

# 2018

## Annual Report

Alkarama Foundation



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# Foreword

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In 2018, the Arab world has gone through a tragic situation of war and repressive policies, in which the countries of the region lacked, to varying degrees, the basics of the rule of law and good governance. This led to a continuous deterioration of the human rights situation. Some Arab countries have suffered from violent conflicts that escalated with intensified, widespread humanitarian repercussions, such as Iraq, Syria and Yemen. Others such as Egypt, Saudi Arabia and the United Arab Emirates, are under the increasing repression of authoritarian regimes. Others have witnessed the decline of fundamental freedoms which, alongside continued exclusion, generates frustration, extremism and violence, especially among the youth.

Alkarama's activity in 2018 covered 20 Arab countries, focusing on the most repressive states such as Egypt, Saudi Arabia and the United Arab Emirates, on which the organisation has been working since its inception. The Foundation focused on violations of freedom of expression, peaceful assembly and association through legislation, judicial harassment and unfair trials of citizens, including journalists and bloggers, and the ill-treatment and violence used while dispersing peaceful protests, as well as the systematic repression and harassment of peaceful dissidents, human rights defenders and religious scholars. The Foundation has dealt with a significant number of cases of arbitrary detention, secret detention and torture, and has continued to highlight the systematic and widespread practice of enforced disappearance by state agents and militias, as well as the continuing violation of the right of the families of victims of enforced disappearance to know the truth and to access justice. Our organisation has also been concerned about impunity in many Arab countries and laws that provide legal immunity for perpetrators of gross human rights abuses as well as the absence of accountability mechanisms. The organisation was also concerned about violations committed in the fight against terrorism in many countries of the region, and unjustified restrictions on fundamental rights and freedoms, repression of peaceful activists and the arbitrary use of the state of emergency under the pretext of maintaining state security. The organisation also drew attention to the serious violations of international humanitarian law and human rights law by regional and international parties involved in wars and violent conflicts in Iraq, Syria, Yemen and Libya, including war crimes and crimes against humanity resulting in severe humanitarian crises and massive population displacement. Alkarama also worked to show the non-independence of national human rights institutions in a number of Arab countries.

Alkarama continued to be the target of defamation campaigns by repressive Arab regimes known for their gross violations of human rights. Unfortunately, some media and banks have adopted the infamous and baseless theses of these regimes, making the work of our organisation more difficult. However, the year 2018 saw the signs of a breakthrough in this fierce campaign against Alkarama. The Special Rapporteur on human rights defenders, Michel Forst, and the Special Rapporteur on freedom of opinion and expression, David Kaye, expressed concern at “the denial by the Council of granting ECOSOC status to Alkarama which does not seem to be based on an objective assessment of facts, and may constitute an act of reprisal for their work and engagement with UN mechanisms in the field of human rights.” In his presentation to the Human Rights Council of the UNSG's annual report on reprisals against individuals who cooperate with the United Nations, Andrew Gilmour, Assistant Secretary-General of the United Nations, referenced the Alkarama Foundation's denial of ECOSOC status in July 2017, following a resolution introduced by the United Arab Emirates which alleged “connections to terrorism”. In the year 2018, the Swiss newspaper *Le Temps* was condemned by the Geneva Tribunal following a defamatory article against our organisation.

The Alkarama Foundation thanks the independent United Nations experts in charge of special procedures, the treaty bodies and the OHCHR staff for their dedicated cooperation, as well as all those who have supported our organisation during these difficult circumstances. We also express our gratitude to the steadfast and dedicated men and women who risk their lives to defend dignity and human rights in the Arab region and we sympathise with those in detention and with their relatives.

# Algeria

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## Review of Algeria by the Human Rights Committee

The Human Rights Committee (HR Committee) considered the fourth periodic report of Algeria on July 4 and 5, 2018. Ahead of the review, Alkarama submitted a shadow report to the Committee raising numerous breaches of the provisions set out in the International Covenant on Civil and Political Rights (ICCPR) – which Algeria ratified in 1989 – including the impunity for perpetrators of serious human rights violations committed during the civil war in the 1990s, the government’s lack of co-operation with both the HR Committee and the Special Procedures, as well as restrictions on fundamental freedoms.

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

During the review, the HR Committee members deplored in particular the fact that “there is no effective remedy available for disappeared persons or their families and that no action has been taken to uncover the truth about disappeared persons, to find them and, if they are deceased, to return their remains to their families.”

In spite of the fact that the HR Committee had previously called Algeria to repeal the 2006 "Charter for Peace and National Reconciliation", the latter remains applicable. Not only does the Charter create a climate of impunity by establishing a general amnesty for state agents who perpetrated severe violations of humanitarian and human rights law, it also prohibits and criminalises any legal proceedings which might be taken by families of victims.

Although the HR Committee has adopted numerous decisions following individual complaints, it expressed concern that the authorities have refused to take the necessary measures to implement any

of the decisions adopted. To the contrary, and in violation of their obligation to protect and support victims and witnesses of human rights violations, Algeria continues to resort to measures of reprisals.

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

In 2018, violations to fundamental rights including freedom of expression, association and peaceful assembly continued to be reported. Such violations took various forms, including the continuing ban on demonstrations in Algiers, and the violent crackdown against peaceful demonstrators in other parts of the country. In areas where the ban is not enshrined in law, protests – including those denouncing the denial of the right to truth and justice for the families of disappeared – continue to be violently dispersed.

On September 5, 2018, Alkarama requested the urgent intervention of the Special Rapporteur on the right to peaceful assembly and freedom of association of the United Nations (FPAA) in the case of 24 [protesters](#) violently arrested by the police on August 30, 2018. The rally was held in Constantine on the occasion of the International Day of the Victims of Enforced Disappearances.

Similarly, freedom of expression remains under threat in Algeria, where the authorities continue to use a range of repressive laws to stifle dissent. For example, the Law on Information contains a provision that restricts freedom of expression and access to information when it comes to certain topics, such as national identity, sovereignty, the economy, and national security.

Algeria's Penal Code still contains provisions punishing press offences with prison terms which are then used as a basis for judicial proceedings against journalists and human rights defenders. In addition, the definition of terrorism in the Penal Code lacks legal clarity, allowing for the prosecution of actions that might constitute the exercise of the rights to freedom of expression or peaceful assembly.

In October 2018, the authorities tried to hinder the peaceful activities of Algerian cyber activist [Amir Boukhors](#), also known as Amir DZ, by exerting pressure on his family and his contacts in Algeria. Amir Boukhors' brother was arrested by the *Gendarmerie* on October 23, 2018. Algerian singer Reda Hamimed was previously [arrested](#) on October 13 for having met with Boukhors in France. Similarly, Adlène Mellah, director of the news sites Algeria Direct and Dzair Presse, was [arrested](#) on October 22 following a complaint for defamation. While in custody, he was mainly interrogated on the nature of his relationship with Boukhors.

On his Facebook page, Amir Boukhors regularly criticises the Algerian authorities. Most notably, his posts denounce corruption cases involving high-ranking officials. Believing that these arrests amount to reprisals and constitute flagrant violations of the peaceful exercise of the right to freedom of expression, Alkarama sent three urgent communications to the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (SRFRDX) on behalf of the Boukhors brothers, Reda Hamimed and Adlène Mellah at the end of 2018.

During Algeria's fourth review by the HR Committee, the UN experts called on the authorities to release from prison all persons whose conviction stemmed from exercising their right to freedom of expression. The Committee highlighted that the Law on Associations subjected association to vague criteria in order to be recognised including the respect for national values and principles. In fact, the executive still holds discretionary power to refuse the registration of associations under the pretext of non-compliance with "national values, public order, public decency and the provisions of existing legislation".

## Lack of independence of Algeria's National Council for Human Rights

Following its [review](#) by the Subcommittee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions (GANHRI) in May 2018, the Algerian National Council for Human Rights (CNDH) was granted B status, denoting a lack of independence from the executive branch. The SCA's mission is to assess the compliance of National Human Rights Institutions (NHRIs) with the criteria set out in the Paris Principles, which outline a series of conditions that must be met in order to guarantee their independence and impartiality vis-à-vis the state authorities as well as their efficient functioning. At the end of these assessments, NHRIs that fully comply with these principles can receive an "A" status, while those that are only partially compliant are given "B" status.

The Algerian CNDH was examined following its succession from the National Advisory Commission for the Promotion and Protection of Human Rights (CNCPDH), which had been downgraded to "B" status following its review by the SCA in March 2009, on the basis of an Alkarama report highlighting its lack of conformity with the Paris Principles. After the 2009 review, the authorities initiated a legislative and constitutional reform to create a new NHRI that would be granted an "A" status. Therefore, the new Enabling Law No. 16-13 was promulgated on November 3, 2016 following the last constitutional revision. When the authorities applied for an "A" status in 2018, Alkarama submitted an evaluation report to the SCA highlighting numerous issues including the clear lack of independence of the new institution vis-à-vis the executive. Consequently, this reform was considered by the SCA as insufficient.

Among the main issues highlighted by Alkarama and raised by the SCA were the inefficiency of the CNDH as well as the fact that members are either directly or indirectly selected by the executive.

The SCA echoed Alkarama's concerns with regards to the selection process by stating that "the procedure provided for by the law is not sufficiently broad and transparent" and does not allow for an assessment of "the merits of eligible candidates". The SCA reminded the CNDH that in order to ensure that members are selected on their merit and representativeness, it was necessary to adopt "extensive consultations and a participatory process, during submission, screening and selection of candidates", all of which were completely absent from the CNDH's selection process.

Furthermore, Alkarama demonstrated the absence of cooperation of the CNDH with independent civil society, highlighting the absence of follow-up to referrals made by the families of victims of enforced disappearances committed during the civil war. Alkarama also highlighted a declaration made by the CNDH's president describing a report by Amnesty International on the situation of human rights in the country as containing "false and unfounded declarations". In light of this information, the SCA expressed concern that measures taken by the CNDH are limited and do not adequately address human rights violations. The SCA was not satisfied with the explanations provided by the CNDH and recommended that it be accredited status B since the issues raised still need to be resolved in order for the CNDH to fully comply with the requirements of the Paris Principles.

## Our concerns

- Persistent violation of the right to truth and justice of families of victims of enforced disappearance;
- Crackdown on freedom of expression and peaceful assembly;
- Lack of independence of the National Council for Human Rights.

# Bahrain

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## Crackdown on freedom of expression, peaceful assembly and association

In 2018, Bahraini authorities continued to repress their citizens' fundamental rights to freedom of expression, peaceful assembly and association. Human rights defenders, political activists and peaceful dissidents faced a campaign of intimidation and prosecution in the form of arbitrary arrests, fabricated charges, flawed trials, the stripping of citizenship, and the use of travel bans as reprisals against them and their relatives. An oppressive legal arsenal, including the 2006 Anti-Terrorism Law, the 2002 Press Law, the Law on Associations, and broad provisions of the Criminal Code were used to clamp down on these fundamental rights. Hence, free speech and peaceful demonstrations are criminalised and the registration and operation of human rights organisations and opposition groups is hindered or severely restricted.

This year, Bahrain was reviewed for the first time since its accession to the International Covenant on Civil and Political Rights in 2006 by the UN Human Rights Committee. After examining Bahrain's initial report, which the state submitted following a ten-year delay, and directly engaging with the Bahraini delegation during the two-day review in Geneva, the Committee published its Concluding Observations on the situation of civil and political rights in the country on November 15, 2018.

In their Concluding Observations, the UN experts expressed concern over the serious restrictions imposed by domestic legislation on freedom of expression, and the large number of arrests and prosecutions of individuals for criticising state authorities or political figures, including through social media. Therefore, the Committee urged the Bahraini authorities to protect freedom of expression by amending critical legislation and decriminalising defamation and insulting and criticising public officials, and to immediately and unconditionally release anyone held solely for the peaceful exercise of his or her fundamental right to freedom of expression. Moreover, the UN experts called on the state to protect journalists, activists and human rights defenders from attacks or intimidation and to ensure that all human rights violations perpetrated against them are thoroughly investigated and that those responsible are brought to justice.

With regards to freedom of peaceful assembly and association, the Committee noted with concern that participating in public gatherings without government authorisation is a crime punishable by a monetary fine or imprisonment, and that restrictive legislation, including the Law on Associations, the Law on Political Societies, the Criminal Code and the Anti-Terrorism Law is used to hinder non-governmental organisations and opposition groups from registering and pursuing their activities.

Bahrain's second parliamentary election held in November 2018 illustrates the ongoing limitations on freedom of association. Previously, in June 2018, Bahrain's parliament passed an amendment to the Law on the Exercise of Political Rights banning anyone who belonged to a dissolved political organisation or who was previously convicted and sentenced to more than six months' imprisonment from running for political office. Ultimately, this obstructed the political participation of opposition candidates and thus prevented the conditions necessary for a free and fair election.

## The systematic practice of torture and failure to hold perpetrators to account

In 2018, numerous cases of torture and ill-treatment have been reported as the practice of torture continues to be used systematically in Bahrain by forces under the Ministry of Interior both as a punishment during detention and during interrogations to extract forced confessions. Furthermore, impunity for perpetrators of torture prevails, as torture allegations raised before courts routinely fail to be investigated and judges admit confessions extracted under torture as evidence systematically.

One such case documented by Alkarama and illustrating the systematic practice of torture and miscarriage of justice is that of [Fadhel Sayed Radhi](#), who was taken by Bahraini security forces from his home in the city of Hamad on September 28, 2016. He was forcibly disappeared for eight subsequent months, during six of which he was held in solitary confinement in a cell measuring around one square metre. He was denied access to his family and legal representation during this period. As a civilian, he was tried by a military court, in court proceedings that were marred by violations to fair trial guarantees protected under international human rights law. What is more, he was interrogated and subjected to torture and ill-treatment to obtain confessions, which were later used as the sole evidence against him in court and which resulted in the issuance of a death sentence against him in April 2018.

In its Concluding Observations following the review of Bahrain, the UN Human Rights Committee expressed concern about reports that acts of torture and ill-treatment are often committed by law enforcement officials, including as a means of eliciting confessions which, despite the prohibition in

domestic law, have been used as evidence in court, and that allegations made by defendants in this respect have not been adequately investigated. The Committee also expressed alarm over reports of torture in prisons and the lack of information on investigations carried out and convictions handed down in view of the number of complaints of torture and ill-treatment.

Therefore, the Committee urged the Bahraini authorities to ensure that confessions obtained under duress are not accepted by courts under any circumstances and that Bahrain take vigorous steps to prevent torture and ill-treatment and ensure that all such cases are promptly, independently and thoroughly investigated, that perpetrators are brought to justice and that victims receive full reparation. Moreover, the Committee suggested the following concrete measures in the prevention of torture: to set up an accessible, independent and effective complaint mechanism; to make data on cases of torture and ill-treatment and related prosecutions, convictions and sentences public; and to provide effective training on torture prevention to security forces and law enforcement personnel.

## Our concerns

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

# Djibouti

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## Adoption of the UPR outcome

On September 20, 2018, the Human Rights Council (HRC) adopted the Universal Periodic Review (UPR) outcome of Djibouti. Ahead of review, Alkarama submitted a [report](#) in October 2017 highlighting many issues concerning the human rights situation in the country. Alkarama raised issues including the practice of arbitrary detention and violations of the right to a fair trial, torture and ill-treatment in detention, the repression of the opposition and recurrent violations of civil and political rights and the violations of human rights in the fight against terrorism. Based on these themes, Alkarama made a total of 17 recommendations to the state. The recommendations were raised by UN Member States during their discussion with the representatives of Djibouti. Following the discussion, out of 203 recommendations made by the states, Djibouti accepted 177 and noted 26.

Following the publication of the outcome, the representative of Djibouti, Maki Omar Abdoukader, Secretary-General of the Ministry of Justice of Djibouti, highlighted the country's commitment to cooperate with regional and international human rights mechanisms. However, such a commitment did not include any acknowledgement of the issues raised in Alkarama's report, including preventing and putting an end to human rights abuses in detention and ensuring a free space for civil society. Therefore, some states have highlighted the fact that the Djiboutian authorities failed in the implementation of the recommendations calling upon them to protect to civic space as well as freedom of expression and of peaceful assembly and association which were issued during the previous review. Furthermore, the use of anti-terrorism measures to crack down on peaceful opposition has been qualified by several states and NGOs as a "smokescreen" to restrict civic space. In its report, Alkarama stressed that the decree of November 24, 2015 introducing a number of "exceptional security measures" under the pretext of the fight against terrorism, as well as the law of December 31, 2015 establishing a state of emergency have led to numerous human rights violations, including arbitrary arrests and detentions, as well as the disproportionate use of force during the 2015 electoral process.

Despite the fact that torture is prohibited under Article 16 of Djibouti's Constitution, it is still practised in the country. Alkarama raised cases of torture and ill-treatment during [violent arrests](#), [police custody](#)

or in [detention](#) during the UPR process. Furthermore, the practice remains a tool to retaliate or punish, or to obtain confessions which are later used as the only source of evidence in unfair trials to convict the accused. Among the main causes of these violations Alkarama identified is the lack of a clear definition of torture, as well as the absence of a prevention and complaint mechanism able to trigger prompt, impartial and effective investigations into allegations of torture.

## Continuous repression of peaceful activism and political opposition

In its reply to the outcome of the UPR, the authorities stated that the recommendations calling on them to protect human rights defenders and political opponents and their fundamental rights and freedoms had already been implemented. However, again in 2018, several arrests of individuals for acts falling under their right to freedom of expression were reported.

Individuals including [political opponents](#), [peaceful protesters](#), [journalists](#), as well as [minors](#) who exercise their fundamental rights by criticising the state or its officials or denouncing human rights violations in the country face arbitrary arrests and detention. In this context, violations of procedural safeguards remain systematic: victims are violently arrested without judicial warrants, detained incommunicado or in secret detention and subjected to ill-treatment and torture – including to obtain confessions which are later used as evidence in unfair trials. Detainees are denied their right to a lawyer as well as their right to contact family members, and kept outside the protection of the law, mainly in the Gabode central prison located in Djibouti City.

Therefore, the rights to freedom of expression, association and peaceful assembly enshrined in Djibouti's Constitution remain largely ignored in practice. The authorities continue to detain [prisoners of conscience](#) convicted after unfair trials, while an increasing number of travel bans are also imposed against journalists, human rights defenders and political opponents. Due to this repressive climate, the strict control over the media, and legal and administrative obstacles to the creation of associations, local civil society lacks visibility and recognition. Finally, Djibouti's political opposition continues to be repressed and kept out of the country's political affairs; some political parties have been banned and the guarantee of a legal status for the opposition has so far been unsuccessful.

During the UPR process, several states raised the continuous use of counter-terrorism measures, mainly taken by administrative decisions and not subjected to any independent judicial review, to repress the opposition. As an example, a presidential decree introduced in 1978 gives authority to the

Ministry of the Interior to order the house arrest of anyone whose “activities are deemed to endanger security and the public order.”

## Our concerns

- Ongoing crackdown on freedom of expression, peaceful assembly and association;
- Repression and systematic harassment of peaceful dissidents, political opponents and human right defenders;
- Persistent human rights abuses in the context of counter-terrorism and state security.

# Egypt

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## Continuous crackdown on peaceful activism and human rights defenders

The unprecedented crackdown on peaceful dissent and civil society that has been ongoing since the military takeover of July 3, 2013 increased in 2018, with human rights defenders and lawyers facing abductions, arbitrary detention and torture as well as death sentences handed out following unfair trials.

Several UN experts expressed concern over the shrinking space for civil society in the country, which has seriously affected individuals who peacefully express criticism or engage in human rights activism. The experts recalled the case of lawyer Ibrahim Metwally, who was abducted on September 12, 2017 in Egypt on his way to a meeting with the Working Group on Enforced or Involuntary Disappearances in Geneva. Highlighting that his arrest constitutes a clear case of reprisal for cooperating with the United Nations as a lawyer documenting cases of enforced disappearance in the country, the experts expressed serious concern over his continued secret detention. The case of Metwally is an example of the kind of threats and reprisals faced by Egyptian civil society that Alkarama has documented throughout the year. On June 22, 2018, Alkarama requested the intervention of several UN Special Procedures in the case of Mohamed Adel, an Egyptian activist who was arrested on June 18 and subsequently detained pending an investigation over allegations of “spreading false information” and “attempting to harm state institutions”. Adel – the co-founder of the April 6 Youth Movement – was [previously imprisoned](#) for three years after taking part in a peaceful protest against military trials for civilians on November 26, 2013, during which the police violently dispersed demonstrators and arrested approximately 50 activists.

Since May 2017, more than 500 websites – including those of human rights organisations and news agencies – have been blocked in Egypt under the pretext that these organisations were “spreading lies” and “supporting terrorism”. The draft Cybercrime Law in discussion since 2016 was approved by Egyptian president marshal Abdel Fatah al-Sisi on August 18, 2018, and inscribes these practices in law while reinforcing censorship. The law allows the executive to block access to websites deemed to

constitute a threat to “national security” or the “national economy”, and punishes operators of such websites as well as their visitors.

In early November 2018, marshal al-Sisi stated that there was a need for a more “balanced NGO law”, and the official spokesman of the Cabinet announced the future creation of a committee to amend the law. The 2017 NGO law allows for the following restrictive measures: banning independent organisations; a close monitoring of civil society organisations and the criminalisation of associative work. However, given the fact that restrictive laws are still being passed and human rights defenders arrested, it is unlikely that significant improvements will be made by the committee. In fact, human rights defenders are not recognised by the state, nor are there any specific legal or policy frameworks recognising their rights. On the contrary, the authorities continue to actively retaliate against peaceful activists who face risks both as individuals and collectively as NGOs.

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

Following a series of deadly terrorist attacks across the country in 2017, al-Sisi imposed a nationwide state of emergency, which has been extended several times, most recently in April 2018. The imposition of the state of emergency has allowed the authorities to intensify their clampdown on any real or perceived dissenting voices under the pretext of fighting terrorism and preserving state security. In the lead up to the elections that were held in April 2018, the government escalated its repression of peaceful dissent, with a sharp increase in arrests and prosecutions on terrorism-related charges to silence critical voices.

Violations committed under the pretext of counter-terrorism are various and range from arbitrary arrests and detentions to the imposition of the death penalty after unfair trials based solely on confessions obtained under torture. On January 26, 2018, the Working Group on Arbitrary detention (WGAD) issued a press release calling on Egypt to halt all pending executions of death sentences handed out on the basis of evidence obtained through torture or ill-treatment, often during a period of enforced disappearance.

Furthermore, in an extremely concerning development, Alkarama documented several instances in which individuals killed by the armed forces during what were presented officially as counter-terrorism operations actually included victims of enforced disappearance who had been abducted by security forces several months before the operation. In its annual report, the WGEID indicated that it had 363

outstanding cases of disappearances in Egypt, and expressed its deep concern over the fact that it was still receiving a high number of new cases.

Avenues for holding members of the armed forces accountable for these severe violations were further restricted by the parliamentary approval on July 16, 2018 of the Law on the Treatment of Some Senior Officers of the Armed Forces. This law provides that officers chosen by the president to serve in the military indefinitely cannot be the subject of any investigation for any act committed in their official capacity between July 3, 2013 and January 10, 2016. The authority to lift the immunity rests with the Supreme Council of the Armed Forces (SCAF), which cannot be considered as an impartial body to rule on such matters. It is important to stress that such a law in effect provides immunity to senior military officials, including for the most serious crimes under international law such as torture or summary and extrajudicial executions.

Lastly, human rights defenders and peaceful activists face the risk of being listed as terrorists by the authorities under Law No. 8/2015 on “Organising Lists of Terrorist Entities and Terrorists” (hereinafter “2015 Law on Terrorism Listing”). Under this law, when an individual is included on a “terrorist list”, he/she will be subjected to, inter alia, travel bans, asset freezing, the withdrawal and cancellation of passports, as well as the prohibition of engaging in public affairs. When an NGO or association is listed as a “terrorist organisation” under the aforementioned 2015 Law on Terrorism Listing, it faces the closing of its premises, the freezing of its assets, and the ban and criminalisation of all its funding activities. Additionally, the members and leaders of the listed NGO will be listed as terrorists and prosecuted for belonging to or founding a “terrorist entity” or “promoting its slogans”.

## SCA abstains from recognising lack of independence of the NHRI

In May 2018, the Sub-Committee on Accreditation (SCA) of the Global Alliance for National Human Rights Institutions (GANHRI) reviewed the National Council for Human Rights’ (NCHR’s) compliance with the Paris Principles – a set of rules aimed at ensuring the independence and impartiality of NHRIs. It is within this context that Alkarama submitted a [report](#) in January 2018 highlighting the lack of independence of the institution. Among the main concerns raised were not only the NCHR’s lack of independence from the executive, parliamentary, and legislative branches of government, but also its complete lack of action on reports of severe human rights violations including enforced disappearance, torture, summary and arbitrary executions as well as the high number of arbitrary detentions in the country following mass trials. Alkarama recalled that following a 2017 Human Right Watch [report](#) on the widespread practice of torture against political prisoners, Mohamed Fayek, the head of the NCHR,

supported the state position by [stating](#) that “there is no torture in Egyptian prisons”. Alkarama’s report put this statement in perspective alongside the conclusions of the United Nations Committee against Torture [considering](#) that torture is “habitual, widespread and deliberate” in Egypt following its inquiry in 2017.

The mandate of the institution is also restricted given that all forms of cooperation between the NCHR and the international human rights mechanisms must be “in coordination with the Ministry of Foreign Affairs”, therefore putting its activity under the direct control of the executive. The NCHR is not allowed to carry out unannounced visits to places of detention, nor is it given full powers to act on complaints submitted by victims of human rights abuses and their families.

Following the decision by the SCA to re-accredit the NCHR with status “A”, Alkarama seized the GANHRI to request a special review and to overturn the recommendation. The request highlighted that since the decision to grant the NCHR status A, the Egyptian authorities had continued their crackdown on peaceful dissent, sacrificing the most fundamental rights and freedoms of their population. At the same time, the NCHR remained markedly silent on these abuses, bringing to light its lack of independence, impartiality and effectiveness.

Another striking example of the lack of independence of the NCHR is its responses to public statements made by UN experts on violations committed by the Egyptian authorities. In September 2018, after 739 protestors were sentenced on charges of illegal gathering during a mass trial before the Cairo Criminal Court, UN experts condemned the verdicts, which included 75 death sentences and 47 life sentences. The United Nations High Commissioner for Human Rights highlighted that the verdicts were “appalling” and “did not result from a fair trial, and the sentences, if carried out, would therefore amount to “a gross and irreversible miscarriage of justice”. In spite of this public denunciation, the NCHR refrained from publicly condemning these acts, even considering clear evidence presented by the UN experts of severe violations of international human rights law. The NCHR’s failure to condemn these serious violations shows its lack of independence from the Egyptian authorities, in direct contravention of the Paris Principles. On September 12, 2018, the NCHR issued a press release in reply to the High Commissioner’s statement dated September 9, 2018 on the imposition of the death penalty and heavy sentences following mass trials against protesters. Instead of calling on the government to implement the recommendations of the OHCHR to respect fair trial principles and refrain from prosecuting civilians before military courts, the NCHR denied these violations. The press release further justified the violations to the right to a fair trial by stating that “the right of the defence was respected, which constituted the reason for prolonged trial”.

## Our concerns

- Crackdown on freedom of expression, peaceful assembly and association;
- Repression and systematic harassment of peaceful dissidents, political opponents and human right defenders;
- Persistent use of secret detention and torture by the state security forces;
- Absence of independent investigations into severe human rights abuses and impunity of perpetrators;
- Use of counter-terrorism laws to prosecute peaceful dissent and activism;
- Lack of independence of the National Council for Human Rights

# Iraq

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## Enforced disappearances: a widespread practice

As of late 2018, Alkarama and Al Wissam Humanitarian Assembly have submitted 150 cases of enforced disappearances in Iraq under the urgent action procedure of the UN Committee on Enforced Disappearances (CED). The Iraqi authorities have, however, failed to provide any information on the victims' fates and whereabouts, and families continue to face the authorities' refusal to provide them with information on their missing relatives.

On May 28, 2018, Alkarama and Al Wissam Humanitarian Assembly took part in an NGO meeting with the CED, during which the two organisations raised the pressing issue of enforced disappearances in Iraq, and presented [testimonies](#) of families of victims to the UN experts. Al Wissam and Alkarama highlighted the fact that Iraq has the highest rate of enforced disappearances worldwide, with estimates saying that between 250,000 and one million people are currently reported missing across the country.

Abductions have been carried out by a wide range of actors, from Iraqi security forces and the state-sponsored militias of the Popular Mobilisation Forces (PMF), to U.S. forces and non-state actors, including the Islamic State of Iraq and the Levant (ISIL).

In 2018, Alkarama submitted to the CED the case of an [Iraqi colonel](#) who has remained missing since his abduction by ISIL in Mosul in February 2017. Five months later, when the Iraqi army regained control of Mosul, the authorities transferred prisoners detained by ISIL to other places of detention allegedly for either "investigation purposes" or "medical treatment". Around the same time, the victim's family recognised him in a leaked photo taken by Federal Police officers. Despite their enquiries with various prisons as well as the Central Criminal Court, they have been unable to obtain information on his fate and whereabouts.

Furthermore, on June 20, 2018, Agnes Callamard, United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, published her [conclusions](#) following her official visit to Iraq in

November 2017. In her report, the Special Rapporteur recalled the enforced disappearances carried out by the Iraqi forces and their affiliated militias against Sunni individuals. She further urged the authorities to issue certificates of absence to all families of the disappeared, including the relatives of suspected members of ISIL, and she provided a series of recommendations concerning the management of mass graves.

Considering this consistent pattern of enforced disappearances – one of the most serious crimes under international law – Alkarama submitted a confidential complaint to the Human Rights Council under resolution 5/1. The complaint was examined in August 2018 by the Working Group on Communications.

## Violations committed while countering terrorism

In the context of the aftermath of the fight against ISIL, the Iraqi authorities must address the numerous reports of summary killings, enforced disappearances and torture committed during military operations.

In her 2018 report, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions put forward a series of [recommendations](#), including for all parties to the conflict to be held accountable for the violations they committed, and for all security forces to be effectively controlled by the government or disarmed and disbanded. This would include the PMF, an umbrella organisation of militias that supported the Iraqi armed forces in their fight against ISIL.

Callamard also highlighted the “interceptions, enforced disappearances and killings” committed by the government and its affiliated forces as reprisals against Sunni civilians – including displaced Sunnis fleeing from Mosul – as well as the high estimates of civilians killed during airstrikes carried out by Coalition Forces, especially in the context of the battle for Mosul.

Furthermore, on April 18, 2018, the UN Human Rights Committee published its [follow-up report](#) after reviewing Iraq’s implementation of four key recommendations issued following the country’s review in October 2015. One of these recommendations was to “increase efforts to address human rights violations committed in the context of the armed conflict, including by properly investigating violations and ensuring perpetrators are brought to justice, and by taking the necessary precautionary measures to ensure groups under the state’s control do not commit violations.”

In its follow-up submission, Alkarama expressed concern over the fact that the state continues to justify severe human rights violations including mass arrests, *incommunicado* detentions, enforced disappearances, torture, and indiscriminate and disproportionate bombing within its counter-terrorism strategy.

The UN experts thus concluded that the recommendations had “not been fully implemented” by the Iraqi authorities and noted “the lack of concrete information on prompt, independent, impartial and thorough investigations into serious human rights violations, prosecution and punishment of perpetrators, and full reparation provided to victims.”

## Reprisals against human rights defenders and crackdown on freedom of expression and peaceful assembly

In 2017, human rights defenders, journalists and ordinary citizens have continued to suffer from an increased crackdown by the authorities on their right to freedom of opinion and expression.

In February and March 2018, two Iraqi human rights defenders working as volunteers for Al Wissam Humanitarian Assembly – Faisal Al Tamimi and Iyad Al Roumy – were [subjected](#) to threats and attacks in retaliation for speaking out against the practice of enforced disappearances in the country. As they were walking out of a meeting preparing for a conference in Karada to call on Iraq to join the International Criminal Court, a man in a car opened fire, seriously injuring one of the men. According to the victims, the reprisals were carried out by members of a militia from the PMF. A few months later, in July 2018, Imad Al Tamimi was again subjected to [reprisals](#). He was abducted and brought to a secret detention facility where he was detained for nearly two months and subjected to severe acts of torture. Under duress, he was forced to sign a document stating that he would no longer participate in any event related to enforced disappearances in Iraq, and that if he failed to do so, he would be re-arrested along with his brothers.

Alkarama wrote to the UN Special Rapporteur on human rights defenders to call upon him to intervene with the Iraqi authorities to cease all acts of reprisals against these activists. Furthermore, in September 2018, in his annual report on reprisals against individuals who cooperate with the UN, the UN Assistant Secretary-General for Human Rights, Andrew Gilmour, [denounced](#) reports of death threats and attempted killings against two human rights activists whose cases were raised by Alkarama.

Furthermore, as a wave of demonstrations quickly spread across Iraq in July 2018 denouncing the lack of essential services such as water and electricity as well as the high unemployment rate, peaceful protestors were met with severe retaliation by the authorities. Alkarama received numerous [testimonies](#) of ordinary citizens who were severely injured due to the use of excessive lethal force by security forces, which fired live ammunition, threw rocks towards the demonstrators and severely beat them as a form of punishment. Hundreds of protesters were arrested and injured, and several people were killed during the protests.

Lastly, journalists and media figures have continued to suffer from severe interference in the exercise of their profession, infringing on their right to freedom of opinion and expression. On February 1, 2018, Iraqi-Norwegian freelance journalist [Samir Al Daami](#) – also known as Samir Obeid – was rearrested and detained with no contact with the outside world for over four months. Al Daami, who frequently appears on TV channels such as NRT and Al Jazeera, was previously [arrested](#) on October 22, 2017 following a Facebook post criticising Iraq's prime minister's energy policy.

## Our concerns

- Widespread practice of enforced disappearances by state agents and militias affiliated with the Popular Mobilisation Forces;
- Crackdown on freedom of expression and peaceful assembly;
- Violations committed in the framework of counter-terrorism, including the systematic use of torture and the use of forced confessions in unfair trials before the Central Criminal Court of Iraq, as well as the abusive use of the flawed Anti-Terrorism Law leading to the mandatory imposition of the death sentence.

# Jordan

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## Violations in the framework of counter-terrorism

In 2018, human rights violations – in particular torture and arbitrary detention – continued to be perpetrated within the context of the country’s counter-terrorism strategy. Abuses are committed systematically by the General Intelligence Directorate (GID) – Jordan’s intelligence agency which is under the king’s control – and by the State Security Court (SSC), an exceptional jurisdiction whose members are appointed by the executive.

In numerous cases documented by Alkarama, individuals were arbitrarily arrested by the GID and detained for several weeks with no access to their lawyer or family. During this period of detention, they were tortured and forced to sign self-incriminating confessions before being presented before the SSC Prosecutor, a judge who sits at the GID premises.

Among others, Alkarama brought the case of [two individuals](#) – a teacher and a 19-year-old student – to the attention of the UN Special Rapporteur on human rights while countering terrorism. Computer teacher Qais Anan Mohammed Suwan was arrested in late December 2017 by the intelligence services, and taken to a GID detention facility where he was subjected to prolonged interrogations, severely beaten and subjected to food and sleep deprivation lasting up to three consecutive days. He was then forced to sign two blank pieces of paper and later charged with “promoting terrorism” on the basis of coerced self-incriminating confessions. When Suwan’s trial commenced before the SSC in March 2018, Suwan told the judge that he was forced to make confessions under torture, but the judge did not open any inquiry. In a similar case, 19-year-old Yaseen Hasan Salim Abu Zaid was arrested in early January 2018 by the GID, after which he was held *incommunicado* and in solitary confinement for 45 days. During this period, he reported having been severely tortured and forced to sign confessions.

Once victims are charged, they are tried before the SSC, a court of exception which cannot be considered competent, independent or impartial since it is composed of two military judges and one civilian judge, all of whom are appointed by the prime minister and may be dismissed at any time by

executive decision. The SSC systematically admits confessions extracted under torture as evidence to sentence defendants to heavy penalties following unfair trials.

During Jordan's Universal Periodic Review (UPR), which was held on November 8, 2018, 226 [recommendations](#) were made by United Nations Member States to Jordan, including some related to the practice of torture aggravated by insufficient legal safeguards and abusive counter-terrorism measures. For example, Belgium recommended that the broad Anti-Terrorism Law be amended and brought into line with the International Covenant on Civil and Political Rights, which was ratified by Jordan in 1975. Such recommendations echo the concerns [raised](#) by Alkarama in its shadow report submitted in March 2018 ahead of the review.

## The crackdown on freedom of expression, association and peaceful assembly

Freedom of expression is restricted on the basis of a number of pieces of legislation, including the Anti-Terrorism Law and certain provisions of the Penal Code. Critics and peaceful activists are routinely prosecuted on charges such as disturbing "the public order" or "relations with a foreign country," which are often coupled with crimes of *lèse-majesté*, including "insult to the king", which is punishable with one to three years of imprisonment.

With regards to freedom of the press, in 2018, Reporters Without Borders ranked Jordan 132 out of 180 countries. Although journalists cannot face imprisonment if they violate the Press and Publication Law, they can be imprisoned under the Cybercrime Law. In 2015, amendments were introduced to the cybercrime legislation punishing defamation online with a minimum of three months in prison, seriously hampering freedom of speech of not only media professionals but also ordinary citizens.

During Jordan's Universal Periodic Review in November 2018, four states recommended that Jordan amend the Cybercrime Law, also calling on the authorities to narrow or remove the definition of "hate speech" contained in the recent proposed amendments to the legislation, which are pending before the parliament. In January 2017, the government proposed amendments to the Cybercrime Law to criminalise "hate speech". However, they broadly define the offence of hate speech and include severe penalties ranging from fines to prison terms. Civil society organisations fear that the proposals would have an adverse impact on the peaceful exercise of freedom of expression in the country.

With regard to freedom of association, the authorities retain broad discretion to prohibit the establishment of organisations whose objectives violate "national security, public safety, public order, public morals". During the UPR, Switzerland called on Jordan to repeal the Law on Associations "in

order to streamline the administrative processes which restrict the activities and the funding of civil society organisations”.

Finally, although the holding of a demonstration does not require prior written authorisation, the authorities have continued to actively circumvent the right to peaceful assembly by invoking the Crime Prevention Law or the Anti-Terrorism Law to arrest and prosecute peaceful protesters before the SSC. During the UPR, Sweden suggested the creation of an “independent bureau to receive complaints regarding meetings and gatherings that have been shut down without explanation.”

## Our concerns

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

# Kuwait

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## Severe restrictions to freedom of expression and peaceful assembly

While the Kuwaiti Constitution provides for the right to freedom of expression and peaceful assembly, in recent years these rights have been curbed significantly in the country. 2018 saw an alarming trend of judicial prosecution of human rights defenders, political opponents and anyone voicing critical opinions about the state or its institutions or offending the emir. The laws most often used to curtail the right to free speech are the 1971 Law on State Security, which criminalise peaceful criticism such as “insult to the emir”, the 2006 Press and Communications Law and the 2015 Cybercrime Law. Moreover, and in contradiction to the country’s Constitution, Kuwait’s Law No. 65 of 1979 prohibits public gatherings without a prior licence and provides for punishments of up to two years’ imprisonment.

In 2018, Alkarama sought the intervention of the United Nations Special Procedures in the case of 20 members of parliament (MPs) and opposition activists whose final sentences were confirmed by the Court of Cassation on July 8, 2018 for a peaceful demonstration held in 2011. Previously, in March 2018, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders expressed concern over the case and called on the Kuwaiti authorities to uphold international standards on freedom of expression and peaceful assembly.

The demonstration in question took place on November 16, 2011, and consisted of a sit-in in front of the Kuwaiti National Assembly. The peaceful protestors – several of whom were current and former MPs – spontaneously decided to march to the house of the prime minister. Pushed by the police, who came with batons to block the march and disperse the demonstrations, they sought shelter inside the National Assembly building. The demonstrators entered the main hall chanting the national anthem and left the building shortly thereafter.

Following the demonstration, the public prosecution charged 70 demonstrators with “illegal gatherings”, “entry into state property in order to commit the crime of unlawful assembly”, “damage to public property” and “insulting public officials”.

The court of first instance acquitted the accused of all charges on the basis that there was a lack of evidence of criminal intent upon entering the National Assembly. However, following an appeal by the public prosecution, the initial acquittal decision was overturned, and, on November 27, 2017, the Court of Appeal sentenced the defendants to prison terms ranging from one to nine years, and immediately arrested them. The trial was marked by numerous irregularities, including the fact that defence lawyers were not allowed to examine all their witnesses, and were not informed of the dates assigned for their hearings.

Regardless, on July 8, 2018, the Court of Cassation, criticised for its lack of independence from the executive, confirmed that of the 70 individuals accused in this case, 15 were found guilty and sentenced to up to three and a half years in prison with labour, 35 were put on probation for a year and required to pay 1000 Kuwaiti Dinars (3300 USD) as a guarantee of good behaviour, and 20 were acquitted.

Many criticised the final ruling as political in nature and designed to silence the opposition and prevent peaceful dissidents from carrying out any political activity in Kuwait. In fact, amendments made to the Electoral Law in 2016 prevent convicted opposition MPs from standing in future elections. Among those handed custodial sentences of three and a half years with labour are leader of the opposition Musalam Al Barrack and other serving politicians, including the parliamentary human rights panel’s rapporteur Waleed Al Tabtabaie. Both were convicted of acts clearly falling within their fundamental rights to freedom of expression and peaceful assembly, including “participating in, organising and calling for a demonstration”.

## Discrimination against the Bidoon

Approximately 120,000 stateless persons live in Kuwait. Known as the “Bidoon”, their civil and political rights are infringed on multiple levels, crosscutting several violations of the ICCPR. The state does not recognise the right of these long-time residents, some of whom have resided in Kuwait for many generations. “Bidoon” refers to a diverse group of people who at the time of independence were not given Kuwaiti nationality. When the British ended the protectorate in 1961, about one-third of the population was given nationality on the basis of being “founding fathers” of the new nation state, another third were naturalised as citizens, and the rest were considered to be “bidoon jinsiya” or “without nationality” in Arabic.

This situation has far-reaching consequences on entire families since children of the Bidoon are also stateless and children of Kuwaiti mothers and non-Kuwaiti fathers might also become stateless as women are not entitled to pass on their nationality. As a consequence of their statelessness, the Bidoon cannot freely travel in and out of Kuwait since the government issues one-time travel documents at its discretion. The Bidoon cannot participate in elections either as candidates or as voters. As non-Kuwaitis, they also face restrictions in employment, healthcare, education, marriage and family law. Despite Kuwait being a wealthy country in which Kuwaiti citizens enjoy a huge range of financial luxuries by virtue of their nationality, most of the stateless population live in slum-like settlements on the outskirts of the city. Furthermore, the Bidoon have no right to residency in Kuwait, and may be subject to deportation or indefinite administrative detention if found guilty of committing certain crimes.

One such example of a Kuwaiti Bidoon who continues to suffer from discrimination is that of Ahmad Ali Matar Jaber, a 32-year-old stateless person, who was born in Kuwait, and pursued a career as a linguist when he received proposals from renowned universities to continue his academic studies and teach abroad in 2015. On July 30, 2015, after receiving confirmation from the competent authorities that he was allowed to renew his passport, Ahmad delivered his passport to the General Department of Citizenship and Travel Documents, waiting to obtain a new one shortly after. However, a few hours later, the same department informed him that for alleged security reasons that could not be disclosed, he would not receive a new passport. In 2016, Alkarama raised his case with the United Nations Educational, Scientific and Cultural Organization. Yet, Ahmad stayed without a passport for nearly three years, which ultimately prevented him from travelling abroad to pursue his education. While Ahmad finally received his passport in May 2018, he remains socially and economically disadvantaged and continues to experience harassment by security forces for calling attention to the plight of the Bidoon.

## Our concerns

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

# Lebanon

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## Freedom of expression under attack

The crackdown initiated in recent years on citizens peacefully expressing political opinions on social media has continued to increase in 2018. The year started with the release of a report alleging that a malware espionage campaign responsible for stealing hundreds of gigabytes worth of personal data was tied to a building owned by Lebanon's General Security agency. Alkarama [called on](#) Lebanon's general prosecutor to investigate these reports of secret large-scale surveillance. According to the report, the espionage campaign has been running since 2012 and was ongoing at the time of publication, affecting thousands of people in more than 20 countries, including activists, journalists, lawyers, and educational institutions.

During Lebanon's [review](#) before the UN Human Rights Committee (HR Committee) in March 2018, the independent experts enquired about these reports of mass surveillance, to which the Lebanese delegation responded that, according to domestic law, surveillance and interception did "not interfere with the citizens' privacy" and that "any interception [was] made to protect state security". The HR Committee also noted that Law No. 140, which requires prior judicial authorisation for intercepting private communications, was often circumvented through the direct authorisation of the prime minister.

The Committee also recalled the numerous cases of individuals arrested for criticising public officials. The HR Committee urged Lebanon to decriminalise defamation, blasphemy, and insult and criticism of public officials or, at the very least, to apply the Criminal Code only to the most serious cases. The experts further highlighted how the Cybercrime Centre of the Internal Security Forces often interprets the concept of cybercrime in a broad manner, which severely restricts freedom of expression, and questioned the role of the General Directorate of Security in overseeing and censoring foreign publications and artistic works.

## Insufficient measures to tackle the issues of torture and arbitrary detention

In 2018, and despite the adoption of a law combatting torture the previous year, steps taken by the authorities to combat torture have remained insufficient. In September, Alkarama submitted a [follow-up report](#) to the UN Committee against Torture (CAT) expressing concern over on the lack of implementation of the CAT recommendations issued in 2017.

Firstly, it denounced the fact that the anti-torture law, which was adopted by the parliament on September 19, 2017, had ignored most of the recommendations made by the CAT in May 2017, and also failed to abide by the standards set forth in the UN Convention against Torture. Furthermore, while the CAT previously called on the Lebanese authorities to ensure that “all detainees are afforded, in law and in practice, all fundamental legal safeguards from the very outset of their detention”, Alkarama has continued to receive several testimonies from individuals who have been subjected to torture, and who were denied their fundamental legal safeguards. Such violations are more severe when individuals are arrested by the military intelligence in cases of counter-terrorism and brought before military courts. In particular, lawyers have reported to Alkarama that they continue to be denied access to their clients until after they are brought before the Public Prosecution and formally charged. In addition, they have to rely on personal connections when trying to locate clients detained *incommunicado* in military detention centres. What is more, suspects continue to be held routinely in detention custody for periods that exceed the 48-hour maximum limit, and, in some cases, continue for several months.

Secondly, while the CAT called on Lebanon to complete the selection process for the appointment of the members of the National Human Rights Institute (NHRI), the latter is still not operational as no budget has been allocated. Following the nomination of the ten members of the NHRI by the Cabinet on May 21, 2018, NGOs have also voiced concerns over the appointed civil society representatives, affirming that they “[did] not feel represented”. In particular, they expressed concerns over the appointment of two members who were “outside the circle of human rights NGOs”, including a general who served in the Internal Security Forces. Furthermore, the selection process lacked transparency since the full list of candidates and their resumes were never made public despite repeated requests from civil society organisations.

Thirdly, while the CAT recommended that Lebanon establish a fully independent internal complaint mechanism, Alkarama noted that the authorities provided no concrete information as to the impact of

already existing internal mechanisms. Additionally, the Internal Security Forces' human rights office has yet to launch its internal complaint system in Roumieh prison. Moreover, Alkarama expressed concern over the fact that detention centres under the jurisdiction of the Ministry of Defence, including military barracks, where acts of torture occur most frequently, are left completely outside the scope of this monitoring mechanism.

## Tackling past enforced disappearances

In its Concluding Observations of April 2018, the Human Rights Committee's experts expressed serious **concern** over the lack of investigation into the fate of around 17,000 individuals who disappeared during the civil war, in clear violation of the families' right to the truth. The Committee regretted the general climate of impunity surrounding enforced disappearances, stressing that, to date, no prosecution has been carried out for such acts.

The Committee further recommended that the State Party effectively criminalise enforced disappearances, and that it publish the reports from previous commissions of inquiry and amend amnesty laws in order to ensure that serious violations such as enforced disappearances do not fall under the scope of these laws.

Furthermore, the government was urged to establish an independent national body mandated to search for the disappeared as well as a national bank of the families' DNA. The Committee also recommended that Lebanon complete the ratification process of the International Convention for the Protection of All Persons from Enforced Disappearance.

In this context, Alkarama welcomes the adoption, on November 13, 2018, of the Enforced Disappearances Act, which sets up a commission to investigate enforced disappearances with the power to access and collect information, and enshrines the "right to know" for all families of missing persons. The UN Working Group on Enforced or Involuntary Disappearances stated that the law could be a "major breakthrough" and urged "effective implementation to give victims and their families access to truth and justice".

## Our concerns

- Judicial harassment of citizens for expressing their opinions, including on social media;
- Systematic practice of torture, including by the security forces to extract confessions;
- Arbitrary detention in the form of prolonged pre-trial detention or following trials before exceptional jurisdictions, namely military courts and the Judicial Council.

# Libya

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## Human rights violations committed by different parties to the conflict

In April 2018, the Office of the United Nations High Commissioner for Human Rights (OHCHR), in cooperation with the United Nations Support Mission in Libya (UNSMIL), issued a report highlighting the violations to the right to life, liberty and security committed by different parties to the conflict. The report concluded that armed groups across the country and militias affiliated with the UN-backed Government of National Accord (GNA) are detaining thousands of men, women and children in prolonged arbitrary detention, and subjecting them to torture and other human rights violations and abuses. The report also stressed the lack of accountability for these violations, declaring that “victims have little or no recourse to judicial remedy or reparations, while members of armed groups enjoy total impunity”.

The OHCHR documented 496 civilian casualties between January and September 2018. Civilian deaths are caused mainly by the use of wide range weapons in densely populated residential areas, including – according to UN reports – shelling, airstrikes, explosive remnants of war, and improvised explosive devices. The city of Derna represents an illustrative example of the effect of war on civilians in the country. In June 2018, the UN High Commissioner for Human Rights expressed alarm over the humanitarian situation in the city, whose population suffered severe shortages of food, water and medicine.

Another issue of concern is the rights of internally displaced persons (IDPs) in the country. Following her visit to the country from 25 to 31 January, Cecilia Jimenez-Damary, Special Rapporteur on the human rights of internally displaced persons, highlighted that “an estimated 400,000 people (equivalent to 6-7% of the population of Libya) became internally displaced as a result of the nationwide renewed conflict from 2014 onwards and many still suffer the effects of this displacement”. She particularly highlighted the dire situation of many of the IDPs in the west, east and south of Libya, many of them being women and children suffering from victim of war-related trauma. Lastly, many of the IDPs that have been able to return remain at risk and are not protected.

Furthermore, numerous violations have taken place in the eastern part of the country, particularly summary executions, enforced disappearances, arbitrary detentions and torture committed by forces affiliated to General Haftar. Haftar continues to be supported by regional powers including Egypt and the United Arab Emirates as well as western actors such as France. The militias in the east, which pledged allegiance to General Haftar, belong to the extremist “madakhila” ideology, a Wahabi school of thought that supports the Saudi monarchy.

## Lack of accountability of GNA-affiliated forces

The absence of accountability of GNA-affiliated militia constitutes today the biggest threat to the construction of a State based on the rule of law and the respect for the rights and freedoms that Libyans aspired to during the revolution. This year, Alkarama submitted numerous cases of enforced disappearances committed by the militias affiliated to the Government of National Accord. One of the main concerns remains the situation of detainees in the Mitiga military base, in which GNA-affiliated forces detain – often in secret – a large number of persons outside the protection of the law. Furthermore, the UN Working group on Enforced or Involuntary Disappearances stated that in 2018, 50 cases of enforced disappearance were still outstanding and that its visit, scheduled since 2013, is still pending.

*“The absence of accountability of GNA-affiliated militia constitutes today the biggest threat to the construction of a State based on the rule of law and the respect for the rights and freedoms that Libyans aspired to during the revolution.”*

In its April 2018 report, the OHCHR stated that the Mitiga airbase in Tripoli, as well as the Kuweifiya prison in the eastern part of the country, are “notorious for endemic torture and other human rights violations or abuses”. It was estimated that Mitiga holds 2,600 persons, among them men, women and children who are denied access to their families and lawyer and held without access to judicial authorities. Furthermore, the OHCHR and UNSMIL indicated having documented cases of torture and ill-treatment and the rape of women detained at the Mitiga detention and other places under the control of the GNA’s Ministry of Interior.

The OHCHR and UNSMIL estimate that, as of October 2017, around 6,500 people have been held in official prisons overseen by the Judicial Police of the Ministry of Justice, while thousands more are held in a multitude of other facilities nominally under the control of the Ministry of Interior or Ministry of Defence, or run directly by armed groups. These facilities, such as the Mitiga airbase under the control of the RADA Special Deterrence Forces militia, are notorious for endemic torture and other human

rights violations including extrajudicial executions. The cases documented by Alkarama show that detainees can be held *incommunicado* for prolonged periods of time under circumstances that amount to an enforced disappearance.

This is the case of 56-year-old housewife Khayriah\*, who was summoned to the headquarters of the Central Security Force (CSF) in Tripoli on November 9, 2016, arrested without a warrant, and subsequently disappeared. Her family enquired about her fate and whereabouts at the CSF's headquarters, where they were told that she had been handed over to the RADA Special Deterrence Forces. On April 6, 2018, Alkarama and the **Libyan Organization for Truth and Justice** requested that the United Nations WGEID promptly intervene with the Libyan authorities to urge them to immediately inform Khayriah's family of her fate and whereabouts and to release her immediately. On April 12, Alkarama was informed that Khayriah had been released the day before. Despite the misleading information given to her family, it transpired that Khayriah had been held by the CSF all along. Other cases were brought to the attention to the UN experts that followed a similar pattern, including **Mohamed Al Mgwab and Hussein Ali**, who were abducted by forces under the authority of the GNA in May 2017 and January 2018, respectively, and who remain disappeared to date.

## Our concerns

- Severe violations committed by eastern “madakhila” militias affiliated to General Haftar including enforced disappearance, torture and extrajudicial execution;
- High number of detainees in the Mitiga base in Tripoli kept in secret detention and subjected to or at risk of torture and extrajudicial execution;
- High toll of conflict on civilians including casualties and displacement as well as deprivation of basic needs and services;
- Absence of accountability for all actors involved the conflict and generalised impunity.

# Mauritania

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## Review of Mauritania by the Committee against torture

The UN Committee against Torture (CAT) published its Concluding Observations on Mauritania's second periodic report following the state's review on July 24 and 25, 2018. Prior to the review, Alkarama submitted a shadow report and briefed the CAT members on Mauritania's compliance with the Convention against Torture (UNCAT) since its last review in May 2013.

The Committee members raised several issues that echoed Alkarama's report, including the establishment of an exceptional legal procedure for counter-terrorism matters, the impunity for past crimes, and the lack of independence of the National Commission on Human Rights (CNDH).

Since its last CAT review, Mauritania adopted an anti-torture law, which contains a definition of torture that conforms to article 1 of the UNCAT. While this law represents a significant step towards combatting and preventing torture in the country, Mauritanian legislation still contains provisions that contradict both the UNCAT and the law itself.

While the anti-torture law guarantees the right to access a lawyer from the moment of arrest, the Code of Criminal Procedure states that access to a lawyer is not possible until after the first extension of the initial period of custody, and even then only upon the authorisation of the prosecutor. This period of custody can last between 48 hours for crimes of common law and 45 days for individuals arrested for crimes of terrorism. The Committee is of the opinion that such procedures expose the defendant to a high risk of torture or ill-treatment.

Another focal point addressed during the review was the violations committed at the end of the 1980s and beginning of the 1990s during the *passif humanitaire* period of "unresolved humanitarian issues", against the "Afro-Mauritanian" officers accused by the authorities of planning a *coup d'état*. Although the authorities do not deny the existence of these grave violations, perpetrators remain immune from persecution under Law no. 93-23.

## National Human Rights Commission downgraded to status B

During its November 2017 session, the Subcommittee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions recommended that the Mauritanian National Human Rights Commission (CNDH) be granted status “B” due to its lack of full compliance with the Paris Principles. The decision was based on the lack of transparency in its selection process and its lack of independence from the executive.

The SCA is the organ in charge of assessing the compliance of national human rights institutions (NHRIs) with the Paris Principles, which set the standards to ensure that these institutions are independent and autonomous from their country’s government, and that they are granted adequate power to promote and protect human rights effectively.

On July 5, 2017, the Mauritanian authorities adopted Law no. 2017-016 regulating the composition, structure and operation of the CNDH. In its November 2017 report, the SCA highlighted that although the provisions of the new law addressed some of the concerns raised in 2016, the amendments failed to tackle the concerns regarding the selection and nomination process of the CNDH’s members.

In 2018, Alkarama submitted two follow-up reports analysing the new CNDH law, which revised the status and functioning mode of the CNDH in order to address the concerns previously raised by the SCA. Alkarama stressed in both reports that the new law failed to address key issues, including ensuring the CNDH’s independence from the government and the openness and transparency of the selection process.

As the authorities failed to amend the CNDH law despite the SCA’s recommendation to that effect, and given the absence of significant improvements with regard to the institution’s independence from the executive branch, the downgrade from status A to B is now final.

## Persistent reprisals against anti-slavery activists and journalists

In 2018, Alkarama continued to receive reliable information indicating the persistent persecution of individuals belonging to the anti-slavery movement. This persecution takes the form of judicial harassment, arbitrary arrests and ill-treatment in detention, particularly against groups such as the

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

Biram Dah Abeid, IRA-Mauritania's president, was arrested on August 7, 2018 after he decided to run in legislative elections held on September 1. Fearing that the arrest was politically motivated, Alkarama sent an urgent appeal to the UN Special Rapporteur on Freedom of Expression (SRFRDX) on August 14, 2018 urging the United Nations human rights mechanisms to call upon the government to refrain from hindering his activities as a human rights defender as well as his right to take part in the conduct of public affairs. Although Biram Dah Abeid was elected as a member of parliament, he remained in detention until December 31.

On August 8, 2018, the Mauritanian authorities arrested Babacar Ndiaye, webmaster of the Cridem news portal, following a defamation complaint filed by a lawyer based in France and close to the current government. The day before his arrest, he posted an article initially published on Mondeafrique, in which the lawyer in question was described as "a mercenary" facing corruption allegations. Considering this arrest as an infringement of his right to freedom of expression, Alkarama urgently referred the matter to the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and of expression (SRFRDX).

## Our concerns

- Impunity for past crimes committed against Afro-Mauritanian officers;
- Reprisals against human rights defenders and peaceful opponents, particularly anti-slavery activists;
- Absence of prevention and accountability mechanisms for violations such as torture, ill-treatment, secret and arbitrary detention committed by state security;
- Lack of independence of the National Human Rights Commission.

# Morocco

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## Persistent practice of arbitrary detention and absence of torture prevention

The practice of arbitrary detention remains persistent in the country. Numerous individuals remain arbitrarily detained despite Opinions issued by the UN Working Group on Arbitrary Detention (WGAD) requesting their release, particularly in counter-terrorism cases. As a result, Alkarama lodged two complaints on behalf of victims of arbitrary detention to the treaty bodies over the course of the year.

On July 9, 2018, Alkarama seized the Committee against Torture (CAT) with the case of Abdelkader Belliraj, a 60-year-old Belgian-Moroccan citizen sentenced by the Moroccan authorities to life imprisonment in 2009 on the sole basis of confessions obtained under torture.

Accused of leading a terrorist network, he was secretly detained for 28 days, during which he was severely tortured and forced to sign self-incriminating statements without being allowed to read them beforehand. In July 2009, he was sentenced to life imprisonment after a flawed trial, during which the judge refused to take into consideration the victim's allegations of torture and secret detention.

In 2016, upon Alkarama's request, the WGAD issued an Opinion qualifying his detention as arbitrary and calling for his immediate release. As the decision was never implemented, Alkarama requested that the CAT, which is responsible for ensuring compliance with the Convention against Torture (UNCAT), ratified by Morocco, call on the state to take all necessary measures to remedy this situation by releasing Abdelkader Belliraj and granting him adequate compensation.

In a similar vein, Alkarama submitted the case of Mohamed Hajib to the CAT on October 30, 2018. Mohamed Hajib was arrested at Casablanca airport on February 17, 2010, following his return from Pakistan where he had been detained for several months following a religious retreat. Upon his arrival, he was held in custody for 12 days at El Maarif Police Station in Casablanca, where he was tortured and forced to sign a confession under torture. On that basis, he was sentenced to ten years' imprisonment under the accusation of "creating a criminal group" and "financing terrorism" following a summary

trial. On several occasions, Mohamed Hajib was later subjected to torture and ill-treatment after having denounced the arbitrary nature of his detention in the Salé, Toulal and Tiflet prisons.

The WGAD, alerted to the case of Mohamed Hajib by Alkarama, declared his detention to be arbitrary as his "conviction was based on a confession obtained under torture", and called upon the Moroccan government to "release him immediately and award him appropriate compensation". Although he was released in 2017, Mohamed Hajib was never granted reparation for the damages he had suffered.

## Infringements to freedoms of expression, association and peaceful assembly

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

Demonstrations erupted in Al Hoceima in late October 2016 after a fisherman was crushed to death by a garbage truck as he attempted to recover the fish which had just been confiscated and thrown away by the police. From Al Hoceima to the February 20 Movement gatherings in the capital, over the course of 2017, thousands of protesters called for the end of corruption and for socio-economic reforms. These protests – as well as the violent response from the authorities – illustrate a regression in the human rights situation in the country.

While the king pardoned around 1,000 prisoners in 2017– among whom a large number were arrested as part of the crackdown on the Al Hoceima protests – activist Nasser Zefzafi, who led the protests and publicly denounced corruption and inequality, remains arbitrarily detained.

On June 26, 2018, he was sentenced by the court of appeal of Casablanca to 20 years' imprisonment. As part of the same verdict, movement leaders Nabil Ahmijeq, Wassim El Boustani and Samir Aghid were also given 20 years in prison, while three others received a 15-year jail sentence. In November 2018, the appeal court of Salé upheld a five-year prison sentence on charges of "promoting terrorism" against El Mortada lamrachen, a local imam who wrote favourably about the Hirak movement on Facebook.

Other charges such as "insulting the King" or "undermining the territorial integrity" are commonly used against journalists and activists to prosecute acts falling under their right to freedom of expression and

peaceful assembly, particularly in cases considered as politically sensitive, i.e. cases involving Islamist movements, separatist claims or criticism against the monarchy.

## Abdul Rahman Alhaj Ali freed

On May 16, 2018, Abdul Rahman Alhaj Ali, a Syrian national who was arrested on November 30, 2014 and detained pending extradition to Saudi Arabia, was released from the Salé prison, putting an end to three and a half years of arbitrary detention. Despite Alhaj Ali's liberation, he has not been granted any reparation or compensation for the harm suffered, as prescribed by the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law.

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

Following the submission of his case by Alkarama, the CAT requested in a binding decision dated August 22, 2016 that the Moroccan authorities not extradite Alhaj Ali to Saudi Arabia. In its decision, the CAT urged the Moroccan authorities to either release Alhaj Ali or try him if charges were brought against him in Morocco. However, the authorities refused to implement this decision.

In March 2017, while Alhaj Ali was on hunger strike, he received a visit from high-ranking officials who told him that he “would never be released” and that he would “spend his life in prison”. He was then pressured to sign a document accepting his extradition to Saudi Arabia.

In light of the gravity of Alhaj Ali's situation, his case was referred by Alkarama to the Assistant Secretary-General for Human Rights, who consequently included him in the 2018 report on reprisals against persons who cooperated with the UN.

## Concerns

- Persistent practice of arbitrary detention and absence of torture prevention;
- Violations to freedoms of expression, association and peaceful assembly, including through arbitrary arrests and detention, torture and ill-treatment and violent dispersals of protests;
- Human rights violations in the context of counter-terrorism.

# Oman

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## Intensified crackdown on freedom of expression

For several years, Alkarama has been concerned about the limitations to freedom of expression in Oman and treated many case of human rights defenders, who suffered prosecution for their peaceful activism. In 2018, the basic right to freedom of expression continued to be violated and media freedom increasingly restricted. All dissenting voices continued to be intimidated and silenced by the Omani authorities. Print publications and media outlets were censored and repressive legislation such as the Cybercrime Law was used to prosecute journalists, activists and critics of the government for their peaceful activism.

This year on Reporters without Borders' World Press Freedom Index, Oman was ranked 127 out of 180 countries worldwide. Independent media outlets raising sensitive issues such as corruption within the judicial system were banned. Moreover, journalists were targeted frequently by the authorities and faced retaliation and intimidation such as arbitrary arrests, detention and the revocation of their licences for insulting the head of state or the country's institutions, inciting illegal demonstrations or disrupting public order.

On January 15, 2018, new amendments to the Penal Code, Royal Decree No. 7/2018, came into effect. The decree contains several vaguely defined provisions and unduly restricts the right to freedom of opinion and expression, in particular the rights of human rights defenders and online activists. The decree prescribes that anyone who commits slander against the sultan and his authority, or denigrates him personally, shall be imprisoned for a term of not less than three years and not more than seven years. Furthermore, the decree contains provisions that severely limit the right to peaceful gathering and the right to form associations to carry out political or human rights work.

On March 26, 2018, David Kaye, Special Rapporteur on the promotion and protection of freedom of opinion and expression, addressed the Omani authorities, expressing serious concern that Royal Decree No. 7/2018 in its current form uses overly broad terms that lack sufficiently clear definitions, and permits authorities to severely criminalise free expression. He went on to state that this allows

authorities unlimited discretion to punish public expression of any kind, which could lead to the institutionalisation of violations of the fundamental rights to freedom of expression for individuals, in particular activists, human rights defenders or journalists.

He highlighted that under article 118, individuals' freedoms of opinion and expression are directly violated because this article criminalises any access, possession, and distribution of information, no matter what the content. This provision also constitutes a major threat to the work of human rights defenders, online and offline activists and journalists who "print, record or broadcast" relevant information to carry out the duties of their work. By punishing any communication or sharing of information including those protected by international human rights law, this provision clearly violates the right to freedom of opinion and expression.

The Special Rapporteur further voiced serious concern that the death penalty was mentioned several times throughout the Penal Code, and could be used to silence, threaten and punish opponents for any actions, including for actions that do not qualify as the most serious crimes.

## Crackdown on Musandam activists

The Musandam Governorate is a governorate of Oman. It is an exclave close to the strategic Strait of Hormuz and is separated from the rest of Oman by the Emirate of Ras Al Khaimah. While the Musandam Governorate has regional specificity marked by particular traditions and customs, the central Omani government asserts strong political and cultural hegemony over this region. The Shuhuh tribe, whose members make up the majority of the residents in Musandam, lives on both sides of the UAE-Omani border. They have culturally and religiously distinct practices from mainland Oman. Some of their representatives previously visited Alkarama to report about the discriminatory practices they faced, including the destruction of homes and heritage sites as well as the arrest of tribe members.

In April 2018, members of the Shuhuh tribe started facing more severe repression, with several individuals being arbitrarily arrested and detained. Such is the case with Omani citizen Mohammed Abdullah Ahmad Al Shahi, originally from Musandam, who was arrested on May 6, 2018 by Omani security authorities in cooperation with their UAE counterparts from his residence in Dubai, where he has lived and worked for several years. He had not been given any reason for his arrest.

In September and October 2018, Mohammed Abdullah Ahmad Al Shahi, as well as Ali Mohamed Al Mazyoud Al Shahi, Ali Ahmad Rajab Al Shahi and Mohamed bin Sulaiman bin Mazyoud Al Shahi were all sentenced to life imprisonment as well as monetary fines for their peaceful activism in calling for reforms in Musandam. They were charged with prejudicing the security and unity of the country and its territories by using information technology.

Moreover, the trial of the Musandam activists was marred with irregularities. The families of the defendants were barred from the court rooms as some of the court proceedings were held *in camera*. Additionally, the judicial authorities also delayed the delivery of the verdicts, using up some of the time legally available for the defendants to appeal.

## Our concerns

- Crackdown on freedom of opinion and expression through press censorship and new legislation;
- Prosecution and intimidation of peaceful dissidents, political opponents and human right defenders.

# Palestine

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## Human rights violations committed by Israel against Palestinians

In 2018, the Israeli authorities continued to violate Palestinians' most basic rights. In January, Israel underwent its third Universal Periodic Review (UPR) by the UN Human Rights Council (HRC), during which 240 recommendations were [made](#) with the aim of improving the human rights situation. However, in June, the Israeli authorities informed the HRC that they only accepted 93 recommendations either in whole or in part – a low rate of only 39% acceptance. Alarmingly, Israel refrained from supporting a number of recommendations calling for the basic respect of international law, including Ireland's request that it "ensure full respect for international human rights obligations" and Brazil's recommendation that it "take measures in order to abide by international law" in Palestine.

Furthermore, the year was marked by large-scale civilian protests that began on March 30, 2018, to which the Israel security forces responded with excessive force, killing a number of protestors. Several UN experts have, as a result, expressed "outrage over these shootings that may have resulted in unlawful killings and the incomprehensibly high number of injuries sustained". In May 2018, the HRC adopted a resolution in which it decided to dispatch an independent, international commission of inquiry to investigate all violations of international humanitarian law and international human rights law in the context of large-scale civilian protests in the Occupied Palestinian Territory. The commission is due to report to the Council at its 40<sup>th</sup> session in March 2019.

In addition, Palestinians continue to be subjected to other human rights abuses, including arbitrary arrest and detention. According to civil society organisations, as of October 2018, 481 Palestinians, including four minors, were held in administrative detention in Israel Prison Service facilities. Administrative detention – which is allowed under martial law, applicable in the occupied West Bank – can last for an indefinite period of time, and is usually based on "classified" information, thus denying detainees the possibility of challenging the legality of their detention.

Moreover, the Israeli authorities continue to routinely arrest and torture Palestinian children. As of the end of October 2018, 220 Palestinian minors were held in Israeli prisons and considered as criminal offenders. While children living in the West Bank are brought before military courts for security offences – including stone throwing, which is punishable with up to 20 years in prison – those living in East Jerusalem are brought before civilian courts, but still suffer from numerous abuses.

The case of [Shadi Farrah](#), a 15-year-old boy who was released on November 30, 2018 following the completion of a two-year prison sentence, is illustrative of such practice. He was arrested on December 30, 2015 while waiting for the bus to go home after school. Though not resisting arrest, he was immobilized with an electric Taser, and beaten up by Yasam officers. He was then carried to a police van, where the officers stripped him naked, poured cold water on his body and subjected him to threats. He was then held in Moscovia detention centre for a few days with no access to the outside world, during which time he was interrogated and tortured. Threatened with execution, he was forced to confess that he had a knife with him when he was arrested. Despite a video recording of his arrest showing that Shadi did not have any knife with him, on January 4, 2017, he was sentenced by the Israeli Central Court to two years of imprisonment for “attempt to wound”.

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

In 2018, Palestinians suffered from numerous human rights abuses – including torture and arbitrary detention – committed by the Palestinian Authority (PA) in the West Bank and by Hamas in the Gaza Strip. Despite acceding to core international human rights treaties in 2014, including the International Covenant on Civil and Political Rights and the Convention against Torture, the Palestinian authorities have failed to report on the implementation of these texts to the UN Treaty Bodies. Their initial reports have been overdue since 2015, showing little political will to effectively grant Palestinians their most fundamental rights.

In Gaza, Hamas continues to apply the death penalty in violation of international standards, since trials are conducted before military courts, before which confessions are admitted systematically as evidence. In December 2018, six individuals were sentenced to death for allegedly “collaborating with Israel”. Since 2005, over 70 individuals have been sentenced to death by courts of the Palestinian Authority.

In addition, Palestine's human rights institution, the Independent Commission for Human Rights, has received numerous cases of torture and arbitrary detention, including those arising from the refusal to implement court rulings or acquittals, or detentions ordered by the governor on political grounds.

Violations of Palestinians' rights to freedom of expression and peaceful assembly have also escalated. In June 2018, when Palestinians from the West Bank took to the streets to protest against the punitive economic measures taken by the PA against Gaza, the protests were violently repressed. Dozens of demonstrators and journalists were violently arrested by the police.

Moreover, both the PA and Hamas have summoned and/or arrested several individuals, including journalists, in retaliation for having expressed criticism of the authorities on social media platforms such as Facebook.

Since the enactment of a flawed cybercrime law by presidential decree in 2017, a heightened climate of censorship has emerged. Civil society organisations heavily criticised the text for violating the right to freedom of expression and privacy, and called for its immediate withdrawal. As a result, in May 2018, an amended version of the law was published in the Official Gazette, though without previous consultation with civil society. Although some of the NGOs' concerns were taken into account, including the removal of some vaguely worded provisions, other concerning articles, such as one giving the possibility for the public prosecutor to block a website within 24 hours, in violation of due process guarantees, have remained.

## Our concerns

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

# Qatar

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## Review of Qatar by the UN Committee against Torture

In May 2018, after submitting its third periodic report, Qatar's human rights record was reviewed by the UN Committee against Torture ([CAT](#)). Prior to the review, Alkarama submitted a [shadow report](#) and briefed the CAT members on Qatar's compliance with the Convention against Torture ([UNCAT](#)) since its last review in November [2012](#). While rights groups commended Qatar's [accession](#) to the International Covenants on Civil and Political Rights ([ICCPR](#)) and Social and Economic Rights ([ICESR](#)) on May 21, 2018, the review illustrated that more needed to be done towards the eradication of torture and ill-treatment, both in law and in practice. To this end, Alkarama welcomed the CAT's Concluding Observations, which raised key issues of concern, including the absolute prohibition and criminalisation of torture, counter-terrorism legislation, and the implementation of the principle of non-refoulement.

Qatari law does not include any provisions that guarantee that no exceptional circumstances whatsoever may be invoked to justify torture or ill-treatment. Therefore, the UN experts recommended that Qatar revise its legislation to ensure that it reaffirms the absolute prohibition of torture unambiguously and in all circumstances. Moreover, the CAT urged the Qatari authorities to bring its Criminal Code into line with the Convention against Torture by ensuring that an order from a superior cannot be invoked as justification of torture.

A further key issue of concern raised in Alkarama's shadow report is Qatar's counter-terrorism legislation, which lacks legal clarity and enables arbitrary detention. In its Concluding Observations, the Committee referred to the cases of [Mansoor Al Mansoori](#) and [Mohammad Meshab](#), both previously submitted by Alkarama to the Special Procedures. Both are Qatari citizens who were arrested and held in prolonged solitary confinement, which is considered a form of ill-treatment under international law. In light of the abovementioned cases, the CAT urged the state to reassess its existing counter-terrorism laws and to repeal a number of specific provisions that contravene its obligations under the Convention.

In its shadow report, Alkarama raised the case of Saudi human rights defender [Mohammed Al Otaibi](#), who was arrested at Doha Airport while on his way to seek political asylum in Norway, and extradited to Saudi Arabia on May 24, 2017. Alkarama highlighted that there are no explicit provisions in Qatari domestic law that expressly prohibit the expulsion, return or extradition of a person to another state where there are substantial grounds to believe that they would be subjected to torture. Additionally, Qatar is party to several bilateral and regional treaties, including the Gulf Cooperation Council (GCC) [Security Convention](#) of 2012, which enable refoulement. Hence, Alkarama welcomes the Concluding Observations, in which the Committee recommended that Qatar “(e)nsure that no one may be expelled, returned or extradited to another State where there are substantial grounds to believe that he or she run a personal and foreseeable risk of being subjected to torture”.

Under the [follow-up procedure](#), Qatar has been asked to report back by May 18, 2019 with information on progress on recommendations regarding fundamental legal safeguards and non-refoulement, among other issues, reflecting Alkarama’s concerns.

## Limitations to the right to political participation

In the constitutional monarchy of Qatar, the emir holds a monopoly on political power. Qatar does not have a parliament, but instead a Consultative Council (*Majlis Al Shura*), which is allowed to comment on legislation and liaise with the Royal Court (*Diwan*). Moreover, it is competent to approve the state budget and hold cabinet ministers accountable through no-confidence votes. The Constitution allows for 30 of the 45 members to be elected by the people while 15 get directly appointed by the emir. Moreover, it is enshrined in the Constitution that laws should only be passed after being discussed by the Consultative Council, one of Qatar's two legislative wings, with the second being the emir himself. However, the emir has the final say on all political and policy matters, which means that the Consultative Council can affect limited change in state policy.

Based on the constitutional provision that “extending the council’s term is permitted if it is found to be in the public’s best interest”, public participation in the Consultative Council’s appointment process has been postponed several times. Since 2006, the Consultative Council has been composed entirely of members appointed by the emir. In June 2016, Emir Sheikh Tamim bin Hamad Al Thani issued Decree No. 25, extending the term of the Consultative Council for another three years. The next election is scheduled for June 2019, but should the emir decide to renew its mandate for yet another term, no elections will be held until 2022.

The last election held in Qatar was that of the 29-member Central Municipal Council, which was held in May 2015. However, the Central Municipal Council has a purely monitoring and advisory role, engaging with the Ministry of Municipalities on issues such as local service delivery and transport infrastructure, and has no power of enforcement. All in all, the political rights afforded to Qatari citizens are limited to the election of advisory bodies, and in the case of the Consultative Council, withheld for the last 12 years. Hence, to this day, Qatari citizens have not been granted any tangible political representation.

## Our concerns

- Violation of obligations under the Convention against Torture, including the absolute prohibition of torture as well as the principle of non-refoulement;
- Limitations to the right to political participation.

# Saudi Arabia

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## Freedom of expression

Under the reign of Crown Prince Mohammed bin Salman, the past year has seen a resurgence in Saudi Arabia's heightened crackdown on freedom of expression, which commenced in September 2017 when the authorities initiated a campaign of mass arrests targeting individuals from all sectors of society, including human rights defenders, businessmen, scholars and members of the royal family. This was linked to the ongoing Gulf diplomatic crisis and major changes in the balance of power within the ruling family.

Beginning in May 2018, at least 15 prominent human rights defenders – mostly women – were arrested and forcibly disappeared. They included Samar Badawi and Nassima Al Sadah, who had campaigned tirelessly for civil and political rights, including for the lifting of the ban on women driving and the end of the male guardianship system in Saudi Arabia. In addition, Saudi authorities forcibly disappeared Amal Al Harbi, who had been vocal in campaigning for the release of her husband Fawzan Al Harbi, currently serving a seven-year sentence for his work defending human rights as part of the Saudi Civil and Political Rights Association (ACPRA). Thus, while throughout 2018 the Saudi authorities have used the image of women being issued driving licences to present an image of a modernising state, many of the women they claim to have empowered remain detained on account of having demanded more substantive reforms.

In response to the arrest of the women human rights defenders, on May 30, 2018, the European Parliament adopted a resolution in which it noted that “the [Saudi] social system remains undemocratic and discriminatory” and “severely represses all voices of dissent”. It went on to call on the EU delegation to the United Nations to raise the issue of the state's membership in the Human Rights Council (HRC) given its “questionable human rights record”.

In July, the activist Yasser Al Ayyaf joined the growing list of forcibly disappeared Saudi human rights defenders. He was previously arrested in 2013 on account of his peaceful human rights activism on behalf of victims of arbitrary detention in Saudi Arabia, including his father Abdullah Al Ayyaf, as well as his participation in peaceful sit-ins in support of protestors in the Eastern Province.

In the same month, Saudi authorities arrested 68-year-old Islamic scholar Sheikh Safar Al Hawali, his brother and four sons as part of an ongoing crackdown on freedom of opinion and expression in the country. Safar Al Hawali's family believes his arrest to be a direct consequence of his critical outspokenness against the authorities, and the arrests of his family members to be a form of collective punishment.

Alkarama submitted the cases of the abovementioned human rights defenders to the UN Working Group on Enforced or Involuntary Disappearances (WGEID).

On September 4, 2018, the trial of prominent Islamic scholar Salman Al Odah commenced before the Specialised Criminal Court (SCC) in Riyadh. Al Odah was arrested on September 9, 2017 after he posted a tweet to his 14 million followers calling for mediation between the Saudi and Qatari rulers in the context of the Gulf diplomatic crisis. During the first trial session, he was informed of the 37 charges against him and the public prosecution revealed that they were seeking the death penalty. On September 20, Alkarama referred the case to the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (SRCT), requesting her urgent intervention with the Saudi authorities to call for Al Odah's immediate release.

Finally, November saw arbitrarily detained ACPRA co-founders and academics Abdullah Al Hamid and Mohammad Al Qahtani, as well as lawyer and founder of the now-banned human rights organisation Monitor of Human Rights in Saudi Arabia, Waleed Abu Alkheir – recognised for their work defending human rights, when they were awarded the Right Livelihood Award, also known as the alternative Nobel Prize.

While 2018 witnessed an increasing number of politically motivated arrests of peaceful activists, there are thousands of other individuals that continue to be arbitrarily detained, some for over 20 years

## Reprisals against activists abroad

An alarming new trend emerged in 2018, whereby Saudi authorities carried out reprisals against peaceful critics living abroad and/or family members still living in Saudi Arabia. This trend constitutes a clear warning that criticism of Saudi Arabia will not be tolerated – wherever it may come from – as well as a sign of the ruthlessness with which the regime punishes peaceful dissent.

In August 2018, Alkarama referred the case of the disappearance of Canada-based activist Omar Al Zahrani's two brothers, Ahmad and Abdulmajeed, to the WGEID. Previously, in response to a tweet by Canada's department of diplomatic and consular relations calling on the Saudi authorities to release arbitrarily detained women human rights defenders, Saudi Arabia expelled Canada's ambassador and

recalled its own back to the Kingdom. Following the incident, Omar publically criticised the Saudi authorities' reaction on social media and gave numerous interviews to media outlets.

In retaliation against Omar's peaceful activism, on August 7, his brothers were arrested in Saudi Arabia, interrogated and pressured to convince him to stop his activism, before subsequently being released. Omar did not stop his activism, and a few days later, Ahmad and Abdulmajeed were arrested and interrogated again, with the former subjected to electrocution. On August 21, the brothers were summoned to Dhahban prison for the final time. Their father drove them to the prison and waited for them outside, before being told four hours later to go home and that his sons would not be coming with him.

On October 10, Alkarama, in collaboration with ALQST and Reporters Without Borders, submitted the case of the Saudi journalist Jamal Khashoggi to the WGEID. Earlier that month, on October 2, Khashoggi entered the Saudi consulate in Istanbul to obtain some routine paperwork, but did not reappear. Despite initial denials by the Saudi authorities, it later emerged that in a pre-meditated act, Khashoggi had been tortured and killed by a 15-man Saudi hit squad, clearly implicating Mohammed bin Salman in the chain of command.

Khashoggi's extrajudicial killing provoked unprecedented international criticism of Saudi Arabia. Belgium, Denmark, Finland, Germany and Norway suspended all weapons and defence sales to Saudi Arabia, while the European Parliament called for an "EU-wide ban on the export, sale, update and maintenance of any form of security equipment to Saudi Arabia, which can be or is used for repression". Khashoggi's killing also led to several media organisations, including the Financial Times and New York Times, as well as other high-level guests, cancelling their participation in the Future Investment Initiative in Riyadh. Similarly, Virgin CEO Richard Branson issued a press release in which he announced that the company would be suspending all dealings with the state.

In addition, international bodies released several statements condemning Khashoggi's killing. In particular, the UN High Commissioner for Human Rights Michele Bachelet and the European Parliament both called for an international, independent and impartial investigation. Similarly, Khashoggi took centre stage during Saudi Arabia's third Universal Periodic Review (UPR), held on November 5, with the majority of recommendations on this issue urging the state to conduct a prompt and thorough investigation into his killing.

## The war in Yemen

Since March 2015, Saudi Arabia has been leading an international military campaign in support of the de-facto Yemeni government against the Houthi forces. This has been repeatedly denounced by the

UN, international aid agencies and human rights organisations as a result of systematic human rights violations. The conflict has been characterised by massive civilian casualties and extensive destruction of civilian infrastructure, including hospitals and schools. The blockade imposed by the Saudi-led coalition, combined with the denial of humanitarian access by the Houthi forces, has resulted in the world's largest humanitarian crisis.

The report published by the UN Group of Independent Eminent Experts on Yemen in August 2018, which was established by the High Commissioner and mandated to carry out a comprehensive examination of the human rights situation in the country, suggest that individuals in the Government of Yemen and the Saudi-led coalition may have conducted attacks in violation of the principles of distinction, proportionality and precaution that may amount to war crimes and crimes against humanity.

During its third UPR cycle, Saudi Arabia received a number of recommendations on bringing the war in Yemen to a halt. The Australian government raised its “concern about the humanitarian situation in Yemen” and urged the Saudi authorities to ensure that “humanitarian assistance reaches Yemenis in need”.

Canada and Haiti called on the Saudi authorities to work with all parties involved in order to bring the conflict to an end. Germany and Lichtenstein recommended that measures are put in place in order to ensure that civilians are protected, with the latter going on to recommend that “precautionary measures are taken to prevent the indiscriminate use of force”.

Finally, Iceland recommended that Saudi Arabia “immediately halt the conflict in Yemen and implement the recommendations made by the Eminent Group of Experts”. Poland called for the creation of legal mechanisms, which “allow for full and impartial legal inquiries into human rights violations committed by the coalition while conducting operations in Yemen”.

## Our Concerns

- Consistent pattern of arbitrary detention, including prolonged detention without any legal basis;
- Abusive counter-terrorism measures and heavily flawed trials before the Specialised Criminal Court, often leading to the imposition of the death penalty;
- Severe crackdown on freedom of expression and arbitrary detention of peaceful dissidents, including human rights defenders and religious scholars;
- War crimes and crimes against humanity in Yemen.

# Sudan

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## Review by the Human Rights Committee

During its review of the fifth periodic report of Sudan on October 9-10, 2018, the [Human Rights Committee](#) raised numerous human rights violations carried out by the Sudanese authorities, as well as the lack of accountability for these abuses. In its [shadow report](#) and during the briefing session prior to the review, Alkarama highlighted several patterns of violations perpetrated by the National Intelligence and Security Service (NISS) in the context of the authorities' [crackdown](#) on peaceful dissent. A number of these issues were then raised by Committee members during their dialogue with the Sudanese delegation. The patterns of violations identified by Alkarama include arbitrary arrests carried out by the NISS, usually followed by periods of enforced disappearance, during which victims are held without any charge, judicial review or trial, and subjected systematically to torture and ill-treatment in order to extract forced, self-incriminating confessions.

Alkarama raised the issue of the excessive use of force by security agents in the dispersal of peaceful protests by highlighting that throughout the reporting period, the Sudanese authorities continued to regularly use excessive force to disperse peaceful demonstrations across the country. The most recent of such episodes occurred during the crackdown on anti-austerity protests in early 2018 and then again in late 2018. To break up the peaceful protests, security forces regularly used live ammunition, rubber bullets, and tear gas, as well as sticks and batons to beat the demonstrators, methods that frequently resulted in the death and injury of protesters. The responsibility to manage public assemblies in the country is shared between the police, the NISS, and the armed forces. In fact, Article 129A of the 1991 Criminal Procedure Act (CPA) grants officers the power to order the use of lethal force to disperse “unlawful assemblies” where either firearms or “instruments likely to cause death or serious injury” are being used, whenever it is necessary and “for the purpose of arresting offenders or preventing the occurrence of any offence.” Alkarama highlighted in its report that this provision is not in line with international standards, which state that lethal force must only be used as a measure of last resort to defend against a real and imminent threat of death or injury, and in compliance with the criteria of necessity, proportionality and precaution.

Furthermore, due to the immunity laws benefiting the security forces, to date, there has been no accountability for the death and harm caused by the use of excessive force, and no reparation has been provided to the victims. In its report, Alkarama highlighted the lack of conformity of Sudanese laws with the obligations of the state to provide effective remedy to victims of violations and to ensure that their rights are fully protected in its domestic laws.

## Continuous violations to fundamental rights and freedom by the NISS

Another pattern presented by Alkarama is the crackdown on the media in the country, including the harassment and intimidation of journalists and confiscation of newspaper issues by the NISS, as well as the suspension of newspapers and the ban of journalists by the National Council for Press and Publications.

Committee member [Sarah Cleveland](#) expressed concern over these violations of the right to freedom of expression and the targeting of human rights defenders and journalists, recalling how some of them were prevented from travelling to Geneva for the latest Universal Periodic Review ([UPR](#)) of Sudan. Torture and ill-treatment continued to be a systematic and widespread practice in the country, especially at the hands of the NISS. Moreover, the NISS routinely hold individuals in incommunicado as well as secret and unacknowledged detention, the latter amounting to enforced disappearance, which not only is a form of torture in itself but also creates an environment conducive to further torture and ill-treatment. The root cause of the violations committed by state agents resides in Sudan's failure to give effect to the ICCPR in its domestic legislation, as exemplified by the National Security Act of 2010 (NSA), the provisions of which allow the National Intelligence and Security Services to systematically violate the rights and freedoms of Sudanese citizens, and provide NISS members with immunity. Such immunity can be lifted only at the discretion of the heads of the respective forces, who routinely refuse without any judicial review available to monitor and challenge their decisions. To date, no measures to repeal these provisions have been taken into account by the authorities.

The complete lack of independent and effective investigation of and accountability for the many violations routinely perpetrated pave the way to a climate of total impunity for perpetrators of human rights violations in the country.

As the NISS is given extensive powers to arrest and detain "any suspected person" for up to four months and a half in order to conduct its investigations, the NISS systematically arrest individuals deemed to be opposing the authorities, particularly targeting journalists, human rights defenders,

students, peaceful protesters, political activists and members of the opposition. Furthermore, in January 2015, an amendment to the 2005 Interim National Constitution (INC) passed by the Sudanese Parliament extended this already wide mandate, and effectively transformed the NISS into a security agency with powers usually conferred to the army and the police. Furthermore, the Criminal Code continues to allow flogging as a form of corporal punishment against both adults and minors – not considering it as a form of torture – for a broad list of acts, including “rioting” or “breaching the public peace”, incriminations that are commonly used to prosecute individuals for acts falling under their right to peaceful assembly.

Following a decree issued by the president on April 10, 2018 to release “all political detainees in the country”, many individuals detained for having participated in peaceful protests were released. However, many others remain in detention, and more steps must be taken for the authorities to fulfil the victims’ right to an effective remedy. In fact, Alkarama continued to document cases of arrests by the NISS of journalists, human rights defenders and political activists, who were detained incommunicado for prolonged periods of time under the pretext of safeguarding national security. Under Sudanese law, the NISS have the power to censor any information considered to be different to the authorities’ views and regularly use this censorship as a form of reprisals against journalists. Measures used by the NISS include the harassment, intimidation, summoning and interrogation of journalists, the confiscation of entire newspaper issues without providing any reason, imposing travel bans on journalists, and the “blacklisting” of journalists to prevent them from publishing their work.

## Concerns

- Arbitrary arrests and enforced disappearances carried out by the NISS, torture and ill-treatment in order to extract forced, self-incriminating confessions;
- Excessive use of force by security agents in the dispersal of peaceful protests;
- Immunity laws benefiting the security forces, and absence of accountability for the death and harm caused by the use of excessive force;
- Crackdown on the media and the press in the country, including harassment and intimidation of journalists and confiscation of newspaper issues by the NISS.

# Syria

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## Unprecedented internal displacement and gross violations of international law

The year 2018 marked seven years since the beginning of the conflict, and saw “unprecedented levels of internal displacement”, according to the UN Independent International Commission of Inquiry (Col). In its latest report published on September 12, 2018, the Col noted that “[i]n under six months, [...] over one million Syrian men, women, and children were displaced with most now living in dire conditions.” A total of 6.5 million persons are currently internally displaced.

In the context of the intense fighting which took place to recapture large parts of the territory, government and government-affiliated forces have committed war crimes in the form of indiscriminate attacks, including with the use of illegal weapons. In April, the Col reported that as of January 2018, it had reported 34 documented incidents of the use of chemical weapons by various parties to the conflict.

The year 2018 was also marked by the end of the longest running siege on eastern Ghouta, which had caused the death of hundreds of civilians due to indiscriminate attacks as well as a lack of access to food and medical care. In this regard, the Col reminded the Syrian authorities that sieges constitute war crimes and that this method of warfare was “barbaric and medieval”.

Furthermore, the Col’s 2018 report addressed the human rights violations committed by non-state armed groups, including some that had “sectarian undertones”. In addition, Russian and U.S. air forces were accused of failing to take all feasible precautions to protect civilians and civilian objects when attacking armed groups. For example, the Col report looked into a November 2017 attack on a market in the Aleppo countryside during which a Russian aircraft used unguided bombs in a densely civilian populated area.

Further, the Col also investigated an airstrike carried out by United States-led coalition forces which struck a school in Mansourah, near Raqqa. Although the coalition claimed that 30 ISIL fighters were in the school, the experts concluded that the school had been used as a shelter for internally displaced

families since 2012 and that the coalition “failed to take all feasible precautions to avoid or minimize incidental loss of civilian life [...], in violation of international humanitarian law.”

## Enforced disappearances as a weapon of war

According to NGOs, over 80,000 Syrians are reported to have been enforcedly disappeared since the beginning of the conflict. The practice has been used by the security services over the past years as a tool of terror and has targeted people from all backgrounds. As it is practiced in a widespread and systematic fashion, it amounts to a crime against humanity.

Since 2011, Alkarama, together with other Syrian civil society organisations, has submitted over 180 cases of disappeared persons to the UN Working Group on Enforced or Involuntary Disappearances (WGEID). As of August 2018, the cases of 313 victims whose fate had yet to be clarified by the authorities were still outstanding before the WGEID. However, this is only a fraction of the thousands of cases of enforced disappearances in the country.

From May 2018, numerous families of missing persons found out that their relatives had died according to civil registry offices, which had been updated with the mention “deceased”. However, as long as families are not handed over their relatives’ bodies and informed of the circumstances of their death, under international law, the cases are not clarified and they remain victims of enforced disappearances.

One such case is that of [Lama Al Basha](#), whose family found out that she had died by checking her civil record. This young project management student at the Damascus Open Education University was arrested in November 2014 by a group of unidentified men before being handed over to the Political Security – which falls under the authority of the Ministry of Interior – at the checkpoint of Al Tall. Lama had no contact with the outside world until her family managed to visit her several times at the Adra prison in April 2015.

During these visits, she told her family that she had been subjected to torture, including repeated electric shocks. The prison’s administration informed the family that Lama had been sentenced to death by a military field court, a court that does not meet the minimum requirements and standards for fair trial. Visits have however been denied since April 2015, and Lama’s relatives had been kept in the dark since regarding her fate and whereabouts.

## Our concerns

- Gross violations of international humanitarian and human rights law and the devastating effects of the armed conflict, particularly on the civilian population, by all parties to the conflict, including Russia and the United States-led coalition ;
- Systematic and widespread practice of enforced disappearance;
- Impunity of perpetrators of war crimes and crimes against humanity.

# Tunisia

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

The threat of terrorism is still used to justify extrajudicial house arrests, torture and the arbitrary imposition of travel restrictions. The continued renewal of the state of emergency has perpetuated undue restrictions to fundamental rights and freedoms, particularly in the context of the fight against terrorism. The state of emergency is based on a presidential decree introduced in 1978, which gives authority to the Ministry of the Interior to order the house arrest of anyone whose “activities are deemed to endanger security and the public order.” Inherited from the previous regime, the decree fails to guarantee an independent judicial review of executive decisions.

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

In addition, the draft law prosecuting abuses against the armed forces remains pending before parliament. The text was introduced in 2015 after dozens of policemen were killed, but was subsequently blocked following criticism expressed by civil society groups and international bodies. Critics of the law have claimed that the text is unconstitutional and contrary to Tunisia's international human rights commitments, particularly with regard to the fight against impunity and respect of the right to freedom of expression. In fact, the provisions of the draft law could criminalise the activities of journalists, whistle-blowers, human rights defenders, and anyone who criticises law enforcement officials.

## Persistent violations to freedoms of association and peaceful assembly

While the 2011 revolution led to significant improvements in the respect of fundamental rights such as the freedoms of peaceful assembly and association, the renewal of the state of emergency has imposed undue restrictions to these rights.

The right to freedom of association was first reinforced by the 2011 law on associations, which established a declaratory system of registration. However, the executive has issued suspension orders for more than 150 associations, notably under the pretext of counter-terrorism. This constituted a violation of the 2011 law, which grants such power exclusively to the judiciary. Numerous civil society organisations recommend the prompt rehabilitation of NGOs which had their registration suspended by the executive.

The Special Rapporteur on the rights to freedom of peaceful assembly and of association (SRFPAA) conducted a country visit between September 17 and 28, 2018. Although the Rapporteur praised the vitality of Tunisia's civil society, he raised concerns over the use of counter-terrorism as a pretext for violating human rights, particularly the right to association.

Furthermore, in 2018, the right to freedom of peaceful assembly was severely restricted. Several demonstrations took place across the country calling for the respect of fundamental freedoms and better redistribution of wealth in poorer regions of the country, some of which were violently dispersed, in violation of applicable international standards.

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

In addition, the 1969 law on public assemblies, which remains in effect, fails to abide by applicable international standards as it allows the security forces to use indiscriminate force against protesters.

## The establishment of a National Human Rights Institution coincides with the dismantlement of the Truth and Reconciliation Commission

On October 16, 2018, the Tunisian parliament adopted law n° 42/2016 establishing a National Human Rights Institution (NHRI) in accordance with the 2014 Constitution. This body is required to make proposals in order to ensure the compliance of national laws with international human rights standards. Its mandate also includes monitoring cases of human rights violations. It may carry out the necessary investigations and take all necessary legal measures to remedy them. At the same time, the NHRI has been empowered to hear communications lodged by any natural or legal person claiming to be the victim of human rights violations. NGOs are also permitted to seize the NHRI on behalf of a victim.

The law also provides that the members of the Institution will enjoy immunity while performing their duties. However, this immunity may be waived by the members of parliament. As of December 31, 2018, the Institution is not yet operational, its members are yet to be appointed by the government, and no budget has been allocated.

On December 15, 2013, the Tunisian National Constituent Assembly adopted a law establishing a Truth and Dignity Commission (IVD) vested with the mandate to investigate past human rights violations committed between 1955 and 2013. Its purpose is to seek the truth about these violations, address accountability and pursue national reconciliation and non-recurrence.

Since the IVD began work, it has received more than 62,000 allegations of human rights violations, including rape, murder, torture and enforced disappearance. 50,000 people were interviewed. On May 29, 2018, a Specialised Criminal Chamber, created to try cases referred by the IVD, held its first hearing concerning the case of Kamel Matmati, a member of the Islamist movement Ennahda, who was arrested in 1991 during Ben Ali's rule before being tortured to death.

Despite the magnitude of the IVD's workload, the Tunisian parliament decided not to extend the IVD's mandate, set to end on May 31, 2018. The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence claimed that "[a]bandoning the truth-seeking process in the present circumstances would inevitably raise questions about the status and of the conclusions it could reach without being able to complete its work."

Overtaking the parliament's decision, the government decided to extend the IVD's mandate until the end of December 2018. According to the agreement, which was signed between the Tunisian Minister of Human Rights, Mehdi Ben Gharbia, and the IVD's President, Sihem Bensedrine, "the Truth and Dignity Commission was called upon to fulfil its remaining legal obligations."

## Concerns

- Threat of terrorism still used to justify extrajudicial house arrests, torture and the arbitrary imposition of travel restrictions as well as the continued renewal of the state of emergency;
- Undue restrictions to fundamental rights and freedoms, particularly in the context of the fight against terrorism;
- Insufficiencies of the post-revolution transitional process in terms of truth-seeking and prosecution of perpetrators of past human rights violations.

# UAE

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## Violations to freedom of expression

In 2018 the rights to freedom of opinion and expression continued to be restricted and systematically violated. Provisions of the Cybercrime Law No. 5 of 2012, the Law on Combating Terrorism Offences No. 7 of 2014, and the amendments to the Penal Code Decree Law No. 7 of 2016 have been increasingly used to prosecute human rights defenders, government critics, journalists and academics, thereby silencing any form of peaceful dissent.

In fact, the Cybercrime Law No. 5 of 2012 provides harsh prison sentences for anyone who is accused of “insulting the ruler”, “damaging national unity or state reputation” or “organising demonstrations without permission”. Moreover, the Law on Combating Terrorism Offences defines terrorism in overly broad and vague terms and criminalises nonviolent acts of criticism. Lastly, the recently adopted amendments to the Penal Code also severely curb freedom of speech by punishing anyone who “insults the president of the UAE” or “insults, mocks, harms the reputation, prestige or statute of the state, its flag, its emblem, its symbols or any of its institutions” with up to 25 years in prison.

In 2018, the UAE again invested heavily in projecting an image of a progressive and rights respecting nation by hosting the first World Tolerance Summit in November. The two-day summit held in Dubai brought together heads of state, diplomats and academics to praise diversity and encourage youth through education to pursue a path towards acceptance of differences and prevention of violence. Yet at the same time, the UAE authorities continued to silence any critical voices, including the last standing national human rights defender Ahmed Mansoor.

In April 2018, Alkarama and the International Center for Justice and Human Rights went to Brussels to meet with EU parliamentarians and the head of the Sub-committee on Human Rights of the European Parliament to brief them on the human rights situation in the UAE. Additionally, both organisations submitted detailed reports on violations to freedom of expression and the plight of human rights defender Ahmed Mansoor. After that on October 4, 2018, the European Parliament adopted a [resolution](#) calling for the immediate release of [Ahmed Mansoor](#), who was handed a 10-year prison sentence in March 2018, which was confirmed by the Court of Appeal on December 31, 2018 on charges directly related to his right to freedom of opinion and expression. The resolution expressed

concern that, in the UAE, “attacks on members of civil society including efforts to silence, imprison, or harass human rights activists, journalists, lawyers, and others has become increasingly common in recent years”.

The resolution called upon the UAE to release Mansoor and to annul his sentence, which it labelled an “unacceptable violation on freedom of expression and freedom of association, as well as on human rights defenders in the UAE as a whole”, echoing a [statement](#) issued by a number of UN human rights experts in June 2018. The parliamentarians also called for the release of all other prisoners of conscience in the UAE, including [Osama Al-Najjar](#), [Nasser bin Ghaith](#), and [Mohammed Al Rokken](#).

In the resolution, the parliamentarians expressed concern over the UAE’s increasing use of cybercrime legislation to target human rights defenders and restrict freedom of expression online. The resolution also condemned several breaches of due process during Mansoor’s arrest and detention, alongside a number of violations of his fundamental rights and freedoms. Mansoor was sentenced following what the parliamentarians labelled “a grossly unfair trial”.

While calling for Mansoor’s immediate and unconditional release, the resolution also addressed the broader human rights situation in the UAE, and called upon the country to respect its international obligations in the field of human rights.

## The persistent practice of torture

In 2018, the practice of torture remains endemic and numerous victims continue to be reported. State Security officials use torture both to obtain coerced confessions during investigations and as a form of deterrent or punishment. Among the acts reported by detainees were beatings with plastic tubes, electrocutions, exposure to extreme temperatures, sleep deprivation, water-boarding, forced stress positions, continuous hooding and handcuffing, prolonged solitary confinement and threats of death and rape against the victims and their relatives.

Following unfair trials, victims are often sentenced on the sole basis of confessions extracted under torture. Such is the case of two Jordanian IT professionals, Bahaa Mattar and Maher Abu Shawareb, who were arrested in October 2015 and sentenced to 10 years in prison in December 2017 on the sole basis of confessions extracted under torture. While secretly detained, Mattar and Abu Shawareb were beaten until unconscious, forced into stress positions for hours and threatened with rape and harm to their families in order to sign coerced confessions. Upon the request of Alkarama, the UN Working Group on Arbitrary Detention issued legal [Opinion 3/2018](#) in August 2018, identifying their detention as arbitrary and calling for their immediate release.

Furthermore, a climate of impunity prevails as no serious investigations are being conducted into allegations of torture and perpetrators go unpunished. Complaints of torture and ill-treatment presented before judges and prosecutors regularly fail to be investigated or accounted for in judicial proceedings.

During the third cycle of its Universal Periodic Review on January 22, 2018, the United Arab Emirates received 230 recommendations from 97 UN Member States. On June 29, 2018, the UN Human Rights Council ([HRC](#)) formally [adopted](#) the UAE's outcome, with the UAE supporting only 132 recommendations while noting or rejecting 98. In an alarming move, the UAE rejected the recommendations made to prevent and eliminate the practice of torture and to hold perpetrators to account. Rejecting the recommendation made by Italy to "prohibit the practice of secret detention and to institute safeguards against torture and other ill-treatment" clearly shows a lack of commitment towards the eradication of torture.

## Violations committed by the UAE in Yemen

On June 21, 2018, Alkarama submitted its [shadow report](#) to the UN Human Rights Council ([HRC](#)) in the context of the third cycle of the Universal Periodic Review ([UPR](#)) of Yemen, scheduled for January 2019. Among other issues, Alkarama's report recalled the violations of international humanitarian law committed in the counter-terrorism campaign carried out by the U.S. with the assistance of UAE forces and the consent of the Yemeni government, which has installed itself in Saudi Arabia. Alkarama noted that not only has the U.S. continued its campaign of drone strikes against suspected members of Al Qaeda, but it has also conducted joint raids with the UAE, in which a number of civilians have been killed. Moreover, Alkarama raised the issue of the numerous unofficial or secret detention facilities and prisons in the country, some of which are run by the UAE. Prisoners in these detention facilities are often subjected to arbitrary detention, torture, and enforced disappearance.

In October 2018, BuzzFeed News extensively reported about the UAE government hiring American ex-soldiers to assassinate political adversaries in Yemen. According to the article, highly trained American soldiers had been working on a mercenary mission to kill prominent clerics and Islamist political figures in Yemen since 2015. Its prime target was Al Islah, an Islamist political party that won **more than a fifth** of the vote in Yemen's most recent parliamentary election, held in 2003.

The company that hired the soldiers and carried out the attack is Spear Operations Group, based in the US and founded by Abraham Golan, a Hungarian-Israeli security contractor. In the article, Golan confirmed that "There was a targeted assassination program in Yemen," and that he ran it with a team of some of the most elite units of the US military, such as ex-Navy SEALs and Army Rangers. He further

confirmed that the program was sanctioned by the UAE as part of the Saudi-led coalition. While it is nothing new that the UAE almost exclusively relies on migrant workers as a labour force for the private sector as well as their military, it is highly alarming to see US defence companies perform targeted assassinations on individuals that are put on hit lists by the UAE authorities in what seems to be justified more by a political disagreement than the assessment of real terrorist threat. Besides, more than once these targeted assassinations resulted in civilian casualties.

In August 2018, a report published by the UN Group of Independent Eminent Experts on Yemen, established by the High Commissioner in 2017 and mandated to carry out a comprehensive examination of the human rights situation in the country, strongly suggested that parties to the armed conflict have perpetrated, and continue to perpetrate, violations and crimes under international law. Based on the incidents they examined, the group of experts have reasonable grounds to believe that individuals in the coalition, which is led by Defense Minister, Crown Prince Mohammed Bin Salman and Deputy Supreme Commander, Sheikh Mohammed bin Zayed Al Nahyan, may have conducted attacks in violation of the principles of distinction, proportionality and precaution that may amount to war crimes.

## Our concerns

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

# Yemen

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## Violations of international law

Since the outbreak of the armed conflict in March 2015, violations of international humanitarian and human rights law have been committed by all parties to the conflict, resulting in a large numbers of civilian casualties and a man-made humanitarian crisis. According to the Office of the High Commissioner of Human Rights, between March 2015 and August 23, 2018, 6,660 civilians were killed and 10,563 injured. The real figures are likely to be significantly higher.

The already dire situation of the civilian population worsened dramatically as a result of both the blockades imposed by the Saudi-led coalition, which severely affected the import of vital goods for the civilian population, and the protracted sieges such as the one on the city of Taiz, which has been carried out by the Houthi forces since April 2015. The combination of these grave breaches of international humanitarian law turned the Yemeni armed conflict into what is currently the largest humanitarian crisis worldwide.

In August 2018, a report published by the UN Group of Independent Eminent Experts on Yemen, established by the High Commissioner in 2017 and mandated to carry out a comprehensive examination of the human rights situation in the country, strongly suggested that parties to the armed conflict have perpetrated, and continue to perpetrate, violations and crimes under international law. The group's report, which covers the period from September 2014 to June 2018, analyses the main patterns of violations and abuses of international human rights law, international humanitarian law and international criminal law.

The report found that coalition air strikes have caused the highest number of direct civilian casualties. The airstrikes have hit residential areas, markets, schools, hospitals and detention facilities. According to the information they examined, the Group of Experts have reasonable grounds to believe that individuals in the Yemeni government and the coalition may have conducted attacks without regard to the principles of distinction, proportionality and precaution that may amount to war crimes.

Furthermore, the report confirms the widespread practice of arbitrary detention throughout the country as well as ill-treatment and torture. In most cases, detainees were neither informed of the

reasons for their arrest nor charged, and were also denied access to lawyers or a judge and held *incommunicado* for prolonged or indefinite periods. Some individuals remain disappeared to date.

Additionally, the experts highlighted that since September 2014, all parties to the conflict in Yemen have violated the right to freedom of expression. Human rights defenders and journalists have been subjected to harassment, threats and smear campaigns by the Yemeni government, coalition forces including those of Saudi Arabia and the United Arab Emirates, and by the de facto authorities in blatant disregard of human rights law.

## Violations committed by the United Arab Emirates

The United Arab Emirates has established control across southern Yemen, both by its direct action and through its proxy forces – namely the Security Belt Forces, the Hadrami Elite Forces and the Shabwani Elite Forces – despite resistance from President Hadi, who has disavowed these forces.

In its [shadow report](#) to the UN Human Rights Council ([HRC](#)) in the context of the third cycle of the Universal Periodic Review ([UPR](#)) of Yemen, scheduled for January 2019, Alkarama expressed concern over numerous unofficial or secret prisons in the country. While many of them are under the control of Houthi-affiliated forces, several secret detention facilities are run by the UAE, and others are run by UAE-backed Yemeni security forces. Prisoners in these detention facilities are often subjected to arbitrary detention, torture and enforced disappearance.

The report by the UN Group of Independent Eminent Experts on Yemen confirmed that detainees have been subjected to torture and other cruel treatment at the Al Rayyan and Bureiqa detention facilities, the 7 October facility in Abyan, Lahij Central Prison and Al Mansoura Prison, all of which are under the control of the Emirati forces. The Group of Experts also investigated sexual violence, including the rape of adult male detainees, committed by United Arab Emirates personnel.

The group has reasonable grounds to believe that the Yemeni government, the United Arab Emirates and Saudi Arabia are responsible for human rights violations, including enforced disappearance. As most of these violations appear to be conflict-related, they may amount to the war crimes of rape, degrading and cruel treatment, torture, and outrages upon personal dignity.

Furthermore, the UN experts assert that the United Arab Emirates and Saudi Arabia are responsible for human rights violations including unlawful deprivation of the right to life, arbitrary detention, rape, torture, ill-treatment, enforced disappearance and child recruitment, and serious violations of freedom

of expression and economic, social and cultural rights, in particular the right to an adequate standard of living and the right to health.

Lastly, the UN experts maintain that alongside other parties to the conflict, the United Arab Emirates may have conducted attacks in violation of the principles of distinction, proportionality and precaution that may amount to war crimes.

Moreover, in October 2018, BuzzFeed News extensively reported about the UAE government hiring American ex-soldiers to assassinate political adversaries in Yemen. According to the article, highly trained American soldiers had been working on a mercenary mission to kill prominent clerics and Islamist political figures in Yemen since 2015. While it is nothing new that the UAE almost exclusively relies on migrant workers as a labour force for the private sector as well as their military, it is highly alarming to see US defence companies perform targeted assassinations on individuals that are put on hit lists by the UAE authorities in what seems to be justified more by a political disagreement than the assessment of real terrorist threat. Besides, more than once these targeted assassinations resulted in civilian casualties.

## Our concerns

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