

Alkarama is a multicultural team with 15 staff members from 9 different nationalities working from Geneva, Sana'a and Beirut and supported by interns and a network of hundreds of volunteers. The employees, as of 31 Decembre 2015, are :

- Mohamed **Ahmady**, *Yemen Country Representative*
- Imène **Ben Younes**, *Regional Legal Officer, North African Region*
- Youssouf **Coulibaly**, *Finance and Administration Officer*
- Mourad **Dhina**, *Executive Director*
- Thomas-John **Guinard**, *Regional Legal Officer, Nile Region*
- Julia **Legner**, *Human Rights Officer*
- Yann **Le Tallec**, *IT Manager*
- Ahmed **Mefreh**, *Egypt Country Representative*
- Rachid **Mesli**, *Director of the Legal Department*
- Radidja **Nemar**, *Regional Legal Officer, Gulf Region*
- Hassan **Nouhaili**, *Arabic Media Editor*
- Inès **Osman**, *Coordinator of the Legal Department & Regional Legal Officer, Mashreq Region*
- Saadeddine **Shatila**, *Lebanon Country Representative*
- Colombe **Vergès**, *Media Coordinator*
- Elisa **Volpi Spagnolini**, *Human Rights Officer*



## HOW DO WE WORK?

### Assist victims of human rights violations

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

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

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

### Increase reach of information of human rights in the Arab world

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

### Funding and Finances

As the title of 'foundation' suggests, most of our funding to date comes from Alkarama's Council, yet Alkarama has been seeking to diversify its support base to ensure the sustainability of the organisation. As a Swiss Foundation, Alkarama is reviewed every year by the Swiss Federal Supervisory Board for Foundations, in particular for its financial management.

We thank our donors for this support which has laid the foundations for the continued development of our financial base. We hope that further support can continue to add stability and strength to the vital work of promoting and defending the rights of all individuals in the Arab states.



## BUDGET

### Salaries and social charges

CHF 878 708.49

### Rent, heating and electricity

CHF 165 079.03

### IT, Telecoms, shipping costs

CHF 8 568.18

### Third party services

CHF 39 910.30

### Conferences, seminars and printing

CHF 5 142.10

### Travel

CHF 28 134.80

### Total

CHF 1 125 542.90

## STRENGTHENING THE UN HUMAN RIGHTS SYSTEM

As a regional organisation based in Geneva which works closely with the Office of the United Nations High Commissioner for Human Rights (OHCHR), Alkarama makes every effort to ensure that the UN and its human rights protection mechanisms are accessible to civil society in the Arab World.

### ***The Treaty Bodies...***

In 2015, Alkarama continued to follow the developments of the “Treaty Body Strengthening process”, an initiative launched in 2012 to improve the efficiency and functioning of the 10 Treaty Bodies – including, among others, the Human Rights Committee (HRCtee), the Committee against Torture (CAT) and the Committee on Enforced Disappearances (CED) – which ensure the implementation by States of their international obligations in line with the treaties they ratified.

From 14 to 16 January, Alkarama participated in a conference at Wilton Park (England) – on the strengthening of UN bodies responsible for monitoring the implementation of human rights instruments – organised by the Norwegian and Swiss Ministries of Foreign Affairs. The meeting, which brought together more than 50 government and civil society representatives as well as UN experts, had several objectives. One of them was to deal with the issue of the follow-up of General Assembly Resolution 68/268 adopted in April 2014, which notably invites the Treaty Bodies to provide for a more effective process for the reviews of States, such as by adopting short, focused and concrete concluding observations, or filming sessions. In addition, participants tried to identify how to ensure respect by States of their treaty obligations, as well as recommendations made by UN experts. At the end of the conference, a report containing 13 key recommendations to be implemented by the Treaty Bodies was published.

Furthermore, simultaneously with the annual meeting of chairpersons of human rights Treaty Bodies, held in San José (Costa Rica) in June 2015, numerous NGOs, including Alkarama, issued a statement to express their concerns and to make recommendations. Civil society clearly attracted the attention of the experts on whether more synergies were needed between Treaty Bodies and Special Procedures. NGOs also emphasised the persistent lack of implementation of recommendations by States and the need for the Treaty Bodies to use new technologies to strengthen their efforts.

This year, Alkarama also met with members of the CED, the HRCtee, and the CAT with regard to the reviews of Iraq and Jordan. Finally, in April, Alkarama participated in an informal meeting between NGOs and CAT experts to discuss the latter’s rules of procedures, including the confidential inquiry procedure under Article 20 of the Convention against Torture and the handling of individual complaints by the CAT.

### ***... And the Special Procedures***

On 10 June, Alkarama participated, as it does every year, in the annual meeting of Special Procedures, which raised the difficulties experienced in accessing victims on the ground, including as a result of the language barriers or reprisals against civil society. In addition, the Chairperson addressed the issue of the lack of follow-up on recommendations made by the Special Procedures, while the Special Rapporteur on the rights to Freedom of Peaceful Assembly and of Association Maina Kiai denounced the fact that numerous States refuse to invite UN experts to visit their countries, or simply invite those Procedures they consider “less intrusive”. In light of this meeting, Alkarama sent all the Special Procedures with whom it works suggestions on countries to visit, in which the practice of torture, enforced disappearance, arbitrary detention and extrajudicial executions, as well as violations to the freedoms of expression and of association and peaceful assembly, the independence of the judiciary, and the respect for human rights in the fight against terrorism are of particular concern.

This year, Alkarama also met with representatives of the various UN human rights mechanisms. Importantly, in March, our organisation met with the Special Rapporteur on the situation of human rights in the Palestinian Territories, Makarim Wibisino, to present the conclusions of our report on Israel’s Operation Protective Edge into the Gaza Strip and violations of international humanitarian law committed therein. In September, our representatives also met with members of the Working Group on Arbitrary Detention and the new Special Rapporteur on the Independence of Judges and Lawyers, Mónica Pinto – who replaced Gabriela Knaul in August 2015 – in order to provide them with information on the unsettling human rights situation in a number of countries in the Arab World.

Finally, on 12 June, Alkarama participated in a dialogue on improving the accessibility, responsiveness and effectiveness of the UN human rights mechanisms’ complaint system, organised by the Universal Rights Group in Geneva. Participants discussed, among others, the impact of the different mechanisms in terms of support to victims of human rights violations, on which Alkarama was able to bring its expertise as an organisation that acts as a bridge between the victims and the UN mechanisms.

## STRENGTHENING CIVIL SOCIETY IN THE ARAB WORLD

The Arab World's human rights situation cannot be improved without the active participation of civil society. An experienced and competent civil society that knows how to interact with the UN human rights system is a crucial element in ensuring human rights protection on the ground. In 2015, Alkarama took part in several initiatives to strengthen the capacity of actors within local civil society so as to give them the tools to interact with these aforementioned mechanisms.

### ***Training of Human Rights Defenders***

Alkarama organised various training workshops on the UN human rights protection mechanisms and the documentation of individual cases of violations. In March, workshops were held both in Geneva for Bahraini activists attending the session of the Human Rights Council (HRC) and in Beirut for Syrian activists as part of a workshop organised by the Lebanese Transparency Association. In April, Alkarama held another workshop to enable Syrian activists to document cases of arbitrary detention and enforced disappearances in their country and to submit them to the Special Procedures.

In February, Alkarama's team also received a training from the OHCHR on Human Rights Indicators – providing tools to assess performance and compliance of countries in ensuring human rights, even in challenging situations for example in countries that are experiencing armed conflict or severe repression from the authorities. The Guide – and *a fortiori*, the training kindly provided by the OHCHR – constitutes a reference upon which Alkarama bases itself to measure the impact of its action which aims to ensure the promotion and protection of human rights in the Arab World.

### ***The denunciation of reprisals against human rights defenders***

In 2015, the human rights defenders of the Arab world with whom we work continued to face reprisals for cooperating with the UN human rights mechanisms. As every year, Alkarama submitted a report in this regard to the attention of the UN Secretary General (UNSG) reporting instances of reprisals, which are then included in the UNSG's annual report to the HRC. In its latest report, released in September 2015, Ban Ki-Moon strongly condemned the retaliatory measures against human rights activists in Oman, Syria, and the United Arab Emirates. Moreover, the UNSG stated that "any act of intimidation or reprisal against individuals or groups [who cooperate with the UN], or anyone linked to them, is unacceptable."

In this context, Alkarama has also provided support and denounced the ongoing judicial harassment of two activists of the Lebanese Center for Human Rights for exposing the practice of torture and arbitrary detention in their country. Alkarama attended their court hearings before the Publication Court in Baabda, where they continue to be sued for "defamation".

### ***Projects in collaboration with civil society***

On 24 May, Alkarama participated in the Change Makers Forum held at the Saint Joseph University in Beirut, which brought together about 40 civil society organisations working in the Arab world, and where our representatives were able to present Alkarama's work and meet other NGO representatives.

Moreover, on 23 July, one of Alkarama's representatives spoke at a press conference in Beirut entitled "Human Rights in Lebanon: between Reality and Recommendations". The conference sought to present journalists with a joint report of several NGOs, including Alkarama, addressed to the HRC in view of Lebanon's Universal Periodic Review (UPR) held on 2 November.

### ***Internship Programme***

Alkarama also offers an internship programme – in our legal and communication departments – which allows young graduates with an interest in the Arab world to gain experience in the promotion and protection of human rights in the region. Alkarama's interns are full members of the team and have the opportunity to contribute significantly to the work of the organisation, thus gaining a valuable experience that can be carried forward through the rest of their careers.

## FOSTERING A CULTURE OF HUMAN RIGHTS IN THE ARAB WORLD

### ***Constructive dialogue with States***

Alkarama wishes to engage in a constructive dialogue with States in the Arab world. Thus, in 2015, Alkarama undertook several initiatives to this end, especially in Lebanon, where Alkarama established offices in 2007.

In this regard, and in the context of Lebanon's UPR in November, numerous consultations were held in Beirut. In January and July, Alkarama took part in meetings organised by the Parliamentary Committee on Human Rights designed to take into account the comments and concerns of local NGOs in the preparation of Lebanon's national report by the authorities. Several Members of Parliament, representatives of several government Ministries – including the Ministry of Foreign Affairs and the Ministry of Justice – as well as a representative of the Internal Security Forces were present but did not wish to disclose the draft national report to civil society members. This was strongly criticised by NGOs who wished that an inclusive consultation



process for the preparation of the national report be set up. Finally, on 3 December, several NGOs and representatives of the Ministry of Justice and the Ministry of Foreign Affairs came together to establish a monitoring group for the recommendations of the various Member States at the UPR and to ensure their effective implementation in the coming years.

Furthermore, on 15 May, Alkarama participated in a meeting between several civil society organisations and the Minister of Justice, Ashraf Rifi, who had expressed a willingness to reform the jurisdiction of the Military Court. Here, Alkarama recalled not only the conclusions of the CAT following its inquiry on the practice of torture in the country and the revelation that many individuals were convicted by Special Courts on the basis of confessions extracted under torture, but also the imperative need for new legislation preventing civilians from being brought before a Military Court.

### ***Raising awareness on human rights***

Alkarama also had the opportunity to present its work on human rights in the Arab world to students who wanted to learn more about the work of an NGO that interacts with the UN mechanisms on a daily basis.

In June, Alkarama was able to present its work to students of a Masters Programme in Human Rights from the University of Glasgow and from the University of London during their visit to Geneva. Alkarama explained its strategies regarding the use of UN human rights mechanisms and how the latter allow for the promotion of human rights at the national level, as well as its use of the media, which cannot only raise awareness of rights among Arab populations but also pressure Arab governments to act on their international commitments.

Finally, on 10 October, one of Alkarama's representatives in Lebanon gave a presentation to students of the University of Notre-Dame on the practice of torture within the country, by State authorities as well as non-State actors, and on the various preventive mechanisms that exist.

## **MEDIA WORK TO FOSTER UNDERSTANDING OF RIGHTS IN THE ARAB WORLD**

Media is an essential tool for raising awareness, both in Arab and Western countries, on major issues related to human rights, and bringing visibility and protection to victims of serious human rights violations in the Arab world.



**ALKARAMA'S PRESENCE IN THE MEDIA** Having proven its seriousness and professionalism, Alkarama has become a source of information and reference for many Arab and international TV stations and news agencies. Alkarama researchers and lawyers participated to dozens of live debates broadcasted on satellite TV stations to discuss the human rights situation in Arab countries or cases of victims of human rights violations handled by Alkarama. Among these media were the RFI Radio station, Alaraby TV channel (which broadcasts from London), Al Jazeera, Al Mayadeen and the Lebanese TV channel LBC as well as the News agencies Reuters and Anadolu. Many press and news articles cited our foundation or shared testimonies of victims whose case was handled by Alkarama; among which the Huffington Post, The Washington Post, Swissinfo, The Christian Science Monitor, Eye Middle East, Latin American Herald Tribune and others.



**WEBSITE** Most of our articles, reports and press releases are published on our website in three languages: Arabic, English and French. This allows us to reach a wide audience, especially in Arab countries, where some articles are read thousands of times the very same day of their publication. Although it requires considerable human resources, publication in the three languages is essential to Alkarama which is committed to continue to do so. In 2015, we published an average of three to four articles per week about cases we treated and reports we published.

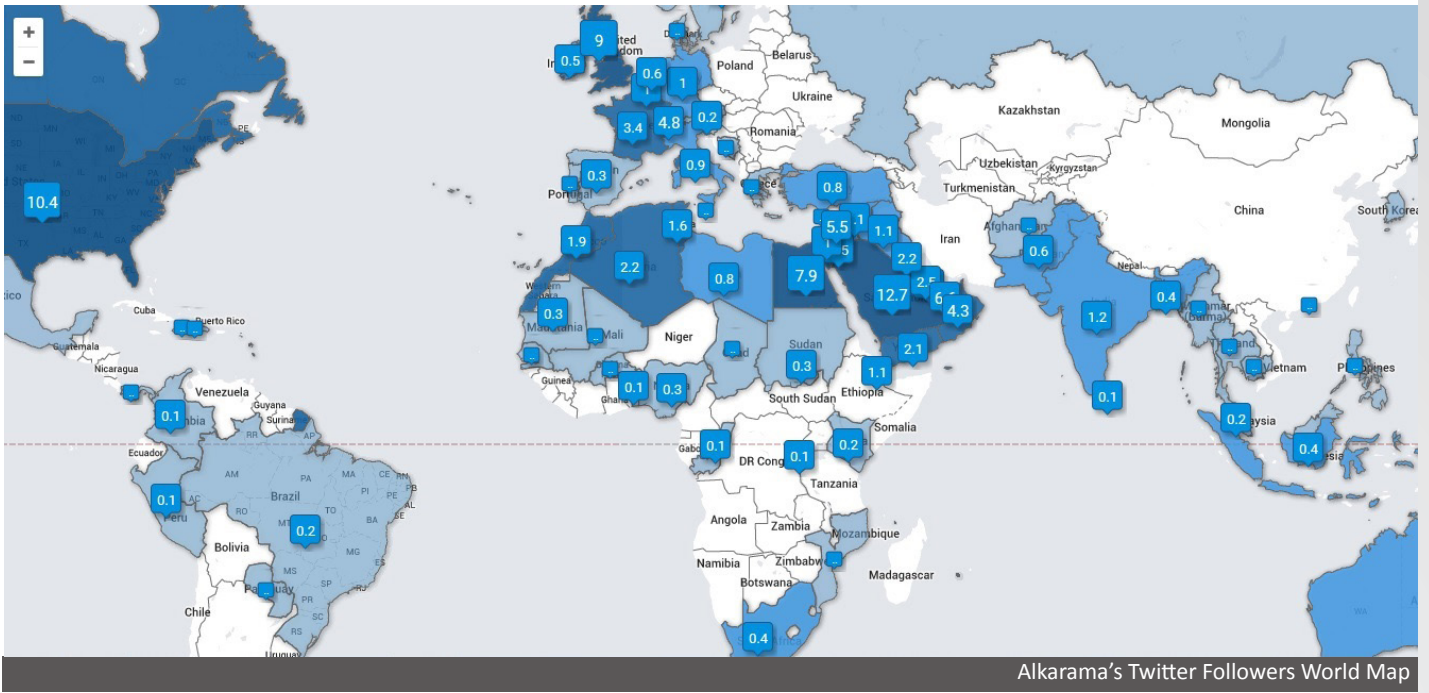
Alkarama is now working on creating a new website which should enable it to better present the victims' cases and the issues we are specialised in.



**SOCIAL MEDIA** Alkarama has strengthened its presence on social media to reach a broader audience. For many years, social media have proved effective to broadly and immediately release information, especially in the Arab world. Alkarama uses social media to share information about its work, provide information on the human rights situation in Arab countries and above all, shed light on the victims it defends.

On our Facebook page, we share information about individual cases of violations we handle, joint calls for actions to which we are committed and information related to the United Nations including statements by experts and articles on issues concerning human rights violations and countries within our mandate. We also use it to improve visibility of events that we, the UN and other NGOs organise.

Most of our "followers" on Twitter are from the Arab world, particularly from the Gulf countries, while most of our Facebook friends are from North Africa. Social media is sometimes the only means that enables them to follow our work, especially in countries where access to our website is blocked.



**SPECIAL NOTE: DETENTION OF OUR LEGAL DIRECTOR IN ITALY ON THE BASIS OF AN ALGERIAN ARREST WARRANT**

On Wednesday 19 August 2015, Alkarama’s Legal Director Rachid Mesli was arrested at the Swiss-Italian border on the basis of an arrest warrant issued by the Algerian authorities in April 2002, claiming he had “contacts with terrorists in Algeria” and was “a member of a terrorist group operating out of Algeria”. After ordering his house arrest on 22 August, the Turin Court of Appeal authorised him to leave the country on 15 September 2015 before the end of the 40-day period during which the Algerian authorities should have formally submitted their extradition request. In its release order, the Court stated that the information received from Algeria was “unclear” which caused it to question “the existence of circumstances supporting a favorable decision of extradition, which would be in contrast with the fundamental principles of the Italian judicial system”.

On 16 December 2015, the Turin Court of Appeal issued its judgment which dismissed the Algerian extradition request in light of the fundamental inconsistencies of the file submitted by the Algerian authorities.



Mr Rachid Mesli



## 2015 Alkarama Award for Human Rights Defenders honours Omani Activist Talib Al Mamari

The Alkarama Award for Human Rights Defenders is a symbolic prize presented every year since 2009, on the occasion of Human Rights Day, to an individual or an organisation that has significantly contributed to the promotion and protection of human rights in the Arab world. It aims to raise awareness on specific human rights violations and to ensure visibility and protection to Arab human rights defenders.



Talib Al Mamari

In 2015, the 7<sup>th</sup> Alkarama Award was given to Omani human rights advocate and former parliamentarian Talib Al Mamari in recognition of his important work defending human rights in his country, in particular since the crackdown on civil society that followed the 2011 protests. Al Mamari was chosen as the 2015 laureate for his role as a pioneer peaceful activist for democratic practices in Oman and the Gulf region, where the authorities tend to consider all criticism as a criminal offence. The Alkarama Award honours Al Mamari's courage to speak up for his countrymen before Parliament and standing with them against the arbitrariness of the government's policies.

Elected to the Shura Council in 2011, Al Mamari dedicated his life to advocate for the rule of law and to ensure governmental accountability in protecting the environment and public health in Oman. The human rights defender stayed faithful to his commitment at the expense of his own freedom and fundamental rights. Three days after taking part in a peaceful demonstration against the petrochemical pollution threatening public health in his hometown of Liwa, Al Mamari was arrested on 24 August 2013 and charged with the offence of

"crowding". Released on bail on 11 October 2013, he was re-arrested a few hours later before being subjected to an unfair trial.

After his arrest, the Omani MP was held in solitary confinement in the Muscat National Security Prison and was not authorised to see his lawyer during the whole period preceding his appeal. In December 2013, the Court of Muscat sentenced him to four years in prison and a 500 Rials (about 1,300 US dollars) fine for "harming the State's prestige" as well as one year for "disturbing public order" and "obstructing traffic". Retried a number of times, his final sentence was confirmed by the Court of Appeal on 31 October 2014 to four years in prison and a 700 Rials (about 1,800 US dollars) fine.

He has since then been held in the Sama'il prison near Muscat, despite an Opinion issued by the United Nations Working Group on Arbitrary Detention (WGAD) in December 2014, following a communication submitted by Alkarama, qualifying his detention as "arbitrary" and requesting the Government of Oman "to take the necessary steps to remedy to the situation of Dr Al Mamari," including "to immediately release him and to accord him an enforceable right to compensation." His case was also considered by the Inter-Parliamentary Union's Committee on the Human Rights of Parliamentarians, who acknowledged the importance of Al Mamari as a parliamentarian and the vital protection of his rights to freedom of expression and peaceful assembly.

In his absence and the absence of his relatives who feared reprisals by the Omani authorities, the award was presented on 8 December 2015 to Ueli Leuenberger, former President of the Green party, former member of the Swiss Parliament and President of the Geneva Institute for Arab and Mediterranean Cultures. Other speakers at the event included UN and international law expert, Sétondji Roland Adjovi, Vice-chair of the WGAD, Adam Coogler from Human Rights Watch and Radidja Nemar, Regional Legal Officer for the Gulf at Alkarama. A short documentary on Al Mamari, produced by Alkarama's Media team, was also shown during the well attended ceremony that took place at the Ecumenical Centre in Geneva.



In the absence of 2015 laureate, Talib Al Mamari, Rachid Mesli (left) gives award to Ueli Leuenberger (right)

# ALGERIA

At the beginning of 2015, the country became the scene of massive protests against the project of shale gas exploitation in parts of the Algerian Sahara. Rallies held throughout the country to support people in the areas affected by the project were largely repressed by the security services who carried out dozens of arrests. Particularly affected by these events, the town of In Salah – where the first pilot drilling was conducted – was the scene of a violent crackdown on protesters.

In July 2015, violent clashes of an ethnic nature erupted once again in Ghardaia between the Mozabites and the Chaamba, killing at least 25 people. Faced with the police's failure to provide security, the army was deployed in the city to restore order. In the wake of these bloody events, several dozen people were arrested, in particular Internet users accused of inciting violence through social media.

During the summer, some State agencies saw significant reshuffles, considered by observers of the Algerian political scene as a settling of scores between clans running the State. First, the dismissal of the head of the Department of Intelligence and Security (DRS) – General Mohamed Mediène, also known as Toufik – at the head of this department considered a “State within a State” for 25 years, then the Public Prosecutor of Algiers Belgacem Zeghmati and several other dignitaries of the army were also discharged. After criticising the decision and bringing charges against those close to President Bouteflika, the retired general Hocine Benhadid was also arrested and taken into custody at El Harrach prison, a month after the arrest of General Hassan, former head of the anti-terrorism unit within the DRS.

For human rights activists and defenders, reprisals worsened considerably this year. If the practice of arbitrary arrests continues, the charge of “undermining a constituent body” often levelled against demonstrators, journalists and human rights activists, gives way to more serious charges, such as “incitement to take up arms against State authorities” or “advocating terrorism”. On 15 November 2015, Tedjani Ben Darech and Adel Ayache were both arrested and accused of “advocating terrorism” for taking part in a rally in support of the journalist Hassan Bouras, arrested in Al Bayadh in the southwest of the country a few months earlier.



Hassan Bouras

Finally, the constitutional reform process announced in 2011 and then regularly postponed, returned to the forefront of the political scene once again at the end of 2015. In mid-December, President Bouteflika chaired a restricted Cabinet meeting, in which the constitutional reform was discussed. Described as a substantial project that should mark “significant progress in different areas”, this umpteenth draft reform will not however – according to a presidential statement – be subject to a popular referendum, but will instead be submitted to Parliament, currently dominated by Algeria's former single party, the National Liberation Front (FLN). This announcement raised a wave of criticism from civil society and the opposition parties, who consider that this review is for the sole purpose of “perpetuating current power.”

## Denial of the right to truth and justice for victims of the black decade

The civil war in Algeria that followed the military coup in 1992 left more than 200,000 victims dead or missing. If the figures differ, civil society organisations now estimate the number of disappeared persons between 15,000 and 20,000, and as many families who have remained without news of their relatives.

Despite the seriousness of the crimes committed by the Algerian army and the police, the State still refuses to open investigations into the cases of these disappeared people in order to shed light on their fate and bring justice to their families. The Charter for Peace and National Reconciliation, in force for nearly 10 years, continues to afford total impunity for the perpetrators of these crimes and to further deprive families of their right to truth and justice, any legal action being punishable under criminal law.

In view of the inefficiency of the actions taken before domestic courts, Alkarama seized the United Nations Human Rights Committee (HRCtee) with numerous cases of extrajudicial executions and enforced disappearances of Algerian citizens. Thus, in 2015, Alkarama seized the HRCtee of the case of Fateh Dafar – arrested in November 1994 by the forces of the National Gendarmerie of Al Aouana and then summarily executed on the beach along with several other victims – and Achour Berkaoui – disappeared since his abduction by the DRS in the heart of Algiers in November 1994.

The HRCtee had already condemned Algeria many times for similar cases of executions and enforced disappearances. Nevertheless, the authorities continue, to reject the requests of families of victims and refuse to implement the HRCtee's decisions. Thus, the requests sent by the Fedsi and Bourefis families to the authorities in the course of the year, seeking implementation of the decisions made by the HRCtee, were rejected by the authorities who merely summoned them with a view to intimidating them. After years of struggling tirelessly for the truth, Zohra Boudehane – respectively wife and mother of Tahar and Bachir Bourefis, both missing since 1994 – died in October 2015 before obtaining justice.

## Persecution of journalists and human rights activists

At the same time, Alkarama observed in 2015 a resurgence of persecution against human rights activists by the authorities, who exploit the judiciary to stifle any dissenting voices. This year again, while many activists and journalists were arrested for “undermining a constituent body” or “insulting a State representative” when having merely protested or criticised the authorities, others were subjected to more serious charges of “advocating terrorism” or “incitement to carry arms”. As such, Rachid Aouine, human rights activist, was arrested in February 2015 and sentenced to six months in prison for having called a protest against the exploitation of shale gas.

In October 2015, Hassan Bouras, a journalist and member of the Algerian League for the Defence of Human Rights (LADDH), was also arrested on charges of “undermining a constituent body” and “incitement to take up arms against the State” for his notorious activities to defend human rights. Three months into his detention, he was yet to be brought before a court.

The media did not escape these repressive measures either. In April, El Djazairia TV was forced to suspend the broadcasting of its satirical show ‘El Djazairia Weekend’ for “repeated abuses” following their revelation of information on the property assets of some Algerian officials, most notably Prime Minister Abdelmalek Sellal. In October, it was the turn of El Watan TV channel to be banned after broadcasting an interview with the former head of the Islamic Salvation Army (AIS), Madani Mezrag. The latter was not disturbed for his comments, but the channel had to cease all activities and to lay off 170 employees.



### **TORTURE IN CUSTODY, ALGERIA CONDEMNED BY THE COMMITTEE AGAINST TORTURE**

This year, the United Nations Committee against Torture (CAT) delivered an important decision for Hashemi Boukhalifa, who was tortured by agents of the DRS in 2011.

The 43-year-old merchant from the Ouargla Province in eastern Algeria was arbitrarily arrested at his home by plainclothes DRS officers on 9 January 2011 and taken to one of their barracks in Ouargla’s Tazegrat neighbourhood. Held *incommunicado* for eight days, during which he was subjected to the worst forms of torture – notably being severely beaten repeatedly, suffering the torture of the cloth (waterboarding or simulated drowning) and forced to eat human excrement. During his interrogation, the victim was indiscriminately accused of murder, terrorism and possession of firearms, accusations that he rejected altogether.

The DRS officer then tried to extort money from him in exchange for his release before finally releasing him in an appalling state 10 days later. After his many courageous efforts to pursue his torturers and obtain redress were made in vain, Boukhalifa decided to mandate Alkarama to seize the CAT.

Deploring the failure of the Algerian authorities to respond to Boukhalifa’s allegations, the CAT issued a decision in which it considered the treatment inflicted on the victim as constituting torture, in accordance with Article 1 of the Convention against Torture and other cruel, inhuman or degrading treatment or punishment (UNCAT). It further considered that the Algerian authorities had failed in their duty to prevent and punish such acts. Finally, the CAT urged the Algerian government to open an independent and impartial investigation to prosecute those responsible and to duly compensate the victim.



## WHAT IS RATIFIED

ICCPR ✓    UNCAT ✓    ICPPED ✗  
 OP ICCPR ✓    OPCAT ✗



## UPCOMING

- Reform of the Constitution;
- September 2016: Submission of Alkarama's report to the UN Human Rights Council (HRC) in view of Algeria's Universal Periodic Review (UPR).



## OUR CONCERNS

- Undue restrictions on the freedoms of expression, association and peaceful assembly;
- Continuous refusal to implement the decisions of the HRCtee relating to human rights violations committed during the 1990s;
- Violation of procedural guarantees, unfair trials and the practice of arbitrary detention;
- Lack of independence of the judiciary and impunity for perpetrators of human rights violations.



## OUR RECOMMENDATIONS

- Ensure respect for the freedoms of expression, association and peaceful assembly, and end the repression against human rights activists;
- Shed light on crimes committed during the civil war, put an end to impunity and repeal the Charter for Peace and National Reconciliation;
- Work actively with the UN Special Procedures and Treaty Bodies.

# BAHRAIN

In 2015, Bahrain continued to face the consequences of the 2011 political crisis, including the suppression of the opposition by the authorities. The series of meetings held within the framework of the “National Dialogue” launched by King Hamad bin Isa Al Khalifa following the demonstrations and the uprising of the political opposition seemingly failed to reach their declared goal of opening the political debate to bring about reforms in Bahrain. Simultaneously, while Bahraini civil society remains among the most active in the Gulf region, it nevertheless continues to be centred on major political divides within the country.

Above all, the failure of the National Dialogue shows a growing polarisation of Bahraini society, illustrated by the boycott of this process by Al Wefaq, the country’s main opposition party. In February 2015, the authorities suspended Al Arab TV under the pretext that the latter had, according to the government, “not denounced extremism sufficiently.” The closure of the TV came after the latter extended an invitation to a senior official of Al Wefaq, Khalil Al Marzouq, to engage in a public debate on the country’s political situation.

This national reconciliation is all the more problematic with Bahrain’s participation in the Saudi-led coalition against Houthi rebels in Yemen contributing significantly to the polarisation of society. Furthermore, the decision of the United States to lift the ban on security assistance in June 2015, which was imposed after the 2011 crackdown on protests, was widely criticised by the opposition, as well as many NGOs, who expressed concerns about the lack of progress by the authorities on the issues of violations and restrictions on fundamental rights and freedoms.

## Restrictions on fundamental rights and freedoms

In September 2015, on the occasion of the 30<sup>th</sup> session of the Human Rights Council, 33 countries made a public appeal to the Bahraini authorities to fully implement the recommendations of the Bahrain Independent Commission of Inquiry (BICI), as well as those from the second cycle of the State’s Universal Periodic Review, and to strengthen cooperation with the Office of the High Commissioner for Human Rights and the UN Special Procedures. The signatories also called for the release of all those imprisoned for having exercised their fundamental rights and freedoms and asked the government to “put an end to the repression of peaceful protestors and issue clear instructions to the security forces to refrain from using disproportionate force against the protestors.”

Civil liberties in the country are severely restricted by a repressive legal arsenal. Firstly, the 2006 Anti-Terrorism Law, amended in 2014, continues to be based on a vague and overly broad definition of what constitutes an act of terrorism, thus enabling the repression of dissidents or political activists who have neither called for nor resorted to the use of violence. The latest amendments to the law provide for an extension of the period of police custody to 28 days and the ability of the Prosecutor to renew the period of pre-trial detention for up to six months without the detainee being able to challenge the legality of his detention. These new provisions are all the more disturbing given the instances of torture documented by Alkarama, which show that such practices occur most frequently during these initial periods of police custody and pre-trial detention.

Moreover, the 2002 Press Law provides for a prison sentence of up to five years for publications that would criticise or undermine the King, jeopardise the security of the State or call for a regime change. This law establishes a list of press offenses, thus enabling the arbitrary arrest of journalists and bloggers. Added to this is a provision of the Penal Code, which provides for a prison sentence of one to seven years for any person who “publicly insults the King of Bahrain”, “the flag or national emblem”. This repressive legal arsenal was used repeatedly in 2015 to punish activists on account of their statements or taking of public positions against the government, especially on social media networks.

Finally, even if peaceful gatherings are not expressly prohibited in the country, the capital has been subjected to a ban on demonstrations since 2013. As such, demonstrations are often suppressed by the excessive use of force.

## Systematic repression of the political opposition

This year again, new measures of repression against the opposition resulted in abusive arrests, followed by arbitrary detention, travel bans or stripping of nationality.

Accordingly, members of the opposition who publicly criticised the King or the government were accused of “insulting the King” or “inciting hatred against the regime” and sentenced to various prison terms. For example, opposition activist Nabeel Rajab received multiple convictions this year on the basis of these offenses, the latest being a six-month prison sentence for publishing a tweet in September 2014. However, he was subsequently released after two months for health reasons.

Other opposition figures have suffered imprisonment under similar pretences. As such, Sheikh Ali Salman, Secretary General of the Al Wefaq party, arrested in December 2014, was sentenced to four years in prison in June 2015 for “incitement to disobedience and hatred.” Although he was acquitted of the charges of staging an “attempted coup”, and despite a public call for his release issued by several UN Special Procedures on 4 February 2015, he remains in detention to date.

Finally, stripping of nationality continues to be used against political opponents to deprive them of any opportunity to participate in the country's political life. In January 2015, the government thus stripped the nationality of 72 individuals, most of whom were members of the opposition. These measures followed amendments made to the Law on Citizenship of Bahrain in July 2014. The provisions in question allow the authorities to deprive of their nationality any person failing in its "duty of loyalty" to the State. The amendments have impacted numerous journalists and bloggers, including Ali Abdulemam, founder of the online forum Bahrain Online, the journalist Abbas Abu Safwan, as well as bloggers Ali Al Dairi and Hussain Yousif.



## THE PRACTICE OF TORTURE, A PERSISTENT PROBLEM

In view of the next periodic review of Bahrain by the UN Committee against Torture (CAT), Alkarama submitted a report in February 2015 expressing its chief concerns and recommending a comprehensive list of questions to address to the State party in preparation for the review due in 2017. On 6 May 2015, at its 54<sup>th</sup> session, the CAT adopted its own list of 18 questions, including some of those raised by Alkarama in the aforementioned report.

Denunciations of torture in the country increased markedly after 2011. In its report of November 2013, the BICI, established by King Hamad in 2011 to investigate the abuses committed by the security forces during that year's anti-government protests, concluded that the National Security Agency and the Ministry of Interior had "a systematic practice of physical and psychological ill-treatment of numerous detainees in their custody, often amounting to torture".

In its report, Alkarama recalled that despite the BICI investigations and the recommendations made to put an end to this practice, torture remains a matter of grave concern in the country. In fact, despite positive changes in legislation, the authorities continue to use torture to extract confessions that are then used as evidence to convict the accused at trial.



Ahmed Sayed Hussain Sharaf Ali Mohamed

The cases documented by Alkarama have shown that agents of the Criminal Investigation Department, subordinated to the Ministry of Interior, committed acts of torture, particularly in a detention centre by the name of "Dry Dock" and against persons prosecuted under the Anti-Terrorism Law.

Alkarama has documented the case of 21-year-old student Ahmed Sayed Hussain Sharaf Ali Mohamed and 30-year-old telecommunications employee Ali Radhi Radhi Abdulrasool, both of whom were sentenced to lengthy prison sentences on the sole basis of confessions obtained under torture. They had notably been electrocuted and subjected to extreme temperatures. In November 2015, Alkarama submitted their cases to the attention of the Special Rapporteur on Torture (SRT) and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering Terrorism.

Finally, despite the government's promises to set a date for the visit of the SRT – cancelled by Bahrain in 2012 and 2013 – the authorities have kept on postponing it on the grounds that they were "still unable to fix a date."





## WHAT IS RATIFIED

ICCPR ✓    UNCAT ✓    ICCPED ✗  
 OP ICCPR ✗    OPCAT ✗



## UPCOMING

- 2017: Review of Bahrain by the CAT.



## OUR CONCERNS

- Suppression of all dissenting voices, particularly those of political opponents and systematic judicial harassment;
- Practice of torture and impunity of the security services;
- Excessive use of force to disperse the demonstrations;
- Repressive nature of the 2006 Anti-Terrorism Law.



## OUR RECOMMENDATIONS

- Put a definitive end to the repression of political activists and ensure the release of all those arbitrarily detained;
- Put an end to the practice of torture and ensure that all allegations of torture are subject to independent and impartial investigations;
- Stop all use of disproportionate violence against demonstrators;
- Amend the Anti-Terrorism Law to bring it into conformity with international human rights standards and review all convictions handed down under this law.

# DJIBOUTI

2015 was marked by a worsening of civil and political rights violations in Djibouti, a country ruled with the iron fist of President Ismail Omar Guelleh who, at the end of 2015, formalised his candidacy for a fourth consecutive term in the April 2016 presidential election. The opposition, side-lined from the country's political affairs and strongly repressed, condemned this decision leaving in suspense the question of its participation in the election.

Primarily organised around the Union of National Salvation (USN) coalition, but lacking sufficient space for expression, the political opposition signed an agreement to normalise its relationship with the authorities at the end of December 2014, an accord seeking to initiate political transition in Djibouti. The roadmap for this agreement provided for, among others, the return of the 10 opposition Members of Parliament elected to the National Assembly during the 2013 parliamentary elections. Contesting the results of these elections and claiming that, in reality, the opposition had won a majority of seats, the opposition MPs had previously refused to take up their seats. The implementation process of this framework agreement was endorsed at the beginning of 2015.

The remainder of the agreement revolved predominantly around the establishment of an Independent National Electoral Commission (CENI) and a Joint Parliamentary Assembly in view of the presidential election. However, despite several attempts at negotiation, this measure is yet to be implemented, threatening the holding of a free and transparent election. This is all the more true given that the establishment of any legal status for the opposition, also provided for in the agreement, has not been carried through. These shortcomings are accompanied by a resurgence of violations of the authorities' international obligations, in particular those enshrined in the International Covenant on Civil and Political Rights (ICCPR), ratified by Djibouti in 2002.

## Intensified repression of the opposition

As the peaceful dissent against President Guelleh intensified, especially after the announcement of his candidacy, the authorities reacted with extensive campaigns of intimidation and arrests of opponents, most often after meetings and peaceful demonstrations organised by their respective parties. The government has relied particularly on a decree issued in November 2015, which established a number of exceptional security measures under the pretext of the fight against terrorism, and banned public gatherings during an initial two-month period. The law on the state of emergency adopted at the end of December 2015 contains similar measures.

By and large, the police and gendarmerie forces arrested close to 100 people – including members of the opposition, as well as women and children – between September and December 2015. Alkarama was able to bring numerous cases of victims of arbitrary arrests to the attention of the UN Special Rapporteur on the rights to Freedom of Peaceful Assembly and Association and on the promotion and protection of the right to Freedom of Opinion and Expression.

Placed in police custody under difficult conditions in various gendarmerie posts across the country, these individuals were not only deprived of their right to legal counsel, but also to contact their families, a practice that has become widespread in Djibouti. The majority of victims, charged under the pretext of participating in an “illegal demonstration”, were released even before being brought before a judge or later acquitted at trial. Several of them, however, were issued suspended prison sentences – sanctions aimed solely at preventing them from continuing their activities within the opposition in complete violation of international human rights standards enshrining the rights to the freedoms of expression, opinion and peaceful assembly, already restricted within the country.



Peaceful demonstration against the fourth mandate of the president, Ismail Omar Guelleh, in Balbala's neighbourhood of Djibouti-city

These unfair and often expeditious trials are symptomatic of a judiciary lacking independence and procedures

failing to respect the rights of the defence. Furthermore, neither taking into account the testimonies of ill-treatment or torture reported by victims, nor initiating investigations to determine the validity of these allegations, judges perpetuate a climate of impunity for the perpetrators of abuses.

This is reinforced by the fact that Djibouti's National Human Rights Institution (NHRI) – the National Human Rights Commission (NHRC) – does not seem overly concerned over this situation, which reflects its inability to ensure the promotion and protection of human rights in the country despite its rather broad mandate to do so. Created in 2008 by a Presidential Decree that was amended in 2014, the NHRC was never accredited to the Sub-Committee of Accreditation of the International Coordinating Committee of NHRIs, thus preventing a transparent and independent assessment of its work.

## Restrictions on the freedoms of association and of the press and excessive use of force against civilians

The decisively limited role of the NHRC in promoting and protecting human rights in Djibouti echoes the general muzzling of civil society, who continue to suffer from a lack of visibility and recognition in the country, mainly as a result of the legal and administrative obstacles to the creation of associations and the difficulty of existing associations to make their voice heard in a free and independent manner. In addition, often perceived as pro-opposition, associations are marginalised, if not outright repressed by the authorities. A similar observation can be made with regard to human rights defenders, who continue to suffer constant pressure and are not provided with adequate protection.

The authorities' *de facto* monopoly on the media only exacerbates the situation further, by preventing associations from disseminating their ideas among the population. Hence, Maydaneh Abdallah Okieh, a journalist at the Voice of Djibouti – the country's first independent radio station – who is regularly censored and harassed by the authorities, was detained in May 2015 on account of his work. On the eve of the presidential election, the risk that these incidents will increase and that any dissenting voices in the country is stifled remains real. The clashes between protestors and police officers in Balbala on 21 December 2015 – during a ritual ceremony in the suburbs of Djibouti City – which culminated in numerous deaths and dozens injured, including among law enforcement officers, testify to the violence and risk of unrest within the country.



## BREACHES OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR)

As part of the follow-up to the Concluding observations on the initial report of Djibouti before the Human Rights Committee (HRCtee) – the UN body in charge of monitoring the implementation by the signatory States of their obligations under the 1966 ICCPR – Alkarama submitted its observations on the country's internal situation in January 2015. The latter focused on the implementation issues to be the subject of a follow-up, and most notably on the abolition of torture and other cruel, inhuman or degrading treatment, as well as on the exercise of the rights to the freedom of association, of expression and of peaceful assembly.

On the basis of the State party's follow-up report and the alternative report provided by Alkarama, the Special Rapporteur for follow-up on concluding observations found in her report that the authorities had failed to implement the necessary measures to properly prevent torture and ill-treatment. She particularly regretted that the State party "denies the continued reports of ill-treatment of detainees and that it has not taken measures [...] to carry out investigations into alleged misconduct by law enforcement officials."

The HRCtee also noted that despite the measures taken to train the police, gendarmerie and prison guards, little information had been shared regarding the monitoring of these formations or the internal application of the 2004 Istanbul Protocol – the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The risk is then that despite this training, international rules remain unimplemented and that violations persist in the absence of any follow-up.

Finally, the HRCtee regretted that the authorities did not provide information nor take any action concerning the guarantee, in law and in practice, of the exercise of the freedoms of expression and association and of the right to peaceful assembly, while violations of these rights and freedoms continue to be reported on a regular basis. The Committee’s findings are an important indicator of the absence of any credible measures taken in favour of human rights by the authorities to respect their international obligations in this area, despite regular statements of intentions to this effect.



## WHAT IS RATIFIED

ICCPR ✓ UNCAT ✓ ICPPED ✗  
OP ICCPR ✓ OPCAT ✗



## UPCOMING

- April 2016: Presidential election.



## OUR CONCERNS

- Widespread torture and ill-treatment in detention and police custody;
- Conditions of detention inconsistent with international standards;
- Arbitrary arrests of real and perceived political opponents, including minors;
- No fair trial guarantees;
- Restriction of the freedoms of expression and of peaceful assembly and excessive use of force by the police and the army;
- Impunity for perpetrators of human rights violations and lack of independent and impartial investigations.



## OUR RECOMMENDATIONS

- Bring domestic legislation on torture and ill-treatment in conformity with the Convention against Torture (UNCAT);
- Ensure the Standards Minimum Rules for the Treatment of Prisoners to anyone detained and apply all fair trial guarantees;
- Guarantee the free exercise of the freedoms of expression, association and peaceful assembly;
- Fight against impunity by prosecuting any perpetrator of grave violations of human rights at all levels.

In line with the previous year, 2015 saw an alarming increase in human rights violations in Egypt, accompanied by near-total impunity for their perpetrators. Despite the commitments made before the United Nations Human Rights Council as part of the second cycle of the Universal Periodic Review in March 2015, the Egyptian authorities in power since July 2013 have primarily adopted draconian laws.

In an increasingly polarised society, both socially and politically, the parliamentary elections that were scheduled for 2014 were eventually only held in November and December 2015. With a particularly low turnout – illustrating the disinterest within the population and the lack of credit given to Parliament for its ability to influence the political life of the country in an independent manner – the elections endorsed political parties close to the authorities, as well as former figures of the Hosni Mubarak regime overthrown in 2011 and businessmen. Moreover, several opposition parties that continue to be repressed – including the Freedom and Justice Party, the political wing of the Muslim Brotherhood – have not been allowed to run under the new electoral law.

The establishment of this new Parliamentary Assembly marks the completion of the roadmap to democracy proclaimed by the authorities following the July 2013 military coup against the regime of Mohamed Morsi. Nevertheless, the numerous human rights violations documented by Alkarama and the absence of any genuine political plurality strongly contradict the intentions of the authorities. Availing themselves of their central role in the fight against terrorism in the Arab world, they have regularly made use of this pretext to suppress any dissenting voices in the country.

## Generalisation of enforced disappearances and systematic torture

Among the most serious violations committed by the army and the police, the practice of enforced disappearance, almost non-existent in previous years, has seen a dramatic escalation this year, with more than a thousand victims having already been reported. While the authorities continue to deny the magnitude of the phenomenon, Alkarama has submitted over 50 cases to the UN Working Group on Enforced or Involuntary Disappearances this year alone.

The majority of victims of enforced disappearances documented by Alkarama were held *incommunicado* by the security forces, the intelligence services, the army or the police. Tortured to extract confessions, these individuals have only reappeared to then be presented to the Prosecutor and formally charged so as to formalise their detention. Like many victims, Hosni Talaat Mohammed Al Nagari, a 46-year-old sales manager, reported that he had been subjected to this practice after his arrest in July 2015, which was only formalised after months of *incommunicado* detention. The judicial proceeding initiated against him to justify his detention is marred with severe irregularities, including that to have forced him to sign statements under torture.

While the government continues to assert that torture remains an isolated phenomenon and that perpetrators are prosecuted systematically, such claims are contradicted by the numerous testimonies of victims, which emphasise the brutality of abuses suffered and the total impunity for their perpetrators. Especially worrying is the fact that this practice is beginning to increasingly affect women and children, even when they are held for short periods of time.

## Human rights violations under the pretext of the fight against terrorism

In addition, under the pretext of the fight against terrorism that continues to affect the country, notably in the Sinai region, the authorities have strengthened their already draconian legislative arsenal. Hence, they adopted a law on terrorist entities in February 2015, as well as a new anti-terrorism law in June 2015 following the deadly attack against Public Prosecutor Hisham Barakat. The particularly vague terms of the latter law enabled the various security services to engage in arbitrary procedures against persons who have no connection with terrorism, including political opponents, human rights defenders and journalists. In fact, this law criminalises any dissemination of information on terrorist attacks contradicting official statements, thereby institutionalising a *de facto* censorship of the press.

The few independent journalists who still dare to express diverging opinions are subjected to severe sanctions, ranging from the arbitrary ban on participation in seminars and other forms of censorship – including that of the writer Alaa Al Aswany, for expressing opinions contrary to those held by the authorities – to arrest and detention. Hence, Alkarama has documented the cases of numerous journalists currently being detained, among them, Hisham Awad Ahmed Jafar, Director of the Mada Foundation for Media Development, and Salahaddin Mohamed Mahmoud Madani, a 29-year-old journalist, tortured and sentenced to seven years in prison following an unfair trial before a military court in February 2015.



Mohamed Salahaddin Madani Mahmoud

While Alkarama had already emphasised in 2014 the danger of using military courts to try civilians, the authorities continued to bring countless persons before this military jurisdiction provided for in Article 204 of the February 2014 Constitution. Referral to such courts has only been further strengthened by a decree adopted in October 2014, which enables the prosecution of thousands of persons before these tribunals that do not meet the fundamental requirements of independence and impartiality necessary to try or prosecute civilians.

The decree in question, which places all public and vital facilities under the protection and jurisdiction of the army for a period of two years, has been extensively used to prosecute and try peaceful demonstrators and opponents accused of the deterioration of public places or institutions – including minors, such as Seif Al Islam Osama Shousha, aged 16 when a military court sentenced him, in August 2015, to three years in prison and a heavy fine. In total, more than 4,000 civilians have been sentenced by, or are currently being prosecuted before such courts since 2014.

## Unfair trials and inhumane conditions of detention

On the other hand, many procedural irregularities within the framework of mass political trials continue to be documented in Egypt. As such, numerous accounts testify to the fact that civil courts commonly admit confessions obtained under torture as a basis for their decisions and do not respect the guarantees relating to a fair trial, as enshrined in the 1966 International Covenant on Civil and Political Rights (ICCPR), which was ratified by Egypt in 1982. Moreover, and in light of the thousands of arbitrary arrests made by the authorities over the past two years, the conditions in prisons and other places of detention have become increasingly inhumane. The situation has only been further aggravated by the adoption, in November 2015, of a new regulation, which grants prison staff prerogatives to encourage more violations of the fundamental rights of those detained.

This sharp deterioration of prison conditions is further reinforced by the fact that the judiciary does not conduct effective investigations into the abuses reported and that there is no independent mechanism to receive complaints of torture or ill-treatment in places of detention. Detained with adults, in violation of international law, children are the most vulnerable to abuse. As for the separation of remand prisoners and those convicted, this distinction simply does not exist.

In this context of persistent and systematic human rights violations, human rights associations and activists continue to face the many pressures exerted by the authorities. As such, several human rights activists have been arbitrarily arrested and detained to date, while the authorities have dissolved hundreds of associations under various pretexts. The new Parliament, which is to hold its first session in January 2016, will also be asked to vote on a new law on associations presented by the government. In direct violation of the right to freedom of association, the vague terms of this proposed law are likely to result in further reducing the margin of manoeuvre of non-governmental organisations, in particular through seeking to exercise greater control over their activities and funding sources.



## 'DEATH BEHIND BARS: TORTURE AND DENIAL OF MEDICAL CARE IN EGYPT'

Between August 2013 and September 2015, Alkarama investigated hundreds of cases of death in detention facilities across Egypt, the findings of which were published on 5 November 2015 in a public report. Documenting 323 deaths in various places of detention used by the authorities – police stations, prisons, centres of the security forces, offices of the Public Prosecutors, courts – the report highlights various legislative failures and practices that continue to cause increasing deaths in custody. Such deaths are the direct result of the widespread practice of torture and ill-treatment, most notably the inhumane conditions of detention and the denial of medical care by the authorities for sick prisoners, as well as the lack of qualified personnel, equipment and medicine available.

While a finger has repeatedly been pointed at the problems associated with detention conditions in Egypt for years, the report's conclusions are unequivocal, therein highlighting the extent of the phenomenon: since July 2013, deaths in custody have, according to information gathered by Alkarama, more than trebled in comparison to previous years. These deaths concern political prisoners and common criminals equally, and further include women and children. Based on its finding and conclusions, Alkarama suggested concrete recommendations to be implemented in an effort to put an end to these violations and to improve the situation of detainees.



## WHAT IS RATIFIED

ICCPR ✓    UNCAT ✓    ICPPED ✗  
 OP ICCPR ✗    OPCAT ✗



## OUR CONCERNS

- Aggravation of the practices of enforced disappearance, as well as torture and other cruel, inhuman and degrading treatment;
- Trials of civilians before military courts;
- Forced displacement of populations and summary executions in the Sinai;
- Adoption of draconian decrees to stifle any form of expression, peaceful assembly and political opposition;
- Impunity for perpetrators of human rights violations.



## OUR RECOMMENDATIONS

- Ratify the International Convention for the Protection of all Persons from Enforced Disappearances (ICPPED) and put an end this practice;
- Bring legislation on torture and other cruel, inhuman or degrading treatment or punishment in conformity with international standards and submit its national report to the Committee against Torture;
- Abolish the emergency legislation allowing for the prosecution of civilians before military courts;
- Apply all fair trial guarantees;
- Guarantee the free exercise of the freedoms of expression, of the press and of peaceful assembly.

# IRAQ

In 2015, Iraq continued to be the scene of violence, rampant in a country marked by civil war, resulting from the United States invasion of 2003 that plunged the country into chaos. The civilian population remains the main victim of the conflict, with this year giving rise to 15,000 casualties and hundreds of thousands of refugees and displaced persons in the context of an unprecedented humanitarian crisis.

Since the offensive of the Islamic State (IS) in Iraq in June 2014, both the fighting of government forces and the international coalition's bombings of IS target combatants and civilians without distinction. After the Iraqi government forces and Shia militias regained control over the Diyala Province in January, as well as over the city of Tikrit in April, extortion and pillaging have increased without provoking any reaction from the international community.

In March, the report of the Commission of Inquiry dispatched by the Office of the United Nations High Commissioner for Human Rights was presented to the Human Rights Council. It describes the deliberate and widespread attacks against the civilian population by IS, but also by Iraqi security forces and pro-government militias that operate with impunity, committing war crimes, extrajudicial executions, systematic torture and kidnappings followed by enforced disappearances.

On 31 July 2015, protests erupted in numerous cities across the country denouncing the persistent climate of insecurity, the poor and sectarian governance by a corrupt political class and the breakdown of public services. Under popular pressure, in August, Parliament approved a series of measures to fight corruption that were submitted by the head of government. Some of the adopted reforms, such as the removal of denominational quotas and certain privileges granted to the political class, have still not been implemented to date. Others, however, including the abolition of the Ministry of Human Rights, are already effective, denoting the absence of real political will of the government to bring an end to the massive human rights violations.

## Enforced disappearance: a practice of the past and present

With, according to various estimates, between 250,000 and one million missing persons, Iraq remains the most affected country by this mass crime worldwide. In 2015, this phenomenon was further amplified, authorities invoking the fight against terrorism and the war against IS to justify and carry out mass arrests followed by *incommunicado* detention, operating outside any legal framework.

Abductions are also perpetrated by pro-government militias operating alongside the security forces, especially since the creation of the Popular Mobilization Forces or *al-Hashd al-Shaabi*, representing about 40 militias placed under the authority of the Minister of Interior. In this respect, the UN Committee on Enforced Disappearances (CED) had, during the review of Iraq in September 2015, expressed strong concerns about these practices and called on the authorities to ensure that "deprivations of liberty are carried out only by officials authorised by law to arrest and detain persons and in strict compliance with the law."

While the practice of enforced disappearance remains systematic and widespread in the country, the authorities continue to deny its reality. Thus, in September 2015, government representatives told the CED experts that the only disappearances that remained to be clarified were those predating the 2003 US invasion. It is clear, however, that tens of thousands of arrests and abductions followed by disappearances have since been perpetrated by both the US forces and the government armed forces or the militias. Many secret detention centres continue to exist, including the old Al Muthanna airport in Baghdad, which is still operational despite the authorities' promises to close it after its existence was revealed in 2010. This particular detention centre, controlled by the 54<sup>th</sup> and 56<sup>th</sup> Brigades of the Army, falls under the authority of the Prime Minister. Many victims report that torture is practiced systematically, as testified Mohammed Al Sudani, who was held there *incommunicado* for almost six months. In May 2015, he told Alkarama, who had submitted his case to the CED, having been severely tortured, beaten with an iron bar, electrocuted and sexually assaulted.



Mohammed Al Sudani

## Torture: a systematic interrogation practice

During the review of Iraq by the UN Committee against Torture (CAT) in July 2015, Alkarama noted in its report to the experts that torture was practiced systematically by the security services and government militias following the arrest and during preliminary investigations. Suspects are generally held *incommunicado* in secret detention facilities or under the control of the Ministry of Interior, where they are tortured by way of reprisal or to extract confessions or information.

The lack of criminalisation of torture under domestic legislation promotes a general climate of impunity. In fact, investigations have never been opened and the perpetrators have never been prosecuted. Such proceedings are also subject to prior



authorisation from the Ministry of Interior, to which the perpetrators of these acts report.

Alkarama stated elsewhere in its report that, usually, confessions extracted under torture are the only evidence held against defendants and the sole premise on which the courts base their heavy sentencing, equally informing the experts that, in violation of the presumption of innocence, these confessions have even been broadcast by the Ministry of Interior on YouTube and aired on public television on State channel Al Iraqiya.

Considering the unsatisfactory explanations of the Iraqi delegation, the CAT reminded the authorities that no exceptional circumstances could be invoked as a justification of this practice, be there a state of war, internal political instability or any other public emergency.

## Judicial proceedings tarnished by irregularities

In Iraq, attacks on the right to a fair trial are systematic due to the lack of independence of the judiciary, which suffers not only from widespread corruption, but also from the systematic interference of the executive and the security services, as well as from a particularly repressive legislative arsenal, crowned by the 2005 Anti-Terrorism Law No. 13, which defines the crime of terrorism exceedingly vaguely and provides for the systematic application of the death penalty.

Often, particularly for acts qualified as being of a “terrorist” nature, death sentences followed by executions are pronounced after expeditious trials in which confessions extracted under torture or information provided by “secret informants” are admitted as the sole evidence relied upon.

During the review of Iraq by the Human Rights Committee (HRCtee) in October 2015, Alkarama reported numerous violations of the right to a fair trial. As such, persons accused of crimes punishable by the death penalty can be held in custody indefinitely, while all suspects can be detained up to six years before trial, well beyond the legal period of six months and without access to a lawyer throughout the investigation. In its final recommendations, the HRCtee called on the authorities to guarantee that detainees enjoy all their fundamental rights from the outset of their arrest, stating that all court proceedings must comply with the right to a fair trial.



## THE DEATH PENALTY FOR EMPLOYEES OF TARIQ AL HASHIMI, A RETALIATION CAMPAIGN AGAINST A POLITICAL BACKDROP

In December 2011, on the orders of former Prime Minister Nouri Al Maliki, Iraqi security forces raided the home of Tarik Al Hashimi, Vice-President and head of the secular Al Iraqiya coalition, marking an escalation of tensions between the two men who disagreed on forming a unity government in the country.

Not finding him at home, the security forces then arrested several of his bodyguards and employees. On 19 December, confessions extracted under torture from three of the men were broadcasted on public television. The arrest of his friends and relatives continued until March 2012. Alkarama submitted the cases of 21 of them to the UN Working Group on Arbitrary Detention, stating that they had all been held *incommunicado* for several months and severely tortured to extract confessions to incriminate the Vice-President. The victims reported to Alkarama having been held in solitary confinement in freezing cells, completely undressed, regularly beaten and electrocuted. Al Hashimi’s secretary, Rasha Al Hussein, even testified that her torturers had raped her.

One of his bodyguards, Amir Al Batawi, was tortured to death on 15 March 2012. His lawyer reported that he found the emaciated body of the victim in a hospital mortuary with numerous bruises and burns and his tongue severed. The survey carried out at the insistence of the Ministry of Human Rights nevertheless concluded that Al Batawi died of “renal failure”.

Between 2012 and 2014, the Iraqi Central Criminal Court sentenced all victims to death after summary trials pursuant to Article 4 of the Anti-Terrorism Law and on the sole basis of their confessions extracted under torture. Their lawyers also suffered reprisals in the form of arrests and arbitrary detentions and one of them, among the most active, was even murdered.



Amir Al Batawi



## WHAT IS RATIFIED

ICCPR ✓ UNCAT ✓ ICPPED ✓  
OP ICCPR ✗ OPCAT ✗



## UPCOMING

- July 2016: Submission of State follow-up report to the CAT;
- September 2016: Submission of State follow-up report to the CED;
- October 2016: Submission of State follow-up report to the HRCtee.



## OUR CONCERNS

- Widespread practice of enforced disappearances by law enforcement officials and government militias;
- Systematic use of torture with impunity and use of confessions extracted under torture in unfair trials;
- Imposition of death sentences and executions following unfair trials in a context of a total lack of judicial independence;
- Use of the Anti-Terrorism Law to justify repression of all forms, including against any dissenting voices.



## OUR RECOMMENDATIONS

- Define the crime of enforced disappearance in legislation, take all necessary measures to ensure that no one is detained *incommunicado* and establish the fate and whereabouts of all disappeared persons;
- Amend the legislation on torture, investigate allegations of torture and ensure that perpetrators are prosecuted;
- Take urgent measures to reform the judicial system to ensure all fair trial guarantees;
- Abolish the death penalty or adopt a moratorium with a view to its complete abolition;
- Amend the Anti-Terrorism Law and bring it in conformity with international law.

# JORDAN

The beginning of 2015 was marked by an acceleration of executions of those sentenced to death, after the authorities reinstated the death penalty in December 2014. In retaliation for the execution of a Jordanian pilot captured by the Islamic State, the authorities executed two Iraqi jihadists and carried out aerial bombardments in north-eastern Syria and in Iraq.

On the other hand, as a result of the closure of borders two years ago, the flow of Syrian refugees into Jordan declined significantly in 2015. According to local organisations, only a few dozen people are allowed to enter Jordan every day. In December, approximately 12,000 displaced Syrians were stranded in a no man's land along the north-eastern border, in particularly inhumane conditions. Since the start of the Syrian conflict, the country has faced increased pressure, now hosting over 600,000 refugees according to the United Nations High Commissioner for Refugees, and more than 1.4 million according to the Jordanian authorities.

On the political level, the year saw the resignation of the Minister of Interior, Hussein Al-Majali, as well as the dismissal of the Commander of the Public Security Department, and of several police and gendarmerie chiefs. These changes followed the denunciation of human rights violations in prisons – including the death of a detainee under torture – as well as the excessive use of force by the security forces in Maan in the south of the country. In addition, the Prime Minister submitted a draft electoral law to Parliament in August, which should enable the emergence of political parties by introducing voting for a list, as opposed to a person. The redrawing of electoral constituencies provided for by the new law was, however, criticised by the opposition, including the Muslim Brotherhood whose movement was fractured in March 2015 when a dozen personalities expelled from the Advisory Board obtained formal approval to form their own group.

## Widespread practice of torture by the General Intelligence Directorate

In Jordan, torture is widely practiced by members of the General Intelligence Directorate (GID) or *Da'irat al-Mukhabarat al-'Amma*, the national intelligence agency that is controlled directly by the King. In this regard, in November 2015, the Committee against Torture (CAT) expressed concern about the “widespread use of torture and ill-treatment of suspects by security and law enforcement officials, especially in detention facilities run by the General Intelligence Directorate.”

In its report to the CAT, Alkarama stressed that the GID, even though it is not legally empowered to do so, grants *de facto* prerogatives of arrest, detention and investigation, also noting that torture is practiced systematically in the premises of the GID located in the district of Jandawil in Amman. These premises, which act as a detention centre where suspects are tortured to extract confessions, also serve as the headquarters to the Prosecutor General of the State Security Court.

The law establishing this special court effectively authorises the intelligence services to detain a suspect for two months for the purposes of the investigation, during which the latter is cut off from the outside world and has no access to his family or lawyer. Alkarama has represented numerous victims who report to having been systematically tortured throughout the course of long periods of total isolation, including being beaten, whipped with plastic pipes, deprived of sleep and electrocuted.

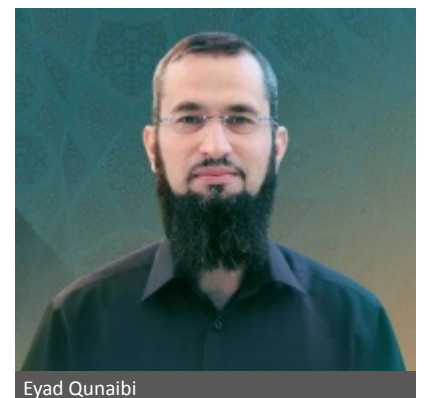
Furthermore, although Jordan has criminalised the practice of torture, the legal penalties provided for by law - a prison sentence between six months and three years - cannot be regarded as dissuasive or appropriate given the seriousness of this crime. Finally, impunity prevails within the intelligence services since proceedings can only be instituted on their initiative. Thus, to date, no member of the intelligence services has ever been prosecuted, let alone convicted, for acts of torture.

## Systemic violations of the freedom of expression under the guise of “the fight against terrorism”

Since the wave of demonstrations calling for the respect of fundamental rights and freedoms that struck the country in 2011-2012, the judicial harassment of many activists, peaceful demonstrators, political opponents and journalists continued on the basis of politically motivated charges or under the pretext of “the fight against terrorism”.

Systematically arrested, detained *incommunicado* and tortured by the GID, suspects are subsequently prosecuted before the State Security Court, an exceptional court whose members – two military judges and one civilian judge – are directly appointed by the executive. This Court, acting together with the ubiquitous intelligence services, plays a central role in the repression of all dissident voices. It generally bases its decisions either on Article 149 of the Penal Code, which sanctions anyone who “encourages the contestation of the political system” or “commits an individual or collective act in order to change the fundamental structures of society,” or on the Anti-Terrorism Law, under which anyone who “disturbs relations with a foreign country” may be subject to prosecution.

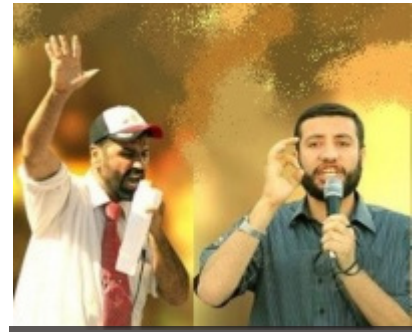
As such, on 7 December 2015, the State Security Court sentenced Professor Eyad Qunaibi to two years' imprisonment for “incitement against the political regime”



Eyad Qunaibi

because of an article he published on Facebook in June – “Jordan heading for the abyss” – criticising his country’s ties with Israel and the westernisation of Jordanian society. Alkarama had then submitted his case to the UN Special Rapporteur on the promotion and protection of the right to Freedom of Opinion and Expression, stressing that during his trial, the only incriminating evidence presented by the prosecution were excerpts from his article, which indisputably showed that he had been prosecuted solely for exercising these fundamental rights.

Other activists, such as Bassem al-Assaf and Thabet Awabdh, were also prosecuted for “insulting the King.” In January, the two men took to Facebook to criticise the presence of the King of Jordan in the Paris march that was held in the aftermath of the attack on French satirical weekly magazine, *Charlie Hebdo*, arguing that freedom of expression was violated systematically in their own country. In March, the State Security Court sentenced the two activists to five and three months in prison respectively for “insulting the King.”



Bassem al-Assaf and Thabet Awabdh

Finally, this year again, many journalists and writers – some of whom, for example, criticised the Saudi campaign against the Houthis in Yemen – were prosecuted on the basis of the Anti-Terrorism Law for having “disrupted relations with a foreign country,” which explains why the country was ranked 143 out of 180 in terms of freedom of the press by Reporters Without Borders for 2015. Moreover, during the review of Jordan before the CAT in November 2015, the UN experts expressed concern about the restrictions imposed on the work of journalists, highlighting the fact that the broad definition of torture, together with certain provisions of the Penal Code, “have resulted in substantial constraints on the work of journalists, many of whom were subject to arbitrary detention in the absence of procedural guarantees and face criminal charges before the State Security Court.”



## THE ACTIVIST AMER JUBRAN SENTENCED TO 10 YEARS IN PRISON BY STATE SECURITY COURT

Amer Jubran, a human rights defender committed to the Palestinian cause, often expressed his political views through social media networks. On 5 May 2014, after publishing articles critical of Israel’s policy in Palestine, members of the GID arrested Amer. He was then held *incommunicado* for nearly two months during which he was severely tortured. He testified in particular to having been subjected to long interrogations, deprived of sleep and severely beaten in order to make him confess to crimes he did not commit.

It was not until 27 June 2014 that his family was allowed to visit him for the first time. In August, the Prosecutor of the State Security Court charged Amer with a series of terrorist offenses, including committing “acts that could harm relations with a foreign government [Israel].” Nearly a year later, on 29 July 2015, Amer was sentenced to 10 years in prison following an unfair trial before the State Security Court. During his trial, the judges rejected the defence’s claims and refused to discuss any evidence exonerating the accused, stating in their judgment that the Court was “not obliged to discuss the defence’s evidence presented by the attorneys since accepting the prosecution’s evidence automatically implies the rejection of the defence’s evidence.” Today, his appeal is pending before the Court of Cassation.

Concerned about Amer’s case, Alkarama seized the UN Working Group on Arbitrary Detention and, after his conviction, also raised his case before the CAT during Jordan’s third periodic review in November 2015. Nevertheless, Amer remains in detention and expressed fear of reprisals for having seized the UN mechanisms of his situation.



## WHAT IS RATIFIED

ICCPR ✓      UNCAT ✓      ICPPED ✗  
 OP ICCPR ✗      OPCAT ✗



## UPCOMING

- Adoption of the electoral law and parliamentary elections;
- November 2016: State follow-up report to the CAT recommendations.



## OUR CONCERNS

- Widespread practice of torture by the GID, notably to extract confessions, and continued impunity for perpetrators;
- Judicial harassment against members of civil society, the media and the political opposition on the basis of draconian laws, including the Anti-Terrorism Law;
- Unfair trials before the State Security Court.



## OUR RECOMMENDATIONS

- Bring an end to the practice of torture by ensuring that confessions extracted under torture are not admitted as evidence in trials, that all allegations of torture result in the opening of an investigation and that perpetrators are prosecuted and punished with appropriate penalties;
- Ratify the Optional Protocol (OPCAT) relating to the Convention against Torture (UNCAT);
- Create a legal framework in which the freedoms of expression, of association and of peaceful assembly are guaranteed, including by amending the Anti-Terrorism Law and abolishing the State Security Court;
- Place all security services – including the GID – under civilian authority and establish an independent monitoring mechanism.

# KUWAIT

The deteriorating human rights situation observed in the country since 2012 has worsened this year, with the systematic repression of peaceful demonstrations and the arrest of opponents and activists. The promulgation of laws undermining fundamental rights and freedoms, including in the name of “national security”, was accompanied in practice by an increasingly severe repression of the freedom of expression. Emblematic cases of closure of premises and withdrawal of authorisation for publication of newspapers known for their independent editorial line have, in fact, added to the provisions criminalising any statements critical of the authorities.

The attack on a Shia mosque in the capital on 25 June 2015, claimed by the Islamic State, was the pretext for a hardening of the legal counter-terrorism framework to the detriment of basic rights and freedoms.

At the regional level, Kuwait continues to be heavily affected by the conflicts in Iraq and Syria and committed itself alongside Saudi Arabia in their air operations against the Houthi forces in Yemen. The issue of support to armed opposition groups fighting the regime of Bashar al-Assad remains sensitive, with a strong presence of Syrian expatriates in the country who support the opposition to the regime. Finally, in January 2015, Kuwait was the last country to sign the highly controversial Joint Security Agreement of the Gulf Cooperation Council, which establishes increased security cooperation between the countries of the region while reducing human rights to their bare bones.

This year was also marked by the second cycle of Kuwait’s Universal Periodic Review (UPR), as well as the preparation of the country’s third review by the UN Human Rights Committee (HRCtee) in Geneva. Through its contribution to these evaluation processes, Alkarama expressed numerous concerns, echoed by the delegations of the participating States in the UPR, as well as by members of the HRCtee in their list of issues. The severe restrictions on fundamental rights and freedoms, as well as the challenges raised by the issue of the *Biduns* (stateless persons) and that of the revocation of nationality as a means of reprisal against political opponents, were at the forefront of these concerns.

## Aggravated restrictions on fundamental rights and freedoms

Restrictions on freedom of expression were reinforced this year with the adoption of Law No. 63/2015 on Cybercrime, approved by Parliament on 16 June 2015 and entered into force on 12 January 2016. Some provisions of this law restrict freedom of expression considerably by expanding the definition of “internet crimes” to include any criticism of the Kuwaiti authorities, but also of foreign Heads of States.

2015 saw one of the major media companies in the country – *Dar El Watan*, which includes several publications and television channel *Al Watan TV* – banned by the authorities in retaliation for its independent editorial line and criticism of the government. The publishing group subsequently challenged its prohibition, having been exercised on the sole basis of administrative decisions, by seeking judicial remedies. After complying with its demand in first instance by requesting the annulment of the closure decisions taken by the administration, the pressures of the executive eventually compromised the independence of the judiciary which ended up approving the ban on these media outlets in spite of the clear breaches of both domestic law and Article 19 of the International Covenant on Civil and Political Rights (ICCPR) ratified by Kuwait in 1996. In March and July 2015, Alkarama submitted the situation of these media outlets to the UN Special Rapporteur on the promotion and protection of the right to Freedom of Opinion and Expression (SR FRDX), who issued an urgent appeal to the Kuwaiti authorities that remained unanswered to this day.

Moreover, the suppression of peaceful demonstrations, as documented by Alkarama in 2014, was extended in 2015. In March, authorities dispersed a peaceful demonstration led by opposition figures and activists by resorting to a disproportionate use of force. Sixteen protesters were arrested, and some are still awaiting prosecution for “illegal gathering”. During previous peaceful protests, Alkarama reported that the police had severely beaten protesters, fired rubber bullets and used sound bombs and tear gas.

Finally, Alkarama expressed deep concern to SR FRDX following the adoption of Law No. 78/2015, which provides for the general and compulsory DNA collection of all citizens, residents, and visitors to Kuwait. According to the authorities, this law sought to strengthen the legal counter-terrorism framework following the deadly bombing of 26 June 2015 against the Shia mosque of Imam Sadiq in Kuwait City. As such, the law states that anyone who refuses to provide a sample of his or her DNA is liable to one year in prison and a heavy fine. Article 5 gives the Ministry of Interior extensive powers of interference in the privacy of individuals by allowing it to use the DNA database whenever this is deemed in the country’s “best interest”. As the first and only country to impose a general and obligatory collection of DNA samples, Kuwait sets an extremely dangerous and repressive precedent. In its contribution to the HRCtee’s List of Issues, Alkarama drew the experts’ attention to the violation of the right to privacy – enshrined in Article 17 of the ICCPR – which cannot reasonably be justified by the fight against terrorism.

## The issue of citizenship and statelessness in Kuwait

The issue of citizenship in Kuwait is twofold in that it relates not only to the lack of access to citizenship of a certain part of the population, namely the *Biduns*, but also to Kuwaiti citizens who had their nationality revoked for political reasons. In a country where access to basic rights – including social rights – remains a privilege reserved only for citizens, access to nationality and its loss thereof constitutes a major problem.

Regarded as illegal residents, the *Biduns* continue to face discrimination and their fate remains a concern in the country. According to some estimates, today, close to 120,000 persons deprived of citizenship continue to suffer systematic violations of their most basic rights by virtue of their statelessness. The law adopted by Parliament in 2013, which sought to guarantee citizenship to 4,000 *Biduns* – a considerably small number – has not been implemented. The majority of them remain without identity documents or passports to travel, without access to free basic education, and even without access to certain medical care limited to the 30% who have identification documents.

In addition to the issue of the *Biduns*, Alkarama noted with concern a growing use of the revocation of nationality to repress political opponents. Section 13 of the 1959 Nationality Law provides for the possibility of withdrawal of nationality by decree of the Ministry of Interior when a person “promotes principles that undermine the country’s social or economic system “ or “threatens the best interests of the State or its security.” To date, the authorities have stripped no less than 33 persons of their nationality on various pretences, including that of allegedly committing acts “aimed at undermining the security and stability of the country” or “likely to cause damage to public institutions.” This worrying phenomenon is one of the latest forms of reprisal against political opponents. What is more, decisions of revocation of nationality cannot be challenged before an independent judicial authority. These developments are all the more worrying that children of opposition members stripped of their nationality are found in a similar situation, in direct violation of the Convention on the Rights of the Child ratified by Kuwait in 1991.

Finally, it must be noted that domestic law provides that any non-citizen issued with a custodial sentence may be deported to his or her home country at the end of his sentence. In the case of the *Biduns* however, this provision is often used as a means to keep persons who have served their sentence in indefinite administrative detention.



### A FORMER PARLIAMENTARIAN DETAINED FOR SPEAKING OUT AGAINST THE ABUSES OF THE EXECUTIVE

Mussalam Mohamed Hamad Al Barrak was an elected Member of the Kuwaiti Parliament between 1996 and 2012. He is known in local civil society for having denounced the arbitrary decisions of the executive within Parliament and in the media. As a Member of Parliament, he enriched the politics of his country, constantly denouncing injustice, discrimination and human rights violations. In particular, he publicly condemned the practice of torture and called for investigations to determine the accountability of the perpetrators of such acts.

During a speech that he made at a conference in 2012, Al Barrak denounced the executive power’s increasing arbitrariness and its harmful consequences on the citizens’ civil and political rights. The former parliamentarian then referred in particular to the 2012 electoral law reform, which resulted in the Parliament being purged of any opposition. In retaliation for this speech, criminal proceedings were opened against him on the grounds that he had “insulted the Emir.” On 18 May 2015, the Supreme Court finally sentenced Al Barrak to two years in prison in violation of Articles 19 and 21 of the ICCPR.

Concerned by this arbitrary conviction made on the basis of provisions criminalising freedom of expression, Alkarama submitted his case to the SR FRDX and the Working Group on Arbitrary Detention, calling the UN Special Procedures for the promotion and protection of human rights to establish the arbitrary nature of his detention and to intervene with the Kuwaiti authorities in securing his immediate release.



Mussalam Mohammed Hamad Al Barrak



## WHAT IS RATIFIED

ICCPR ✓

CAT ✓

ICPPED ✗

OP ICCPR ✗

OPCAT ✗



## UPCOMING

- June-July 2016: Review before the Human Rights Committee;
- July-August 2016: Review before the Committee against Torture.



## OUR CONCERNS

- Violations of the right to freedom of expression, notably through the closure of newspapers and television stations;
- Suppression of any peaceful gathering and excessive use of force by the security services;
- Reprisals against activists, journalists, bloggers and political opponents;
- Continued and systematic discrimination against the *Biduns*;
- Use of the revocation of nationality as a means of punishing political opponents.



## OUR RECOMMENDATIONS

- Put an end to the aggravated restrictions on fundamental rights and freedoms and repeal legislation criminalising acts falling thereunder;
- Bring an end to the repression of peaceful gatherings and restrict the use of force during law enforcement operations in accordance with international law standards;
- Grant Kuwaiti citizenship to the *Biduns* and end all forms of discrimination to which they are subjected;
- Put an end to the practice of revoking nationality as a form of reprisal against political opponents and restore Kuwaiti nationality to those who were deprived of it on these grounds;
- Release activists and opponents arbitrarily detained, including Mussalam Al Barrak.



# LEBANON

In 2015, the political paralysis that has persisted in Lebanon for over a decade endured. More than a year after the term of the President of the Republic expired on 15 May 2014, Parliament was unable to appoint a new Head of State, despite multiple attempts to gather the necessary quorum to proceed to the vote. In the meantime, the government is still struggling to pass draft laws and to engage in a genuine dialogue process.

This political crisis crystallised in July with the closure of the main landfill, which was used to deposit waste from Beirut and its surroundings, thus preventing the collection of rubbish that started to build up in the city. On 22 August, protests against the Government's inaction were organised in the capital by the group "You Stink". Little by little, the demonstrators denounced the institutional deadlock that resulted from the country's sectarian polarisation and endemic corruption, and called for the government's resignation. While the demonstrations were violently suppressed, resulting in numerous injuries and dozens of arrests, no real solution was found to this crisis, culminating in the government finally announcing in December 2015 that it "would transfer the waste out of the country."

Lebanon also continued to suffer the consequences of the regional conflict. With more than one million Syrian refugees on its territory – the largest concentration of refugees in the world *per capita* – Lebanon remained caught up in the crisis, as Hezbollah continued to fight alongside the forces of President Bashar al-Assad. From January 2015, the authorities decided to impose upon refugees the obligation to obtain a visa or a residence permit upon their arrival at the border.

Finally, the escalation of violence reached its peak since the end of the civil war, as the country suffered its deadliest attack – a double suicide bombing claimed by the Islamic State (IS) in Beirut's southern district of Bourj el-Barajneh, resulting in 44 deaths and hundreds more injured. In addition, the country continued to face security threats, particularly in border areas in the northeast of the country near Arsal, where clashes between armed groups – affiliated to Al-Nusra and IS – and the Lebanese armed forces led to casualties, but also in Tripoli, which was bombed in January 2015 for the first time in seven months.

## Torture: a continuing practice

2015 also saw the release of videos showing the torture of detainees in Roumieh prison on social media networks. These videos, filmed in April, show prison guards humiliating prisoners and brutally beating them with rubber hoses.

While they aroused public outrage, these videos only show the tip of the iceberg in a country where torture is practiced in a widespread and systematic manner, as noted by the United Nations Committee against Torture (CAT) in October 2014, at the end of its investigation in the country. Despite the urgent recommendations sent to the authorities – particularly to reaffirm the absolute nature of the prohibition of torture by making it a criminal offence and establishing legal guarantees, as well as by allowing non-governmental organisations to inspect prisons – over a year later, no reform had been undertaken to eradicate the practice. During Lebanon's Universal Periodic Review (UPR) on 2 November 2015, 14 States urged the government to amend its legislation so as to bring it into conformity with the Convention against Torture (UNCAT) and to establish a National Preventive Mechanism against Torture (NPM), the implementation of which is blocked on the legislative level owing to the continuing political stalemate.

The unwillingness of the authorities to put an end to this practice was further illustrated in the case of Loyal Al Kayaje, a 31-year-old Palestinian who, in an interview published by *NOW News* 4 September 2015, testified to having been raped by members of the military intelligence while she was detained in one of their barracks in Rihaniyyeh in September 2013. In response, Al Kayaje was summoned at the military intelligence headquarters in Sidon on 21 September 2015, and subsequently transferred to the premises of the Ministry of Defence in the village of Yarze, where she was held *incommunicado* for two days before being forced, under threat, to sign a statement that she would have "invented the rape charges." The day after her arrest, the Ministry of Defence issued a statement according to which she had "confessed" to having lied, adding that she had been brought before the competent judicial authorities. Following Al Kayaje's indictment by the military investigating judge for "defamation against the army", Alkarama submitted an urgent appeal to the UN Special Procedures, for them to call upon the authorities to ensure her immediate release and the cancellation of all proceedings filed against her.



Loyal Al Kayaje

## The exceptional justice system

As part of its contribution to Lebanon's periodic review before the UN Human Rights Council, which took place in November, Alkarama expressed major concerns about arbitrary detention and the existence of special courts – the Judicial Council and the Military Court – that do not offer sufficient safeguards to protect the defendants' rights. Many detainees were, in fact, tortured in order to extract confessions, without the judicial authorities even examining their claims, often leading to convictions based solely on confessions obtained under torture.

The Military Tribunal raises serious concerns given the large number of civilians that have been brought before this court, clearly violating the right of the accused to be tried by a competent, independent and impartial court. One of them, Tarek Rabaa, was released on 1 February 2015 after more than four years in detention. Held in solitary confinement for three months in the precincts of the Ministry of Defence where he was severely tortured, Tarek had subsequently been sentenced by the Military Court following an unfair trial that was based solely on his confession extracted under torture.



Tarek Rabaa

As to the Judicial Council, it is considered to be a political body, since its members are appointed by the executive and its cases are referred to it solely by way of a decree issued by the Council of Ministers. In addition, its decisions cannot be subject to appeal.

In this regard, on 7 August 2015, the Minister of Justice, Ashraf Rifi, presented a draft reform of the judiciary, which seeks to remove the Judicial Council and redesign the jurisdiction of the Military Court. However, after the attacks in Beirut in November, the same Minister has expressed his willingness to – upon the Council of Ministers' approval – seize the Judicial Council of this case, thus creating doubts about his genuine desire to abolish this special jurisdiction.



## NAHR AL-BARED'S DETAINEES STILL DETAINED DESPITE UNITED NATIONS CALL FOR THEIR RELEASE OVER A YEAR AGO

Following the clashes that erupted between the Lebanese armed forces and members of the armed group Fatah al-Islam in the Palestinian refugee camp of Nahr al-Bared between May and September 2007, many people were arrested by military intelligence without judicial warrant and without justification. In this context, Alkarama had documented 72 cases of arbitrary detention. After their arrests, all the victims had been taken to the Ministry of Defence, where they had been severely tortured in order to extract confessions.

The 72 detainees had then been transferred to Roumieh prison, where they had remained for several years awaiting trial. Some detainees were not brought before a judge until six years after their arrest. It was not until between 2012 and 2015 that the Judicial Council sentenced most of them to prison terms ranging from 2 to 15 years.



Detainees in Roumieh prison, where those accused in the Nahr Al Bared file have spent over six years in pre-trial detention

Alerted by Alkarama in June 2014, the Working Group on Arbitrary Detention proceeded to acknowledge on 21 November 2015 the arbitrary nature of the detentions and called on the Lebanese authorities to carry out "the immediate release of the detainees". One year after this decision, the Lebanese authorities still refuse, however, to implement the UN decision and to release the victims who remain arbitrarily deprived of their liberty.



## WHAT IS RATIFIED

ICCPR ✓      CAT ✓      ICPPED ✗  
 OP ICCPR ✗      OPCAT ✓



## UPCOMING

- March 2016: Adoption of UPR outcome document;
- Presidential elections?
- Adoption of laws on the promotion and protection of human rights, including the law on the criminalisation of torture and the establishment of an NPM?



## OUR CONCERNS

- Widespread practice of torture and unwillingness of the authorities to eradicate this practice;
- Serious and recurrent violations committed by the security services and pervasive impunity, which creates a climate conducive to torture;
- Unfair trials before special courts, namely the Judicial Council and the Military Court.



## OUR RECOMMENDATIONS

- Put an end to the practice of torture and fight against impunity for perpetrators of such crimes by prosecuting and punishing them with penalties appropriate to the gravity of their acts;
- Redesign the jurisdiction of military courts and abolish the Judicial Council;
- Respect all fair trial guarantees and release all those arbitrarily detained;
- Implement the CAT's recommendations.

# LIBYA

In 2015, violent armed clashes between rival militias shook the country, killing over 1,500 people, including about one third in Benghazi alone, where violent attacks were carried out against civilians. Following the release of a video showing the execution of several Egyptian Copts by the organisation of the Islamic State (IS) in Libya, Egyptian warplanes bombed several cities – including Derna, Sirte and Ben Jawad – under the pretext that they were controlled by Islamist forces. Hitting residential areas, these air strikes killed at least seven civilians in Derna and injured many others.

In this extremely tense environment, the United Nations Human Rights Council (HRC) adopted a resolution in March, calling the High Commissioner for Human Rights to send a mission of experts to Libya to investigate all human rights violations committed in the country since 2014. Based in Tunis, the UN mission was able to meet with several representatives of Libya's civil society in exile and to gather evidence. In this context, Alkarama participated in a meeting with the mission's coordinator to inform her of its concerns and, in October, submitted a report to the expert group which should present its conclusions to the HRC in March 2016.

On 28 July, at the end of a trial that was postponed several times, the second son of the former Libyan Jamahiriya's leader, Seif Al-Islam Gaddafi, the former Chief of Intelligence, Abdullah Senussi, Gaddafi's former Prime Minister, Baghdadi Mahmoudi, and six other relatives of the former Head of State were sentenced to death for their involvement in crimes committed after the start of the popular uprising in 2011. Thirty additional defendants were also punished with prison sentences.

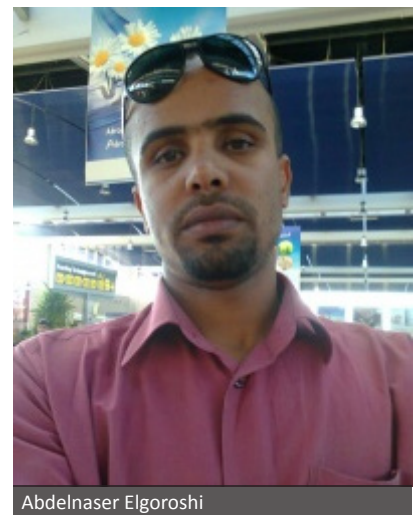
On the political level, dialogue between the parties to the conflict resumed under UN auspices, without managing to reach a consensus among all stakeholders, or even to gather them around a common table. On 17 December, the participants present in Morocco signed an agreement providing for the establishment of a national unity government and a Presidential Council to oversee the transition period which should eventually lead to parliamentary elections. This agreement remains disputed, most notably by an important part of the political class, including within the two rival Parliaments. On 23 December, the UN Security Council adopted Resolution 2259 (2015), which provides for the formation of a national unity government within 30 days.

## Arbitrary detention and enforced disappearances

Torn by conflict, Libya is experiencing recurring practices of arbitrary detention and enforced disappearance. Many cases of abductions were reported throughout the country in 2015. Currently, a large number of detention centres fall outside the scope of any judicial review, particularly in the east of the country, thus creating the conditions conducive to *incommunicado* detention and torture.

Corroborating testimonies from several witnesses indicate that the Garnada prison located in the northeast of the country – near the town of Al Bayda under the control of militias loyal to the government of Tobruk – currently holds at least 150 prisoners, including dozens of women, all of whom are being held *incommunicado* outside the protection of the law and deprived of any contact with the outside world. The Mitiga detention centre near Tripoli airport would also house detention facilities beyond the control of the Prosecutor of Tripoli. This facility accommodates several dozen detainees who are deprived of any contact with the outside world.

As such, on 6 July, Alkarama seized the UN Working Group on Enforced or Involuntary Disappearances with the case of Abdelnaser Elgoroshi, Deputy Prosecutor at the Court south of Benghazi, kidnapped on 20 October 2014 by the militias of General Haftar, Commander of the Libyan National Army and operating under the authority of the internationally recognised parliament in Tobruk. Despite the numerous efforts made by his relatives to locate him, they remain with no news from him to this day, and fear for his life and physical integrity, especially after numerous people who went missing in similar circumstances were found dead showing signs of torture.



Abdelnaser Elgoroshi

In June 2015, Alkarama also submitted the case of Suliman Al Zubi, a 73-year-old, retired Libyan judge and Member of Tripoli's Parliament, to the UN Working Group on Arbitrary Detention (WGAD). Abducted at the end of 2014 by the Barag Al Nasser militia from Zintan – also under the control of the Libyan armed forces – Al Zubi continues to be detained in deplorable conditions in the Al Ajmi premises of the local militia and is denied medical treatment despite his advanced age and his poor health.

## Torture and summary executions

In the context of the civil war gripping the country, armed clashes between different groups and militias have cost the lives of countless victims. On 16 February 2015, in retaliation for the execution of 21 Egyptian Copts in Libya, the Egyptian Air Force launched several air strikes against the cities of Derna and Sirte. The Derna bombings resulted in the death of at least seven civilians, wounded 17 others, and destroyed at least 18 civilian buildings, without managing to reach a single military objective of IS, which was supposedly the target.

In July 2015, Alkarama seized the UN Special Procedures of a case concerning the execution of 39 civilians by the Zintan militia in Kikla in October 2014. Located 130 km south of Tripoli, the city of Kikla had sworn allegiance to the Government of Tripoli and refused to recognise that of Tobruk. On 11 October, Zintan forces carried out an attack against the civilian population of Kikla, killing at least 39 civilians, many of whom were executed following their arrest. In the days that followed, over 200 more people were summarily executed.

In 2015, in light of recent attempts by the forces of “Operation Dignity” loyal to the Tobruk government to regain control of the city, Benghazi was the scene of violent clashes between the latter and the militias of the Shura Council of Benghazi Revolutionaries, an alliance of former anti-Gaddafi rebels who have joined forces with Islamist groups. In Benghazi alone, nearly 500 casualties were recorded.

Apart from the indiscriminate attacks against civilians, many victims were also killed under torture. On 11 March 2015, Rami Rajab Al Fitouri was abducted from his home in Benghazi by the forces of “Operation Dignity”. He was found dead 10 days later, his mutilated body bearing clear signs of torture. An autopsy performed the following day revealed that Al Fitouri had been beaten to death. In August 2015, several imams who had previously denounced the abuses committed by Haftar’s militias were kidnapped during prayers at the mosque or at home, and their bodies found a few days later, slaughtered and mutilated.

In relation to its programme of prison visits in Libya, Alkarama visited the prison of Al Hadba in which the main figures of Muammar Gaddafi’s regime are held. Alkarama’s representative was able to ask about their conditions of detention and speak with inmates and prison officials individually before making recommendations to the prison administration, which committed to take them into account.



## LIBYA’S UNIVERSAL PERIODIC REVIEW, MUCH REMAINS TO BE DONE

In 2015, Libya was again reviewed before the HRC, in the framework of the second cycle of the Universal Periodic Review (UPR), in order to assess the human rights situation in the country and to monitor the implementation of recommendations made during its previous examination. During the review, which was held on 13 May 2015, Libya, represented by the Government of Tobruk, presented its national report and made reference to the main efforts made by the country during the past four years.

Member States of the HRC raised key areas for concern in Libya, in particular the atrocities committed against the civilian population and the failure of the Libyan authorities to maintain security and uphold basic human rights.

If Libya accepted most of the recommendations – including to investigate allegations of torture, enforced disappearance, and other serious human rights violations – it has shown no willingness to cooperate with the International Criminal Court, which, in the current context, casts doubt on the genuine desire of the authorities to investigate the serious crimes committed since the conflict began in 2014 and to duly punish those responsible.

As such, Libya notably rejected the recommendation by Turkey to “ensure that forces loyal to the Government are made accountable for their indiscriminate targeting of civilians [...] in order to put an end to the atmosphere of impunity.”

During the discussion of the final report before the HRC in September, the Libyan delegation emphasised the gravity of the conflict and the difficulties encountered in ensuring respect for human rights. The Chargé d’affaires of the Permanent Mission stated that the issues relating to security in the country were mainly due to the presence of terrorist groups such as IS, categorically denying the government’s responsibility in the crimes perpetrated against the civilian population by the forces under its control.



## WHAT IS RATIFIED

ICCPR ✓      UNCAT ✓      ICPPED ✗  
 OP ICCPR ✓      OPCAT ✗



## UPCOMING

- March 2016: Report of the fact-finding mission on the human rights situation in Libya since 2014.



## OUR CONCERNS

- Systematic practice of enforced disappearance;
- Summary executions and indiscriminate attacks against civilians;
- Systematic use of torture and resurgence of cases of death under torture.



## OUR RECOMMENDATIONS

- Ensure compliance, by all parties to the conflict, with the principles of international humanitarian law and international human rights law, and protect civilians;
- Open independent and impartial investigations into human rights violations, and prosecute those responsible, in order to put an end to impunity;
- Implement the recommendations of the WGAD and cooperate with the UN Special Procedures.

# MAURITANIA

In 2015, after an indefinite postponement of senatorial elections previously requested by the opposition, national dialogue between the government and the opposition, repeatedly postponed for several years, finally begun when three meetings were held in spring 2015 between government representatives and the National Forum for Democracy and Unity (FNDU), a coalition of 17 opposition parties. These meetings however ended in failure, according to the opposition who denounced the authorities' unwillingness to engage in dialogue as well as their refusal to address their main grievances, including to release political prisoners and take effective measures to fight corruption. Subsequent attempts to bring the parties together were unsuccessful, as the main opposition parties now regard these initiatives as "political manoeuvring" aiming solely at ensuring that President Mohamed Ould Abdel Aziz remains in power through a compromise with the opposition.

While Mauritania still remains the country with the highest rate of modern slavery, affecting no less than 4% of the population, the authorities continue to deny the existence of this phenomenon. On 13 August 2015, the Mauritanian Parliament enacted a new law that pronounced slavery a crime against humanity, not subject to a statute of limitations, and broadened its scope to include acts such as "the sale of a slave to a third party" or "the transfer by succession to another person". Local organisations welcomed this step but expressed concerns that the law would remain a dead letter, much like the law of 2007 on the basis of which only one person was prosecuted.

In December 2015, Mauritania nonetheless established, by order of decree, three specialised criminal courts relating to slavery. In the same month, two suspected slaveholders were arrested and charged with "slavery-like practices".

Still on the legislative level, in 2015 Mauritania adopted several laws relating to fundamental rights and freedoms. As such, the Mauritanian Parliament passed a law on torture that provides for, *inter alia*, the formal prohibition of *incommunicado* detention and the establishment of a unit to monitor places of detention. In August, the Council of Ministers approved a draft law on associations, a bill contested by civil society and by the United Nations Special Rapporteur on the rights to freedom of Peaceful Assembly and of Association, Maina Kiai, who expressed concerns about the introduction of a prior authorisation procedure that could subject associations to the arbitrariness of public administration. The UN expert instead recommended that the authorities adopt a process of prior notification "that automatically attributes an association the legal personality to function" and would thus be in greater conformity with international human rights law."

## Impunity for perpetrators of racist crimes and mass executions of 1986-1991

In 1986, the government accused a group of black Mauritanian army officers of plotting a coup. Many of them were then arrested, tortured and some even executed. Simultaneously, within the Mauritanian administration a downright purge of all black Mauritians from any position of responsibility was performed. Several hundreds of people were executed in particularly cruel and inhuman conditions, some were buried alive, others burned alive or torn apart between two vehicles.

This crackdown continued for years. Starting in 1990, several thousands of soldiers and officers were arbitrarily arrested and tortured. On 28 November 1991, 28 commissioned and non-commissioned army officers were hanged in Inal, a town situated to the east of Nouadhibou, the economic capital of Mauritania.

The toll of this repression was particularly heavy: between 1986 and 1991, at least 3,000 people were arrested, tortured or killed. Of the 256 interned in the Inal military camp, only 96 survived in 1991, following several months of detention in appalling conditions.

Thus far, the authorities are yet to respond to the efforts of the survivors or of the victims' families, who continue to be deprived of their right to justice and reparation. Instead, Law No. 93-23 of 14 June 1993, enacted by the very perpetrators of these grave violations, guarantees impunity for crimes of torture, enforced disappearances and extrajudicial executions. The foregoing situation constitutes an unacceptable interference with the right of victims to have access to justice, to a fair and effective remedy and to adequate compensation.

## Arbitrary arrests of human rights defenders

In 2015, several human rights defenders were the targets of reprisals. While peaceful demonstrations were violently repressed, many activists were arrested and continue to be subjected to police intimidation.

Arrested along with two other activists while they were participating in a peaceful protest against slavery on 11 November 2014, Biram Dah Abeid was sentenced in first instance in January 2015 to two years in prison for "participating in an illegal protest," "disturbing public order" and "resisting police forces" after a manifestly unfair trial. Following his arrest on 1 December 2014, Alkarama sent an urgent appeal to the UN Special Rapporteur on the situation of Human Rights Defenders. His conviction was nonetheless confirmed on appeal on 20 August 2015. Furthermore, in the course of



Biram Dah Abeid

the year, several demonstrations in support of jailed activists were violently suppressed and protestors arrested.

In the summer of 2015, Abderrahmane Ould Ahmed – one of the survivors of the Inal camp who fights against impunity for the perpetrators of the serious crimes committed in the 80s and 90s, and who had suffered threats and persecution by the authorities – was in turn arrested during a press conference in Nouakchott, the capital of the country. Alkarama seized the UN Special Rapporteur on the promotion of Truth, justice, reparation and guarantees of non-recurrence of this emblematic case.

## Torture and inhumane conditions of detention

In spite of the authorities' assertions to the contrary, the practice of torture and ill-treatment in Mauritania has not disappeared. In fact, the detention conditions in prisons remain particularly inhumane and characterised by a lack of access to healthcare and chronic overcrowding, in violation of the UN Standard Minimum Rules for the Treatment of Prisoners. In addition, several cases of torture and suspicious deaths in detention have also been reported.

As such, Abderrahmane Diallo died in suspicious circumstances on 17 July 2015, while in custody at the El Mina police station. Aged 31, he had been arrested by the police during the celebrations of Eid al-Fitr. According to the authorities, he died of natural causes, a claim contradicted by the family of the victim, testifying that his body was covered in blood and bruises.

More recently, minors have complained of having been tortured at the central prison of Nouakchott, allegations that were immediately refuted by the prison administration. Others have also reported sexual assaults by other inmates, without any reaction of the guards or the prison management.

Although legislative reforms had been undertaken to curb these practices – such as the National Assembly's adoption, on 13 August 2015, of a law qualifying "acts of torture and severe, inhuman or degrading punishment" as "imprescriptible crimes against humanity" – the scope of this new law is limited by the excessively long periods of custody. For instance, in cases relating to State security, the 2010 Anti-Terrorism Law provides a custody period of up to 45 days.

In addition, Mauritania's National Human Rights Commission (NHRC) – which established a National Preventive Mechanism against Torture (NPM) in 2012 following the ratification of the Optional Protocol to the Convention against Torture (OPCAT) in 2011 – still lacks independence according to many national and international observers. During the last review before the Committee against Torture (CAT) in 2013, noting the integration of members of the NHRC in the official delegation, a CAT expert stated that "the composition of the State party's delegation shows that there is still confusion between the State's responsibilities regarding the protection against torture and those of other parties such as National Human Rights Institutions." The Mauritanian Minister of Justice, Brahim Ould Daddah has announced in this regard the creation of a new NPM within the framework of the August 2015 Law.



## THE UNIVERSAL PERIODIC REVIEW OF MAURITANIA BEFORE THE HUMAN RIGHTS COUNCIL IN NOVEMBER 2015

On 3 November 2015, Mauritania was reviewed in the second cycle of the Universal Periodic Review (UPR) before the UN Human Rights Council (HRC) in Geneva.

The Minister of Justice presented the country's national report and highlighted the major human rights advancements undertaken by the authorities since 2010. Numerous States raised questions that focused primarily on the abolition of the death penalty, as well as the practice of torture and of slavery.

While many countries commended Mauritania's efforts within the framework of the ratification of international human rights treaties – including the OPCAT and the International Convention for the Protection of all Persons against Enforced Disappearances (ICPPED) – some States also urged Mauritania to maintain the *de facto* moratorium on the application of the death penalty in place since 1987, in view of its abolition, by ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR).

Despite recent commitments made at the international level, concrete results are still lacking. The HRC thus invited the authorities to bring domestic law into conformity with international law. Australia underlined in particular the lack of a definition of torture in line with Article 1 UNCAT, which creates a legal vacuum and makes it difficult to eradicate this practice



UN Human Rights Council in Geneva (photo: [www.ijrcenter.org](http://www.ijrcenter.org))



altogether. Furthermore, France reiterated concerns over the lack of independence of the NPM set up in 2012 following the ratification of OPCAT.

On 11 November 2014, Biram Dah Abeid, together with several other activists, was arrested as he was taking part in a demonstration called *“the caravan to abolish slavery,”* which travels across the country to raise awareness about slavery.

Biram Dah Abeid, President and Founder of the NGO Initiative for the Resurgence of the Abolitionist Movement (IRA), an organisation that fights against slavery founded in 2008, is a symbolic figure of the anti-slavery struggle in Mauritania.

Arrested and detained in the premises of the gendarmerie, he was then brought before the public prosecutor, who ordered his incarceration at the Rosso prison for *“participating in an illegal demonstration,” “disturbing the public order,”* and *“resisting arrest.”*

His situation is all the more concerning in that this is not the first time that he has been the victim of reprisals from the authorities.

On 1 December, Alkarama sent an urgent appeal to the United Nations Special Rapporteur on the Situation of Human Rights Defenders, asking him to call for Abeid’s immediate release.



## WHAT IS RATIFIED

ICCPR ✓      UNCAT ✓      ICPPED ✓  
OP ICCPR ✗      OPCAT ✓



## UPCOMING

- Visit of the Sub-committee on Prevention of Torture (SPT) ;
- January 2016 : Visit of the Special Rapporteur on Torture;
- March 2016 : Adoption of UPR outcome document.



## OUR CONCERNS

- Torture and poor prison conditions;
- Judicial persecution of human rights defenders;
- Impunity for perpetrators of crimes committed between 1986 and 1991 against black Mauritians; Lack of effective public policies to definitively eradicate slavery.



## OUR RECOMMENDATIONS

- Implement international human rights treaties and bring national law into conformity therewith;
- Ensure detention conditions are in compliance with the UN Standard Minimum Rules for the Treatment of Prisoners;
- Open independent and diligent investigations into the crimes committed between 1986 and 1991;
- Bring an end to arbitrary arrests and persecution of human rights defenders.

# MOROCCO

Although Morocco remained one of the most stable countries in the region, the authorities are on high alert to counter the possible “terrorist threat” posed by the return of its many citizens from Syria and Iraq. According to security sources, over 1,500 Moroccans are currently in Syria and Iraq forming part of the ranks of the Islamic State, many of whom would have returned, including some who were allegedly arrested. The Ministry of Interior also announced the dismantling of several recruitment cells planning to carry out attacks in the country or abroad.

On the political front, the municipal and regional elections held on 4 September saw a victory of the Justice and Development Party (PJD) heading the government since 2011, which won more than 25% of seats in the Regional Councils. Meanwhile, the Authenticity and Modernity Party emerged the winner of the municipal elections without obtaining a victory in the big cities – including Casablanca, Rabat, Tangier and Fez – which were won by the PJD.

At the legislative level, the Minister of Justice submitted a project to reform the Code of Criminal Procedure in order to bring the judicial system in conformity with the 2011 Constitution and the international conventions to which Morocco is a party. It sets out specific conditions to order custody, establishes alternatives to detention and provides for an obligation for the judicial police to conduct interrogations under audio-visual recording. The reform of the Penal Code was strongly criticised by the opposition as being insufficient. Made public at the end of April, the reforms have yet to be adopted.

Finally, the situation of sub-Saharan migrants transiting through Morocco to Europe via the Spanish enclaves of Ceuta and Melilla remains particularly concerning. These asylum seekers and irregular migrants are regularly subjected to violent arrests by police, who commonly resort to the use of force during interventions. In June, two Ivorian nationals died after a police operation to expel migrants who occupied a building in Tangier.

## Arbitrary detention

The practice of arbitrary detention remains a reality in Morocco, where hundreds of people arrested in 2003 were detained arbitrarily despite repeated recommendations by a number of United Nations bodies – including the Working Group on Arbitrary Detention (WGAD) and Committee against Torture (CAT) – who have repeatedly called on Morocco to review the trials of these detainees, sentenced to imprisonment on the basis of confessions obtained under torture and following unfair trials.

Terror suspects continue to be subject to the provisions of the Anti-Terrorism Law of 2003, adopted in the wake of the attacks in Casablanca, which reduces fair trial guarantees. In the absence of a reform of the Code of Criminal Procedure this year, the right to a lawyer from the outset of police custody is not guaranteed to the accused. Instead, only a 30-minute interview under supervision is authorised, despite the excessive duration of custody for these cases, sometimes up to 12 days. Although the Moroccan Code of Criminal Procedure considers any confession obtained under torture to be inadmissible, many people arrested following the Casablanca attacks continue to find themselves in this type of situation, deprived of their liberty after being convicted on the basis of confessions extracted under torture during their *incommunicado* detention.



Abdessamad Bettar

On 19 August, Alkarama submitted a follow-up communication to the WGAD on the situation of Mohamed Hajib, Abdessamad Bettar, Ali Aarrass and Mustapha El Hasnaoui, whose detention conditions continue to deteriorate. Despite the Opinion of the WGAD calling on Morocco to put an end to their detention, which it described as arbitrary, these individuals remain in custody today and continue to denounce the ill-treatment and other forms of reprisal to which they are subjected on a regular basis.

## The need to definitively eradicate the practice of torture

The question of torture still arises in Morocco, where persons deprived of their liberty continue to be subjected to torture or ill-treatment. This year again, many detainees reported acts of torture and ill-treatment in various prisons. Alkarama seized the UN Special Rapporteur against Torture of the cases of Abdessamad Bettar, severely beaten, held in solitary confinement and subjected to degrading treatment, and of Abderrahim Abourkha, held in solitary confinement since his arrest in 2008 despite his extremely concerning physical and mental health.

As such, Morocco has not respected its obligation to monitor the conditions of detention in places of deprivation of liberty or, in the case of torture, to systematically ensure impartial investigations with a view to prosecuting and punishing those responsible. To date, only very few proceedings were initiated.

Following Morocco's ratification of the Optional Protocol to the Convention against Torture (OPCAT) in November 2014, the

country had one year to establish a National Preventive Mechanism against Torture (NPM) responsible for monitoring places of detention and the treatment and conditions of persons deprived of their liberty. To date, however, Morocco is yet to notify the Subcommittee on Prevention of Torture of the establishment of the NPM – a role expected to be attributed to the National Human Rights Commission (NHRC) but which is strongly opposed by civil society who believes that the Moroccan National Human Rights Institution is not fully independent.

## Violations of the freedom of expression

Furthermore, on 21 January 2015, the Parliament adopted a draft law amending the Penal Code and the Code of Criminal Procedure relating to the fight against terrorism. Among the measures adopted, the crime of “glorifying terrorism”, previously punishable by 2 to 6 years in prison, is now punishable by 5 to 15 years in prison. This amendment, which defines “glorifying terrorism” very broadly, has been widely criticised by civil society and by the NHRC, as it threatens to undermine the freedoms of expression and information.

2015 was also marked by an upsurge in reprisals against journalists. Hicham Mansouri – journalist and member of the Moroccan Association of Investigative Journalism – was arrested and sentenced to 10 months in prison under the pretext of adultery, following a trial ridden with irregularities, presumably due to his journalistic work and his activism. In a second case, Hicham also appeared with four other colleagues on 19 November 2015, for having organised trainings on “journalism on Smartphones” with the support of the Dutch non-governmental organisation, Free Press Unlimited. They are accused of “threatening the integrity, sovereignty or independence of the Kingdom or the loyalty that citizens owe to the State and the institutions of the Moroccan people.”

Mahmoud El Haissan – a correspondent for the television channel *RASD TV*, arrested and prosecuted for covering the demonstrations in support of Algeria in the summer of 2014 – was finally released on 24 February 2015, but continues to be subjected to persecution and threats by the authorities, who constantly interfere in the exercise of his activities.

Moreover, several foreign journalists were expelled from the country in 2015, including correspondents of *France Télévision* and *France 24*. Two of them were conducting an interview on the premises of the Moroccan Human Rights Association.



Hicham Mansouri



## RACHID GHRIBI LAROUSI VICTIM OF ARBITRARY DETENTION

On 4 September 2015, the WGAD adopted an Opinion in which it established the arbitrary nature of the deprivation of liberty of Rachid Ghribi Laroussi – arrested on 2 June 2003 as part of the campaign of mass arrests carried out by the Moroccan authorities following the Casablanca attacks of 16 May 2003 – and sentenced to 20 years in prison after an unfair trial.

Following his arrest, Rachid had been detained *incommunicado* in the secret detention centre of Temara, suffering torture and humiliation for 10 days, then at the Salé prison for nearly three months without any contact with his family or his lawyer. On 18 September 2003, he was sentenced to 20 years in prison for, among others, “constitution of an organised group aiming at committing terrorist acts,” without any physical evidence and based solely on statements signed under duress. Following his conviction, he was incarcerated at the Kenitra prison in the northwest of the country before being transferred in 2006 to the Tangier prison where he remains detained to date.

In the face of the inconsistency of the government’s response to the facts submitted by Alkarama to the WGAD, the latter agreed with what it deemed a “profoundly coherent narrative”. It thus acknowledged the arbitrary nature of his deprivation of liberty due to the lack of legal basis and the blatant violation of his right to a fair trial. The WGAD regretted that Morocco had failed to provide any physical evidence to support its claims and challenge the allegations of the victim, and thus called on the Moroccan authorities to release Rachid without delay and to grant him adequate compensation for the damage caused by his arbitrary deprivation of liberty for more than 12 years. Alkarama urges the Moroccan authorities to implement this decision without delay.



Rachid Ghribi Laroussi



## WHAT IS RATIFIED

ICCPR ✓

CAT ✓

ICPPED ✓

OP ICCPR ✗

OPCAT ✓



## UPCOMING

- Establishment of a NPM;
- Reform of the Criminal Procedure Code;
- September 2016: Alkarama's report in view of Morocco's Universal Periodic Review in 2017.



## OUR CONCERNS

- Impunity for perpetrators of torture and lack of an independent and transparent procedure following complaints of torture and ill-treatment committed by law enforcement officials;
- Lack of independence of the judiciary, conducive to a climate of impunity and violations, notably of the right to a fair trial;
- Persistent practice of arbitrary detention and refusal of the authorities to address this issue;
- Repeated infringements on freedom of expression and persecution of journalists.



## OUR RECOMMENDATIONS

- Implement the WGAD's Opinions and review all sentences passed as a result of unfair trials based on confessions extracted under torture;
- Establish an independent, adequately resourced NPM to effectively combat torture in line with Article 17 OPCAT;
- Initiate systematic investigations following allegations of torture, ensure the prosecution of those responsible and duly compensate the victims;
- Ensure compliance with Article 3 UNCAT;
- Ensure respect for the freedom of expression and stop all acts of persecution against journalists.

Since the peaceful demonstrations of 2011, Omani citizens have seen their fundamental rights and freedoms severely restricted, including the freedoms of expression, association and peaceful assembly. The demands for increased social justice and greater participation to the political life of their country were met with systematic repression by the authorities. The situation in the country continued to deteriorate, as illustrated by the numerous arrests of activists who demonstrated peacefully or criticised the authorities on social media networks, the latest wave of arrests having taken place in August 2015.

Moreover, the general elections of the Shura Council on 25 September saw the exclusion of all candidates who participated in the peaceful protests of 2011, confirming the commitment of the authorities to deny access to Parliament to any dissenting voices.

It is in this context that Alkarama chose to honour one of the precursors of the peaceful struggle for the respect of human rights in Oman, Talib Al Mamari, detained since October 2013 for having participated in peaceful demonstrations against the pollution caused by the petrochemical industry in his hometown of Liwa and denouncing the inaction of the authorities to this phenomenon. The parliamentarian and human rights activist received the 2015 Alkarama Award for human rights defenders in the Arab world, in recognition for his significant contribution to the promotion and protection of human rights in his country.



Talib Al Mamari

## Lack of freedom of expression, association and peaceful assembly

The drastic restriction of fundamental freedoms in the country since 2011 still persists to this day and is justified by the authorities under the pretext of “protecting public order” or “national security”, terms interpreted broadly so as to include any peaceful opposition or expression of opinions critical of the authorities. Although the freedoms of expression, association and peaceful assembly are included in the country’s fundamental laws, the implementing legislation enacted by the executive restricts them to the point of rendering them ineffective in practice.

Freedom of expression is criminalised when it is considered to be critical of the authorities or a form of political contestation. The quasi-systematic use of the charge of “undermining the State’s prestige” to suppress dissenting voices is very characteristic of the attitude of the authorities, who consider any criticism as constituting an unacceptable affront.

With regard to freedom of peaceful assembly, it should be noted that, in practice, any meeting that has not been previously authorised by the Omani authorities is prohibited and considered an unlawful gathering liable to result in criminal prosecution. The 2011 demonstrations in Sohar and Muscat and their subsequent repression by the security services marked the beginning of a systematic campaign of arrests and *incommunicado* detention of human rights defenders, activists or any other peaceful demonstrators.

Lastly, freedom of association is also subject to many restrictions, to the extent that during his visit in 2014, the United Nations Special Rapporteur on the right to Freedom of Peaceful Assembly and of Association (SR FPAA), Maina Kiai qualified it as “virtually non-existent” because of the limitations laid down in domestic law. These limits are present upstream – at the level of the very creation of the association – and downstream – at the level of their functioning and activities. In fact, the Ministry of Social Affairs may oppose the creation of any association if it considers that “the Omani society does not need it,” if there is “another similar association,” if “the object specified in its statutes is contrary to the interests of national security” or “for any other reason that the Minister may consider relevant.” Such a refusal decision may not be contested through legal proceedings. The law thus prohibits any association of a religious or political nature, let alone political parties. In addition, the 2000 Law on Associations regulates the activity of associations in detail, going so far as to impose the presence of a representative of the Ministry of Social Affairs in members’ meetings.

## Reprisals against human rights defenders and political activists

Human rights defenders and political activists continue to be the main victims of restrictions on the rights and freedoms described above. As such, the wave of severe reprisals that continued to be directed against activists that attended meetings with Mr Kiai during his official visit to the country, provides a striking example of the gravity of the current situation. Among the victims of these reprisals, the case of Said Jadad, documented by Alkarama, is of particular significance. This human rights defender and political activist who met the SR FPAA during his visit has since been repeatedly arrested and held *incommunicado* despite the public interventions made by several UN experts who called for his release and the cessation of reprisals he was subjected to. Jadad has currently been detained since his arrest in November 2015, for which Alkarama sought urgent action from the SR FPAA.

The authorities’ retaliatory measures against activists have primarily taken the form of arbitrary arrests and *incommunicado* detention by the special services of the Royal Oman Police, but also of travel bans and confiscation of passports and other

identity documents. Adding to this repressive arsenal introduced by the Penal Code in 2014, a new provision allows for the withdrawal of citizenship of any Omani national who “undermined the image of the State abroad” including through collaboration with international organisations.

The systematic repression of activists and opponents thus remains a major concern in the country in the context of the persistence and even worsening of the situation. In August 2015, the special forces of the Royal Oman Police arrested seven activists, all of whom were detained in secret locations for up to 20-30 days, without access to a lawyer and without being brought before a judicial authority. Their passports were confiscated after their release and a travel ban was imposed upon them.

During his official country visit in September 2014, Mr Kiai also found “a pervasive culture of silence and fear”, devastating civil society and paralysing the political debate and any reform work in the country.



## **THE UNIVERSAL PERIODIC REVIEW, A CATALOGUE OF VIOLATIONS OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS**

2015 also saw the participation of Oman to its second Universal Periodic Review (UPR) during which Alkarama, through its contribution, was one of civil society’s main sources of information on the situation in the country.

On 10 November 2015, the Working Group of the UPR adopted its preliminary report containing the recommendations made to Oman by UN Member States during the second cycle of the UPR held on 5 November 2015. On the occasion of this review, many States expressed concern on the situation of human rights in Oman, particularly on the points raised by Alkarama in its contribution to the Stakeholders’ summary, which was submitted to States on 23 March 2015. Alkarama also took the opportunity to stress the need for States to make recommendations on all the issues presented in its report during the preliminary information sessions with the participating States, which, in turn, issued targeted recommendations focusing on these issues.

Among them, the laws restricting fundamental rights and freedoms – such as the freedoms of opinion, expression, association and peaceful assembly – as well as reprisals against peaceful activists and human rights defenders, were the subject of numerous recommendations seeking their review and amendment. Unfortunately, the Omani delegation simply rejected all recommendations relating to the lifting of these restrictions.

Similarly, where the practice of reprisals denounced by Alkarama was the subject of recommendations by many States, the Omani delegation responded by denying this practice, qualifying such actions as a legitimate response to disturbances caused to public order.

Finally, despite the numerous recommendations made by non-governmental organisations and intervening States to this effect, Oman is the only country in the region that has neither ratified the International Covenant on Civil and Political Rights (ICCPR) nor the Convention against Torture (UNCAT).

Oman must now consider the recommendations received from UN Member States before March 2016, deciding which to accept and which to reject before taking steps to implement those accepted.



## WHAT IS RATIFIED

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



## OUR CONCERNS

- Restrictions on the freedoms of expression, association and peaceful assembly;
- Systematic practice of arbitrary detention of human rights defenders and political activists;
- Reprisals against peaceful activists under the pretext of “undermining the State’s prestige,” “illegal gatherings,” or the collaboration with international organisations including the UN.



## OUR RECOMMENDATIONS

- Ratify the UNCAT and ICCPR, as well as their respective protocols;
- Guarantee the freedoms of expression, association and peaceful assembly;
- Put an end to the practice of arbitrary and *incommunicado* detention;
- Put an end to reprisals against human rights defenders and peaceful activists and release all persons detained for having participated in demonstrations or expressed their opinions in a peaceful manner;
- Repeal the provisions on forfeiture of nationality for “undermining the image of the State.”



## UPCOMING

- March 2016: Adoption of UPR outcome document.

# PALESTINE

2015 was marked on 2 January by the accession of the Palestinian State to the Rome Statute, officially becoming the 123<sup>rd</sup> Member State of the International Criminal Court (ICC). Furthermore, the Office of the Prosecutor opened a preliminary examination into the situation in Palestine following a request of the authorities to investigate crimes committed “in the occupied Palestinian territory, including East Jerusalem, since 13 June 2014,” thus targeting Operation “Protective Edge” conducted by the Israeli Defence Forces (IDF) in the summer of 2014, which had resulted in more than 2,000 casualties on the Palestinian side and 70 on the Israeli side. In this respect, the United Nations Independent Commission of Inquiry (Col) on the 2014 Gaza Conflict presented its report to the UN Human Rights Council (HRC) in June, in which it reported violations that could qualify as “war crimes”.

On 13 September, the Esplanade of the Mosques in Jerusalem was the scene of clashes between Palestinians and the Israeli forces, marking the beginning of a spiral of violence that would also extend to the West Bank and be described by some observers as a “third intifada”. As a result of the attacks carried out by Palestinians against Israeli settlers, Israeli security forces used excessive force, executing peaceful protesters, innocent bystanders or simply suspects. The wave of retaliation attacks by Israeli settlers took place without the intervention of the army to protect the Palestinian population. In total, close to 130 Palestinians and 20 Israelis died. On 28 October 2015, at a Special Session of the HRC, Mahmoud Abbas described the situation as “the most critical since 1948”.

On the political level, the year saw the victory of Benjamin Netanyahu’s party in the parliamentary elections and the party’s rejection of a two-State solution. On the Palestinian side, after the resignation of the coalition government formed in June 2014 as a result of divisions between Fatah and Hamas, Mahmoud Abbas left the post of Chairman of the Executive Committee of the Palestine Liberation Organization (PLO) in August, forcing the Palestinian National Council – the PLO’s Parliament, which has not convened for nearly 20 years – to meet. The Council session was however postponed indefinitely due to the boycott of some factions.

As to the peace process, it remained largely stalled. While the UN General Assembly was held in September, the Palestinian Authority struggled to re-engage the international community on the conflict, as a result of which, on 30 September 2015, Mahmoud Abbas announced that his country no longer felt “bound by the Oslo agreements” – the agreements with Israel that were to lay the foundations for a resolution of the Israeli-Palestinian conflict.

## One year after Operation “Protective Edge”, impunity prevails

After Israel launched Operation “Protective Edge” against the Gaza Strip in the summer of 2014, a team of Alkarama’s researchers collected testimonies from the survivors of the 62 attacks that caused the death of 280 victims as well as the destruction of a large amount of civilian infrastructure. Alkarama’s public report – ‘The 2014 Operation “Protective Edge”: Violating the Laws of War’ – presented in March 2015 to the Col mandated to investigate the conflict in Gaza, concluded that 70% of victims were either elderly or children, and that no less than one in three victims were children under the age of 10.

Alkarama’s report further alleged that the deliberate attacks against the civilian population constituted major violations of the three fundamental principles of international humanitarian law – namely the principles of distinction, proportionality and precaution – and could further amount to war crimes and even crimes against humanity.

Several months later however, the recommendations made by the Col in its final report of June 2015 have yet to be implemented and impunity prevails. To date, no mechanism has been put in place to establish responsibility for these crimes and to indict, prosecute and convict perpetrators, as required by the Col, which had already castigated Israel’s persistent refusal to implement the UN bodies’ recommendations, resulting in the systematic repetition of such violations.

## Arbitrary detention in the form of administrative detention and imprisonment of minors in Israel and the West Bank

This year again, Palestinians held in Israeli prisons have seen their most basic rights repeatedly violated. Among others, administrative detention remains a common practice. According to NGO reports, nearly 500 Palestinians were held in administrative detention in 2015. Alkarama notably reported the case of Ali Mustafa Ahmad Hanoon, a blind Palestinian imam held in administrative detention since his arrest in May 2014, who had previously been arrested and administratively detained six times without ever being charged or tried, with the Israeli authorities refusing his lawyer access to his file on the grounds that it is “classified”.

The year 2015 was equally marked by a resurgence of repression against minors: children and adolescents were regularly arrested, particularly during demonstrations that were



Ali Mustafa Ahmad Hanoon



increasingly violently repressed, including by use of live ammunition. Moreover, some of these children are prosecuted for “throwing stones,” an act considered as an offence punishable by three years imprisonment since the amendment of Israeli law in November 2015. Meanwhile, a draft law that would authorise the imposition of prison sentences on children as young as 12, who are found guilty of “nationalistic-motivated” violent offences, was presented to and will be voted on by the Knesset. These reforms make Israeli law applicable to East Jerusalem as repressive as the emergency military laws currently in force in the West Bank, under which minors may be tried before a Military Court from the age of 12.

## Torture, arbitrary detention and violations of the freedoms of expression and peaceful assembly by the Palestinian Authority

Despite Palestine’s ratification of the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture (UNCAT) in May 2014, human rights violations persist in the country. In particular, the practice of torture is widespread, with the Palestinian Independent Commission for Human Rights receiving dozens of complaints of torture and ill-treatment every month. These acts are perpetrated primarily by the police in the Gaza Strip, controlled by Hamas, or by agents of the internal security services. Methods used include violent beatings and the “Shabah” – the practice of leaving a detainee on a small chair with his arms tied back between two interrogation sessions, causing severe muscle pain – as well as sleep deprivation and other forms of repeated humiliations. Many individuals continue to be detained for purely political reasons.

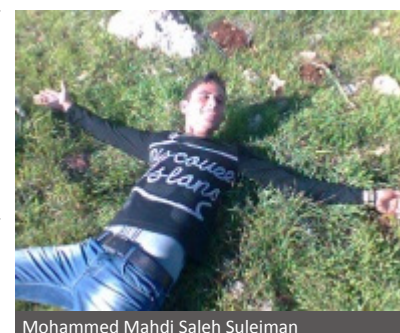
In addition, attacks on the freedoms of expression, opinion and peaceful assembly are systematic in Gaza and the West Bank. Organised protests are violently repressed and journalists subjected to harassment. Thus, in September, peaceful demonstrations against power cuts in Gaza were violently put down, with the police accusing the protesters of not having obtained prior authorisation from the Ministry of Interior. Finally, the authorities harass journalists systematically, as a result of which Reporters Without Borders ranked Palestine 140<sup>th</sup> out of 180 countries in terms of press freedom in 2015.



### MOHAMMED MAHDI SALEH SULEIMAN: A MINOR SENTENCED TO 15 YEARS IN PRISON BY A MILITARY COURT FOR “THROWING STONES”

On 14 March 2013, members of the IDF arrested five teenagers from the village of Hares in the West Bank on the pretext of throwing stones at Israeli vehicles, and subsequently accused them – for having caused a car accident – of “attempted murder by way of throwing stones.” Among the adolescents arrested was Mohammed Mahdi Saleh Suleiman, a minor aged 16 at the time of the incident.

On 15 March at 3am, IDF members, masked, heavily armed and accompanied by dogs, raided Mohammed’s house. After severely beating him, they locked him in a room of the house where they continuously interrogated him until 7am. Mohammed was then taken to Al Jalame prison – a detention centre in northern Israel where between 500 and 700 Palestinian children, some as young as 12, are being held following their arrest by Israeli forces – where he was interrogated again and forced to sign a document



Mohammed Mahdi Saleh Suleiman

without being able to read it. Detained *incommunicado* for 21 days at Al Jalame, he was then transferred to Megiddo Prison, where he was held completely cut off from the world for a total of 19 days before being able to receive visits from his family.

It was not until just some three weeks after his arrest, on 9 April 2013, that Mohammed was finally brought before the Salem Military Court and formally charged with “attempted murder”. On 26 November 2015, Mohammed was sentenced to 15 years in prison and a fine of 30,000 shekels (about USD 8,000).

Concerned by the flagrant violations of Mohammed’s right to a fair trial, Alkarama seized the UN Working Group on Arbitrary Detention (WGAD) in July and December 2015, urging it to call for his immediate release and to recognise the arbitrary nature of its detention.



## WHAT IS RATIFIED

ICCPR ✓

CAT ✓

ICPPED ✗

OP ICCPR ✗

OPCAT ✗



## UPCOMING

- 2 May 2016: One-year delay in the submission of Palestine's initial report to the Committee against Torture;
- 2 July 2016: One year delay in the submission of Palestine's initial report to the Human Rights Committee;
- Preliminary investigation to be opened by the ICC on the situation in Palestine.

**NOTE : (State of ratifications is identical for Palestine and Israel)**



## OUR CONCERNS

- Massive violations of human rights and international humanitarian law during Israel's military operations in the Gaza Strip;
- Arbitrary detention, particularly in the form of excessive use of administrative detention of Palestinian detainees, including numerous minors;
- Use of torture and systematic violations of the freedoms of expression and peaceful assembly by the Palestinian Authority;
- Excessive use of force against demonstrators in the occupied territories by the Israeli and Palestinian security forces.



## RECOMMENDATIONS

### To Israel:

- Put an end to any practice that violates international humanitarian law;
- Ensure that persons held in administrative detention be subjected to a fair judicial procedure without delay or released;
- Release all minors arbitrarily detained and amend the repressive legislation used against them;
- Put an end to extrajudicial killings and the excessive use of force against demonstrators.

### To Palestine:

- Refrain from the practice of torture or ill-treatment against persons arrested or detained;
- Ensure that all those standing trial are guaranteed the right to a fair trial;
- Put an end to the harassment of journalists and other members of civil society and guarantee freedom of peaceful assembly.

2015 did not see any significant changes in the country's human rights situation, particularly in terms of democratic representation. If the country continues to implement reforms in the field of human rights, in particular through the adoption of new legislation more favourable to the rights of migrant workers, it is important that these reforms be implemented effectively. Moreover, the executive remains the only source of power and retains effective control over the legislative and judicial powers.

Hence, the Qatari Constitution, approved by referendum in 2003, provided for the establishment of a Consultative Council – the *Majlis Al Shura* – composed of 45 members, of which two thirds would be elected by universal suffrage and one third appointed by the Emir. Originally scheduled for 2006, the election of representatives was postponed several times before being finally postponed to 2016. Meanwhile, the Council is composed entirely of members appointed by the Emir who has extended their mandate.

Moreover, if on 13 May 2015 the Qataris were able to vote to elect their representatives to the Central Municipal Council – the only institution in the country with elected members – it only has an advisory role to the Ministry of Municipalities and Agriculture, again showing total control of the executive over important matters of the Emirate.

The judiciary is not spared either, as noted by the United Nations Special Rapporteur on the Independence of Judges of Lawyers (SR IJL), Gabriela Knaul, after her visit to the country in 2014. Indeed, judges are appointed by the executive, and the irremovability of judges – a principle designed to insure their independence and to protect them against any revocation by the executive – is not guaranteed. Moreover, numerous foreign judges are appointed by the executive branch under fixed-term contracts, constituting an additional insecurity that does not allow them to enjoy the independence required for the exercise of their profession.

This lack of independence from the executive can also be observed within Qatar's National Human Rights Institution (NHRI) – the country's National Commission on Human Rights (MHRC) – whose statutes, appointment of members, and budget are also subject to executive control.

Finally, at the regional level, the active role of Qatar on the international scene and its strong support to the Arab revolutions, notably through the television channel *Aljazeera*, has in recent years led to strong disagreements with countries in the region, particularly the United Arab Emirates. However, the advent of the new monarch in Saudi Arabia and the developments in the region – marked by the conflicts in Yemen and Syria – have enabled a new regional political reconfiguration and an easing of tension with neighbouring countries.

## Continued restrictions on fundamental rights and freedoms

The country has failed to experience any significant improvement in the field of human rights and fundamental freedoms – such as the freedoms of opinion, expression or even association.

The laws governing the establishment of associations – subject to compulsory authorisation of the Ministry of Labour and Social Affairs – are still in force, making it difficult to guarantee the freedom of association in practice, especially as political parties are still not allowed.

Moreover, further restrictions on freedom of expression were introduced into domestic legislation through the September 2014 Law on Cybercrime, which contains provisions that risk being interpreted broadly so as to criminalise free expression on the Internet. Indeed, this law punishes anyone who creates and shares online any information considered by the authorities as harmful to the country's "social values" or to the "general order". Moreover, it punishes the creation or management of websites spreading "false information with the aim of compromising the security of the State, its general peace and order" with a sentence of up to three years in prison and a heavy fine. Similarly, the dissemination or publication of "false information" with the same intentions can be punished with one year in prison and a heavy fine. Finally, this law, which criminalises the "violation of social values or principles" with a sentence of one year in prison, could also be used to suppress any criticism of the authorities.

In this context, it is important to note that on 20 October 2015, several UN Special Rapporteurs – including the Special Rapporteur on the promotion and protection of the right to Freedom of Opinion and Expression, David Kaye – recalled in a public appeal that laws restricting the right to freedom of expression must never be used as tools to "silence criticism of the authorities and promote political censorship."

## Insufficient implementation of international obligations in the fight against torture

The review of Qatari laws by the UN Committee against Torture (CAT) in Geneva exposed shortcomings regarding the implementation of the Convention against Torture (UNCAT) in the country. In December 2014, the CAT adopted the List of Issues

to be addressed prior to the submission of Qatar's third periodic report. This document summarises all the experts' concerns with regard to the compliance of Qatar's domestic law with its international obligations for the prevention and fight against torture. The State party will have to address these issues – many of which were raised by Alkarama in its contribution – in its report to the Committee before 23 November 2016.

Qatar will thus have to provide a response to the CAT experts with regard to the incorporation into domestic law of the necessary provisions to prevent extraditions and forced evictions of non-citizens to countries where they may be subjected to torture or other ill-treatment. The domestic legislation's lack of compliance with Article 3 UNCAT is particularly problematic given Qatar's involvement in extensive judicial cooperation with its neighbours in the Gulf, where the practice of torture is widespread.

Qatar should also provide a response to the CAT's request for information on the consequences of anti-terrorism laws on its international human rights commitments. For example, Alkarama noted in its submission that both the Law No. 17 on the Protection of Society and the Anti-Terrorism Law include provisions that allow the authorities to arbitrarily detain individuals suspected of such acts, thus opening the door to a myriad of abuses. This is all the more worrying given that the two laws establish exception rules with regard to detention, in particular by removing any possibility for detainees to challenge the lawfulness of their detention before a judicial authority or to have effective access to a lawyer.



## REVIEW OF THE NATIONAL HUMAN RIGHTS COMMISSION

This year, Alkarama took part in the review of the NHRC by the Subcommittee on Accreditation (SCA) of the International Coordinating Committee of NHRIs, which is mandated to review and accredit these institutions.

Established by Emir Hamad Bin Khalifa Al-Thani by Decree No. 38 of 2002 and subsequently revised by the Deputy Emir of Qatar by Legislative Decree No. 17 of 2010, the NHRC had already been accredited in 2006 with the "B" status – granted to NHRIs that do not fully comply with the Paris Principles relating to the functioning of NHRIs – before being re-accredited in March 2009, March 2010, and October 2010 with the "A" status – granted to NHRIs considered to be in full compliance with these Principles. While the last re-accreditation in November 2015 confirmed its "A" status, Alkarama had recommended that the SCA grant the NHRC the "B" status. Indeed, if the activities of the NHRC are broad enough to include – among others – the review of national laws, the organisation of workshops in the human rights field, the reception and processing of individual cases of violations, or the holding of an office offering assistance to migrant workers, there nevertheless remains certain shortcomings in the functioning of the NHRC as identified by Alkarama.

As such, the recommendation for granting the Qatari NHRI the "B" status is largely motivated by the fact that the NHRC was established by executive act, going against one of the key requirements of the Paris Principles, which provide that a NHRI must be established by a constitutional or legislative text to ensure its independence from the executive and its legitimacy before the citizens. The fact that the act of creation of the NHRC was not the outcome of an elected assembly is in many ways the logical consequence of a system that is not based on a separation of powers, but in which all powers are in fact concentrated in the hands of the Emir. The same problem arises in the selection process of its members, all of whom are appointed by a decree of the executive, without the latter having to provide any justification for his choices. As to the financial independence of the Qatari NHRI, the fact remains that the management of the NHRC's resources for its various activities remains the responsibility of the executive, which is problematic in light of the former's autonomy to choose how the institution allocates its funds.



Dr Ali Bin Samikh Al Marri, president of the Qatari NHRC



## WHAT IS RATIFIED

ICCPR **X**      UNCAT **✓**      ICPPED **X**  
 OP ICCPR **X**      OPCAT **X**



## OUR CONCERNS

- Implementation of the obligations arising from the UNCAT;
- Lack of independence of the judiciary;
- Restrictions on freedom of expression and Law on Cybercrime;
- Infringements on freedom of association and peaceful assembly;
- Lack of conformity of the NHRC with the Paris Principles.



## OUR RECOMMENDATIONS

- Ratify the ICCPR and the OPCAT;
- Implement all the recommendations of the SR IJL included in the report on her visit to the country in 2014;
- Guarantee the freedoms of expression, association and peaceful assembly in accordance with international law standards and repeal or amend domestic laws that restrict such freedoms, including the Law on Cybercrime;
- Ensure the NHRC's full compliance with the Paris Principles.

# SAUDI ARABIA

The year 2015 began with a significant change at the head of the Saudi monarchy when, in January, Salman bin Abdulaziz al-Saud succeeded his half-brother Abdullah. In April, the new King imposed a major internal reshuffling by appointing his nephew – Mohammed Bin Nayef, the then Minister of Interior and hardliner in the fight against terrorism – as Crown Prince and appointing his own son – Prince Mohammed Bin Salman, former Minister of Defence – as second in line.

These modifications have not provided any fundamental change to the Kingdom's policies, despite a seemingly more tolerant approach to certain Islamist movements, including the Muslim Brotherhood. In fact, all powers remain concentrated in the hands of the executive, while the Shura Council – supposed to exercise legislative powers – is limited to an advisory role. In December, elections were held for municipal councils, the only bodies to include elected members despite having limited decision-making powers restricted to local issues, such as street maintenance. While the previous elections in 2005 and 2011 were for only half of the seats and were open exclusively to male candidates, the 2015 elections covered two thirds of the seats and saw the participation of female candidates for the first time, resulting in the election of the first 20 women in the country's history.

The Kingdom also faces many challenges, including security threats, the need to create millions of jobs for a predominantly young population, as well as the sharp drop in oil prices forcing the country to tap into its financial reserves and making it harder to buy social peace. In this regard, two suicide bomb attacks claimed by a group allegedly linked to the Islamic State (IS), which targeted Shia mosques in Dammam in the east of the country, left at least 25 people dead. It appears, however, that the security threat serves as a pretext to muzzle any dissent, peaceful activism or calls for democratic reforms.

Moreover, the country's foreign policy continues to be marked by significant tensions with Iran and a strengthening of the Kingdom's interventionism in the region. As such, Saudi Arabia has become the world's biggest arms importer, supporting in particular rebel groups opposed to the regime of Bashar al-Assad, while also participating in strikes against IS strongholds in Syria and Iraq. In March, the authorities launched an air strikes campaign against Houthi rebels in Yemen who captured the capital Sana'a in January. This intervention was compounded by the announcement, in December, of the creation of an "Islamic anti-terrorism coalition", aimed at bringing together allied Muslim States.

## Non-existent fundamental rights and freedoms

The repression of fundamental rights and freedoms targets human rights defenders in particular, as well as anyone expressing political opinions considered by the authorities as subversive. This crackdown is facilitated by the absence of any precise definition of crimes and offences given the lack of a Penal Code. Thus, crimes such as "breaking allegiance to the King" – punishable by a 15-year prison sentence – are often invoked to pronounce heavy sentences.

The case of Mikhlif Al Shammari revealed serious infringements on the right to freedom of opinion and expression. In November 2014, this human rights defender was sentenced to two years imprisonment and 200 lashes for a peaceful tweet saying he had "faith in the tolerance between Sunnis and Shias" and that he would "pray for this" in a Shia mosque in solidarity, being himself a Sunni. Al Shammari was then accused of "disturbing public opinion", a sentence confirmed by the Dammam Court of Appeal in November 2015. Alkarama brought his case to the attention of the United Nations Special Rapporteur on the promotion and protection of the right to Freedom of Opinion and Expression (SR FRDX), David Kaye, requesting that he calls on the Saudi authorities to revoke his sentence.



Mikhlif Al Shammari

Concerned by the growing repression of freedom of expression in the country, on 16 December, the SR FRDX, in a statement together with other UN experts, urged the government to revise its policies and legislation to allow free expression. Mr Kaye also expressed his willingness to visit the country in order to discuss these issues further.

In addition, the Anti-Terrorism Law of February 2014, based on a broad definition of a terrorist act, is regularly invoked to suppress any dissenting voices. Amended by a Decree of the Ministry of Interior in March 2014, the law has retroactive effect and extends its scope to acts falling within the freedom of association and peaceful assembly, criminalising any "call or incitement to demonstrate and assemble, organising of demonstrations and publication of information on demonstrations", as well as the organisation of public petitions or participation in conferences or peaceful protests that would destabilise "the security of society or the stability of the State" or otherwise incite "a social revolt".

## The persistent practice of arbitrary detention and unfair trials

One of the main issues remains arbitrary detention, systematically practiced by the intelligence services or *Mabahith*, falling under the Ministry of Interior. Its agents arrest victims without reasons and without arrest warrants, and hold them in custody, often *incommunicado* for months if not years.

It should be noted that the Saudi Code of Criminal Procedure contains no provision guaranteeing the right to challenge the lawfulness of detention before an independent judicial authority. Only the Board of Grievances – an administrative court – can hear appeals of individuals as a result of an act of the administration. Alkarama gathered hundreds of testimonies of victims or their families who made appeals before this court, without result.

Finally, the Specialised Criminal Court of Riyadh – established in 2008 to deal with crimes of terrorism, was used once again this year as a tool of repression against human rights defenders issuing heavy sentences after unfair trials. Thus, this court sentenced members of the Saudi Civil and Political Rights Association (ACPRA), including Abdulaziz Al Shubaily and his lawyer Waleed Abulkhair. In April 2014, the latter was sentenced to 15 years imprisonment under the Anti-Terrorism Law. Alkarama submitted these cases, notably to the UN Special Rapporteur on the situation of Human Rights Defenders, who expressed his concern about the numerous cases of arrest and detention of human rights defenders in Saudi Arabia *“because of their legitimate and peaceful work in defence of human rights”* in his annual report.



Abdulaziz Al Shubaily



## TORTURE, A WIDESPREAD AND SYSTEMATIC PRACTICE

This year, Alkarama contributed to the preparation of Saudi Arabia’s upcoming review by the UN Committee against Torture (CAT) by submitting a report to inform the experts of the situation in the country and suggesting key questions to be asked to the State party. This contribution is based on numerous cases of torture documented by Alkarama since 2004, as well as on the analysis of information provided by Saudi Arabia in its national report to the CAT, which was submitted five years late, in January 2015. Alkarama did not fail to underline the reprisals against members of ACPRA or Waleed Abulkhair, who had brought numerous cases of torture to the attention of UN mechanisms.

Alkarama recalled that the country still lacks legislation criminalising torture in accordance with its international obligations. While the authorities claim in their report that torture is prohibited by law, Alkarama continues to receive numerous testimonies of victims, and the entry into force of the Anti-terrorism Law appears to have aggravated the situation.

Through these testimonies, Alkarama has identified the following recurring practices: “waterboarding”, electric shocks, suspension by hands and feet, prolonged stress positions, sleep, food and light deprivation, exposure to extreme temperatures, as well as beatings, flogging and solitary confinement for long periods.

These practices are aimed at extracting confessions from the victim that can then be admitted as sole evidence to justify long prison sentences. This is all the more problematic given that no legal provision provides for the exclusion of confessions obtained under torture during trial and that in practice the judicial authorities are slow to investigate allegations of torture made by defendants.

Despite the numerous complaints filed by families before the Board of Grievances, no action has been taken by the authorities to put an end to these practices, investigate, prosecute perpetrators of torture or provide redress to victims.



## WHAT IS RATIFIED

ICCPR **X**      UNCAT **✓**      ICPPED **X**  
 OP ICCPR **X**      OPCAT **X**



## UPCOMING

- April 2016: Review of Saudi Arabia before the CAT.



## OUR CONCERNS

- Absence of basic rights and freedoms;
- Lack of independence of the judiciary, unfair trials, and systematic practice of arbitrary detention;
- Repressive nature of the anti-terrorism legislation;
- Systematic repression of human rights activists;
- Persistent use of torture.



## OUR RECOMMENDATIONS

- Proceed with the immediate release of all persons arbitrarily detained and amend legislation on the fight against terrorism and its financing, as well as the decree supplementing the law, bringing them in line with international human rights instruments;
- Put an end to the practice of arbitrary detention and ensure the right to an effective remedy for victims of such detention;
- Stop the systematic repression of human rights defenders;
- Bring domestic law in conformity with the State's obligations under UNCAT;
- Put an end to the practice of torture and ill-treatment and ensure that allegations of torture are subject to independent and impartial investigations;
- Establish an independent judiciary and guarantee the right to a fair trial;
- Ensure respect for the rights to the freedoms of opinion and expression, and of association and peaceful assembly.



Although the presidential and parliamentary elections were held in 2015, the human rights situation continued to deteriorate in Sudan, a fragile State plagued by years of conflict and where *de jure* and *de facto* impunity prevails for perpetrators of serious human rights violations. Yet, with the second cycle of the Universal Periodic Review (UPR) before the United Nations Human Rights Council scheduled for 2016, the country's human rights record remains deplorable, with no discernible improvement over the past year, a fact Alkarama did not fail to mention in its contribution to the UPR process.

Boycotted by the opposition and criticised on the international level, the April 2015 presidential and parliamentary elections saw the victory of Omar al-Bashir in power since the 1989 military coup and of his party, the National Congress Party. In the wake of these elections, the frequently abandoned process of national dialogue was formally resumed in October 2015, albeit in the absence of the main opposition parties, with the potential to culminate in the adoption of a new Constitution.

## Systematic torture and violations of the freedoms of expression and peaceful assembly

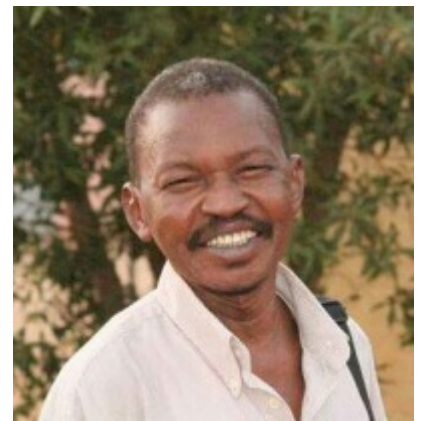
The lack of dialogue between the opposition and government representatives echoed the grave human rights violations that were committed throughout the country in 2015, facilitated by internal legislation that fails to respect international norms and principles. Torture remains a widespread and systematic practice, favoured not only by Sudan's non-ratification of the Convention against Torture (UNCAT), but also by the fact that the definition of torture under Sudanese criminal law is not formulated with sufficient precision, paving the way for future abuses.

In fact, Sudanese law provides for corporal punishment – namely stoning and flogging – which may amount to ill-treatment or torture. While human rights activists, journalists and political opponents are the most affected by the practice of torture, all detainees, including women and children, are at risk of being subjected to it.

This reality is compounded by the immunity granted to officers of the National Intelligence and Security Services (NISS) when they commit abuses in the exercise of their functions, as well as by the fact that judges consistently reject allegations of torture, thereby perpetuating the institutionalisation of such practices. Moreover, the security services most often resort to torture when victims are held *incommunicado*, a form of detention deemed arbitrary by international bodies.

As in previous years, the NISS were once again the main perpetrators of human rights violations reported in the country in 2015. Prior to the elections, the authorities reinforced their arrest and intimidation campaign against political opponents, students, and journalists. In the northern region of Darfur for instance, the NISS violently repressed a peaceful demonstration organised by students of the Al Fashir University in April, thereby acting in direct violation of the freedom of peaceful assembly. It further ordered the seizure of dozens of independent newspapers and blocked the websites of some media outlets, without justification and in complete violation of the freedom of the press.

On the other hand, dozens of political opponents who called for a boycott of the elections, as well as members of tribes accused of supporting rebel groups, were arbitrarily arrested and detained by the security services, and many of them reported having been subjected to ill-treatment and torture during their detention. Moreover, some opponents were charged with “undermining the Constitution,” a charge punishable by death in Sudan. Outside the election period, the NISS arrested many other political opponents, including Babacar Moussa Issa, a member of the Arab Socialist Ba'ath Party, who was arrested and held *incommunicado* in August 2015, as documented by Alkarama who submitted his case to the UN Working Group on Enforced Disappearances.



Babacar Moussa Issa

## Unfair trials and violations of the freedom of association

Meanwhile, judicial proceedings continue to suffer from numerous irregularities, while families of the victims are denied their right to visit their relatives detained in such inhumane conditions that some even died following the authorities' refusal to provide them with appropriate medical care. As for lawyers, they too are routinely denied the right to assist their clients held in police custody.

Particularly vulnerable are the individuals accused of terrorism – which Sudanese law defines in vague terms – falling under special courts that are authorised to accept any kind of evidence, irrespective of the way in which it was obtained, thus allowing the admission of confessions obtained under torture. Moreover, like many other Arab countries, since 2013 Sudan has extended the jurisdiction of military courts to try civilians by adding particularly vague offenses that can be used to target and prosecute political opponents and human rights defenders alike.

It also remains particularly difficult for opposition parties to function freely given the many restrictions and the constant repression they suffer through, among others, the arbitrary arrests of their members and regular bans on their meetings. Independent associations are also subjected to harassment and intimidation, both from the NISS and the “Humanitarian Aid Commission”, a government body responsible for regulating charities and humanitarian organisations.

Several organisations have thus reported that their activities were monitored by the security services, while others have been dissolved at the discretion of the authorities or had their premises subjected to unwarranted searches by the NISS. Lastly, the authorities took retaliatory measures against members of civil society for having cooperated with the UN Independent Expert on the situation of human rights in the Sudan.



## PERSISTENCE OF INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN LAW VIOLATIONS IN CONFLICT ZONES

The regions of Darfur, Blue Nile, and South Kordofan – theatres of clashes between rebel forces and the Sudanese army for several years – continued to suffer numerous violations of human rights and humanitarian law. Thus in August 2015, a report of the UN High Commissioner for Human Rights, based on information collected by the joint UN and African Union Mission in Darfur in 2014, reported a total of 411 cases of violations by all parties to the conflict, including 127 alleging the use of sexual violence, which remained totally unpunished. Involved in the campaign “Decisive Summer”, the Rapid Support Force – a paramilitary unit under the command of the Sudanese Armed Forces – was primarily responsible for these violations, while the authorities continue to deny the occurrence of such crimes.

Yet, month after month, international organisations continue to document new violations, ranging from attacks to reprisals against villages, from arson attacks on houses to rape and sexual assault, as well as torture and summary executions of civilians. Moreover, these violations have resulted in forced displacement of people who do not receive adequate protection and assistance and are forced to survive in particularly precarious conditions. Furthermore, the documentation work of local and international organisations is also made very difficult, with the armed forces intimidating both researchers and witnesses. Finally, in addition to the serious violations mentioned above, the inhabitants of these regions continue to see their civil and political rights systematically violated.



### WHAT IS RATIFIED

ICCPR ✓    CAT ✗    ICCPED ✗  
OP ICCPR ✗    OPCAT ✗



### UPCOMING

- April/May 2016: Review - Second Cycle of the UPR.



### OUR CONCERNS

- Systematic use of torture and other cruel, inhuman or degrading treatment;
- Harassment and arrests of human rights activists, journalists and political opponents;
- Restrictions on freedom of expression, association and peaceful assembly;
- Non-compliance with international standards relating to a fair trial;
- Impunity for perpetrators of serious human rights violations.



### OUR RECOMMENDATIONS

- Ratify the UNCAT and adopt legislation on torture consistent with international norms;
- Cease the harassment of journalists, human rights defenders and political opponents;
- Guarantee the free exercise of freedom of expression, association and peaceful assembly;
- Abolish the jurisdiction of military courts to try civilians and respect fair trial guarantees;
- Combat impunity by prosecuting the perpetrators of human rights violations and repeal the de jure immunities enjoyed by NISS and armed forces officers.

# SYRIA

In March 2015, Syria entered its fifth year of armed conflict. With the death toll reaching over a quarter million according to the United Nations, the main victims continue to be the civilian population. At the end of the year, the UN High Commissioner for Refugees, António Guterres, said that the number of refugees had reached 4,4 million – approximately 700,000 more than the year before – thus constituting “the biggest refugee population from a single conflict in a generation”.

The security situation has continued to deteriorate at an alarming rate, with widespread clashes between governmental forces and various rebel groups, as well as the Islamic State (IS) which lost control over Kobane in January following an offensive by Kurdish forces. Moreover, September 2015 marked the beginning of Russia’s military intervention in support of Bashar al-Assad’s regime. The Russian airstrikes resulted in hundreds of civilian casualties, most notably as a result of the use of cluster bombs in densely populated areas.

Added to this were the indiscriminate or deliberate attacks by government forces and affiliated militias, the use of chemical weapons such as mustard gas or chlorine, as well as the indiscriminate use of barrel bombs. At the same time, the various rebel groups operating in the country continued to commit serious violations of both international humanitarian and human rights law, in particular by resorting to abductions and hostage-taking, as well as through torture and summary executions. To date, these crimes, which may be qualified as war crimes or crimes against humanity, have gone unpunished.

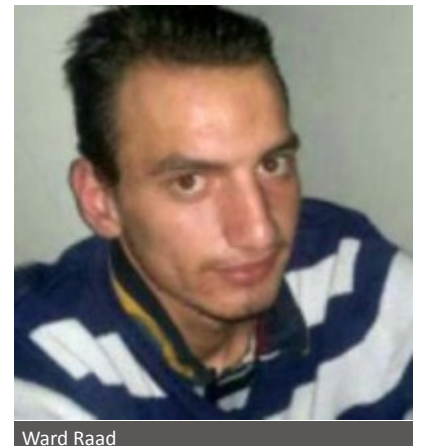
Finally, despite attempted negotiations in the hope of achieving a political solution to the conflict, the peace process remained deadlocked. Held in Vienna in October 2015, the international talks on Syria failed to give rise to an agreement between the parties, with the fate of Bashar al-Assad remaining the main obstacle. In early December, Saudi Arabia hosted a conference bringing together several Syrian opposition groups, before the opening of negotiations under the aegis of the UN. On 19 December, the Security Council unanimously adopted Resolution 2254/2015, which calls for a cease-fire and the establishment, within six months, of a credible, inclusive, and non-sectarian governance system, as well as to agree on a timetable and the terms of a new constitution under which “free and fair” elections will be held “within 18 months”.

## The massive and systematic practice of enforced disappearance

The practice of enforced disappearance is still widespread and systematic. The figures are rising steadily, claiming tens of thousands of victims to date. It constitutes a tool of repression that targets not only political activists, human rights defenders, and members of humanitarian organisations, but also ordinary citizens.

The victims are mostly apprehended at roadblocks or during waves of arrests by the army or other security forces, generally without an arrest warrant or any justification as to the reasons for the arrest. Following their arrest, the victims are usually taken to secret detention facilities where they are severely tortured. This was the case, for example, of Ward Raad, a 21-year-old student who disappeared in March 2014, following his arrest by the Military Intelligence because he had refused to serve in the army. Although a former cellmate at Military Intelligence Branch 251 spotted him in early 2015, the authorities still refuse to disclose his fate, despite requests from the UN Working Group on Enforced and Involuntary Disappearance (WGEID) seized by Alkarama in April 2015.

The systematic resort to this practice creates a climate of terror, as a result of which families of the victims are afraid to denounce the disappearance of their loved ones for fear of being subjected to the same fate. In the rare cases where families can act with local authorities, they are often faced with the latter’s systematic denial.

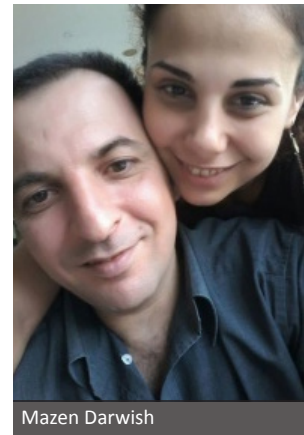


Ward Raad

## Unfair trials, torture and repression of human rights defenders under the pretext of “the fight against terrorism”

The Syrian authorities continue to suppress all dissenting voices, targeting in particular human rights defenders and political activists. Accused of “terrorism” under Law No. 19 of July 2012, peaceful activists are arrested and brought before the anti-terrorism court, a special court with competence to try civilians and which can pronounce the death penalty after holding expeditious trials. In addition, they are often brought before military courts, which may also condemn them to death following trials marred with irregularities.

On 10 August 2015, Mazen Darwish, Director of the Syrian Centre for Media and Freedom of Expression (SCM), was freed after having spent three years in detention. In February 2012, Darwish and two of his colleagues, Hussein Gharir and Hani Al Zitani, were arrested by agents of the Syrian Air Force Intelligence at the offices of the SCM, an NGO promoting the dissemination of information on the human rights situation in Syria, working in particular on the freedom of expression and of the press. Detained *incommunicado* without access to the outside world for over nine months, Darwish and his colleagues were severely tortured before being transferred to Adra prison in the suburbs of Damascus. It was not until February 2013, almost a year after their arrest, that the anti-terrorism court charged them with “dissemination of information on terrorist acts”. In November 2013, the UN Working Group on Arbitrary Detention (WGAD), seized by Alkarama, concluded that their detention was of an arbitrary nature and called for their immediate release.



Mazen Darwish

## Non-State actors, perpetrators of human rights violations

In addition to violations committed by the government, the various armed groups operating in the territory have equally subjected the civilian population to abuses. This year, Alkarama seized the Independent International Commission of Inquiry (Col) on Syria of several cases of enforced disappearances perpetrated, among others, by IS, the Al-Nusra Front and the Kurdish People’s Protection Units (YPG), by way of reprisals or for forced recruitment purposes.

For example, Alkarama submitted to the Col the case of Hamrein Hussein, a 15-year-old Kurdish girl who was abducted by the YPG in December 2014 while on her way to school in her hometown of Amuda, located in the Syrian Kurdistan. The day after her arrest, her father received a call from a member of the YPG’s female combat unit, informing him that his daughter would “receive training” within that unit. Hamrein’s father has not heard from his daughter since.

Another representative case is that of Raad Ramadan, a 34-year-old Syrian-Kurd merchant who was arrested in July 2013 by members of the Al-Nusra Front at a checkpoint near the Turkish border in the district of Ras al-Ayn, and has been missing ever since. His abduction occurred within the context of the fighting between Kurdish forces and Al-Nusra for control over Ras al-Ayn, during which both sides systematically arrested members of the opposing party.

## WHAT HAPPENED TO BASSEL KHARTABIL, DEFENDER OF THE RIGHT TO FREEDOM OF EXPRESSION?

An emblematic case of repression by the Syrian regime is that of Bassel Khartabil, a 34-year-old computer engineer, defender of a free Internet and promoter of an open-source culture. Through his innovations on social media, he was credited with opening up the Internet in Syria and was awarded the Index on Censorship Digital Freedom Award in 2013. When protests against Bashar al-Assad’s regime erupted in 2011, he managed the “Aiki Lab”, a community technology centre for young people.

Khartabil was arrested by members of the Military Intelligence Branch 251 in March 2012. After his arrest, he was held *incommunicado* for over nine months, during which he was tortured, before being transferred to Adra prison where he was detained until 3 October 2015, the day of his disappearance. In December 2012, he had been brought before the Military Prosecutor who had charged him with “spying for an enemy State”, yet he was never tried. Seized by Alkarama, the WGAD had issued an Opinion establishing the arbitrary nature of his detention and calling on the authorities to release him immediately.



Bassel Khartabil

On the contrary, the authorities refused to release him and his situation became even more alarming when, on 3 October 2015, he was taken from Adra prison to an unknown location. Other prisoners informed Khartabil’s wife, Noura, of his transfer, as the authorities refused to provide information on his relocation or current whereabouts. Concerned about his disappearance, Alkarama sent an urgent appeal to the WGEID. To date, the Syrian authorities have failed to respond to the UN experts’ call.



## WHAT IS RATIFIED

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## UPCOMING

- Initiatives in view of a political solution to the conflict;
- March 2016: Submission of Alkarama's report to the UN Human Rights Council (HRC) in view of Syria's Universal Periodic Review (UPR);
- November 2016: Review - Second Cycle of the UPR.



## OUR CONCERNS

- Systematic and widespread practice of the crime of enforced disappearance;
- Practice of torture and arbitrary detention of human rights defenders and political activists under the pretext of 'the fight against terrorism';
- Devastating effects of the conflict, in particular on the civilian population;
- Impunity of perpetrators of war crimes and crimes against humanity.



## OUR RECOMMENDATIONS

- Put an end to gross and systematic violations of international human rights and humanitarian law and fight against the impunity of its perpetrators;
- Take all necessary measures to protect the civilian population in accordance with the principles of international humanitarian and human rights law;
- Put an end to the repression of journalists, human rights defenders and humanitarian actors, and guarantee their protection.

# TUNISIA

In Tunisia, 2015 saw an unprecedented wave of violence. After the attack at the Bardo Museum which killed 22 people on 18 March, a new deadly attack on 26 June in Sousse cost the lives of 38 others. A state of emergency was declared in July and subsequently lifted three months later. On 24 November, 12 policemen became the victims of a bomb attack against a bus of presidential security. Consequently, the state of emergency was reinstated for a month, and then extended for two additional months.

In addition to the bloody events outlined above, the army and the police have repeatedly been the target of attacks by armed groups, particularly in rural areas close to Algeria's borders. After the murder of a policeman in January, the Ministry of the Interior issued a circular authorising police officers to keep their weapons after their service. A draft law on the Repression of Offences against Armed Forces was adopted in April by the Council of Ministers and submitted to the Assembly of People's Representatives (ARP). Vague, incoherent and granting excessive immunity to the police, even in cases of murder, the text remains highly contested and has thus not been adopted to date.

Also on the legislative level, on 25 July, the ARP adopted a law on the fight against terrorism and money laundering, despite vehement criticism from civil society. As a matter of fact, since its adoption, at least six people were sentenced to death. The complaints filed against torturers and former officials under Ben Ali, who participated in the execution of protesters in 2011, have not resulted in any serious convictions.

Following the victory of the Nidaa Tounes Party in the legislative and presidential elections in late 2014, Habib Essid, who previously held various positions under Ben Ali, was appointed as Prime Minister on 4 January 2015, and tasked with the constitution of his government. A month later, the composition of the new government obtained parliamentary approval. The executive branch, dominated by Nidaa Tounes also consists of Ministers and State Secretaries of the Ennahda party, the Free Patriotic Union, and Afek Tounes, all three of which are represented in Parliament. On 9 November, a dispute broke out within Nidaa Tounes and resulted with the split of the party. Stripped of 31 seats, the party, going from 85 to 54 seats found itself finishing second behind Ennahda, which holds 69 seats.

## The fight against terrorism, a pretext for flouting individual rights and freedoms

After the attacks that rocked the country in 2015, measures taken in the name of the fight against terrorism constitute, more than ever, a threat to fundamental rights and freedoms. On 14 December, on the sidelines of the work of the National Commission for the Coordination and Preparation of Reports and Follow Up on Recommendations in the Field of Human Rights, the Head of Government did not fail to remember that the fight against terrorism was a priority and that "human rights are meaningless without security." Arbitrary arrests, prolonged police custody without access to legal counsel, torture, violent police raids, night raids and house arrest, and other repressive measures are multiplying in the name of security, with the security forces granted disproportionate powers that are not subjected to any control.

In 2015, the government announced the arrest of several thousands of "suspects" and imposed travel bans on more than 15,000 "potential terrorists", targeting young people in particular. As such, the authorities routinely require that any person under the age of 35 produce parental authorisation to travel to certain destinations considered to be "transit countries to conflict zones". Nevertheless, several individuals were also banned from travelling to other destinations or delayed without reason until their flight had departed.

Police actions and night raids have also increased. Under the state of emergency, entire neighbourhoods were sealed off and massive searches carried out arbitrarily without due process and with resort to excessive violence. In July, during a search, a mother died of a heart attack due to the violence and threats issued by the police, who subsequently left the scene without trying to help her.

Despite the systematic abuses committed by the security forces and the utter impunity they enjoy, on 24 July 2015, the ARP passed a new anti-terrorism law to strengthen the power and flexibility of State agents in the fight against terrorism.

## Torture, a widespread practice

If the practice of torture was once reserved for persons suspected of terrorism, it tends to become more widespread. Civil society reported hundreds of cases of torture in 2015 across the country. A simple ID check may thus lead to arbitrary arrest and beatings at the police station. As such, many cases of torture and ill-treatment have been reported following random arrests or routine checks. Once released, the victims have no means of challenging the violations of their rights.

Numerous cases of suspicious deaths in detention have also been reported this year. On 13 May 2015, Abdelmajid Ejday's

family learned of his death, less than 24 hours after his arrest. The young man had previously been arrested in February and charged with theft before being acquitted. A few weeks later, he was filing a complaint for torture against the police officers who had questioned him. These very same officers arrested him again on 12 May – in retaliation, according to his relatives – and informed his family of his death the next day.

## Freedom of expression and the return to draconian practices

In 2015, civil society has not failed to denounce the attacks on freedom of expression and to demonstrate its concern about the extent of censorship and control imposed on the media by the executive. At the beginning of the year, a military court sentenced blogger Yassine Ayari for criticising the army. Najet Laabidi and Abderaouf Ayadi, two lawyers committed to the defence of victims of torture, are similarly being prosecuted before a military court for having criticised the lack of independence of the judiciary.

Furthermore, several journalists were subjected to intimidation and police violence before facing criminal prosecution. On 30 September for instance, journalists from the online media group Nawaat were physically assaulted by police officers while they were covering a demonstration in Tunis. In December, journalist Walid Mejri was summoned to court for writing an article on the security apparatus.

In July, the draft law pertaining to the right of access to information – which was to implement the provision of the Constitution guaranteeing freedom of expression and information – was eventually withdrawn, one year after being presented to the ARP.

Civil society has also expressed concern about the executive's repeated interference in media affairs. As such, on 15 November, the Head of Government sacked the President and CEO of the national television channel after they broadcasted images deemed inappropriate without the authorisation of the High Independent Authority for Audiovisual Communication – the only authority legally authorised to take such action.



## A NEW ANTI-TERROR LAW IN ORDER TO JUSTIFY ABUSES

On 24 July 2015, the ARP adopted Law 22/2015 on the fight against terrorism and money laundering, aggravating the provisions of the previous law of 10 December 2003. This new law extends the authority granted to the security forces and significantly restricts the rights of the accused. Since its adoption, several persons have in fact been sentenced to death, despite the *de facto* moratorium on the death penalty observed since 1991.

The law gives a particularly broad definition of what constitutes a terrorist offence, thus opening the door to abusive interpretations to qualify acts normally considered under the ordinary criminal code as constituting terrorist offences. As such, acts that inflict “harm to private and public property” or cause injury to others, may be considered as terrorism, which significantly expands the range of persons who may be affected by this law.

Articles 38 and 40 of the law also extend the custody period to five days, renewable twice. The period of police custody can be renewed automatically with the consent of the Prosecutor and without the appearance of the suspect before a judicial authority. As such, the person in question may be held for up to 15 days without access to a lawyer or his or her family, and is therefore exposed to a high risk of torture, systematically practiced in police custody.



The Tunisian Parliament adopts a new Law “against terrorism” on 25 July 2015

The law also provides for the possibility of placing a suspect under audiovisual surveillance by order of the Prosecutor. As such, this provision may be used to legitimise a widespread surveillance and wiretapping of ordinary citizens, as was the case before 2011.



## WHAT IS RATIFIED

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## UPCOMING

- 7-8 March 2016: Review before the Committee on Enforced Disappearances;
- 20-21 April 2016: Review before the Committee against Torture;
- Visit of the Sub-Committee on Prevention of Torture;
- September 2016: Submission of Alkarama's report to the UN Human Rights Council (HRC) in view of Tunisia's Universal Periodic Review (UPR);



## OUR CONCERNS

- Systematic practice of torture in custody;
- Violations of procedural guarantees, unfair trials and arbitrary detention;
- Impunity reinforced by the lack of independence of the judiciary;
- Systematic human rights violations under the pretext of the fight against terrorism;
- Repeated attacks on freedom of expression.



## OUR RECOMMENDATIONS

- Take effective measures to reform the security apparatus and put an end to the impunity of law enforcement officials;
- Ensure respect for freedom of expression and independent media;
- Amend Law 22/2015 and take measures to put an end to the abuses committed in the context of the fight against terrorism.



The country's internal politics saw this year the election, in October, of part of the members of the Federal National Council, the *Majlis al-Watani al-Ittihad*, which represents the country's legislative authority. This Council, which holds merely an advisory function and has no power to enact or amend laws, consists of 40 members, only half of which are elected, while the other half is directly appointed by the executive. Only a third of citizens were, however, allowed to run and to vote in these elections, which were marked by a low turnout and an absence of public political debate.

On an international level, the UAE strengthened their interventionist policy in the Arab world. They notably supported Tunisia's anti-Ennahda coalition as well as Egypt's military regime, and conducted bombardments in Libya in August 2015 in support of General Haftar's forces – sworn enemy of the local Islamist movement – leading to the death of countless civilians. This interventionism was accompanied by the UAE's active participation in the international coalition against the Islamic State and the Saudi coalition against the Houthis in Yemen, as well as by the presence of Western military bases on its territory.

Simultaneously, the country remained the scene of systematic human rights violations, committed by the intelligence services in particular. The practice of *incommunicado* detention, torture, and politically motivated trials, denounced by Alkarama in recent years, unfortunately persisted in 2015. Emirati civil society, composed of human rights defenders recognised for their peaceful activism, among them Ahmed Mansour, continued to suffer severe repression by the authorities in retaliation for their commitment.

The Emirati judiciary is also subject to numerous restrictions, especially with the existence of the State Security Court – an exceptional tribunal within the Supreme Court – and the retaliation against lawyers who defend cases before this chamber, as well as human rights violations committed in the fight against terrorism. These key concerns were raised by the UN Special Rapporteur on the Independence of Judges and Lawyers (SR IJL), Gabriela Knaul, in her final report presented at the 29th session of the Human Rights Council in May. Faced with Ms Knaul's critical report, the Emirati authorities reacted aggressively by questioning both the reliability of the information contained in her report and her objectivity, while failing to provide a satisfactory response to her conclusions.

## Human rights violations under the pretext of the “fight against terrorism”

Presenting themselves as the region's “champion” in the fight against terrorism, the Emirati authorities oppose the increasing denunciation – from numerous non-governmental organisations – of the grave and systematic human rights violations committed under this pretext. As a starting point, the legal framework for the fight against terrorism remains particularly problematic. The 2014 Federal Law No. 7 on the “fight against terrorist crimes” provides an extremely broad and vague definition of terrorism and continues to serve as the legal basis for the prosecution of peaceful political opponents.

In her report, the SR IJL also noted that such an approach to the definition of terrorism opened the door to abuses and arbitrariness. As such, Article 1 of the law defines a terrorist act as any act that would cause “unrest or panic among a group of people” or that would otherwise “upset the State”, without specifying for example the violent nature of such acts, and hence paving the way for the criminalisation of peaceful acts of protest. The UN expert stated that these provisions are contrary to the principle of legality, which requires that crimes prescribed by law be drafted in a clear and predictable manner so that people can clearly understand the limits stipulated by law and act accordingly. It should also be recalled that the guarantees provided for by the Code of Criminal Procedure are not applicable to persons arrested by the intelligence services. In this regard, by providing for the custody period to be extended by renewable three-month periods without the detainee having to be brought before a judge, the 2014 Anti-Terrorism Law establishes an exceptional legal regime.

The aforementioned legal arsenal has been complemented by a list of organisations classified as “terrorists” by the Emirati authorities, a move strongly criticised by many NGOs. Published by Decree in November 2014, this list illustrates the fundamentally hostile attitude of the UAE to civil society organisations that are close (or deemed close) to Islamist movements. This list, which places legally operative Muslim charities in Europe and the United States on the same level as groups such as al-Qaeda or Boko Haram, was opposed in particular by the US and Norwegian governments. In fact, this listing allows for the *de facto* criminalisation of membership – actual or presumed – to any association that would exercise a critical attitude towards the Emirati authorities. Finally, all acts falling under this law are prosecuted in the State Security Court, whose decisions are not subject to appeal.

## The criminalisation of freedom of expression and of peaceful political opposition

The anti-terrorism law and that on cybercrime continue to be the preferred tools of repression against political opponents, bloggers, teachers, and anyone voicing a dissenting opinion. This repression has now also been extended to foreigners. Thus, following the arrests of Egyptian citizens in the wake of the 2013 military coup, backed by the UAE, several Libyans suspected of being close to the Tripoli government were also arrested in 2015.

This repressive policy targets Islamist movements deemed close to the Muslim Brotherhood and similarly extends to activists

and journalists who denounce these abuses, as well as to lawyers who represent them before local courts.

The extent of the violations of the victims’ fundamental rights is all the more worrying in that the nature of the incriminating acts fall within the exercise of the fundamental freedoms of expression, opinion, association and peaceful assembly. These repressive practices are increasingly denounced by independent NGOs and raised by various UN Special Procedures, who recently reminded the authorities again that peaceful criticism cannot be construed as constituting a subversive activity.



## SECRET SERVICES’ OPERATIONS OUTSIDE ANY LEGAL SCRUTINY

The intelligence services or “State Security” (*Amn Al Dawla*) operate under the direct control of the Ministry of Interior and report directly to the President of the Federation. The legal basis for their existence is Federal Law No. 2 of 2003 on the security of the State, which, in violation of the country’s Constitution, has not been published in the Official Gazette.

This service is not subject to any independent judicial control and has its own secret detention facilities, as well as an exceptional justice system – the State Security Court, a court responsible for prosecuting the accused at first and last instance. The proceedings before the court are characterised by gross violations of their fundamental rights. These severe violations have regularly been highlighted by the UN Working Group on Arbitrary Detention (WGAD) on the occasion of the review of cases submitted to it by Alkarama – all recognised as cases of arbitrary deprivation of liberty.

The intelligence services also operate under a *modus operandi* that generates chain violations: the victim is arbitrarily arrested, held *incommunicado* and in solitary confinement for a long period during which he or she is subjected to acts of physical and psychological torture to force signed confessions, which subsequently become the only evidence used at trial.

This year again, Alkarama documented many such cases. Arrested at his workplace by members of the intelligence services on 18 August 2015, Dr Naser Bin Ghaith – prominent economist, academic, and reformist – continues to be held in *incommunicado* detention several months after his arrest. The case of Salim Al Aradi and four other Libyan nationals arrested between August and September 2014 is also emblematic of a practice that now affects nationals of countries of the region in which the UAE supports a particular party to the conflict. After the bombardment of Libya by Emirati air forces, intelligence services carried out a wave of arrests of Libyan nationals. Alkarama submitted these cases to the WGAD, which issued in November 2015 an Opinion qualifying these detentions as arbitrary.



Dr Naser Bin Ghaith



### WHAT IS RATIFIED

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



### OUR CONCERNS

- Long periods of *incommunicado* detention and systematic practice of torture;
- Reprisals against human rights defenders and systematic repression of political opponents;
- Arbitrary detention without trial or after unfair judicial proceedings;
- Absence of an independent judiciary;
- Lack of judicial control over the intelligence services and impunity of those responsible for serious human rights violations.



### OUR RECOMMENDATIONS

- Release all human rights defenders and political activists arbitrarily detained;
- Repeal or amend laws on terrorism and cybercrime;
- Place the State security services under the control of an independent judicial authority;
- Put an end to the practice of torture in all detention facilities and implement the Convention against Torture (UNCAT) to fight against impunity, including by accepting Articles 20 and 22;
- Put an end to the practice of enforced disappearance and *incommunicado* detention;
- Ratify the International Covenant on Civil and Political Rights (ICCPR) and the International Convention for the Protection of all Persons against Enforced Disappearances (ICPPED).

# YEMEN

The beginning of 2015 saw the situation of armed conflict in the country deteriorate significantly over the months leading to a catastrophic humanitarian situation.

On 21 January 2015, Houthi forces invaded the capital Sana'a and occupied the presidential palace after the results of the National Dialogue Conference (NDC) were announced. This movement – also known as *Ansar Allah* (“the partisans of God”), derived from the Zaidi community – had participated in the armed uprising against the Government of Ali Abdullah Saleh before rebelling against the central Government of Abd-Rabbuh Mansour Hadi.

After they placed the President under house arrest and imprisoned the Prime Minister, the Houthis dissolved Parliament on 6 February and announced the establishment of a new “Interim Assembly” and “Presidential Council”. On 25 March, the day before fleeing to Riyadh, President Hadi sent a letter to the United Nations Security Council urging it to adopt a Chapter VII Resolution calling for an international intervention to stop the Houthi advance and informing it of its previous request to the Gulf Cooperation Council to intervene militarily against the Houthis.

A coalition – led by Saudi Arabia and including five Arab Gulf States, as well as Jordan, Egypt, Morocco and Sudan – then initiated a bombing campaign of Houthi positions. After reclaiming Aden in September, President Hadi took refuge in the city, which became Yemen's *de facto* capital under Government control.

This conflict also led to a division within the security forces, between those loyal to former President Saleh – who paradoxically allied with the Houthis, their former enemy – and those loyal to the Government. The latter has remained predominantly supported by the Sunni tribes from the south of the country organised in “Popular Resistance Committees”. Moreover, while the United States' strikes against al-Qaeda fighters have continued, armed groups who have pledged allegiance to the Islamic State emerged within the country, claiming attacks and bombings of Shiite mosques, notably those in Sana'a in March.

Finally, on 15 April, unable to reach a political resolution to the crisis, the Special Adviser to the UN Secretary General (UNSG) on Yemen since April 2011, Jamal Benomar resigned, giving way to Mauritania's Ismail Ould Cheikh Ahmed. On 28 May, the UNSG announced the holding of talks between the parties to the conflict, which were nevertheless postponed on a number of occasions. The last round of negotiations, which took place in December, did not give rise to any significant results, to the extent that the opposing parties were content to agree on holding further talks.

## Civilians trapped between conflict and air strikes

The civilian population continue to be the main victims of the Yemeni conflict, suffering from both Saudi air strikes – including against hospitals and schools – and Houthi missiles. Added to this is a severe humanitarian crisis, aggravated by the blocking of access routes for emergency humanitarian assistance by the Houthi forces. In November, the UN said that since the conflict began in March, at least 5,878 people had been killed and 27,867 more injured.

In addition, the particularly deadly attacks by Saudi Arabia – including those making use of US-made cluster munitions that kill indiscriminately – were denounced as contrary to the principles of international law.

Alkarama has thus documented many cases of civilian casualties to the attention of the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions. In particular, it raised those arising as a result of coalition strikes led by Saudi Arabia, most notably in the cities of Saada and Sana'a – declared as “military zones” by the Saudis authorities, and therefore likely to be subjected to air strikes – totally disregarding the principle of distinction between civilians and military objects as provided for under international humanitarian law.

In Sana'a, for instance, a Saudi air strike killed a 16-year-old girl and wounded 10 members of her family in September 2015. In Saada, 27 members of the same family – mostly women and children – were killed in a similar air strike in May 2015.

Simultaneously, the use of artillery and missiles by Houthi forces caused numerous additional civilian deaths and injuries, primarily in Sana'a.

Finally, the US drone strikes against suspected al-Qaeda members have continued despite the fact that the conflict has somewhat overshadowed these strikes in the media. According to the Bureau of Investigative Journalism, between January and September 2015, the US conducted 20 strikes – particularly in the port town of Mukalla controlled by al-Qaeda forces – causing many civilian casualties.



5-year-old Hajar, Doua and Yacoub (left to right) and Muna, 10, were killed by an air strike launched by the Saudi led-coalition on their family home in Saada on 6 May 2015

## Reprisals against activists and journalists

The recurrent and systematic practice of reprisals against human rights defenders, journalists and other dissident voices has persisted this year. If yesterday's victims have become today's perpetrators, the same climate of impunity prevails. Members of the Houthi rebellion, previously subjected to gross violations by former governments – including arbitrary arrests, enforced disappearance and torture – now submit activists who criticise their policies or document the violations committed by their men to a similar fate.

Peaceful activists and journalists who document violations committed by parties to the conflict continue to be the victims of arbitrary arrests, *incommunicado* detention, and torture, committed by all parties to the conflict, with an unprecedented number of journalists being killed this year. This crackdown illustrates the will of all parties to the conflict to strictly control the sources of information on the ground.

In areas controlled by the Houthi-Saleh coalition, activists and journalists were thus targeted, particularly those suspected of sympathising with the Al-Islah movement, closely affiliated to the Muslim Brotherhood and main opponent to the Houthis. Hence, on 9 June 2015, nine journalists were abducted from the Dream Castle Hotel in Sana'a by members of the Houthi-Saleh coalition who accused them of having documented human rights violations committed by their forces. Four months after their abduction, on 12 October 2015, 29 activists were similarly arrested by the Houthi-Saleh coalition in the city of Ibb during an open meeting held to prepare for a peaceful march demanding that drinking water be provided to the population of the besieged city of Taiz. While some have been released since then, those who were perceived as the main organisers of the march have been kept in detention and tortured.

Moreover, journalists and activists who operate in areas under the Hadi Government's control are also still subject to severe restrictions on freedom of opinion and expression. In fact, Article 103 of the Press and Publications Law criminalises criticism of the Head of State and any publication that would "spread a spirit of dissent and division among the people," "threaten national unity" or "distort the image of the State". Similarly, in March, the Houthi Ministry of Information warned all media outlets operating in territories under its control that they risked closure if they published information "reinforcing sectarianism" or "insulting the revolution of the proud people."

### ENFORCED DISAPPEARANCE, A POLITICAL WEAPON USED BY ALL PARTIES TO THE CONFLICT

Enforced disappearances, which have become routine in Yemen in the 1970s, have claimed many victims over several decades. An emblematic case is that of Ahmed Al Masrabah, member of the Arab Socialist Baath Party, who was held *incommunicado* for 33 years before finally being allowed to receive a short visit from his son in April 2014, following the submission of his situation to the UN Working Group on Enforced or Involuntary Disappearances. Although the officer in charge had promised to release him by transferring him to a psychiatric hospital, his fate remains unknown since the start of the conflict.

After the reunification of Yemen in 1990, the Saleh Government began using the practice of enforced disappearance as a weapon of repression against his political opponents, including the Houthis. Today, all parties to the Yemeni conflict use this practice. In 2015, Alkarama gathered a large number of cases of enforced disappearances relating to journalists or activists who document cases of violations committed, among others, by Houthi forces.

For example, between April and August 2015, three dissidents were arrested by members of the Houthi-Saleh coalition for criticising the abuses committed by members of the aforementioned coalition forces. A member of the opposition party Al-Islah, Mohamed Qahtan has been missing since his abduction by members of the Houthi-Saleh coalition on 4 April. Four months later, on 5 August, human rights defender Abdulkader Al Gunaid – known for the free expression of his opinion on the Yemeni crisis on social networks – disappeared following his arrest. Later that month, it was the turn of journalist Salah Al Qaedi, to be arrested and taken to the Jadiri police station in Sana'a, where visits from his family were banned following the news of his arrest in the media.

In each of its communications on these cases, Alkarama recalled that the systematic practice of enforced disappearance constitutes a serious crime, and could amount to a crime against humanity, which would in turn give rise to the individual criminal responsibility of members of the forces responsible for such violations. Alkarama also denounced the widespread use of secret and *incommunicado* detention in the country in its submission to the Committee against Torture in February 2015, in anticipation of the State's third review by the treaty body.



## WHAT IS RATIFIED

ICCPR ✓      CAT ✓      ICPPED ✗  
 OP ICCPR ✗      OPCAT ✗



## OUR CONCERNS

- High number of civilian casualties as a result of the air strikes of the parties to the conflict and dire humanitarian situation;
- Practice of abduction and *incommunicado* detention by the Houthi forces against their opponents;
- Arbitrary detentions and resort to torture and other cruel, inhuman and degrading treatment;
- Extrajudicial executions perpetrated by the authorities and belligerents;
- Extrajudicial executions of civilians by US drones and psychological repercussions on the civilian population, especially children;
- Lack of any effective remedy for victims of human rights violations.



## OUR RECOMMENDATIONS

- Respect of the principles of international humanitarian and human rights law by all parties to the conflict,;
- Take effective steps to bring an end to the practice of arbitrary and *incommunicado* detention;
- Take effective measures to end the practice of torture and other cruel, inhuman or degrading treatment;
- Prosecute and punish the perpetrators of serious human rights violations.

## PUBLIC REPORTS

- Alkarama, *The 2014 Operation “Protective Edge” – Violating the Laws of War*, Geneva, Switzerland, February 2015
- Alkarama, *Traumatising Skies – U.S. Drone Operations and Post-Traumatic Stress Disorder (PTSD) Among Civilians in Yemen*, Geneva, Switzerland, June 2015
- Alkarama, *Death Behind Bars – Torture and Denial of Medical Care in Detention in Egypt 2015*, Geneva, Switzerland, November 2015

## UN MECHANISMS

### UNIVERSAL PERIODIC REVIEW

- Alkarama, *Universal Periodic Review of Lebanon* – Submission to Stakeholders’ Summary, Geneva, Switzerland, March 2015
- Alkarama, *Universal Periodic Review of Mauritania* – Submission to Stakeholders’ Summary, Genève, Suisse, March 2015
- Alkarama, *Universal Periodic Review of Oman* – Submission to Stakeholders’ Summary, Geneva, Switzerland, March 2015
- Alkarama, *Universal Periodic Review of Sudan* – Submission to Stakeholders’ Summary, Geneva, Switzerland, September 2015

### HUMAN RIGHTS COMMITTEE

- Alkarama, *Contribution to the List of Issue in view of the periodic review of Kuwait by the Human Rights Committee*, Geneva, Switzerland, August 2015
- Alkarama, *Alternative report in view of the periodic review of Iraq by the Human Rights Committee*, Geneva, Switzerland, September 2015
- Alkarama, *Contribution to the List of Issues in view of the periodic review of Morocco by the Human Rights Committee*, Geneva, Switzerland, December 2015

### COMMITTEE AGAINST TORTURE

- Alkarama, *Contribution to the List of Issues in view of the periodic review of Yemen by the Committee against Torture*, Geneva, Switzerland, February 2015
- Alkarama, *Contribution to the List of Issues in view of the periodic review of Bahrain by the Committee against Torture*, Geneva, Switzerland, February 2015
- Alkarama, *Alternative report in view of the initial review of Iraq by the Committee against Torture*, Geneva, Switzerland, July 2015
- Alkarama, *Contribution to the List of Issues in view of the periodic review of Saudi Arabia by the Committee against Torture*, Geneva, Switzerland, July 2015
- Alkarama, *Contribution to the List of Issues in view of the periodic review of Tunisia by the Committee against Torture*, Geneva, Switzerland, July 2015
- Alkarama, *Alternative report in view of the periodic review of Jordan by the Committee against Torture*, Geneva, Switzerland, October 2015

### COMMITTEE ON ENFORCED DISAPPEARANCES

- Alkarama, *Contribution to the List of Issues in view of the initial review of Tunisia by the Committee on Enforced Disappearances*, Geneva, Switzerland, June 2015
- Alkarama, *Alternative report in view of the initial review of Iraq by the Committee on Enforced Disappearances, Geneva*, Switzerland, August 2015

### NATIONAL HUMAN RIGHTS INSTITUTIONS

- Alkarama, *Submission in view of the review of Jordan’s National Centre for Human Rights by the International Coordinating Committee of NHRIs*, Geneva, Switzerland, July 2015
- Alkarama, *Submission in view of the review of Morocco’s National Human Rights Council by the International Coordinating Committee of NHRIs*, Geneva, Switzerland, July 2015
- Alkarama, *Submission in view of the review of Qatar’s National Human Rights Committee by the International Coordinating Committee of NHRIs*, Geneva, Switzerland, July 2015

الإجراءات الخاصة  
إرسال قضايا الانتهاكات

الأمم المتحدة  
UNITED NATIONS

SPECIAL PROCEDURES  
SEND CASES OF VIOLATIONS  
مراجعات للبلدان  
شكاوى فردية

الهيئات المنشأة بموجب معاهدات

TREATY BODIES  
COUNTRY REVIEWS  
INDIVIDUAL COMPLAINTS

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



OFFICE OF THE HIGH COMMISSIONER  
FOR HUMAN RIGHTS

مكتب المفوضية السامية  
لحقوق الإنسان

GOVERNMENTS  
الحكومات



طلبات  
REQUESTS

مراجعات  
REVIEWS

NATIONAL  
HUMAN  
RIGHTS  
INSTITUTIONS

المؤسسات  
الوطنية  
لحقوق الإنسان

الضحايا والعائلات  
VICTIMS & FAMILIES



التقارير والمذكرات  
REPORTS & COMMUNICATIONS

NGOs



تعاون  
COOPERATION

SUPPORT &  
INFORMATION

دعم  
معلومات

الكرامة  
ALKARAMA

MEDIA



بيانات  
PRESS RELEASES

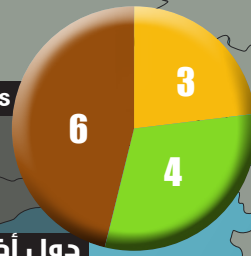
الكرامة هي منظمة غير حكومية مقرها جنيف وتعمل على  
توثيق معلومات عن انتهاكات حقوق الإنسان في العالم العربي

# الكرامة OUR WORK 2015 عملنا

## Other Countries

👤 2  
📄 13

دول أخرى

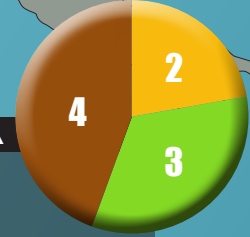


## TUNISIA

👤 3  
📄 9

- List of Issues CAT
- List of Issues CED

تونس

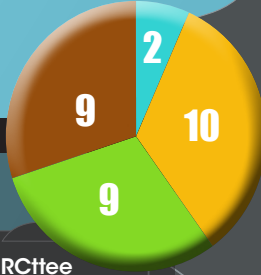


## MOROCCO

👤 11  
📄 30

- List of Issues HRCtee
- Submission NHRI

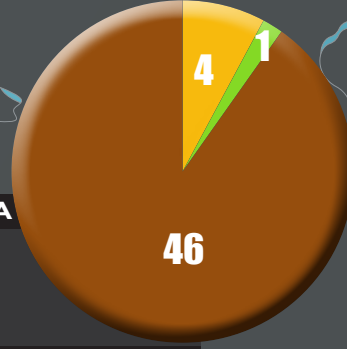
المغرب



## ALGERIA

👤 20  
📄 51

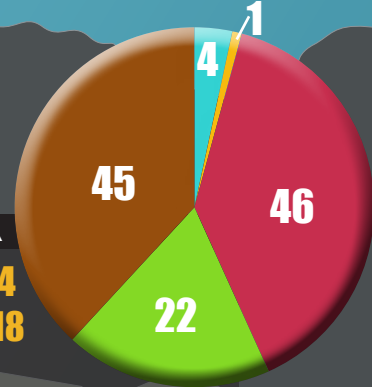
الجزائر



## LIBYA

👤 64  
📄 118

ليبيا

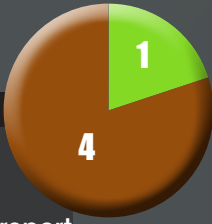


## MAURITANIA

👤 1  
📄 5

- UPR report

موريتانيا



## INDIVIDUAL CASES

505

قضية فردية

## COMMUNICATIONS TO UN

1169

مذكرة للأمم المتحدة

## MAP LEGEND

## دليل الخريطة

👤 # of cases  
عدد القضايا

📄 # of communications  
عدد المذكرات

# of communications sent to  
عدد المذكرات المرسلة إلى

Special Rapporteur on Summary Executions  
المقرر الخاص المعني بالقتل خارج نطاق القضاء

Working Group on Enforced Disappearances  
الفريق العامل المعني بالاختفاء القسري

Special Rapporteur on Torture  
المقرر الخاص المعني بمسألة التعذيب

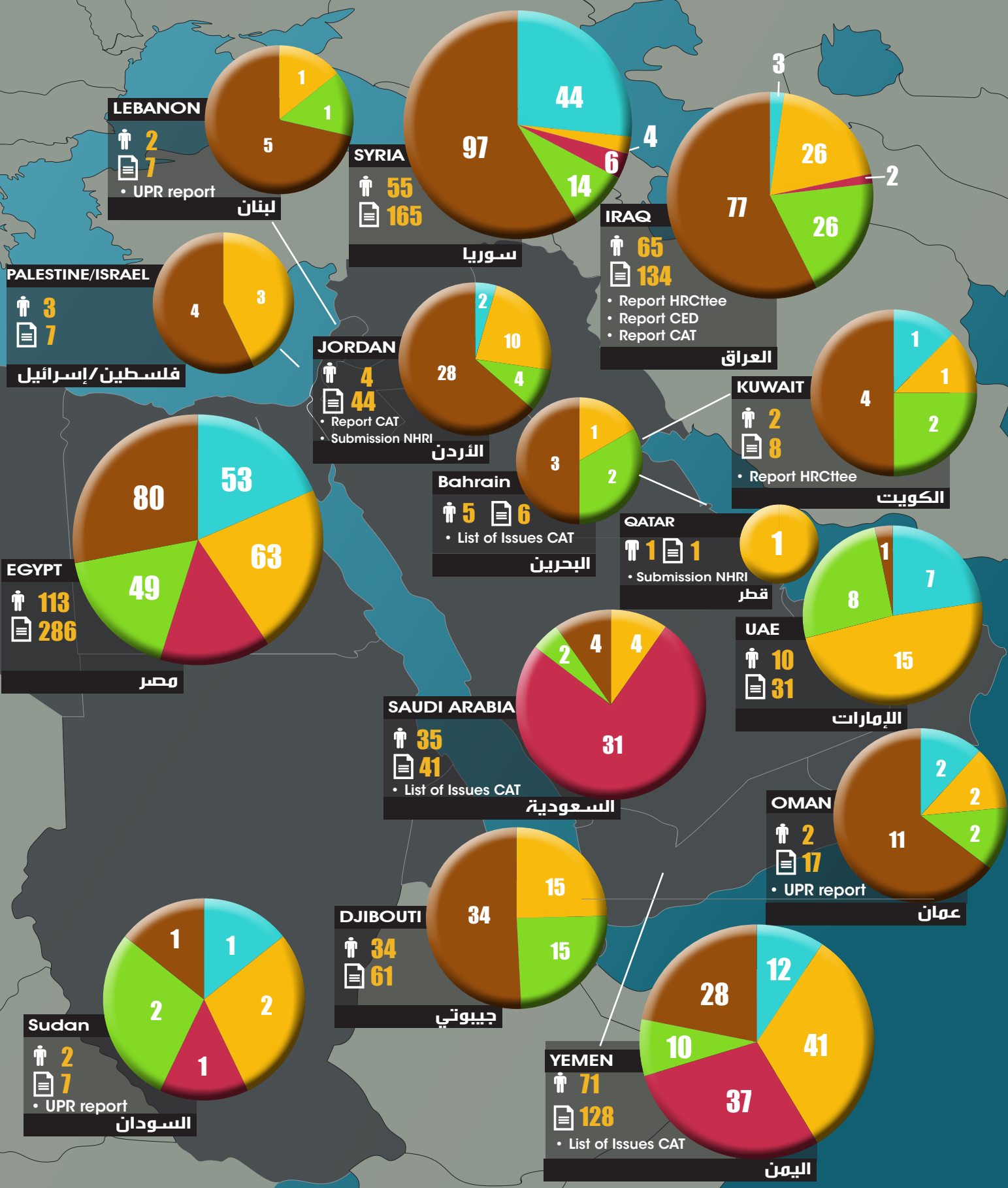
Working Group on Arbitrary Detention  
الفريق العامل المعني بالإحتجاز التعسفي

Other Procedures  
آليات أخرى

Note : Pie-Charts are not to scale

ملاحظة: الرسومات البيانية الدائرية لا تتبع مقياسا موحدا





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

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

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