



ANNUAL REPORT 2014

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From the outset of the Arab revolutions at the end of 2010, Alkarama had placed the respect of human rights in transition processes at the centre of its concerns, while also aware that these processes would necessarily be long and full of setbacks.

While these uprisings represented a major step forward in the Arab citizens' awareness of their fundamental rights, the risks of counter-revolutions and internal conflicts remain high due to conflicting stakes and interests in the region.

Today, Alkarama is more concerned than ever by the situation of human rights in the region, where countries are marked by massive human rights violations, both by governments and non-state actors. Alkarama remains convinced of the necessity to keep using the international human rights instruments, which often constitute the only remedy for victims, to support and assist them.

Alkarama, which continues to be one of the most active NGOs working with the United Nations human rights protection mechanisms, notes that these are sometimes negatively affected by political calculations and considerations of more immediate geostrategic interests, to the detriment of the universal principles of human rights, or challenged by repressive regimes seeking to discredit them in order to go back on the achievements of decades of progress.

Feeling threatened by the legitimate demands of their citizens, several Arab regimes continue to severely repress public freedoms defenders, those men and women who display the courage and selflessness essential to advance democracy and the respect of human rights in the Arab world. In the name of the "fight against terrorism", which has become the authoritarian regimes' weapon of choice to stifle any attempts at criticism or peaceful demands for change, human rights defenders are killed, tortured, or imprisoned. It is thus not without reason that Alkarama, which denounces this repression, finds itself denigrated and attacked by these same regimes.

The new Israeli aggression against Gaza in the summer of 2014, which claimed thousands of civilian victims, leaves the international community without any excuse for failing to take concrete action to put a definitive end to the impunity enjoyed by the Israeli perpetrators of war crimes. Since the 2013 military coup, Egypt continues to see a dramatic deterioration of its human rights situation: mass murders, the systematic use of torture, unfair trials and drastic restrictions on public freedoms characterise the reality of the country today.

In Syria and Iraq, chaos reigns and the most heinous crimes have become commonplace among civilian populations held hostage between dictatorships, armed groups and foreign interventions, which have been one of the main causes of this disastrous situation.

Yemen and Libya have also experienced concerning situations with open armed conflicts and, once again, military interventions by Western powers and States of the region which have exacerbated the fragile situations and had devastating consequences on the populations of these countries.

The year 2014, which marked Alkarama's 10th anniversary, was an opportunity to demonstrate, if necessary, that the mission of our organisation, which is present in all of these countries through our network of collaborators and human rights defenders, remains essential. It is in view of these considerations that we commit to carry on our mission seriously and with professionalism.

Alkarama expresses again this year its appreciation to all those who, often putting their lives and freedom in danger, continue to fight against violations of human rights everywhere in the Arab world.

We also express our gratitude to all of our colleagues in other NGOs and those at the Office of the High Commissioner for Human Rights, with whom we collaborate every day.

The Council

Alkarama Foundation

ACRONYMS

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

Other TERMS

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



WHO IS ALKARAMA?

Mission

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

Structure

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

The statutes of the Foundation, revised in August 2014, have established an Advisory Committee consisting of recognised experts in human rights and the Arab world and whose mission is to guide the foundation in its strategic directions. This Committee will be set up during the year 2015.

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

The Team

Alkarama is a multicultural team with 13 staff members from 9 different nationalities working from Geneva, Sana'a and Beirut and supported by interns and a network of hundreds of volunteers.

- Mohamed **Ahmady**, *Yemen Country Representative*
- Imène **Ben Younes**, *Regional Legal Officer, North African Region*
- Youssouf **Coulibaly**, *Finance and Administration Officer*
- Mourad **Dhina**, *Executive Director*
- Thomas-John **Guinard**, *Regional Legal Officer, Nile Region*
- Amine **Lakhdar**, *Webmaster*
- Ahmed **Mefreh**, *Egypt Country Representative*
- Rachid **Mesli**, *Director of the Legal Department*
- Radidja **Nemar**, *Regional Legal Officer, Gulf Region*
- Hassan **Nouhaili**, *Arabic Media Editor*
- Inès **Osman**, *Coordinator of the Legal Department & Regional Legal Officer, Mashreq Region*
- Saadeddine **Shatila**, *Lebanon Country Representative*
- Colombe **Vergès**, *Media Coordinator*



HOW DO WE WORK?

Assist victims of human rights violations

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

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

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

Increase reach of information of human rights in the Arab world

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

Funding and Finances

As the title of 'foundation' suggests, most of our funding to date comes from Alkarama's founders, yet since 2010 Alkarama has been seeking to diversify its support base to ensure the sustainability of the organisation. Since then, we have acquired, during the years 2012-2014, the support of the Netherlands Human Rights Fund, the Swiss Ministry of Foreign Affairs, the Norwegian Human Rights Fund, the city of Geneva, local communes around Geneva and a growing network of private donors. As a Swiss Foundation, Alkarama is reviewed every year by the Swiss Federal Supervisory Board for Foundations, in particular for its financial management.

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



BUDGET

Salaries and social charges

CHF 807 759.45

Rent, heating and electricity

CHF 183 375.90

IT, Telecoms, shipping costs

CHF 14 243.30

Third party services

CHF 88 799.15

Conferences, seminars and printing

CHF 3 570.95

Travel

CHF 39 332.05

Total

CHF 1 137 080.80

STRENGTHENING THE UN HUMAN RIGHTS SYSTEM

As a regional organisation based in Geneva working closely with the High Commissioner for Human Rights (HCHR), Alkarama works to ensure that the United Nations and its mechanisms are accessible to civil society in the Arab World.

In 2014, we followed developments of the “processes of strengthening the treaty bodies,” an initiative launched in 2012 to improve the efficiency of the operation of the treaty bodies that oversee States’ implementation of their international obligations under treaties they have ratified. The ten treaty bodies concerned include, among others, the Human Rights Committee, the Committee against Torture and the Committee on Enforced Disappearances.

In April 2014, the General Assembly adopted a Resolution (No. 68/268) that invited these bodies to take measures with the goal of making them more effective in the processes to review States, such as adopting concise final observations and filming sessions. Despite the positive steps that have been taken, civil society regretted the fact that the issue of implementation of final observations had barely been addressed by the General Assembly’s Resolution. During the annual meeting of the chairpersons of the treaty bodies in June 2014, Alkarama called their attention to the fact that without a systematic follow-up procedure and the establishment of their recommendations, the treaty bodies would be ineffective. We also suggested expanding the mandate of the rapporteurs to follow up and to broaden the grading system adopted by the Human Rights Committee – which assigns grades from A to E to evaluate the level of compliance of the States with their treaty obligations – and could also be used as a lobbying tool by the various stakeholders.

In 2014, Alkarama also met with several representatives of the UN human rights bodies, notably the Committee on Enforced Disappearances, the Committee against Torture, as well as the Working Group on Enforced and Involuntary Disappearances and the Working Group on Arbitrary Detention, to provide them with information on the concerning situation of human rights in several countries in the Arab world. Alkarama also worked with representatives of the Special Procedures, notably the Special Rapporteur on the Independence on Judges and Lawyers and the Special Rapporteur on Torture regarding their visit to Tunisia; as well as the Special Rapporteur on the Right to Peaceful Assembly and Association relative to his visit to Oman.

Finally, Alkarama participated in the annual meeting of the Special Procedures on 1 October, during which it raised the question of the slow rate of communications processing, which often poses problems and fosters frustration among victims. In addition, Alkarama is concerned by the often total lack of collaboration of several countries – sometimes themselves members of the Human Rights Council – who refuse requests for visits, do not respond to letters of allegation and refuse to implement recommendations. Alkarama also called for the mandate holders to increase their public statements, which remain their last recourse and can be an effective means of pressure.

STRENGTHENING CIVIL SOCIETY IN THE ARAB WORLD

The human rights situation in the Arab world cannot improve without the active participation of civil society. An experienced and competent civil society that knows how to interact with the UN human rights system is a crucial element to guarantee that human rights are protected on the ground. In 2014, Alkarama participated to several initiatives to strengthen the capacities of local civil society actors and to give them the necessary tools to interact with UN human rights mechanisms.

Training of Human Rights Defenders

We organised various training workshops on the United Nations mechanisms for the protection of human rights and the documentation of individual cases of human rights violations. These workshops were organised in April in Kuwait for Human Rights Defenders in the Arab world (Kuwait, Oman, Sudan, Bahrain and Iraq), in July for Burmese activists, in September for Palestinian lawyers and in November in Geneva for human rights defenders who belong to minorities (in the context of a scholarship program for minorities at the Office of the High Commissioner for Human Rights), several of which came from the Arab world, notably Iraq, Yemen, Syria, Egypt and Mauritania.

Projects in collaboration with civil society

In 2014 with the support of the Norwegian Human Rights Fund, Alkarama published a report illustrating repression and violations of human rights in Syria. This report followed a project begun in 2013 that sought to “increase the reach of documentation of human rights violations by local actors,” in collaboration with several members of Syrian civil society and local activists. Thanks to this project, several new documented cases were submitted to the United Nations mechanisms.

Internship programme

Alkarama also runs an internship programme that admits young graduates and professionals, who largely have personal connections to the Arab world, to acquire experience in the promotion and protection of human rights in Arab countries.

PROMOTING A HUMAN RIGHTS CULTURE IN THE ARAB WORLD

Alkarama seeks to engage in a constructive dialogue with the States of the Arab world. Thus, in 2014, several initiatives sought to achieve this goal, particularly in Lebanon. In fact, following the publication of the conclusions of the Committee against Torture relative to its investigation on the practice of torture in the country, Alkarama participated in several meetings to encourage the authorities on the necessity of implementing the recommendations given by the UN to eradicate the practice of torture in the country.

Alkarama also participated in a round table in Beirut in October organised by the Office of the High Commissioner for Human Rights and attended by representatives from Ministries (Justice, Defence), the security services (the Interior Security Forces, the General Security), representatives of the Public Prosecutor and the Bar as well as members of civil society. Alkarama also participated in a meeting organised by the Human Rights Parliamentary Committee that discussed best practices to address the problem of torture, notably with members of Parliament and various official representatives.

Finally, Alkarama was invited to participate in two forums in November: the “World Human Rights Forum” that was held in Marrakesh from 24 to 30 November and the “World Forum on Security and Human Rights in the Arab World” organised by the National Human Rights Committee of Qatar from 5 to 6 November. Representatives of the Ministries of the Interior and of Justice, national human rights institutions and civil society in the region were invited to the latter, as well as representatives of the UN and regional protection mechanisms. The Forum issued several recommendations to the States, notably regarding the principle of the rule of law and the strengthening of the independence of the judiciary and the transparency of legal procedures; and to ensure that any provision on security is in compliance with the international human rights standards.

MEDIA WORK TO FOSTER UNDERSTANDING OF RIGHTS IN THE ARAB WORLD

In 2014, Alkarama continued to use the media to increase awareness, in both the Arab and Western world, of the major human rights issues in Arab countries and bring visibility and protection to victims of human rights violations in the Arab world. Alkarama has had several media success stories, which have contributed to the promotion of human rights in the Arab world and to the protection of some of the victims of violations.



WEBSITE We publish most articles, reports and press releases on our website in three languages: Arabic, English and French. This enables us to reach a wide audience, in particular in the Arab World where some articles are viewed thousands of times the very day of their publication. Although very resource intensive, publishing in three languages is very important and Alkarama is dedicated to continue this policy.



SOCIAL MEDIA In 2014, Alkarama continued to build its presence on social media to increase its outreach. For several years now, social media has proven to be an effective tool to disseminate information widely and immediately – especially in the Arab world. Alkarama uses social media to share information on its work, provide information on the situation of human rights in the Arab world and, above all, bring visibility to the victims it defends.

Our Facebook profile and page now count over 3,450 friends and 4,480 likes. We use it to disseminate human rights information, whether on the individual cases of violations that we work on, joint calls for action that we take part in and UN information on human rights, including statements from UN experts and articles on human rights issues and countries relevant to our mandate. We also use it to enhance visibility of the events that we, the UN and occasionally other NGOs, organise.

Our Twitter profile now counts 3,200 followers, with over half of them in the Arab world. We tweet in English, Arabic and French. We have noticed that most of our twitter followers come from the Gulf region, whereas most of our Facebook followers come from North Africa.



ALKARAMA NEWS is a short news program, produced on average three times per week, aiming at raising awareness of human rights violations and spreading a human rights culture in the Arab world. It brings human rights information from the Arab world and UN human rights news to Arabic-speaking audiences. Content varies from stories about victims of human rights violations to reports and events on issues related to Alkarama’s mandate. Since 2012, it is disseminated through satellite TV, Alkarama’s Youtube channel and social media.



SPECIAL NOTE: SMEAR CAMPAIGNS The listing by the United States Treasury Department of one of Alkarama’s founders and former President of its Council, Abdul Rahman Al Naimi, as a “terrorist financier”, had a direct impact on Alkarama in 2014. Although the US Treasury’s unfounded accusations were made only against Dr Al Naimi’s own person and not against the organisation, Alkarama was all the more subject to smear campaigns.

In September, Alkarama was accused of “supporting terrorism” and “spreading anarchy” by some Arab media. Later on, an American pro-Israeli magazine accused Alkarama of being run by an “Al-Qaeda financier”. In October, a Swiss newspaper ran a story accusing the Swiss Federal Department of Foreign Affairs to have financed an “organisation linked to Al Qaeda”. These totally false allegations have however been retracted by the Swiss newspaper following protests by Alkarama, while some of the Arab media ultimately accepted to publish our Right of Reply.



2014 Alkarama Award for Human Rights Defenders honours Palestinian lawyer, Shireen Issawi

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

In 2014, the Alkarama Award was given to Palestinian lawyer and activist, Shireen Issawi, in recognition of her courageous work documenting and monitoring human rights violations committed by the Israeli authorities against Palestinian detainees and advocating for their rights. By honouring Shireen, the 2014 Alkarama Award not only aimed to raise awareness about these serious violations and in particular of the issue of administrative



Award Ceremony, Geneva, 11 December 2014. At the speakers' booth, Master of Ceremony Guy Mettan.

detention in Israel, as well as to ensure visibility and protection to Shireen, but it also aimed to tell the story of all Palestinian individuals committed to non-violent resistance as the path to peace, a story largely under-reported in the media.

Shireen Issawi comes from a family of activists from East Jerusalem subject to constant harassment from the security forces for their long-standing and peaceful resistance against the brutal Israeli occupation. Her eldest brother was killed at the age of 16 by the Israeli army during protests that erupted following the 1994 Ibrahim Mosque massacre. Her four other brothers, as well as her parents, all served lengthy prison sentences.

Whilst acutely aware of the risks she was facing in exposing Israel's serious abuses against Palestinian prisoners, Shireen dedicated her life to the defence of their rights. Through her continuous action, she has raised the profile of Palestinian political prisoners, putting them on the international human rights agenda and drawing the world's attention onto Israel's excessive practice of administrative detention of Palestinian adults and children, mostly incarcerated without charge.

As a result of her significant work and unfailing commitment, Shireen was arrested and detained five times. Re-arrested on 6 March 2014 on charges of "contact with enemies of Israel," "giving services to terrorist organisations" and "allowing terrorist organisations to use her property," she has since been held in administrative detention, in solitary confinement.

Unable to attend the Award ceremony, which was held in Geneva on 11 December 2014, the Award was presented to her parents, Layla and Tarek Issawi, on her behalf. Other speakers at the event were former UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk; UN Special Rapporteur on the right to peace, Alfred de Zayas; international law scholar and specialist of the Israeli-Palestinian conflict, Norman Finkelstein; Palestinian Member of the Knesset, Haneen Zoabi; and Swiss political and media personalities, Ruth-Gaby Vermot-Mangold and Guy Mettan.



From left to right: Mourad Dhina, Tarek Issawi, Norman Finkelstein, Layla Issawi, Ruth-Gaby Vermot, Haneen Zoabi.

The ceremony attracted over a hundred people at the Ecumenical Centre in Geneva and a further 150 people on Alkarama's live webcast.

ALGERIA

In 2014, Algeria held presidential elections that were strongly contested and widely boycotted by voters. In 2008, a constitutional amendment had raised the maximum limit of two presidential terms, allowing Abdelaziz Bouteflika to run for a third term. After his re-election in 2009, President Bouteflika had announced in 2012 in Setif that it was time for the youth to take up the torch and for the independence generation to retire for the benefit of the new generation.

Against all expectations and despite his significantly declining state of health since the stroke he suffered in 2013, Bouteflika announced that he would run for another term on 22 February 2014, via his Prime Minister Abdelmalek Sellal. After a third term that was already widely contested, his ability to lead the country was questioned by his opponents, who felt that an invalid president was not in a position to run the country. Following the official filing of his application for candidacy on 3 March, several of his competitors decided to withdraw from the race, calling for the boycott of an election that they knew started on a false premise and whose result was already known without a doubt.

Prior to the elections scheduled for 17 April, waves of protests shook the whole of the country, denouncing the candidacy of a moribund president for a fourth term. Once again, the protest movements were violently repressed by the police forces, who carried out mass arrests and censored several media outlets that had been critical of the regime.

Finally, on 17 April 2014, Bouteflika was re-elected with 81.53% of the votes in an election whose official participation rate of 51.70% is broadly viewed as unrealistic. His primary adversary and former Prime Minister, Ali Benflis, won 12.18% of the votes. The results were widely criticised by the opposition, including Benflis, who refused to recognise them and denounced the massive fraud.

While after the elections the situation became calmer, an event in September turned all eyes to the country. A French mountain guide who was exploring the Kabylie Mountains was kidnapped by an armed group on 21 September before being executed in reaction to France's refusal to withdraw its forces engaged in the United States' strikes against the Islamic State in Iraq and the Levant.

A month later, an incident at the Algerian-Moroccan border, closed for more than 20 years, harmed the already tense relations between Algeria and Morocco. Algerian soldiers fired on and caused grave injuries to a Moroccan citizen, resulting in sharp criticism from the Rabat Government, to which Algeria responded by deploring the "misrepresentation [and] manipulation of facts by the Moroccan authorities."

Freedom of expression, association and peaceful assembly

Censorship against television channels, journalists, bloggers, cartoonists, etc reached its peak in 2014, particularly in the lead-up to the presidential elections. Following the announcement of Bouteflika's intention to run again in the elections, criticism emerged from all sides and a number of protests were organised throughout the country.

In March, a large rally was held in the Algerian capital before being violently repressed by the police, who made dozens of arrests, including of journalists who had come to cover the event.

Although the authorities justify this violent repression with the legal ban on protests in the Algerian capital, instituted following the lifting of the state of emergency in 2011, this ban does not seem to apply equally to all citizens. In October 2014, the police – who usually crack down on protestors – paralysed the capital while calling for the resignation of the Director General of National Security.

Several other Algerian towns have also experienced a systematic repression of peaceful protests against Bouteflika's fourth term, in an apparent effort by the authorities to stifle any opposition as the elections approached.

The Algerian authorities did not hesitate to repress free speech by censoring the television channel Al-Atlas, which had covered the demonstrations and broadcasted shows that were critical of Bouteflika. The channel's broadcast was suspended, its offices were closed and dozens of employees were thrown in the streets by the mere will of the authorities and without any legal proceedings.

Demonstration in Algiers, April 2014



Several media outlets were also victims of reprisals after announcing the results of the elections and journalists who investigated the allegations of electoral fraud in Khenchela, a town in eastern Algeria – Abane Meziane and Samy Metilet – were harassed, insulted and threatened with death.

Crimes of the 1990s: tens of thousands of families continue to suffer

Following the first free elections since the independence, which were won by the Islamic Salvation Front (FIS) in 1991, a coup was engineered by the Algerian army to nullify the results, plunging the nation into a bloody decade that left more than 200,000 dead according to official numbers. During this decade, enforced disappearances, mass summary executions and arbitrary arrests were perpetrated by the police and military forces. After the end of a bloody civil war, tens of thousands of families found themselves without news of their relatives since their abductions or arrests. To this day, these families continue to demand their right to truth and justice.

The promulgation of Ordinance 06-01 of 27 February 2006 concerning the implementation of the Charter for Peace and National Reconciliation – which established a *de facto* impunity for the members of the police and the Algerian army for their serious crimes – was condemned by several United Nations bodies.

This year, the UN Human Rights Committee, which issued five decisions on cases of disappearances and executions in Algeria dating from the 1990s and submitted by Alkarama, has once again urged the Algerian authorities to override the provisions of this ordinance that violates the International Covenant on Civil and Political Rights, ratified by Algeria in September 1989. The Committee hence demanded the opening of thorough investigations, the prosecution of those responsible for violations committed and the compensation of the families of the victims, who have themselves been the victims of inhuman and degrading treatment due to the fact that the crimes committed against their relatives have never been acknowledged.

Thus, after years of denial, the families of the Fedsi brothers, Nedjma Bouzaout, Tahar and Bachir Bourefis and Lakhdar Bouzenia have been successful, since the UN Committee's decision acknowledged the violations committed against them and urged Algeria to do them justice and to end the impunity for the perpetrators of past crimes.



DJAMELEDDINE LASKRI, ARBITRARILY DETAINED FOR MORE THAN TWO DECADES – THE UN CONDEMNS

On 30 April 2014, the UN Working Group on Arbitrary Detention issued an important decision relative to the arbitrary detention of Djameleddine Laskri, an Algerian architect, now 54 years old, accused of terrorism and sentenced to death after an unfair trial. Arrested on 7 September 1992 at his home without an arrest warrant, he has now been detained for over 22 years.

After his arrest, Laskri was detained in secret and severely tortured, scarring him deeply for life. During his trial, he reported having been subjected to the “*ordeal of the cloth*” and suffered repeated electrocutions and beatings on all sensitive parts of his body, as well as deprivation of food and sleep; this particularly inhuman treatment formed his daily lot for two months.

In this case, named after the Algiers airport bombing, all of Laskri's co-accused reported having been subjected to the same abuses, and their “confessions” were even broadcast on public television in October 1992, even though they all showed visible signs of beatings on their faces. It was later revealed that some of the accused had actually been arrested many weeks prior to the airport bombing.



Djameleddine Laskri, detained since 1992

This attack, which had then raised numerous questions, was used by the authorities as a pretext to dismantle the Islamic Labour Union, which had succeeded to become, in a matter of a few months, the largest labour union in the country. By arresting its president, Hocine Abderrahim, who would be executed later on along with six other persons sentenced to death, the authorities completed the eradication of any form of political or trade union protest.

This attack, whose true perpetrators remain unknown to this day, had also been used as a pretext for the military authorities to enact emergency legislation – decree No. 92/03 of September 1992 on the fight against terrorism – and establish special courts that would hand down hundreds of death sentences following speedy trials.

The case – called the “*airport affair*” – which ended with 12 death sentences, was marked by serious violations of the rights

of the accused and of the defence by the Special Court of Algiers and then by the Supreme Court, which went on to validate these sentences by rejecting the victims' appeals.

Laskri's execution was postponed indefinitely after the strong emotions caused by the executions of seven of his co-defendants which were regarded as an act of political reprisal; he nonetheless remains detained since 1992 in spite of the amnesty law of 2006 for which he was eligible. After taking many steps over the years with the Algerian judicial system to demand that they apply the law by releasing him, Laskri's family had no other recourse than to seize the UN Working Group on Arbitrary Detention of his situation.

The UN experts examined his case and decided that *"the detention of Djameleddine Laskri is arbitrary and that he has been detained since September 1992 following a manifestly unfair trial; that throughout the legal proceedings, fair trial standards were ignored, including Articles 9 and 14 of the International Covenant on Civil and Political Rights."*

Thus the UN Working Group called on the Algerian authorities to immediately and unconditionally release Djameleddine Laskri, as well as to compensate him for the damages and injuries caused by his arbitrary deprivation of freedom.



WHAT IS RATIFIED

ICCPR ✓ CAT ✓ ICCPED ✗
OP ICCPR ✓ OPCAT ✗



UPCOMING

- 2015: another revision of the Constitution ?



OUR CONCERNS

- Repression of all forms of dissident criticism and significant restriction of the freedom of association and peaceful assembly;
- Persistent impunity for crimes committed during the 1990s;
- Reprisals and persecutions of journalists and human rights defenders.



OUR RECOMMENDATIONS

- Ensure an effective remedy for the families of the victims of enforced disappearances and repeal Ordinance 06-01 of 27 February 2006;
- Put an end to the legal and security harassment of journalists, human rights defenders and all persons who exercise their fundamental rights and freedoms, including the right to peaceful assembly and association; repeal the law on associations of 2012;
- Cooperate fully with the UN mechanisms, including by lifting all restrictions on requests for special procedures' visits and by implementing the recommendations of the Committees, in particular those contained in individual decisions;
- Ratify the ICCPED and OPCAT.

BAHRAIN

In 2014, Bahrain has still not emerged from the political crisis in which the State has been plunged since 2011. In January, the Government decided to suspend the reconciliation talks with the opposition. The latter also decided to boycott the process initiated in September 2013 to protest against the arrest of one of its members, Khalil Al-Marzouq, accused of “*incitement to terrorism*,” who was finally acquitted in June.

On 28 October, the Al Wefaq movement was accused of violating the Law on Associations for having “*held general assemblies without quorum and without transparency*” and of “*fomenting sporadic unrest*” and was consequently banned for three months. This decision was made on the eve of general elections (parliamentary and municipal) in November, the first held since 2010 and for which the opposition had called for a boycott.

The year ended with the arrest on 28 December of Al Wefaq’s leader, Sheikh Ali Salman, who was placed under criminal investigation and brought before the Public Prosecutor. On 30 December, the United Nations High Commissioner for Human Rights stated that he was “*very concerned*” by his arrest “*that risks exacerbating political tensions*” as well as by the “*prison detention of individuals having exercised their rights to freedom of opinion and expression*.”

Systematic legal harassment of political activists

Since the crushing of the 2011 “*Pearl Revolt*” political opponents – mostly Shiite – who call for the establishment of a constitutional monarchy, have continued to be subjected to repeated arrests, legal harassment, travel bans or revocation of citizenship.

The case of Nabil Rajab, a victim of serious legal harassment for many years, is symptomatic of the issue. The UN High Commissioner for Human Rights denounced his arrest in October 2014, stating that it aimed to send “*a chilling message to other lesser-known activists of the consequences they may face for any criticism of the authorities*.” Sentenced to two years imprisonment in 2012 for “*participation in non-authorized protests*”, he was released on 24 May before being re-arrested in October and accused of “*insults to a national institution*” for publishing tweets that were considered hostile to the Ministries of the Interior and of the Defence.

Article 216 of the Criminal Code provides, in fact, for a punishment of up to three years in prison for any “*damage to the National Assembly, constitutional institutions, the army, the authorities and governmental institutions*.” This provision is systematically used to prosecute bloggers, journalists and political opponents.

In 2014, the Al-Khawaja family continued to be subjected to reprisals. On 4 December, the political opponent, Zeinab Al-Khawaja was sentenced to three years imprisonment for “*insult to the King*” under Article 214 of the Criminal Code. This article, amended on 4 February 2014, now allows a prison sentence of up to seven years for any “*offense to the King, the flag, or the national symbols of Bahrain*.” Zeinab’s father, Abdelhadi Al-Khawaja is currently serving a life sentence for “*conspiracy against the State*,” while her sister Maryam was sentenced three days earlier to a year imprisonment for assaulting a police officer. On 29 December, UN experts called on the authorities to “*drop charges*” against the sisters, who had done nothing but exercise their right to freedom of expression and association and who are now detained solely for criticising the government.

Practice of torture, a tool of repression

Numerous deplorable cases of torture took place in the country this year. Torture has been particularly practiced with the goal of extracting confessions, which later serve to sentence victims to lengthy prison terms. The Department of Criminal Investigations, which operates as part of the Ministry of the Interior, is widely known for the practice of torture in its premises, especially in a temporary detention centre known as “*Dry Dock*”.

The authorities continue to deny the existence of this practice. In April, the Interior Minister had declared that torture was prohibited in the Constitution and punishable by law and that Bahrain respected relevant international standards. He had also declared that all people who would make “*false allegations*” of torture would be investigated and brought to justice.

Despite the Government’s promises to set a date for the visit of the UN Special Rapporteur on Torture – a visit that was cancelled consecutively in 2012 and 2013 by the authorities – these commitments were not met this year, notwithstanding the meeting in March between the Special Rapporteur, Mr Juan E. Méndez, and the Foreign Affairs Minister, who had then told him that the authorities were not in a position to set a date for his visit.

Moreover, although the authorities have constantly stated that they do not oppose the holding of peaceful gatherings, human rights organisations continue to report the excessive use of force to repress demonstrations. On 21 May, during the dispersion of a protest at Sitra, south of Manama, a 14-year-old protestor named Sayed Mahmoud Sayed Mohsen was shot to death by the police. Since 2011, nearly 100 people have been killed due to excessive use of force, yet no investigations or criminal prosecutions have been launched, leaving open the issue of the fight against impunity.



A NEW ANTI-TERRORISM LAW THAT TRAMPLES FUNDAMENTAL RIGHTS

On 4 December 2014, the authorities issued a decree (68/2014) that amended the Anti-Terrorism Law No. 58 of 2006 on the “*protection of society against terrorist acts.*” This law had already been modified in 2013 to authorise, among other things, the revocation of nationality for any person found guilty of terrorism and the establishment of heavier sentences for people “*spreading false information about the country on social media.*”

The recent amendments provide for the establishment of a new body within the Public Prosecution Office – Terrorism Crimes Prosecution (TCP) – mandated specifically with the fight against terrorism and whose members are named by royal decree.

In addition, the amendments increase the duration of custody on remand from 10 to 28 days. It is important to point out that the majority of cases of torture occur in the course of this period of preliminary investigation, during which confessions are extracted in order to be used as evidence during trials. Suspects are then brought before the public minister charged with the fight against terrorism, who can decide to place them in administrative detention for a duration of six months.

The Bahraini authorities assert that a special investigation unit charged with examining any allegation of torture was set up under the Ministry of the Interior. It is, however, neither independent nor impartial, as has been reported by the Special Rapporteur against Torture. Finally, the security forces benefit from increased power as they can now conduct searches without a warrant, order a restriction or a temporary travel ban, or sever lines of communication for 24 hours.

Bahrain's King Hamad bin Isa al-Khalifa



WHAT IS RATIFIED

ICCPR ✓ CAT ✓ ICPPED ✗
OP ICCPR ✗ OPCAT ✗



UPCOMING

- March 2015: adoption of the List of Issues prior to the drafting of the State party's report to the Committee against Torture;
- Situation of political activists prosecuted in unfair trials for having exercised their right to freedom of expression.



OUR CONCERNS

- Repression and systematic legal harassment of every dissident voice, especially those of political opponents;
- Practice of torture and impunity of the security services;
- Excessive use of force to disperse any peaceful gathering;
- Repressive nature of the 2006 Antiterrorism Law.



OUR RECOMMENDATIONS

- Put a definitive end to the crackdown on political activists and release all those who are arbitrarily detained;
- Put an end to the practice of torture and ensure that allegations of torture are the object of impartial and independent investigations;
- Cease any use of violence against protestors by ensuring the respect, by security officers, for the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
- Amend the Anti-Terrorism Law in order to bring it in compliance with international human rights standards and revisit all judgments made under this law.

DJIBOUTI

Djibouti gained independence in 1977 and has been ruled by President Ismail Omar Guelleh since 1999. After amending the Constitution to be able to run for a third term, Guelleh was re-elected in 2011 following an election that was criticised by both the opposition and several international observers. While he announced that he would not run for a fourth term in 2016, according to the opposition, he will still retain influence over the choice of the future president because of his entourage's prominence in the country's political life.

Part of the Djiboutian opposition – represented by the National Salvation Union (USN), a coalition of seven political parties of which only three are officially recognised – demands greater participation in the management of public affairs. During its first participation in the 2013 legislative elections, the coalition won 10 out of 65 seats in the Djiboutian Parliament. Yet because the results of the election were allegedly fraudulent, the USN practiced an empty-chair policy by refusing to sit in the National Assembly.

These elections were followed by a violent campaign of repression by the authorities – who had seen their power determinedly challenged for the first time – leading to the arrest and detention of numerous opposition members and creating a climate of tension among the Djiboutian population. In an effort to normalise relations between the authorities and the USN, an agreement was signed on 30 December 2014.

The terms of the agreement must be implemented within 30 days and include, among other things, the return of the Assembly and the USN deputies elected in 2013, the establishment of an independent and pluralist electoral commission, the creation of a status for the political opposition and a strengthening of national mechanisms that regulate issues of human rights and civil liberties.

If this agreement materialises, it could mean a thaw in political relations in Djibouti, as long as the authorities respect their commitments and accept real participation of the opposition in political decisions. The agreement also promises the “[end of] all acts that could create situations of tension between the government and opposition activists,” aiming to create an environment conducive to the protection of fundamental freedoms, that have been weakened by the country's political cleavages and their exploitation by the authorities for political ends.

The United Nations Treaty Bodies have regularly pointed to Djibouti's failure in the protection of human rights, which are routinely violated in this strategic enclave on the Horn of Africa that is home to French and American military bases.

Systematic violations of human rights and impunity

The first victims of repression are among the political opposition; despite the attempts to normalise their relations with the presidency, they remain under threat of arrest and detention. It is worthwhile to note that the recent agreement only applies to one part of the opposition; other parties and individuals are excluded or do not want to participate and thus remain in a particularly vulnerable position vis-à-vis the authorities.

This situation is reinforced by the constant harassment of political opponents and trade unionists since 2013, through regular arrests by the authorities under the pretext of violence committed during peaceful demonstrations. Several of them have reported ill-treatment during their detention in particularly humiliating conditions in the Gabode prison.

With a capacity of 350 prisoners, the Gabode detention centre held more than 600 people in 2014. Human rights defenders have repeatedly denounced the conditions of detention in this dilapidated and overpopulated prison where fundamental standards of hygiene and security are disregarded.

The interior of the Gabode prison has, in fact, not been renovated since its construction by France in 1960. According to several witnesses, detainees have been pushed to suicide because of their conditions of detention and the constant humiliations that they suffer. Several suspicious deaths in the prison were never properly investigated by the authorities and the practice of torture and other ill-treatment has regularly been reported by former prisoners.

In 2014, Alkarama documented several cases of arbitrary detention, among them the cases of the President and the spokesman of the Youth Opposition Movement (MJO), Mouhayadine Yacin Mohamed and Said Charmake Darar, on 8 December. The two men were illegally detained and reported being subjected to ill-treatment and not having had access to a doctor despite their concerning state of health.

Journalists are also subjected to threats and pressure from the authorities, who exercise strict control over the media and closely monitor the contents of social media posts, in violation of the freedom of expression and the respect of the right to a private life. The case of Mohamed Ibrahim Waïss, documented by Alkarama, is symptomatic of the manner in which the authorities repress any hint of criticism. Arrested as he was covering a peaceful opposition protest, he was severely beaten before being detained for two weeks and subjected to ill-treatment.

Human rights defenders also have more and more difficulties in carrying out their work because of the harassment they are subjected to. The lawyer and President of the Djiboutian League of Human Rights, Zakariah Abdillahi – particularly active in the defence of victims of violations in Djibouti – was pressured many times by the authorities and was even arbitrarily arrested and detained for five consecutive days at the beginning of the year.

Finally, the National Commission of Human Rights (CNDH) – charged with protecting and promoting human rights in Djibouti – has not yet demonstrated its independence from the executive and does not perform its role of watchdog against the systematic violations of fundamental freedoms committed in the country.



WHAT IS RATIFIED

ICCPR ✓ CAT ✓ ICPPED ✗
OP ICCPR ✓ OPCAT ✗



UPCOMING

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



OUR CONCERNS

- Resurgent practice of torture and cruel, inhuman and degrading treatment;
- Inhuman and degrading conditions of detention;
- Harassment of members of the opposition, journalists and associations;
- Absence of an effective remedy for victims of human rights violations, particularly in the case of ill-treatment and extrajudicial executions.



OUR RECOMMENDATIONS

- Ratify OPCAT;
- Put an end to the practice of torture and cruel, inhuman and degrading treatment and prosecute those responsible for these acts;
- Guarantee the respect of international fair trial standards and the independence of the judiciary;
- Protect and promote the free exercise of freedom of expression and peaceful assembly and provide a space for dialogue with civil society;
- Bring the CNDH in conformity with the Paris Principles and review it before the Sub-Committee on Accreditation of the International Committee for the Coordination of NHRIs.

The year 2014 saw the enthronement of General Abdel Fattah Al Sisi following unchallenged elections in May 2014, as well as the intensification of repression against any form of contestation of the current regime, leading to a dramatic polarisation of Egyptian society.

The presidential elections were meant to represent the second part of the “road map” enacted by the military authorities following the coup against President Mohamed Morsi on 3 July 2013. The presidential election was preceded by the adoption of a new Constitution in February 2014 containing numerous guarantees for fundamental freedoms, guarantees that remain unfulfilled in practice.

The Constitution established that legislative elections must be held no later than six months after its enactment. In violation of the basic text, authorities have postponed these elections many times, eventually planning them for March 2015 following the strongly criticised adoption of a new electoral law on 22 December 2014. The law provides the majority of seats in Parliament to independent candidates and not to political parties, for the unstated purpose of reducing their political participation and allowing for the planned return of figures from the former administration of the Mubarak era and other individuals close to the military regime. Moreover, the new electoral district boundaries do not meet the principle of the equitable distribution of seats according to the number of voters.

Even more disturbing is the discretionary power granted to the President to name 5% of Parliamentarians, in contradiction with the principle of separation between the executive and legislative powers. The marginalisation of political parties in the legislative elections process runs the risk of installing a Parliament that does not represent the actual political forces in the country.

The draconian laws adopted by the authorities to repress all forms of contestation trivialise the systematic and widespread human rights violations carried out by the security services. The recourse to military courts to deal with opposition members or peaceful demonstrators has only reinforced the assessment of Egypt’s shift towards an authoritarian and repressive regime, acting with complete impunity without any forceful response from the international community to this day.

Systematic and widespread violations of human rights

While the United Nations bodies have called for the establishment of an impartial and independent inquiry into the violence that followed the army’s seizure of power in July 2013, the authorities have continued to pursue their repressive policies by imprisoning tens of thousands of opponents, actual or alleged – who were often arrested during the violent dispersion of peaceful protests – and sentencing them – often following mass trials – to lengthy prison terms, if not the death penalty. Several people are still detained by the security services without legal proceedings and without being formally charged or presented before a competent judicial authority.

Alkarama has also documented over a hundred cases of torture and other cruel, inhuman or degrading treatment committed equally against adults – men or women – and children; these practices grew worse during 2014. Dozens of citizens have died under torture in police stations, intelligence services centres and army facilities. At least 52 minors, aged between 15 and 18 years old and detained in the prison of Koum El Dekka in Alexandria for having participated in peaceful protests, have reported being subjected to exceptionally serious acts of torture, including sexual abuse.

These acts of torture are generally used in order to extract confessions that serve as the basis for sentencing the victims. Complaints and demands for investigations brought before the courts by their families or lawyers are never taken into account.

In 2014, Alkarama also observed a concerning upsurge in the practice of enforced or involuntary disappearances, which the authorities still refuse to acknowledge or investigate, leaving the security services to act with total impunity despite the gravity of these crimes.

Particularly vulnerable, numerous human rights defenders have been subjected to harassment and arbitrary arrest. One example is that of Alaa Abdel Fattah, who has been imprisoned under every government since Mubarak and is once again subjected to criminal proceedings under the repressive 2013 Law No. 107 on demonstrations. Today, any human rights defender who calls on the authorities to respect the fundamental rights and freedoms of Egyptian citizens risks retaliation.

Journalists and the press have not been spared by this campaign and their independence is severely questioned. Several journalists have been arrested, including three Al Jazeera journalists accused and convicted of spreading “*false information*” and “*undermining national security*” in June 2014. Several members of the information network Rassd – an essential channel

of information during the 2011 revolution – have also been arrested and imprisoned, including its co-founder Abdullah Al Fakharany.

Civil society, a bulwark of a democratic nation, has continued to be subjected to reprisals, including through the outlawing of a large number of particularly active associations, particularly those accused of having links to the movement of the Muslim Brotherhood, designated as a terrorist organisation by the Cairo Court of Urgent Matters on 24 February 2014. Pressure on associations has increased with the announcement of a new draconian law that calls into question their necessary independence by placing all organisations under a commission controlled by the administration. International pressure has allowed for the adoption of the law to be delayed, but the closing date for organisations to re-register with the administration was still set for 10 November 2014. Faced with this deadline and fearing reprisals, many associations chose to cease their activities and close their offices, or to relocate for those that had the option to move to another country.

Local NGOs that remain critical of the authorities now live in fear of sanctions, as many of their employees have already been arrested or subjected to legal proceedings. In view of the unanimous condemnations from human rights defenders and international NGOs, the authorities reacted by announcing the preparation of a new draft law that would be more in line with the requirements of international law.

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

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

The end of 2014 was marked by the adoption of a new decree instituting the protection of all public spaces by the armed forces for a two-year period. As a result of this decree, any person suspected of "*undermining public institutions*" – a crime that lacks a clear legal definition – is eligible to be tried by military courts. These courts are regularly denounced by the UN bodies and human rights defenders because of their complete lack of independence and impartiality and their non-conformity with standards established by international conventions to protect human rights. This presidential decree has, in addition, been applied retroactively to peaceful demonstrators arrested even before its promulgation.



MASS TRIALS

Despite the guarantees established by the new Constitution, official claims and international commitments made by the country, the dysfunctions of the justice system are symptomatic of Egypt's shift towards a lawless state following the military coup. The judiciary, long exploited by the different branches of government, is characterised by its lack of independence and impartiality.

This was illustrated in 2014 by the conviction of thousands of citizens – of which a large number were sentenced to death – following trials that violated international standards relative to due process, confirming that the judicial system remains an essential tool of repression against any form of dissent.

Thus, in March 2014, 529 people were sentenced to death following a particularly speedy trial. The charges brought against them were not clearly established, defence lawyers did not have access to their clients' files, and none of the accused was allowed to attend court. Never in Egyptian history had so many people been sentenced to death; this parody of justice led to a forceful reaction from the combined UN Special Procedures, calling to revoke these convictions.

Mass trials falling short of international Human Rights Law standards have been very common in Egypt in 2014.



UN experts have also called on the Egyptian authorities to exercise a “*strict respect of several fundamental norms*”, noting that the sentences were handed down in violation of the norms of international law. The mass trial “*forcefully discredited*” the Egyptian justice system, according to international experts, and the UN strongly criticised this “*masquerade of justice*”, qualifying the role played by the courts in the authorities-driven prosecutions as arbitrary and politicised.

Despite the condemnations of the UN and human rights organisations, 683 people were sentenced to death the following month, following a trial that lasted no more than a few minutes and again in the absence of the accused; 183 death sentences were confirmed and are now enforceable.



WHAT IS RATIFIED

ICCPR ✓ CAT ✓ ICPPED ✗
OP ICCPR ✗ OPCAT ✗



UPCOMING

- March 2015: Adoption of the 2014 UPR report; parliamentary elections.



OUR CONCERNS

- Widespread and systematic practice of torture and cruel, inhuman or degrading treatment in all places of detention;
- Alarming increase in enforced disappearances;
- Trial of civilians before military courts;
- Total lack of any effective remedies for victims and impunity for perpetrators of grave human rights violations;
- Harassment of, and reprisals against, journalists and human rights defenders;
- Serious restrictions on the freedom of expression, association and peaceful assembly.



OUR RECOMMENDATIONS

- Put an end to the practice of secret detention and enforced disappearances;
- Put an end to torture and other cruel, inhuman, or degrading treatment and effectively prosecute the perpetrators of such acts;
- Remove the jurisdiction of military courts in civilian cases;
- Abrogate the law on demonstrations and guarantee the free exercise of freedom of expression and freedom of association and peaceful assembly by adopting a law to protect civil society;
- Ratify ICPPED, OPCAT and OP ICCPR and submit overdue reports.

PUBLICATIONS

- February 2014, *Impunity is not an Option: Ensure Accountability for Mass Killings in Egypt*, Alkarama Public Report.
- March 2014, *Universal Periodic Review of Egypt – Submission to Stakeholders’ Summary*.

IRAQ

The year 2014 was marked by an unprecedented wave of violence since the American invasion in 2003, with more than 15,000 civilians killed, over twice as much as in 2013. Benefitting from the discontent of a large part of the population and from the deterioration of the security situation, the Islamic State of Iraq and the Levant (ISIL) reached the Al Anbar Governorate in January and took over the cities of Fallujah and Ramadi. A grave humanitarian crisis followed with the exodus of hundreds of thousands of people.

In April, the first general elections since the withdrawal of American troops, largely boycotted by the Sunni population, saw Al Maliki win most seats without obtaining an absolute majority in a climate of increasing sectarian tensions. Meanwhile, Government forces continued shelling the Al Anbar Governorate, sometimes even using rudimentary weapons, notably “barrel bombs”, causing many civilian casualties. In response to the intensification of fighting and the advance of ISIL in the northern and central parts of the country, including in Mosul and Tikrit, pro-government militias were mobilised by the Al Maliki government, kidnapping and executing hundreds of people. In August, an international coalition led by the United States and composed of over 40 countries intervened to stop the southern advance of ISIL by carrying out air raids, causing further civilian casualties.

On 1 September, following an extraordinary session, the Human Rights Council adopted a Resolution condemning the abuses committed by ISIL and called on the High Commissioner for Human Rights to dispatch a mission to Iraq to investigate the allegations of violations and abuses of international law committed by the group. The Council also called on the new Iraqi government – headed by the newly appointed Prime Minister, Hayder al-Abadi – to “*promote and protect human rights by involving all components of the Iraqi society in a spirit of unity and national reconciliation.*” The new government must indeed address the massive challenges – inherited from an endemic lack of political will to respond to the demands of communities that still feel excluded from power – in the context of repression of political opponents under the pretext of the fight against terrorism.

Arbitrary executions as death sentences passed following unfair trials

Despite repeated calls from the international community and civil society, the Iraqi authorities maintain the use of the death penalty and continue to refuse to establish a moratorium on its use with a view to its abolition. They contend that the abolition of the death penalty would be a “*flaw in the criminal justice system, since Iraq is facing heinous terrorist crimes.*” The UN High Commissioner for Human Rights, Zeid Ra’ad Al Hussein has, for his part, called on the new government to impose a moratorium on the use of the death penalty, stating that: “*Given the weaknesses of the criminal justice system in Iraq, executing individuals whose guilt may be questionable merely compounds the sense of injustice and alienation among certain sectors of the population, which in turn serves as one of the contributing factors that is exploited by extremists to fuel violence.*”

In October, the United Nations Assistance Mission for Iraq (UNAMI) and the Office of the High Commissioner for Human Rights (OHCHR) presented a joint report expressing their concerns at the alarming rise in the number of executions since the reestablishment of the death penalty in the country in 2005. These executions are all the more worrying in that they result from deeply flawed court proceedings mainly relied on unfounded and inadmissible evidence, such as secret informers’ testimonies and confessions extracted under torture.

Torture is in fact practiced systematically in the country, where people arrested for their political views or in the framework of the fight against terrorism are often detained secretly for long periods of time before being brought before a public prosecutor. Even more disquieting is the practice of broadcasting televised “confessions” on the state-controlled channel, Al Iraqiya, in the series “In the Grip of The Law” produced in collaboration with the Ministry of the Interior – a practice that infringes on the principle of the presumption of innocence.



Finally, the accused are commonly prosecuted in closed trials in which they do not have the right to a lawyer of their choice nor to any contact with him/her outside the hearings which take place under strict surveillance. All these practices demonstrate that the fundamental right to a fair trial is not respected, increasing the risk of judicial error and, ultimately, leading to a systematisation of arbitrary executions.

Attacks on human rights in the context of the fight against terrorism

In Iraq, the vast majority of death sentences are handed down on the basis of Article 4 of the 2005 Anti-Terrorism Act No. 13, under which all people found guilty of terrorist acts are sentenced to death. However, the wording of this law remains vague and general and is often used to repress and neutralise opponents of the government or its policies. During Iraq's last Universal Periodic Review (UPR) in October 2014, several States recalled that human rights should be respected in all circumstances, including in times of crisis and that the fight against terrorism could not be used as an excuse for violating human rights.

This is how Iraq's former Vice President, Tariq Al Hashimi, was sentenced to death several times on the basis of testimonies given by his bodyguards, extracted under torture. Another well-known example is that of the elected representative of Ramadi, Ahmed Al Alwani, accused of terrorism and condemned to death in late November 2014 (see "Focus" below).

Practice of enforced disappearances

Although the authorities deny the use of enforced disappearances since 2003, this practice remains systematic and widespread in the country. While the fate of tens of thousands of people missing for years on end remains unknown to date, the current instability of the country favours the perpetration of mass arrests and secret detentions, which create fertile ground for the practice of enforced disappearances.

In 2014, Alkarama identified and documented several cases of victims of enforced disappearances and submitted them to the United Nations Working Group on Enforced or Involuntary Disappearances and to the Committee on Enforced Disappearances, within the framework of the urgent action procedure under the International Convention for the Protection of all Persons from Enforced Disappearances.

Several victims, arrested by the American forces during the occupation, disappeared following their handing over to the Iraqi authorities. Pro-government militias – notably the Badr Brigades – also played a role in thousands of enforced disappearances, with the government authorities guaranteeing their total impunity and sustaining this grave practice.

It should also be noted that, while Iraq ratified the ICPPED on 23 November 2010, the authorities continue to apply the principle of presumption of death for a person who has been missing for over four years, without conducting a proper investigation, thus impeding the right of families to know the truth about the fate of their missing relatives. It also remains very difficult for human rights defenders and families of the victims to document and denounce the cases of enforced disappearances in the current climate of terror.



AHMAD AL ALWANI, A PARLIAMENTARIAN SENTENCED TO DEATH FOR DENOUNCING GOVERNMENTAL POLICIES

A member of the Iraqi Council of Representatives (Parliament), Ahmad Al Alwani was arrested by members of the security forces on 28 December 2013. Detained and severely tortured, he was accused of terrorism and, following an unfair trial, sentenced to death on 23 November 2014.

Particularly critical of Prime Minister Nouri Al Maliki's policies, Al Alwani was also known for his denunciation of corruption within the Economic Commission he chairs in the Council of Representatives, as well as for supporting the political demands of his fellow citizens in his electoral district of Ramadi.

Following the Iraqi army's attacks on peaceful gatherings of protestors in the Al Anbar Governorate, which have been taking place since 2012 to denounce the policy of marginalisation of the Sunni community by the central government, Al Alwani held several meetings with provincial authorities to defuse tensions in the region. While enjoying Parliamentary immunity, he was nonetheless arrested the day after his last attempt at reconciliation on 28 December 2013 – at his home, at night, by a military task force from an antiterrorism unit directly under the authority of Prime Minister Al Maliki.

Brought to the premises of the Eighth Brigade of the Iraqi army, he was transferred to an unknown location where he was detained in secret and severely tortured with the objective to get him to sign false declarations before presenting him for the first time before a judge. He was then transferred to another detention centre controlled by the antiterrorism unit in the Green Zone of Baghdad, where he remains detained to this day without the ability to receive visits from his family or his lawyer.

His trial, marred by flagrant irregularities, opened before the Central Criminal Court of Baghdad on 27 January. Presented before the judge handcuffed and hooded, Al Alwani was charged under Article 4 of the Antiterrorism Law. His lawyer was neither allowed to assist him during the investigation procedure, nor to contact him to prepare his defence. In March 2014, he was even arrested and interrogated for 12 hours on the motives that had brought him to "wish to defend Al Alwani".

At the end of this unfair trial, during which confessions obtained under torture were admitted as the sole piece of evidence, Al Alwani was sentenced to death on 23 November for allegedly murdering four of the security services officers for "terrorist purposes".



WHAT IS RATIFIED

ICCPR ✓

CAT ✓

ICPPED ✓

OP ICCPR ✗

OPCAT ✗



UPCOMING

- February 2015: Adoption of the list of issues by the CED;
- March 2015: Adoption of the UPR's final report; adoption of the list of issues by the HRCttee; review of the NHRI by the International Coordinating Committee's Sub-Committee on Accreditation of NHRIs; presentation the report of the fact-finding mission before the HRC;
- July 2015: Review before the CAT;
- September 2015: Review before the CED;
- October 2015: Review before the HRCttee.



OUR CONCERNS

- Increasing numbers of executions that stem from death sentences handed down following unfair trials;
- Use of the Anti-Terrorism Law to repress all voices of protest;
- Total lack of independence of the judicial system;
- Systematic practice of torture with full impunity, in particular during the "investigation" stage;
- Enforced disappearances, past and present.



OUR RECOMMENDATIONS

- Adopt a moratorium on the death penalty with a view to its full abolition;
- Amend the antiterrorism legislation in order to avoid an overly broad application of its provisions and put an end to its use against opponents of the government or its policies;
- Amend the laws relative to torture and investigate allegations of torture;
- Take urgent measures to reform the judicial system with a view to ensuring the conditions necessary for a fair trial to any person prosecuted;
- Put an end to the practice of enforced disappearances and establish the fate of all missing persons.

PUBLICATIONS

- March 2014, Universal Periodic Review of Iraq – Submission to Stakeholders' Summary.
- December 2014, Contribution to the List of Issues in view of the Periodic Review of Iraq by the Human Rights Committee.
- December 2014, Contribution to the List of Issues in view of the initial review of Iraq by the Committee on Enforced Disappearances.
- December 2014, Submission in view of the Review of the Independent High Commission for Human Rights of Iraq by the International Coordinating Committee of NHRIs.

Despite promises of reform given by King Abdullah II of Jordan in 2011, which were to lead, amongst others, to the establishment of a Parliamentary system, Alkarama has reported several setbacks in the area of fundamental rights and freedoms. A moratorium on the death penalty that lasted eight years was ended by the hanging of 11 men accused of murder on 21 December 2014, thereby reinstating capital punishment. The United Nations High Commissioner for Human Rights deplored this action, noting that “*No justice system, no matter how robust, can guarantee against wrongful convictions.*” Nonetheless, during its second Universal Periodic Review by the UN Human Rights Council in 2013, Jordan had refused many of the recommendations from other States calling upon it to abolish the death penalty.

At the political level, the country found itself in a situation of deadlock in 2014, with the maintenance of the *status quo*. The few reform measures undertaken by the government have not altered the authoritarian nature of the regime since the King still retains wide powers. In August, two constitutional amendments were approved by Parliament, giving the King the power to name both the Chief of the Armed Forces and that of the General Intelligence Department.

In view of the increasing influx of Syrian refugees (approximately 600,000), Jordan is reportedly refusing or limiting access to the country for thousands of people – including Palestinians and Iraqis who had been refugees in Syria – in violation of the principle of *non-refoulement*. Jordanian authorities invoke the weakness of their capacity to absorb refugees, due to the insufficient level of their resources.

Lastly, during 2014, Jordanian civil society continued to suffer the consequences of the multiple draconian laws adopted previously, such as the Antiterrorism Law, the Law on Public Gatherings and the Law on Associations. Human rights defenders deplore the pattern of arrests followed by the arbitrary detention and unfair trials of political opponents and journalists, as well as the prohibition of active civil society associations and restrictions on freedom of expression.

Systematic crackdown on dissent under the pretext of “the fight against terrorism”

Following a wave of protests for the respect of fundamental rights and freedoms in 2011-2012, the authorities prosecuted several activists for political reasons under the pretext of “the fight against terrorism”. Domestic law in Jordan is particularly severe and allows for the prosecution of peaceful protestors, activists and political opponents. Article 149 of the Criminal Code outlaws any person who “*encourages the contestation of the political system*” and who “*commits an individual or collective act with the aim of changing the fundamental structure of society.*”

Several opposition figures, notably those who belong to the movement of the Muslim Brotherhood, have been arrested and detained for expressing their opinions. In September, one of them was accused of “*inciting defiance of the regime*” by the State Security Court for having criticised the government’s policy towards Israel. This extraordinary court, acting with the omnipresent intelligence services, occupies a central role in the repressive machinery established by the Jordanian authorities to suppress any dissident voice.

Despite a superficial amendment to the law on the State Security Court in January 2014, this special court still remains competent to try civilians. The scope of the Antiterrorism Law was, meanwhile, extended in June 2014 to include a broad definition of terrorism. For example, any person who “*disturbs relations with a third party country*” is liable for prosecution according to this new statutory provision. This new definition of acts of terrorism in fact allows the authorities to bring any person who exercises its fundamental rights to freedom of opinion and expression or peaceful assembly before the State Security Court.

Persistent impunity: torture and other mistreatment

Although Jordan is a party to the Convention against Torture and has taken some encouraging legislative measures – such as the abolition of the term “*illegal torture*” in Article 208 of the Criminal Code in January 2014 – infringements on the right to physical integrity persist.

Security forces continue to use excessive force, particularly during peaceful gatherings. In March, during protests against the authorities’ refusal to send back the Israeli ambassador following the death of a Palestinian-Jordanian judge at the hands of the Israeli army, the riot police used excessive force, violently beating protestors and causing several serious injuries.

Moreover, Jordanian domestic law continues to contribute to impunity for perpetrators of acts of torture, since they can only be prosecuted or investigated on the initiative of the military courts or police. Allegations of torture – the majority of which is carried out during the investigation stage by the General Intelligence Department – brought by victims before the judicial authorities are never properly investigated.

During its last Universal Periodic Review, Jordan had also rejected several recommendations given by State parties regarding the eradication of this practice. In particular, the authorities had refused to ratify the Optional Protocol to the Convention against Torture or to publicly condemn acts of torture and ensure that they would not remain unpunished.

DESPITE COMMITMENTS MADE DURING THE UPR, ATTACKS ON FREEDOM OF EXPRESSION CONTINUE

Examined by the Human Rights Council in October 2013, Jordan had accepted to implement 15 recommendations in order to guarantee freedom of expression, particularly that of the press and online media.

In 2014, the country was ranked 141 out of 180 for freedom of the press by Reporters without Borders, raising a number of questions on the government's political will to respect its commitments. The Jordanian Media Commission also shut down 300 websites in 2013 as well as nine others in June 2014. The decisions of this Commission were based on the Law on the Press and Publications, on which amendments were passed in 2012 requiring an administrative authorisation for any website, giving the State an absolute means to exercise total control over the news relayed by the media.

In addition, the legislation in force criminalises any criticism of the King, his institutions, or official policies. In 2014, the Working Group on Arbitrary Detention rendered an Opinion (No. 53/2013) regarding four activists, Tarek Khoder, Bassem Al Rawabedah, Hisham Al Heysah and Thabet Assaf, accused of "inciting hostile sentiments against the political system" for calling for protests against restrictions on freedom of the press. The UN Group concluded that the accusations against them were too "vague and imprecise" and that laws that would criminalise the ability to "take advantage of democratic freedoms and rights to abuse the interests of the State" were contrary to international law.

Campaign for the release of activists considered as arbitrarily detained by WGAD



WHAT IS RATIFIED

ICCPR ✓ CAT ✓ ICCPED ✗
OP ICCPR ✗ OPCAT ✗

UPCOMING

- Adoption of a new electoral law;
- November 2015: Review before the Committee against Torture and review of the National Human Rights Institution (NHRI) before the Sub-Committee on Accreditation of the International Committee for the Coordination of NHRIs.

OUR CONCERNS

- Restrictions imposed on civil society, the media and the political opposition;
- Restrictions on civil society, the press and the political opposition on the basis of repressive laws;
- Arbitrary detentions, notably those following unfair trials before special courts such as the State Security Court;
- Lack of an investigative body to examine allegations of torture and the persistent impunity for the perpetrators.

OUR RECOMMENDATIONS

- Adjust the legal framework, including by amending the Antiterrorism Law to create an environment where the freedoms of expression, association and assembly are respected;
- Put an end to the security and judicial harassment of any opposition movement;
- Abolish the State Security Court and take urgent measures to guarantee the independence of the judiciary;
- Implement the obligations arising from the CAT and ratify the OPCAT.

As the first country in the Gulf to adopt a Constitution and a Parliament, Kuwait was once regarded as a regional exception, where civil and political rights were more widely respected than in other Gulf countries. A definite step backwards in the human rights situation occurred this year, however, in particular with regards to the freedoms of expression, assembly and association, while the issue of the Biduns (stateless people) remains unchanged. The country also began to utilise the revocation of nationality to muzzle all criticism, a practice that its neighbours – notably the United Arab Emirates and Bahrain – have used since 2012 to repress all forms of political opposition.

After a 10-month lull following the parliamentary elections held in July 2013, the political crisis – which has been on-going since 2012, following the revision of the electoral code by Amiral Decree – continued this year. In May, faced with the refusal of Parliament to interrogate the Prime Minister on allegations of corruption and poor management, five Members of Parliament presented their resignations to denounce the political deadlock in which the country finds itself – a first since the mass resignations in 1967. The five MPs were replaced by government supporters following the partial elections in June.

Increased repression of the rights to freedom of expression, assembly and association

The year 2014 was particularly repressive in terms of the right to freedom of expression, assembly and association. Judicial harassment of activists, journalists, bloggers and political opponents continued and was made possible thanks to a myriad of laws criminalising the right to freedom of expression. The Law on State Security provides, for instance, for a sentence of three years imprisonment for *“intentionally broadcasting news, statements, or false or malicious rumors [...] that harm the national interests of the State.”*

In June and July, a wave of demonstrations took place in the country to protest against government corruption. On 2 July, a former MP, Musallam al-Barrack was arrested and accused of *“insult to the judiciary”* for having denounced its inaction and the embezzlement of public funds by senior officials. His arrest was followed by a series of protests calling for his release, during which the security forces used excessive force, including tear gas, stun grenades and rubber bullets, causing several injuries. The police also beat several protestors and arrested more than 50 people. On 7 July, a human rights defender, Fawaz al-Anzi was beaten by members of the Special Forces, who confiscated his phone to suppress any photos or videos taken during the protests, warning him to *“watch out if he dared to disobey.”*

On 14 June 2014, a meeting of the Cabinet of Ministers was held to discuss the recent protests in the country. The Cabinet ordered relevant ministries to take all necessary measures to fight against actions that *“undermine the country’s security and stability, bringing harm to its institutions.”* These measures notably called upon, firstly, the Interior Ministry to ensure that the conditions of citizenship are met, especially those related to the practices that aim to harm the country’s stability; secondly, the Ministry of Social Affairs and Labour to confront all organisations whose objectives lie outside the scope set by the Law on Societies, reminding them of their role to raise public awareness through non-political activities and to abstain from inciting riots; and thirdly, all media outlets were reminded of the patriotic role that they ought to fulfil in denouncing acts of rioting. It was following this decree that the Interior Ministry ordered the revocation of nationality of several political opponents (see *“Focus”* below).

In the area of freedom of expression, numerous restrictions persist. In 2014, Kuwait was ranked 91st by Reporters without Borders in their annual World Press Freedom Index. On 18 May, a majority of Parliament voted to adopt a new Communications Law (No. 37/2014). This law establishes a Commission for Mass Communications and Information Technology, mandated with supervising technical issues but also with controlling the content of the information relayed notably by social networks. The Commission can grant or refuse licenses without giving the reasons why and without the possibility to appeal the decision. The law has been widely condemned by human rights organisations due to the provision, under Article 70, for a sentence of two years imprisonment for any person who uses communications means to *“threaten, insult or harm the reputation of others.”* Telecommunications providers can also withhold transmission of any content that *“harms the public order or morals.”*

Additionally this year, several people were persecuted for their tweets. On 21 May, a two-year prison sentence was issued in the first instance against a Kuwaiti online journalist, Ayyad Al-Harbi, for a tweet that was considered *“insulting”* to the Emir and was confirmed on appeal. Criticising the Emir is, in fact, an offence to the Constitution and is punishable by up to five years imprisonment under Article 25 of the Criminal Code. The accusation of *“insult to the person of the Emir”* has become a regular pretext to systematically convict any person who criticises the government’s policy.

Systematic discrimination against the *Biduns*

Regarded as “*illegal residents*”, the *Biduns* continue to be the victims of serious discrimination. Believed to number about 120,000, the *Biduns* have been present in the country for over a century but continue to be subjected to systematic violations of their most fundamental political, economic and social rights. The government continues to assert that only 34,000 of them could be eligible for naturalisation, pretending that the others would possess other Arab nationalities. In March 2013, the Parliament adopted a proposal to pass a law granting Kuwaiti nationality to 4,000 “*foreigners*”, but this law was never followed up on.

In November 2014, the Undersecretary of State for the Interior announced – in a declaration that was decried by human rights organisations as grotesque – that all *Biduns* would be given economic citizenship in the Comoros as well as certain domestic benefits, notably a residence permit in Kuwait which includes free education and healthcare as well as the right to work. According to the authorities, this measure should become effective upon the opening of the Comoros Embassy in Kuwait, scheduled for 2015. It should also be noted that the granting of the Comorian nationality to the *Biduns* had been initiated by the United Arab Emirates in 2012.

Protesting against the multiple discriminations they are subjected to, the *Biduns* have been demonstrating regularly for the last three years to ask for Kuwaiti citizenship and access to public services. In April, the Kuwaiti MP Nabil al-Fadhli suggested to send the stateless protesters found guilty of breach to national security to a camp to set up in the desert.

Whereas peaceful assemblies are systematically dispersed with excessive force, since 2011 several hundreds of peaceful protesters have been arrested, some of whom remain imprisoned today. Thus, on 18 February, following a protest to mark the third anniversary of the *Bidun* protests in Kuwait, two defenders of the *Bidun* cause, Abdullah Atallah and Yousef al-Zhairi were arrested by the security services. A few days later, another human rights defender, Abdulhakim al Fadhli was arrested and charged with “*inciting rebellion*” and “*calling for illegal assemblies*.”



REVOCATION OF NATIONALITY, A REPRESSIVE TOOL AGAINST ANY DISSIDENT VOICE

The practice of revoking nationality was used for the first time this year as a method of repression, notably against political activists and human rights activists. In 2014, 33 people saw their nationality revoked. Article 13 of the 1959 Law on Nationality provides, in fact, for the withdrawal of nationality by decree of the Interior Ministry if a person “*has promoted principles that will undermine the social or economic system of the country, belongs to a foreign political party*” or “*threatens the higher interests of the State or its security*.” Additionally, decisions to revoke nationality cannot be appealed legally or administratively because there is no competent body to assess questions of nationality.

On 21 July, a Parliamentary Decree (No. 185/2014) ordered the revocation of nationality of five people, including the owner of both the television channel Al-Youm and the daily Alam Al-Youm, Ahmad Jabr Al-Shammari. His four children were thus also left without nationality. The next day, the two pro-opposition media companies were closed by the authorities since, under the Law on Press and Audio-Visual Media, the owner of media channels must be of Kuwaiti nationality. The other people whose nationality was revoked by the decree were former Islamist MP, Abdallah al-Barghash, as well as two of his brothers and his sister. On 29 September, Saad Al-Ajmi, spokesperson of the opposition party – the People’s Action Movement – and 17 other people were in turn stripped of their nationality under Article 11 of the Law on Nationality, which stipulates that a naturalised citizen of another country must renounce his Kuwaiti nationality.

The withdrawal of the Kuwaiti nationality, which violates several principles of international human rights law, constitutes a new form of reprisal against all forms of criticism of the government. According to Kuwaiti lawyers, the July decree represented a turning point in the country’s history, since it was the first time that some people’s nationality was revoked without a judicial order.



WHAT IS RATIFIED

ICCPR ✓ CAT ✓ ICPPED ✗
 OP ICCPR ✗ OPCAT ✗



UPCOMING

- January 2015: Universal Periodic Review;
- June 2015: Adoption of the UPR final report during the HRC session;
- September 2015: Adoption of the List of Issues by the Human Rights Committee.



OUR CONCERNS

- Attacks on the right to freedom of expression, notably through the systematic legal harassment of activists, journalists, bloggers and political opponents;
- Repression of all peaceful assemblies and excessive use of force by the security services;
- Systematic discrimination against the *Biduns*;
- Emergence of the practice of the revocation of nationality as a means of restricting freedom of expression and punishing any criticism of the government.



OUR RECOMMENDATIONS

- Amend laws that criminalise any form of criticism, notably the “*insult to the Emir*”, and release all people convicted on this basis;
- Authorise peaceful assemblies and respect international human rights law when maintaining order;
- Grant Kuwaiti nationality to the *Biduns* and put an end to all forms of discrimination against them;
- Put an end to the practice of revoking nationality as a method of reprisal against any criticism of the authorities and restore citizenship to people who have been subjected to this practice.

PUBLICATIONS

- June 2014, UPR: Submission to Stakeholders’ Summary.

LEBANON

In 2014, Lebanon remained in a state of political paralysis, which has been ongoing for nearly 10 years. In May, although the President's term came to an end, presidential elections were postponed indefinitely in the absence of an agreement between political parties. In November, the Lebanese Parliament decided to extend its mandate until 2017 on the grounds of a lack of agreement under electoral law. Shortly thereafter, the United Nations Security Council called on the Parliament to ensure that presidential elections are held as soon as possible.

In addition, Lebanon continued to suffer from the repercussions of the Syrian conflict. In 2014, the number of Syrian refugees in Lebanon exceeded one million, now amounting to over a quarter of the domestic population. In October, the authorities decided to close their territorial borders to prevent the arrival of more refugees, despite the outcry from numerous human rights organisations.

Violence has also escalated, particularly following the arrest in August of an alleged member of the Al-Nusra Front who was involved in violent clashes in the northeast of the country, near Aarsal, between the Lebanese army and armed groups affiliated to Al-Nusra and the Islamic State in Iraq and the Levant. In October, Tripoli was the scene of fighting between the Lebanese army and armed Islamist militants. Lebanon also experienced a wave of suicide attacks, in the context of heightened sectarian divisions and tensions.

Finally, the political impasse continued to hamper the outcome of the legislative processes initiated, especially those relative to the criminalisation of torture and to the establishment of both a national human rights institution with a national preventive mechanism for torture, and a commission to shed light on the fates of victims of disappearances during the civil war.

Exceptional justice

Arbitrary detention remains a major concern in Lebanon, as much because of the abusive recourse to administrative detention as because of the existence of exceptional jurisdictions, or special courts, handing down sentences after unfair trials.

In 2014, more than 60% of prisoners in Lebanon were held in administrative detention, a form of detention that can be particularly excessive and last several years – up to seven years for those who were arrested during the Nahr al-Bared events in 2007. Article 108 of the Lebanese Code of Criminal Procedure effectively authorises unlimited administrative detention – in violation of the right to be tried without undue delay – especially for offences such as *“attacks on State security”*.

Moreover, Lebanon continues to use two special courts – the Judicial Council and the Military Tribunal – to try civilians. Subordinated to the executive, these courts do not offer sufficient safeguards for the protection of the rights of the accused. The Judicial Council can, in fact, be regarded as a political body since it takes up cases set by a decree of the Council of Ministers; its decisions are final and cannot be appealed. As for the Military Tribunal, it also raises serious concerns since a significant number of civilian cases have been brought before it, clearly violating the right of the accused to be tried by a competent, independent and impartial court.

Furthermore, a large number of detainees report having suffered torture in custody or during the interrogation for the purpose of obtaining confessions from them, but the legal authorities refuse to investigate their allegations. This calls into question the fairness of their trials and frequently leads to sentences based exclusively on confessions extracted under torture.

Torture: a “widespread practice” according to the UN

In October 2014, the UN Committee against Torture issued its Conclusions and Recommendations relative to the inquiry that it carried out into the question of torture in Lebanon, following the communication submitted by Alkarama in 2008 establishing the systematic use of this practice in the country.

After having documented serious and repeated human rights violations by the Lebanese security services, which revealed the systematic practice of torture following the Nahr al-Bared crisis in mid-2007, Alkarama seized the UN Committee against Torture to review the situation of torture in Lebanon under Article 20 of the Convention against Torture. The UN's findings were based on the information given by Alkarama to the Committee's experts, as well as on the evidence gathered by these experts during their visit to the country and to some 20 of its detention centres in April 2013, during which they had interviewed representatives of the government and the security services as well as several NGOs and victims of torture.

At the end of the inquiry, the Committee concluded that torture was a *“widespread and common practice used”* to *“investigate”* and *“obtain confessions to use in criminal proceedings,”* and made 34 recommendations, thus opening the way for the authorities to undertake the necessary reforms in order to eradicate its practice.

The Committee also called on the authorities to reaffirm the absolute prohibition of torture, by making it a criminal offence and instituting legal guarantees; to establish a national preventive mechanism; and to authorise NGOs to participate in prison inspection activities.



THE UN CALLS FOR THE RELEASE OF TWO LEBANESE CITIZENS ARBITRARILY DETAINED FOR OVER SIX YEARS

In August 2014, the UN Working Group on Arbitrary Detention adopted an Opinion (No. 48/2014) on the case of Tarek Mostafa Marei and Abdel Karim Mustafa, two Lebanese citizens sentenced to 15 years in prison on 6 August 2013 following a trial marred by irregularities. In this Opinion, the Working Group declared their deprivation of liberty “arbitrary” and called for their immediate release.

Marei and Mustafa were arrested by the military intelligence services in October 2008, without an arrest warrant and without being informed of the reasons for their arrest. In the first two months of their secret detention, the two men were seriously tortured in order to make them confess their alleged “participation in terrorist acts”. They were notably beaten and, suspended over the floor with their hands and feet tied, they successively suffered electric shocks and beatings with sticks on every part of their bodies.

They had then been placed in administrative detention for over four years before appearing before the Judiciary Council for the first time. On 6 August 2013, following a particularly speedy trial, the two men were eventually sentenced to 15 years in prison, on the sole basis of confessions extracted under torture during their secret detention and without any material evidence to support the accusations brought against them.

The Working Group regarded the detention of the two victims as “arbitrary in that it has no legal basis and in that their confessions were extracted under torture in violation of peremptory norms of international law.” The Working Group also noted that the absence of an impartial investigation – when there are reasonable grounds to believe that torture has been committed in order to extract a confession – was a violation of the Convention against torture.

The UN experts therefore called upon the Lebanese government to immediately release Marei and Mustafa, while emphasizing Lebanon’s obligation to investigate, prosecute, try and punish those responsible for acts of secret detention and torture.



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



WHAT IS RATIFIED

ICCPR ✓ CAT ✓ ICPPED ✗
OP ICCPR ✗ OPCAT ✓



UPCOMING

- Presidential elections;
- Adoption of laws related to the criminalisation of torture and the establishment of a national mechanism for the prevention of torture;
- November 2015: Universal Periodic Review.



OUR CONCERNS

- Excessive duration of remand in custody in criminal matters and extreme slowness of the judicial system in dealing with certain cases;
- Unfair trials before special courts, namely the Judiciary Council and the Military Tribunal;
- Serious and recurring violations committed by the security services and widespread impunity, which creates a climate conducive to torture.



OUR RECOMMENDATIONS

- Abolish the use of special courts;
- Put a definitive end to the practice of torture and fight against the impunity of its perpetrators;
- Implement the recommendations made by the Committee against Torture and submit without delay the overdue reports to the treaty bodies.

LIBYA

2014 was marked by high tensions in Libya, both at the political and security levels. In February, following both the strong protests of part of the political class against the General National Congress (GNC) – the Libyan legislative authority elected for a two-year term – and the hostile demonstrations that occurred in several towns calling for its immediate resignation, the GNC, whose term was ending, announced the creation of a Commission composed of 15 members and mandated with charting a “roadmap” for a new transitional period of 18 months, as well as to prepare for the election of a new Parliament.

The elections of the new Parliament were held in June in a worsening security climate, marked by the assassination in Benghazi of human rights activist, Salwa Bugaighis. The electoral process could not be held in several towns and experienced a participation rate significantly lower than in the previous elections, with only 18% of voters participating.

The newly elected assembly chose to hold its first meeting in the city of Tobruk and to override the constitutional procedure to transfer power from the GNC, leading to a fight between the two elected bodies. The conflict was submitted to the Constitutional Court, which invalidated the new Parliament in November. The latter nonetheless continued to hold sessions attended by some of its members in Tobruk, where it formed a government far removed from the reality on the ground, while another government was formed in Tripoli with the support of the GNC.

Thus Libya experienced the emergence of two parliaments and two governments in a country that desperately needs the effective presence of a sovereign State at a time of strong instability.

Additionally, the retired general Khalifa Haftar – a self-proclaimed Chief of Staff who has rallied a part of the army and set up his own militias – announced the beginning of a military campaign on the eve of the elections in May. The campaign “*for dignity*” has the objective of “*purging the cradle of the revolution of terrorists.*” This campaign was marked by numerous abuses against civilians, some of whom were summarily executed after having been tortured, notably in Al Abyar and Al Merj. Civilian victims were also casualties in Benghazi, where some neighbourhoods were bombed by General Haftar’s air force, based in Tobruk.

Earlier in the year, fighting broke out between the militias and armed groups, in particular over control of strategic assets such as airports and oil facilities. In July, fights over control of Tripoli airport left 47 dead and 120 injured in less than a week. The escalation of violence continued with the support of several countries, such as the United Arab Emirates and Egypt, which took part in the bombing carried out by Haftar against his opponents.

Fighting continues in total disregard of fundamental rights. Civilians are targeted, houses destroyed and families forced into displacement. They are also abducted, tortured and executed on the basis of their tribal or political affiliations.

Enforced disappearances, torture and summary executions

In the context of the conflict between the various forces present and in the prevailing climate of insecurity, the practice of enforced disappearance tends to become systematic, with several dozen people having been abducted by various armed groups in the course of the year.

Victims are kidnapped in the street or at checkpoints before being brought to detention centres where they are generally detained in deplorable conditions and tortured.

In June 2014, Alkarama documented the cases of people abducted by General Haftar’s forces for being from Derna, a town known for its hostility to Haftar. Upon their release, Derbi and Al Belali testified to having been detained in particularly inhuman conditions and having been spared for the sole reason of their old age. They claimed that they could hear the screams of other detainees being tortured and saw that their fellow prisoners bore clear marks of torture.

A number of cases of summary executions and deaths under torture have been reported in the context of “Operation Dignity”. Dozens of people bearing marks of torture have been found after being kidnapped by forces loyal to General Haftar. Tarek Adarsi, abducted after giving a speech criticising Operation Dignity, was found dead the day after his disappearance, his body mutilated. The autopsy revealed that his death had been caused by acts of torture.

On the other hand, numerous people were arrested or abducted by groups close to the Consultative Council of Revolutionaries in Benghazi – an alliance of armed groups against the forces of General Haftar – for supporting the Gaddafi regime, and remain disappeared to this day. More than a hundred people are still disappeared in Benghazi alone, an inhuman treatment for their families, who still do not know their fates.

Attacks on civilians and forced displacement

The year 2014 was particularly bloody and chaotic, leading to innumerable human losses during armed conflicts as well as the displacement of thousands of people. The offensive launched in October by General Haftar's militias in order to retake Benghazi caused 450 deaths in less than a month, according to the United Nations Support Mission in Libya (UNSMIL).

Civil society organisations also report that these militias did not only target combatants from rival armed groups, but also aimed at civilians. Houses were burnt down and destroyed, and numerous families forced into displacement. UNSMIL reported an alarming number of displaced persons, including 120,000 displaced persons in the region of Nafusa, 90,000 in Benghazi, and 100,000 in Tripoli.



THE UN CALLS ON LIBYA TO INVESTIGATE THE DEATH OF ABDELHAMID AL DAQUEL AND BRING ITS PERPETRATORS TO JUSTICE

During its 111th session in July 2014, the Human Rights Committee, which had been seized by Alkarama regarding the disappearance of Abdelhamid Al Daquel, issued a decision finding that Al Daquel's disappearance constituted a series of violations by Libya of its international obligations.

For several decades, systematic human rights violations were committed in Libya with total impunity. Under the previous regime of Muammar Gaddafi, arrests, arbitrary detentions, torture and enforced disappearances were common practices to repress the opposition and silence dissent.

Arrested on 26 January 1989 by agents of the Interior Security Services of Libya in Fom Molghat, near Tarhouna, Al Daquel, a former Libyan army pilot, was taken to an unknown location with three other people who were with him at the time of his arrest.

It was not until six years later – in 1995, when one of his fellow detainees was released – that his family learned that he was still alive and in Abu Salim prison. They were never allowed to visit him though, since the authorities continued to deny his detention.

In 2008, 19 years after his disappearance, Al Daquel's family was informed of his death by agents of the Interior Security Services, who gave them a death certificate issued on 23 June 1996, the date of the Abu Salim tragedy, one of the largest prisoner massacres in modern history, which took the lives of 1,200 victims.

Al Daquel's relatives continue to express doubt about the date and actual circumstances of his death, thinking that the events of Abu Salim serve as a pretext to justify numerous unexplained deaths, notably those of victims tortured and summarily executed.

In line with their case law, the UN experts found that Al Daquel's enforced disappearance constituted a violation by the State party of several fundamental rights enshrined in the International Covenant on Civil and Political Rights – ratified by Libya in May 1970 – notably the right to life, to freedom, and to not be subjected to torture. The Human Rights Committee thus called on Libya to *“conduct a prompt, thorough and impartial investigation into the disappearance and death of Abdelhamid Al Daquel, provide his family with details of the inquiry's results, return the remains of Abdelhamid Al Daquel to his family, prosecute, try and punish those responsible for the violations and take all the possible measures to prevent the perpetuation of similar violations.”*

From 2007, several individual complaints relative to serious human rights violations in Libya were submitted by Alkarama to the Human Rights Committee; all complaints received favourable decisions for the victims. Alkarama deplores that these violations continue to occur in the country despite the hopes raised by the revolution to put a definitive end to the practices of the past. The organisation also regrets the lack of interest from the new authorities in the UN Committee's decisions, and calls upon the State party to assume its responsibilities by taking concrete measures to implement them in compliance with its international obligations.



The effects of the bombings on a residential area in Benghazi



WHAT IS RATIFIED

ICCPR ✓

CAT ✓

ICPPED ✗

OP ICCPR ✓

OPCAT ✗



UPCOMING

- The evolution of the political and security situation and the peaceful resolution of the conflict between the various parties;
- May 2015: Universal Periodic Review (2nd cycle).



OUR CONCERNS

- Continued political instability and lack of short-term perspectives for improvement;
- Abductions followed by enforced disappearances, summary and extrajudicial executions, common practice of torture and secret detention, notably by armed non-state actors;
- Forced displacement of the population.



OUR RECOMMENDATIONS

- Ensure the compliance of all parties to the conflict with the principles of international humanitarian and human rights law and refrain from any attack on civilians;
- Investigate violations committed and bring the perpetrators to justice;
- Implement the decisions of the Human Rights Committee.

PUBLICATIONS

- September 2014, Universal Periodic Review of Libya – Submission to Stakeholders' Summary.

MAURITANIA

Since its independence in 1960, Mauritania witnessed a series of coups that have resulted in the succession of several Heads of State, a succession characterised by an alternation of civilian and military governments of an authoritarian nature.

With the election of Sidi Mohamed Ould Cheikh Abdallahi in 2007, the country experienced its first democratically elected president, but this was soon reversed by another military coup on 6 August 2008, led by Mohamed Ould Abdel Aziz who then came to power. While serving his first term, Mohamed Ould Abdel Aziz legitimised his rule on 19 July 2009, following elections contested by the opposition.

He was re-elected for a second term on 21 June 2014 with more than 80% of the votes. In the tense political climate, several opposition parties boycotted the elections, considering that not all the conditions for free, transparent and democratic elections had been met and denouncing them as an “*electoral farce*”.

It is in this unstable political context that one must examine the situation of human rights in Mauritania.

Freedom of expression and association in jeopardy

Article 10 of the Mauritanian Constitution guarantees a number of fundamental rights, which include the freedoms of expression, association and assembly. Despite these constitutional guarantees, these rights, essential in any democratic society, are still too frequently violated by the executive branch.

The Mauritanian authorities have continued to harass and repress human rights defenders in 2014 with the aim to reduce them to silence. Facing arbitrary arrests and detention, as well as prison sentences, human rights defenders and other activists, constantly intimidated by the authorities, have not been able to carry out their activities peacefully.

Particularly concerning conditions of detention

Following the final conclusions of the Committee against Torture, issued in its 50th session at the outcome of its initial review of Mauritania, the State party had one year to submit its information on the implementation of the recommendations relating to the strengthening of legal guarantees for detainees and to the general conditions of detention.

Faced with the silence of the Mauritanian State, on 7 July 2014 the Committee’s Rapporteur reiterated his demand that the Committee’s recommendations and observations be acted upon. He also recalled that he was concerned by the country’s detention conditions, described as lacking compliance with international standards due to the lack of hygiene, ventilation, adequate lighting and bedding, food and medical care.

The overcrowding of the prison system is also problematic and the Committee worried over the high number of sick prisoners as well as the number of deaths in custody. One example is the case, documented by Alkarama, of 33-year-old Maarouf Ould Al Hiba, who died on 12 May 2014 after having been secretly detained since 2011 in the military base of Salaheddine. The circumstances of his death are undetermined, but it is feared that Al Hiba died as a consequence of the deplorable conditions of his detention, the absence of medical care and the sequelae of torture and other ill-treatment he had been subjected to following his arrest in 2007.

Abolition of slavery: an ongoing battle

Despite the abolition of slavery in 1981 and the passing of a new law, on 3 September 2007, punishing this practice with a sentence of up to 10 years’ imprisonment, slavery persists in Mauritania.

Furthermore, critics of the 2007 law deem it insufficient to put an end to the practice of torture, stressing that it has never been applied against slave-owners, who continue to enjoy total impunity since the victims do not have the possibility to file a civil suit in order to seek redress.

Since the adoption of this law, only one conviction was handed down, in November 2011. In December 2013, the Head of State and the Supreme Council of the Judiciary had announced the establishment of a special court to try cases of slavery, yet to date this jurisdiction is still not in place.

Death penalty

Despite a moratorium on the death penalty in 2007, the sentence remains legal under the Criminal Code and is still given out by Mauritanian courts, including for cases involving minors.

On 24 December 2014, the Criminal Court of Nouadhibou handed down the first death sentence for apostasy, since the independence of the country in 1960, against a young Mauritanian for a writing that was found to be blasphemous, a crime that he denied during the proceedings. The verdict was given in a particularly tense climate and under the pressure of public opinion.



DETENTION OF BIRAM DAH ABEID, A SYMBOLIC FIGURE OF THE ANTI-SLAVERY MOVEMENT

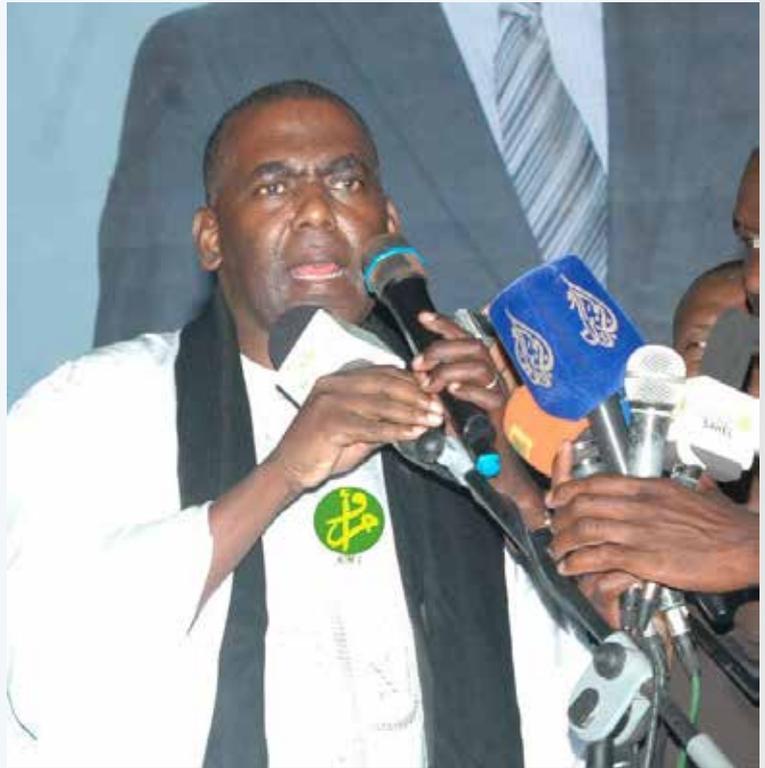
On 11 November 2014, Biram Dah Abeid, together with several other activists, was arrested as he was taking part in a demonstration called “*the caravan to abolish slavery*,” which travels across the country to raise awareness about slavery.

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

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

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

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



Biram Dah Abeid, President of the Initiative for the Resurgence of the Abolitionist Movement



WHAT IS RATIFIED

ICCPR ✓ CAT ✓ ICPPED ✓
OP ICCPR ✗ OPCAT ✓



UPCOMING

- Establishment of a national preventive mechanism required by the OPCAT (initially scheduled for 2 November 2013);
- Submission of the initial report to the Committee on Enforced Disappearances (initially scheduled for November 2014);
- November 2015: Universal Periodic Review (2nd cycle).



OUR CONCERNS

- Continued use of harassment and intimidation by the Mauritanian authorities against human rights activists;
- Lack of implementation of the 2007 anti-slavery law;
- Conditions of detention below the standards of international law.



OUR RECOMMENDATIONS

- Put an end to the harassment and intimidation against human rights defenders;
- Implement the anti-slavery law to put a definitive end to this practice;
- Respect international law as well as the UN Standard Minimum Rules for the Treatment of Prisoners adopted by the First UN Congress on the Prevention of Crime and the Treatment of Offenders in 1955 in Geneva;
- Implement the final observations of the Committee against Torture adopted during its 50th session (6-31 May 2013).

MOROCCO

A member of the Human Rights Council, the Kingdom of Morocco shows political will to find concrete solutions to the various problems that persist in establishing the fundamental freedoms guaranteed by the 2011 Constitution. Nevertheless, significant efforts have yet to be done for the country to fully comply with its international commitments.

Like its neighbours, Morocco experienced protests movements that led, in July 2011, to a constitutional reform, which partially answers some of the demands of the 20 February Movement. Civil society nonetheless continues to call for further reforms, both socially and politically.

During her visit in May 2014, the United Nations High Commissioner for Human Rights, Mrs Navi Pillay noted significant progress on the part of the Moroccan authorities in the area of human rights, but also observed that the constitutional and legislative reforms remained theoretical and had not been implemented. *“As such, many of the promising protections under the Constitution have yet to be translated into reality for the people of Morocco.”* The High Commissioner deplored the repression of peaceful demonstrations and the censorship of several journalists and bloggers in a country where freedom of expression is *“generally respected.”*

For its part, Alkarama remains concerned by the situation of numerous people who have been arbitrarily detained since 2003, as well as by the violations and other irregularities that persist in the context of the fight against terrorism and the authorities’ lack of political will to fight against the impunity of the perpetrators of torture.

On 24 November 2014, Morocco ratified the Optional Protocol to the Convention against Torture. This commendable initiative is certainly a step in the right direction in the framework of the fight against impunity, but it is essential that the Moroccan authorities establish a National Preventive Mechanism that has sufficient independence and satisfies the Protocol’s other requirements.

Throughout the year, the authorities expressed their will to regularise the situation of many illegal residents, notably those from sub-Saharan Africa. Measures undertaken thus far have, however, been deemed inadequate by several civil society organisations, which point fingers at Morocco’s migration policy, which has, so far, been very strict.

Arbitrary detention: an unresolved issue

Alkarama remains concerned by the continued detention of hundreds of people arrested under the pretext of the fight against terrorism from 2003, following the Casablanca attacks and sentenced to lengthy prison terms following unfair trials.

Numerous sentences had then been handed down by Moroccan courts in violation of fair trial standards and often on the sole basis of confessions extracted under torture. To this day, and despite all the recommendations made by the UN bodies, the authorities have not taken a single measure to close this chapter by releasing all persons arbitrarily deprived of liberty.

Alkarama has submitted several cases of people imprisoned following these types of trials to the UN Working Group on Arbitrary Detention, which issued many decisions establishing the arbitrary character of these victims’ deprivation of liberty.

Thus, in January 2014, the UN Working Group called on the Moroccan authorities to put an end to the detention of Mustapha El Hasnaoui and Ali Aarrass. Previously, the Working Group had also issued an Opinion calling for the release of Mohamed Hajib. Yet to this day, none of these victims has been released and the Moroccan authorities refuse to implement the experts’ Opinions.

Moreover, the security services still carry out arrests of persons prosecuted for having exercised their fundamental right to freedom of expression. In July 2014, Mahmoud El Haissan, a journalist from the television channel Rasd TV, was arrested in the middle of the night for having documented cases of violations against pro-independence protestors. Presented before the court the following December, he was sentenced to one and a half years of imprisonment.



RASD-TV Journalist Mahmoud El Hassain

Continued violations of the Convention against Torture

Morocco has been party to the Convention against Torture since 1993. To date, significant efforts have been made, especially in the legislative field. Yet, while torture is formally prohibited by Articles 231 and following of the Moroccan Criminal Code, in practice, the texts are often ignored.

Numerous allegations of torture have, in fact, been brought to the attention of the authorities, without them ordering the opening of a single investigation. Alkarama has documented cases in which the victims who brought complaints of torture to all the competent authorities never received any follow-up.

For instance, during his trial, Abdessamad Bettar – sentenced on the sole basis of confessions made under torture – reported to his judges the torture and other ill-treatment he had been subjected to in custody, but the magistrates did not take into account his allegations or his demand for an investigation. To this day, Bettar is still incarcerated without any investigations undertaken to confirm or reject his allegations.

In November 2014, a new milestone was reached when the Department of Justice filed charges against a prosecutor who had refused to follow up on a complaint from detainees alleging that they had been victims of torture in police custody. Alkarama commends this initiative, which could constitute an important step forward in the fight against impunity and invites the authorities to systematically open investigations into such situations.

Finally, on the question of the implementation of Article 3 of the Convention – which prohibits the extradition or expulsion of a person to a country “*where there are substantial grounds for believing that he would be in danger of being subjected to torture*” – Alkarama observed over the past year that the Moroccan Court of Cassation – which is competent to rule on extradition requests – never took into consideration the risks of torture faced by people whose extradition is requested and limits itself to a purely formal examination of the case.

Thus, on 15 April 2014, Sayed Omar, an Egyptian citizen who had come to attend Rabat’s International Book Fair, was arrested on his arrival in Rabat pursuant to an Egyptian arrest warrant. A founding member of the Freedom and Justice Party, the political wing of the Muslim Brotherhood, Omar runs a serious risk of being tortured and sentenced to death in his country. The Court of Cassation of Rabat nonetheless decided to authorise his extradition in spite of the well-founded requests of his lawyers, who did not fail to present the serious risk of torture faced by their client if he was handed over to the Egyptian authorities.



ARBITRARY DETENTION – IMPROVEMENTS AND SHORTCOMINGS

In December 2013, the Working Group on Arbitrary Detention visited Morocco and presented its report to the Human Rights Council, a report regarded by the Moroccan government as “*unduly harsh and out of step with the statement given at the end of the visit by Mr Mads Adenas*”, the President of the Working Group.

And yet, the experts acknowledged the government’s important efforts in the promotion of human rights, in particular in the legislative field with the amendment of different provisions of the Criminal Code and the Code of Criminal Procedure. The report also welcomed Morocco’s ratification of the International Convention to Protect all Persons from Enforced Disappearances, and observed various other improvements during its visit facilitated by the authorities, who had allowed the delegation access to detention centres and interviews with detainees.

Similarly, the experts highlighted the efforts of the National Human Rights Council – the Moroccan National Human Rights Institution – in the promotion and protection of human rights. Nonetheless, they also expressed their concerns about the law relative to the fight against terrorism, which legitimises a number of violations of the most fundamental procedural rights. This law, which gives a particularly wide and vague definition of terrorism, authorises excessive periods of custody that increase the risks of torture and other ill-treatment.

The report mentions thousands of detentions under the Anti-Terrorism Law. But allegations of *incommunicado* detention were rejected by the government, which denies the existence of these places of detention.

The experts’ visit allowed them to confirm, however, that the practices of torture and of convictions based on confessions extracted under torture remain common, as courts give these types of evidence an overriding importance in proceedings, even when the accused retracts its confessions before the judge and alleges having been tortured.

The experts also noted the shortcomings of the guarantee to direct and immediate access to a lawyer, which can be denied to a defendant on the basis of the Anti-Terrorism Law – which authorises a period of custody of six days without the possibility of meeting a lawyer, except in a 30-minute interview under the surveillance of a police officer.

The Working Group concluded its mission with a visit to the south of the country to the town of El Aaiún, where it also found that arbitrary detention and violations of fundamental rights remained common practice.



WHAT IS RATIFIED

ICCPR ✓ CAT ✓ ICCPED ✓
 OP ICCPR ✗ OPCAT ✓



UPCOMING

- November 2015: Review of the Moroccan National Human Rights Council (NHRC) by the Sub-Committee on Accreditation of the International Coordinating Committee of National Human Rights Institutions;
- Establishment of a National Preventive Mechanism (NPM) under the OPCAT (due in November 2015).



OUR CONCERNS

- Arbitrary detention of hundreds of people convicted under the Anti-Terrorism Law;
- Difficult conditions of detention and ill-treatment;
- Repression and excessive use of force during peaceful demonstrations;
- Reprisals against journalists;
- Impunity of the perpetrators of torture.



OUR RECOMMENDATIONS

- Immediately release all persons condemned following unfair trials and implement the UN's recommendations;
- Repeal the repressive provisions of the Anti-Terrorism Law 03-03, especially those relative to the definition of terrorist infractions and to the excessive duration of periods of custody;
- Establish an independent NPM and guarantee an effective and pluralist participation of civil society;
- Ensure that the NHRC conforms to the Paris Principles.

Since the protests of 2011, Oman has seen an alarming deterioration of fundamental freedoms and a human rights situation that is more concerning than ever. On the one hand, civil society demands more freedom to participate in the country's political life, and on the other, the authorities respond to these demands with reprisals against human rights defenders, including arbitrary arrests followed by secret detentions. Alkarama has thus sent numerous urgent appeals to the different United Nations Special Procedures on human rights following the proliferation of these violations by the authorities.

Today, the situation is made even more problematic by the state of health of Sultan Qaboos – who left for Germany for medical reasons in July 2014 – which has made the future of Omani politics uncertain. The year 2014 was also marked by a corruption scandal and the three-year prison sentence of former Trade Minister, Mohammed Bin Nasser al-Khusaibi, for corruption in the administration of a government contract.

Taleb Al Ma'mari: an iconic case of the authorities' crackdown on criticism

A Member of the Omani Parliament, Taleb Al Ma'mari was arrested and convicted for organising a peaceful protest on 21 August 2013 against the environmental damage caused by harmful emissions from chemical plants in his hometown of Liwa. While the security forces violently dispersed the protestors using water cannons and tear gas, Al Ma'mari was arrested three days later, on 24 August 2013, in spite of his parliamentary immunity. He was then charged, following an unfair judicial proceeding, with *"harming the State's prestige"* and *"gathering, obstructing traffic and disturbing public order"* and sentenced to four years imprisonment in addition to a large fine.

Alkarama submitted the MP's case to several UN Special Procedures as well as to the Inter-Parliamentary Union (IPU). In October 2014, the IPU issued a decision in which it expressed its concern with regards to the *"serious accusations according to which Mr Al Ma'mari has been persecuted and convicted on the basis of charges that violate his freedom of association."* In December 2014, the Working Group on Arbitrary Detention also issued its Opinion by which the UN experts deemed his deprivation of freedom to be arbitrary and in contradiction to Articles 10, 19 and 20 of the Universal Declaration of Human Rights (UDHR). The Working Group thus called on the Omani government to remedy Al Ma'mari's situation in compliance with the standards and principles of the UDHR by releasing him immediately and granting him an adequate compensation for the damage suffered.

Domestic law governed by numerous repressive provisions

Omani law contains a series of legal provisions that restrict civil and political rights, particularly the rights to the freedoms of expression, peaceful assembly and association. These restrictions were strengthened following the protests that took place in the context of the "Arab Spring". Additionally, the Criminal Code was amended to criminalise any criticism of the person of the Sultan or members of his government, allowing a sentence of three months to three years imprisonment as well as a hefty fine.

This provision is frequently used as a legal basis to arrest and detain not only human rights defenders and political activists, but also any person who criticises the Sultan or his government's policies. Similarly, the Criminal Procedure Code was revised in such a way to allow the *de facto* unlimited extension of administrative detention.

The right to freedom of expression is restricted; an offense of *"undermining the State's prestige"* was introduced and is sufficiently vague and extensive to be used to strongly condemn any hint of criticism of the regime.

Political and religious associations as well as political parties remain prohibited in the country, where the only tolerated associations are under the strict control of the authorities. Peaceful assemblies are repressed and protestors are charged with *"illegal assembly"*; any gathering of several people in public places or universities is banned and the participants are severely punished.

Finally, the August 2014 reforms on the right to nationality introduced new provisions authorising the deprivation of nationality of any Omani citizen who undermines the image of the State abroad, including by cooperating with international organisations.



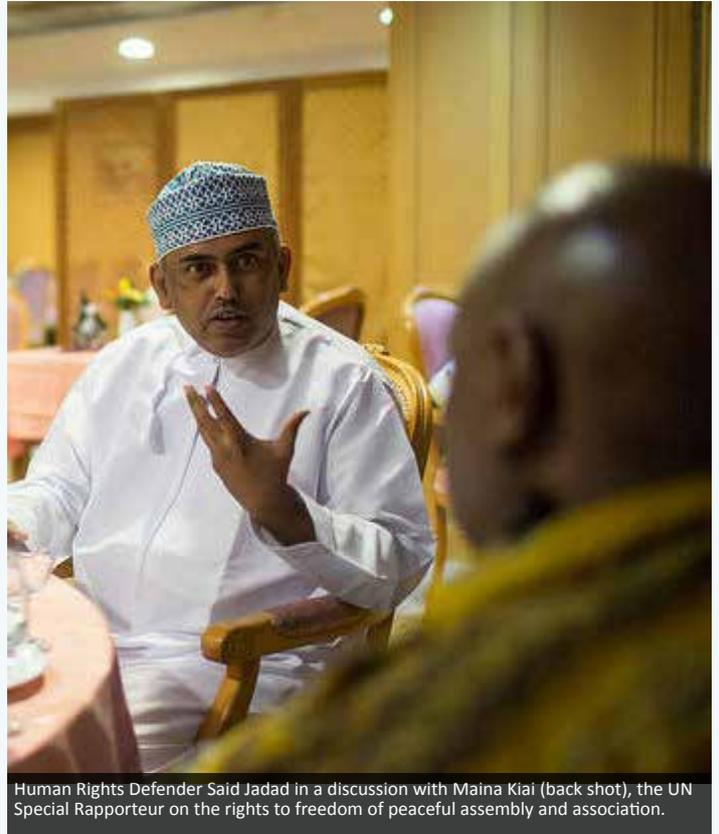
SYSTEMATIC REPRESSION OF PEACEFUL CRITICISM

Alkarama is particularly concerned by the effects of the restrictions on fundamental freedoms towards civil society in Omani. In fact, the authorities have enacted draconian legislation in order to muzzle civil society. Domestic laws have thus undergone amendments, especially in the areas of criminal law, criminal proceedings and the right to information.

Throughout this year, Alkarama has documented the cases of several human rights defenders, journalists and political opponents who were the victims of numerous retaliatory measures for having called for the respect of civil and political rights. These arbitrary measures range from a travel ban to *incommunicado* detention for several weeks.

Several human rights defenders have been arrested under the pretext of “*illegal assemblies*” or “*attacks on the State’s prestige*”; brought before trial courts, they were subjected to unfair trials where their rights of defence were not respected.

Following his visit to Oman in September, the UN Special Rapporteur on the rights to freedom of peaceful assembly and association, Mr Maina Kiai stated that “*From my meetings with civil society, victims and activists, I got the distinct impression of a pervasive culture of silence and fear affecting anyone who wants to speak and work for reforms in Oman. They are afraid to speak their minds, afraid to speak on the telephone, afraid to meet [...] Many people we spoke to reported being arrested or detained without due process – some repeatedly – and subjected to intimidation and psychological torture simply for trying to assert their rights. I would like to underline, that all the people I spoke to who have been subjected to this harassment, stress that what they want is peaceful reform, not revolution.*”



Human Rights Defender Said Jadad in a discussion with Maina Kiai (back shot), the UN Special Rapporteur on the rights to freedom of peaceful assembly and association.



WHAT IS RATIFIED

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



UPCOMING

- November 2015: Universal Periodic Review (Second Cycle)



OUR CONCERNS

- Arbitrary detention of political activists and human rights defenders;
- Restrictions on the freedom of expression and the right to assemble and protest peacefully;
- Use of the charge of “*attack on the State’s prestige*” as a tool of repression of any peaceful criticism.



OUR RECOMMENDATIONS

- Ratify the ICCPR and CAT;
- Guarantee the freedoms of expression, association and peaceful assembly; release people detained for having demonstrated or peacefully expressed their opinions;
- Put an end to reprisals against human rights defenders and political activists;
- Repeal from domestic law the provisions that restrict or are contrary to fundamental rights and freedoms.

PALESTINE

The year 2014 ended with Palestine's application to join the International Criminal Court Statute, following the rejection, on 30 December, of a United Nations Security Council resolution calling for an end of the Israeli occupation in the West Bank. In April, Palestine had applied for membership to 13 international treaties and conventions, joining eight of these treaties on 2 April, including the International Covenant on Civil and Political Rights and the Convention against Torture.

Despite the proclamation by the UN General Assembly of the year 2014 as the "*International Year of Solidarity with the Palestinian People*", the peace process remained stalled. In October, Sweden officially recognised the Palestinian State, joining the seven European Union Member States that had already done so in 1988; towards the end of the year, the Parliaments of France and the United Kingdom also voted with an overwhelming majority in favour of recognising Palestine as a State alongside Israel.

In June, a national unity government – following an agreement between Fatah and Hamas – was formed under the authority of President Abbas, triggering Israel's Operation "Protective Edge" carried out in the Gaza Strip between 8 July and 26 August 2014. The weeks preceding this large-scale attack saw a rise in tensions resulting from the murder of three Israeli teenagers, followed by the arrest of 800 Palestinians and the firing of rockets into Israeli territory.

Following massive violations of international humanitarian law by Israel, the Human Rights Council voted, on 23 July, for a resolution establishing an independent commission mandated with investigating IHL violations in the Occupied Palestinian Territories in the context of the military operations launched since 13 June. The conflict has claimed over 2,000 lives on the Palestinian side and 70 on the Israeli side.

In the fall, the West Bank and East Jerusalem became, in turn, the theatre of a spiral of violence following the Israeli authorities' decision to build new settlement units in East Jerusalem.

Arbitrary detentions and hunger strikes

Once again this year, the Palestinians detained in Israeli prisons have seen their most fundamental rights violated. Administrative detention remains a common practice; according to NGO reports, in November 2014 more than 5,500 Palestinians were detained in Israeli prisons, of which 500 were held in administrative detention.

In April, several dozen detainees began a hunger strike to protest against their continued detention without charge or trial. In this regard, in June the Special Rapporteurs on Torture and on the Right to Health called on Israel to end the practice of force-feeding, which constitutes a form of cruel and inhuman treatment.

The year 2014 was also marked by an increasing repression against minors: children and teenagers are regularly arrested during protests and detained by the Israeli authorities. The arrest methods used and their treatment in detention can amount to acts of torture. The trials of minors before military courts continued to be denounced by NGOs.

The Palestinian authorities are also responsible for human rights violations. The report of the Independent Commission for Human Rights – published in December 2014 and pertaining to violations committed on Palestinian territory – documented 80 complaints of torture and other ill-treatment as well as 114 complaints relating to violations of the right to a fair trial, in particular in the Hamas-controlled Gaza Strip, where arrests without warrants are systematic and the practice of torture is common. Additionally, the lack of independence of the judicial system fosters a climate of impunity for the perpetrators of violations, especially for members of the internal security services.

Human Rights Committee calls on Israel to stop violating Palestinians' rights

On 20 October 2014, the Human Rights Committee's experts reviewed Israel's fourth report and expressed their major concerns. Israel was notably asked to answer about its interpretation of the applicability of the International Covenant on Civil and Political Rights to the Palestinian territories. The Committee called on the State party to "*interpret the Covenant in good faith*" and highlighted that it was applicable to any conduct of the Israeli authorities or agents "*regardless of the place where they act.*"

Regarding the issue of administrative detention, the Committee observed the widespread nature of this practice and called upon Israel to immediately end it, in light of all of the related violations – especially the use of "*secret evidence*," the denial of access to a lawyer and, in cases involving minors, the fact that "*Palestinian children are constantly exposed to arrests and arbitrary detention and are often not granted all the necessary procedural guarantees.*" The Committee also noted that ill-treatments of Palestinian children are now "*widespread, systematic and institutionalised*" they called for the eradication of this practice and for "*prompt, extensive, effective, independent and impartial*" investigations to be opened, including in cases where the Israel Security Agency is implicated.

The UN experts also expressed their concerns regarding the absence of criminalisation of torture in Israeli law and reiterated their worries that the policy of "*defence of necessity*" continues to be regarded as lawful and is used as a "*possible justification for torture.*" The fact that the Israeli Supreme Court implicitly authorises the use of so-called "*moderate physical coercion*" was also denounced.



OPEN LETTER FROM ALKARAMA TO THE UN HIGH COMMISSIONER FOLLOWING THE INDISCRIMINATE AND DISPROPORTIONATE ATTACKS ON CIVILIANS IN THE GAZA STRIP

On 5 August 2014, Alkarama sent an open letter to the High Commissioner for Human Rights at the time, Mrs Navi Pillay, in which it called for the UN Security Council to refer the situation in Palestine to the International Criminal Court, recalling the precedents of Syria and Libya.

In the letter, Alkarama deplored the number of Palestinians killed – of which 70% were civilians – since the beginning of Operation Protective Edge. Condemning these indiscriminate and disproportionate attacks on civilian targets, which included attacks on hospitals and UN schools, Alkarama recalled that Israel – as the occupying power – had to respect the principle of precaution in the choices of means and methods of attacks under international humanitarian law. Alkarama added that it was “clear that the means of attacks chosen by Israel against the most densely populated area in the world are undoubtedly excessive in relation to the concrete and direct military advantage anticipated and thus violate the customary rule of proportionality.”



Palestinian children play on the rubble of building destroyed by Israeli bombs in Gaza City

The bombings were, in fact, carried out without making sure that the civilian population had been warned in advance; the “roof knocking” warning method of dropping explosive charges on a roof constituted a deliberate attack on civilians, and should be regarded as a threat to their lives; furthermore, it was impossible to justify the targeting of the only places that are supposed to remain safe for civilians, namely UN buildings, especially when the same Israeli forces had previously requested civilians to seek shelter in these very facilities.

The violations of these principles of international humanitarian and human rights law thus clearly amount to war crimes under Article 8 of the Rome Statute of the International Criminal Court. In addition, if it is shown that the Israeli government was intentionally targeting and seeking to inflict significant damage to Palestinian civilians – noting that a significant number of Israeli officials are publicly calling for such attacks – these violations would be considered a crime against humanity according to Article 7 of the Rome Statute.

Alkarama therefore called upon the High Commissioner to act with the aim to establish international criminal responsibility for these massive and systematic violations of international law stemming from the Israeli military operations, highlighting that: “Investigation of such crimes will remain incomplete without a serious possibility of prosecution. It will not only provide impunity to those who should be held accountable, it is also a serious threat to the respect of international law in current and future conflicts and facilitates the repetition of such crimes.”



WHAT IS RATIFIED

ICCPR ✓ CAT ✓ ICCPED ✗
OP ICCPR ✗ OPCAT ✗



UPCOMING

- March 2015: Presentation of the report of the Commission of Inquiry (CoI) on Gaza to the Human Rights Council (HRC);
- 2 May 2015: Submission of Palestine's initial report to the Committee Against Torture;
- 2 July 2015: Submission of the initial report to the HRCtee;
- 31 October 2015: Submission of Israel's follow-up to the Human Rights Committee;
- Preliminary investigation to be opened by the International Criminal Court on the situation in Palestine.

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



OUR CONCERNS

- Massive violations of international humanitarian and human rights laws during Israeli military operations in the Gaza Strip;
- Arbitrary detention - especially in the form of abusive recourse to administrative detention - of Palestinian prisoners, especially of minors and human rights defenders;
- Excessive use of force against protestors in the Occupied Palestinian Territories;
- Use of torture and unfair trials in the Palestinian territories.



RECOMMENDATIONS

To Israel:

- Put an end to any practice that violates international law relative to the occupation of Palestine;
- Ensure that people held in administrative detention are legally charged or released;
- Put an end to the excessive use of force against protestors and the harassment of human rights defenders.

To Palestine:

- Abstain from any practice of torture or ill-treatment against arrested or detained people;
- Guarantee all persons under prosecution for criminal charges their right to a fair trial and release those detained for political reasons.

On 3 June 2013, Sheikh Tamim Bin Hamad Al Thani succeeded his father, Sheikh Hamad Bin Khalifa Al-Thani. Nonetheless, the political and institutional configuration of Qatar remained unchanged: State powers are concentrated in the ruling family, who are not accountable to their subjects. Hence, there is a strong contrast between the particularly active role the country plays on the international stage and the lack of participation of the population in domestic political life. In addition, the elections of 30 out of 45 seats of the Consultative Assembly, scheduled to take place in the second half of 2013 were again pushed back to 2016.

For more than a decade, Qatar has implemented important reforms in the field of human rights in order to comply with international law standards. Alkarama has expressed its concerns to the United Nations bodies, as the law and practice in the country in this matter could be, and must be, improved. Alkarama's main recommendations relate to the state of civil and political freedoms, the independence of the justice system and the effective implementation of Qatar's international obligations relative to the Convention against Torture. In particular, the situation of migrant workers and the discrimination that they face is of overriding concern, and relates to all the other issues raised.

Civil liberties and political restrictions

Freedom of association is not, in practice, guaranteed in the Emirate, where political parties – as in most countries in the region – are not authorised. While some associations of a professional or social character are approved – especially charitable organisations – the administrative process to obtain the accreditation required by law, issued by the Ministry of Labour and Social Affairs, is a deterrent to their registration.

Freedom of expression also remains limited. While violations occur in lower numbers than those observed in neighbouring countries, they remain a subject of concern nonetheless. Mohamed Al-Ajami, who was sentenced to 15 years imprisonment in October 2013 for having published a poem critical of the authorities, has not been released to this day despite the appeals of numerous international NGOs, including Alkarama.

Finally, civil and political liberties as a whole are jeopardised by the Law on the Protection of Society, the Antiterrorism Law, and the Law on State Security.

Absence of independence of the Judiciary

The independence of the judiciary – in a system where non-national contractors make up a large part of the judicial body – does not now exist. Numerous magistrates, recruited from other Arab countries, are not appointed but are given a fixed-term contract. The principle of the irremovability of judges, essential to the independence of the judiciary, cannot be guaranteed in these circumstances.

After her visit to Qatar from 19-26 January 2014, the Special Rapporteur on the independence of judges and lawyers, Mrs Gabriela Knaul, expressed similar concerns to those Alkarama had submitted in communications and reports addressed to the UN Treaty Bodies and Special Procedures. While the expert congratulated the country for its *"exemplary engagement"* with the UN human rights mechanisms, as well as for their creation of a National Human Rights Commission, several points still deserve the attention of the authorities. The key issues that prompted her visit were notably related to the administration of justice, guarantees related to the right to a fair trial, to equal access to justice, and to the independence of non-Qatari judges.

The enshrinement of the principle of the separation of powers and of the independence of the judiciary in the 2004 Constitution has certainly helped to strengthen the administration of justice in Qatar. Nonetheless, many shortcomings persist. Five years after the adoption of the law creating the Constitutional Court, it has still not been established. In addition, the Supreme Council of the Judiciary – instituted in 1999 and composed of seven members named by the Emir – cannot be regarded as a truly independent institution able to guarantee the sound administration of justice. At the same time, Qatar has not created an independent bar association governing the entry requirements to the profession of lawyer as well as the rules of conduct and discipline of its members.



UN Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul, during her visit to Doha in January 2014



QATAR BEFORE THE COMMITTEE AGAINST TORTURE – THE NEED FOR A BETTER IMPLEMENTATION OF ITS INTERNATIONAL OBLIGATIONS

On 22 August 2014, Alkarama submitted to the UN Committee against Torture its contribution to the list of issues to tackle Qatar's third review by the Committee. The report of the State party addressing these points – a prerequisite to Qatar's review by the experts – is due on 23 November 2016.

The questions raised by Alkarama in its contribution relate to the issue of the definition and criminalisation of torture in domestic law; the necessity of its absolute prohibition, including in the context of the prevention of, and fight against, terrorism; the other forms of inhuman and degrading treatments, including arbitrary detentions; the cases of expulsion, refoulement, and extradition with risk of torture in the destination country; and the living and working conditions of migrant workers.

While torture, criminalised in Article 159 of the Qatari Criminal Code, follows its definition in international law, Alkarama noted the absence of lines of actions for judges – to guide their interpretation of this provision – as well as the lack of training for the police forces – to prevent the occurrence of such acts. Alkarama also noted that the legal framework does not include a provision ensuring that torture is not authorised under any circumstances, even if these are exceptional. Alkarama therefore recommended that the prohibition of torture be expressed in absolute terms in national law and be applied to all State agents without exception. The Committee against Torture called on Qatar to amend its law on the fight against terrorism in order to bring it into line with the Convention against Torture (CAT).

Additionally, Alkarama remains preoccupied by the lack of legal provisions expressly prohibiting the expulsion, return or extradition of a person to a country where there are serious grounds for believing that the person would be subjected to torture, as well as by the lack of an effective appeal process for those who may be subject to such a treatment. During the review of Qatar's initial report in 2006, Qatar had expressed its intention to incorporate these guarantees into domestic law; nonetheless, no measure has been taken to fulfil this obligation to this day. This lack of implementation, has led to a violation of Qatar's obligation that Alkarama has documented and reported to the UN. Awad Al Hiqi, a Yemeni citizen was handed over to Saudi Arabia by Qatar on 18 October 2010 despite serious concerns that he would be subjected to torture there. He is still secretly and arbitrarily detained and subjected to torture and ill-treatment in Saudi Arabia despite having been judged innocent. Alkarama sent communications to the UN Special Rapporteur on Torture as well as other UN Special Procedures in March 2013 and December 2014 pointing out that Qatar and Saudi Arabia are parties to the CAT and that both the extradition carried out by Qatar and the torture committed by Saudi Arabia constituted serious breaches of the Convention.

Finally, the situation of migrant workers – who make up nearly 88% of the population – remains concerning, particularly among construction, domestic and public workers. Although the reforms implemented to protect them from the abuse of their sponsors were commended by the Special Rapporteur on the Human Rights of Migrants following his visit to the country in 2013, the existing legislation has yet to be implemented effectively. In particular, Alkarama stressed the need to ensure that these workers are treated humanely, to implement effective systems of prevention against ill-treatment, and to allow an easy access to justice for the victims of such violations



WHAT IS RATIFIED

ICCPR ~~X~~ CAT ✓ ICCPED ~~X~~
OP ICCPR ~~X~~ OPCAT ~~X~~



UPCOMING

- November 2015: Review of the National Human Rights Institution.



OUR CONCERNS

- Infringements on freedom of association and peaceful assembly;
- Lack of independence of the judiciary;
- Situation of migrant workers.



OUR RECOMMENDATIONS

- Guarantee the freedoms of expression, association and peaceful assembly and not limit fundamental rights and freedoms in domestic law;
- Guarantee the independence of the judiciary and establish an independent bar association;
- Ratify the ICCPR and OPCAT;
- Improve the situation of migrant workers and prevent any discrimination against them in law and in practice.

SAUDI ARABIA

Since 2011, fearing the spread of the Arab revolutions, the monarchy took drastic measures to eliminate any protest movement likely to threaten the perpetuation of its reign. Thus, the Saudi authorities redoubled their efforts to repress all dissident voices, forbidding any non-authorized demonstration or publication and systematically arresting any person expressing criticisms of the regime.

Following on from this policy, the Saudi authorities adopted a new law on “*terrorist crimes and their financing*” on 1 February 2014, with the objective of preventing any form of protest and strengthening their grip on society. On 7 March, they released a list of terrorist organisations, which listed the Muslim Brotherhood movement in Egypt as equivalent to armed groups such as the Islamic State in Iraq and the Levant or the Al-Nusra Front.

In July, shells that originated from Iraqi territory were fired on the Al-Arar region, marking the second incident in less than eight months in the border region with Iraq. In September, Saudi Arabia took part in the air offensive launched by the United States against armed groups in Syria.

Despite its election to the United Nations Human Rights Council (HRC), Saudi Arabia has not displayed any political will to put an end to the violations and systematic repression. To the contrary, the Kingdom has used its seat on the HRC to try to stifle criticism. In September, Samar Badawi, the wife of imprisoned lawyer and human rights defender, Waleed Abu Al Khair, spoke on the occasion of the 27th session of the HRC to describe the situation in the country and denounce the arbitrary detention of her husband. The representative of Saudi Arabia interrupted her speech several times and attempted to impose censorship of her remarks. When she returned to Saudi Arabia, Mrs Badawi was punished with a travel ban in retaliation.

The fight against terrorism: a pretext to justify systematic violations of fundamental rights

Entered into force in February 2014, the new law on “*terrorist crimes and their financing*” gave an extremely vague and extensive definition of the crime of terrorism, including notably all acts committed with the goal of “*jeopardizing national unity*,” “*challenging the fundamental law on governance or any of its provisions*” or “*harming the reputation of the State or its position*.”

A new tool of repression, this law has the explicit goal of stifling any dissident opinion and legitimising serious attacks on fundamental rights. Article 6 authorises the holding of a detainee without any contact with the outside world for a period of up to 90 days, which can also be renewed with the authorisation of a judge. Thus, *incommunicado* detention is now specifically permitted by the law, which provides an open-ended catalogue of “*legalised violations*” of fundamental guarantees. Sweeping powers were also granted to the Ministry of the Interior, making it, for example, the sole competent body to order a provisional release.

The case of Waleed Abu Al Khair, a prominent lawyer and human rights defender, is symbolic of the instrumentalisation of the fight against terrorism to stifle any dissenting opinion. A lawyer of the members of the Civil and Political Rights Association (ACPRA) arbitrarily detained since 2011, Abu Al Khair has also taken up the defence of other prisoners of opinion before being himself arrested and brought before the Court of Riyadh – competent in matters of national security and terrorism – and sentenced to 15 years imprisonment.

Torture and ill-treatment, persistent practices

A State party to the Convention against Torture, Saudi Arabia nonetheless experiences a persistent practice of torture and other cruel, inhuman or degrading treatments. The Saudi State is also several years late in its submission of its report to the Committee against Torture, which has been due since 2006.

During its last Universal Periodic Review, Saudi Arabia had received several recommendations relating to the criminalisation of torture and the abolition of corporal punishments, recommendations of which it took note but did not accept. To this day, the country does not yet have any domestic legislation criminalising torture in compliance with its international obligations.

To the contrary, torture is institutionalised through the corporal punishments handed down by criminal courts, in order to sanction, among others, the exercise of freedom of expression. Thus, Raif Badawi, a liberal blogger, was sentenced – in a final judgment – to 10 years imprisonment and 1,000 lashes for publishing opinions regarded as too liberal by the Saudi authorities on his website.

In addition, confessions obtained under torture continue to constitute the basis of evidence used by magistrates to issue convictions. Article 162 of the Criminal Procedure Code states that confessions of the accused may at any time allow for the closing of the case and hence the search for other pieces of evidence. No provision excludes confessions obtained under torture and no investigation is ordered by the judicial authorities in the presence of allegations of torture, thus encouraging impunity for the torturers.

Arbitrary detention: a means of eliminating all forms of protest

Over the last few years, Alkarama has seized the UN Working Group on Arbitrary Detention in hundreds of cases of victims in Saudi Arabia. Despite the UN Special Procedures' issuance of numerous Opinions condemning this practice, the Saudi authorities show utter disregard and continue to use detention as a tool of repression to eliminate any form of protest.

Regarding their deprivation of liberty as arbitrary, the UN group had notably called for the release of Mohammad Al Qahtani, Abdallah Al-Hamed, Mohamed Al-Bajadi and several other activists. Yet, to this day, Saudi Arabia has not only ignored the experts' recommendations but also proceeded to further arrests. Thus, Fawzan Al Harbi, a lawyer and member of ACPRA, was also arrested and sentenced to 10 years imprisonment.

Today, the situation is concerning; almost all activists and human rights defenders are in prison and the authorities do not take any action to rectify this problematic state of affairs. To the contrary, they persist in their behaviour and regularly make new arrests, repressing any exercise – no matter how harmless – of the freedom of expression.



Founding members of ACPRA in front of Riyadh's Court

The year 2014 was yet again marked by several convictions of activists, as well as bloggers and journalists. On 4 February, a presenter and owner of the religious channel Al-Fajr Media Group, Wajdi Al-Ghazzawi was sentenced to 12 years imprisonment for *"incitement to sedition"*, *"disobedience to the Sovereign"* and *"attacks on the State's prestige and the institutions of justice,"* after his TV program *"Al Fadfada"* addressed in a critical way the issues of corruption and of the anti-terrorist policy.

In July, the photographer, Jassim Mekki A'al Safar was sentenced to seven years imprisonment, accompanied by a travel ban for the same duration, for *"displaying photos of prisoners in public places,"* *"establishing a terrorist cell,"* *"protesting with anti-regime slogans,"* and *"maintaining relations with foreign journalists."*

These cases illustrate the systematic use of detention as a method of repression. The same charges are used indiscriminately against lawyers, human rights defenders, bloggers, journalists or ordinary citizens, for exercising a freedom recognised by all international instruments for the protection human rights.



WALEED ABU AL KHAIR, A LAWYER CONVICTED FOR HAVING ASSISTED AND DEFENDED VICTIMS OF VIOLATIONS

Waleed Abu Al Khair is a lawyer, a human rights defender and the founder of the organisation Monitor for Human Rights in Saudi Arabia, which documents human rights violations in the country. He notably defended members of ACPRA – the Saudi Association for Civil and Political Rights, of which the majority of members are imprisoned today – as well as the blogger Raif Badawi.

Arrested because of his professional activities on 15 April 2014, he was brought before the Court of Riyadh. The particularly confusing charges brought against him made pell-mell reference to his activities as a lawyer and a human rights defender. During the years prior to his arrest, he had expressed his support for intellectuals peacefully calling for reforms in the country by signing a petition calling on the King for political opening and asking for the release of thousands of prisoners of conscience arbitrarily detained in the country. As a lawyer, he had also collaborated with Alkarama in documenting several serious cases of human rights violations in the Kingdom to bring to the attention of the UN Special Procedures.

The arbitrary arrest and heavy sentence of this prominent lawyer represent the culmination of a judicial and police harassment campaign against him. Already in 2012, the Court of Jeddah had initiated a criminal proceeding against him, accusing him of having “*been in contact with international and foreign organisations*” and “*signed a petition calling for the release of detainees.*” He had then been sentenced to three months imprisonment.

Despite the risks to which he knew he was exposed, Al Khair continued to work for a greater respect of fundamental rights, inviting his compatriots to take part in a peaceful political debate.

Alkarama alerted the UN Special Procedures at each of his several arrests. Arrested again during one of the hearings to which he was summoned by the Court of Riyadh on 15 April 2014, Al Khair has been imprisoned ever since in deplorable conditions, subjected to tortures and other ill-treatment and deprived of visits from his family and of the assistance of a lawyer.

He was finally sentenced to 15 years in prison as well as a 10-year travel ban for “*disobedience to the King*”, “*civil disturbances*”, “*creation of an illegal association*” and for having “*collaborated with international organisations and given a bad image of the country.*” His case is symbolic of the Saudi authorities’ policy of repression against human rights defenders, a policy largely ignored by the international community.



Waleed's wife and daughter wearing T-shirts made for a campaign for his release.



WHAT IS RATIFIED

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



OUR CONCERNS

- Lack of independence of the judiciary, unfair trials and systematic practice of arbitrary detention;
- Continuing practice of torture and corporal punishments;
- Repressive anti-terrorism legislation;
- Systematic repression of human rights defenders.



OUR RECOMMENDATIONS

- Immediately release arbitrarily detained persons and amend the legislation pertaining to the fight against terrorism and its financing as well as the Law on Cybercrime, by bringing them into line with international human rights instruments;
- Set up an independent judicial system and ensure the respect of procedural guarantees;
- Put an end to the practice of torture and other ill-treatment while ensuring that allegations of torture lead to independent and impartial investigations;
- Immediately end the repressive policy carried out against human rights defenders and ensure respect for freedom of expression and of the press.



UPCOMING

- Municipal elections scheduled for 2015;
- November 2015: Adoption of the List of Issues by the Committee against Torture.

SUDAN

In a context of escalating violence in conflict zones and of forced population displacement – especially in Darfur, South Kordofan and the Blue Nile region – the year 2014 was characterised by a worsening of the economic and social situation and by serious human rights violations.

The desire expressed by the authorities to improve the promotion and protection of fundamental freedoms in the country, exemplified by the adoption of the “National Plan of Action for the Promotion and Protection of Human Rights for the period 2013-2023”, has not yet yielded concrete results. To the contrary, the year 2014 saw repression increase ahead of the parliamentary and presidential elections scheduled for spring 2015, which are already being challenged by the opposition.

In this climate of political tension, several peaceful gatherings were repressed by the authorities, illustrated by the death of a student from Khartoum University in March during a protest against violence in Darfur, as well as by the arrests of hundreds of protestors. Numerous political opponents were also subjected to harassment and arbitrary arrests, which are regularly denounced by the United Nations Independent Expert on the situation of human rights in the Sudan.

Thus, several political opponents and human rights defenders were arrested by the intelligence services after signing a Political Declaration on the Establishment of a State of Citizenship and Democracy – the Sudan Call – in Addis Ababa on 3 December 2014. One of the activists, Dr Amin Mekki Medani was arrested upon his return to Sudan and detained *incommunicado* for several days before being charged with “*undermining the constitutional system*” and “*waging war against the State*” and transferred at the end of December to the Kober prison in Khartoum, where his health noticeably deteriorated. Today, Medani risks the death penalty simply for having expressed his opinions in a peaceful manner and called for democratic reforms.



Amin Mekki, one of the signatories of the “Sudan Call”

These arrests had been preceded by the arrests of other members of the opposition in spring 2014: the leader of the Umma Party, Sadiq Al Mahdi and the leader of the Sudanese Congress Party, Ibrahim Al Sheikh, were respectively arrested on 17 May and 8 June for having taken a stand against the attacks carried out by the authorities in Darfur. Young members of the opposition were also arrested and detained for several months without charge and reported having been subjected to torture during their detention. Despite their testimonies, the authorities have not opened a single investigation.

Furthermore, the government pursued its policy of repression of civil society and restrictions on their activities and has notably banned several organisations that are active in the protection and promotion of women’s rights. At the same time, the authorities have increased the crackdown on the media and independent journalists. One example is the case of Ashraf Omer Khogali, arrested by the police on 26 September 2013 and detained without trial for over a year in inhuman conditions. Several newspapers have also been closed down without any prior legal procedure, while others have seen their publications confiscated arbitrarily under the repressive press law of 2009 without any possibility of exercising their right to an effective judicial remedy.



REVIEW OF SUDAN BEFORE THE UN HUMAN RIGHTS COMMITTEE

As a State party to the International Covenant on Civil and Political Rights, on 8 July 2014 Sudan underwent its fourth Review by the UN Human Rights Committee, which released its concluding observations on 22 July.

The Committee highlighted the Sudanese authorities' failure to bring their laws and penal code in conformity with the principles and rights established by the Covenant, despite its previous recommendations. The UN experts regretted that the laws on torture did not comply with pertinent international standards, when its practice remains systematic in Sudan where many people have been convicted on the basis of confessions obtained under duress.

In addition, security services are never subject to criminal prosecution. This situation is the consequence of a legal immunity, granted to members of the security forces, that impedes their prosecution for human rights violations committed in the performance of their duties, thus preventing victims from demanding justice. This legislation is all the more repressive in that the National Security Act allows the authorities to detain any person for four months without judicial oversight, thus creating an environment favourable to the practice of torture and other abuses in secret detention centres, as reported by many victims.

The experts also strongly criticised the competence of military courts to try civilians for certain crimes and offenses, as these courts are not considered sufficiently independent and impartial to guarantee the fair application of the fundamental fair trial standards



WHAT IS RATIFIED

ICCPR ✓ CAT ✗ ICPPED ✗
OP ICCPR ✗ OPCAT ✗



UPCOMING

- April 2015: Presidential and parliamentary elections.



OUR CONCERNS

- Widespread practice of torture and other mistreatment;
- Arbitrary detention of opponents, journalists and human rights defenders;
- Trials of civilians before military courts;
- Impunity of members of the security forces;
- Restrictions on freedom of the press and on freedom of expression and peaceful assembly.



OUR RECOMMENDATIONS

- Put an end to the practice of torture and other cruel, inhuman or degrading treatment;
- Abolish the immunity given to members of the security forces; repeal the National Security Act; guarantee the application of fair trial standards;
- Abolish the jurisdiction of military courts in the trials of civilians;
- Ratify the CAT, ICPPED, OPCAT and OP ICCPR.

SYRIA

In March 2014, Syria entered its fourth year of armed conflict, with dramatic effects on the civilian population. Not only was 2014 the deadliest year since 2011 – with over 76,000 deaths, including 3,500 children – but also the number of refugees went from 2.3 million in 2013 to 3.7 million in 2014, becoming the largest refugee population in the world and placing huge strains on bordering countries. The Syrian crisis *“has become the biggest humanitarian emergency of our era, yet the world is failing to meet the needs of refugees and the countries hosting them,”* observed the United Nations High Commissioner for Refugees in August 2014.

In July, the UN Security Council adopted Resolution 2165 authorising the delivery of humanitarian assistance into Syria. It also granted UN agencies and their partners access to all conflict zones, even without the approval of the Syrian authorities.

Despite attempts at negotiations to find a political solution to the conflict, the peace process remained stalled. Following the failure of the second Geneva Conference on Syria in February 2014, Lakhdar Brahimi became in May the second UN-Arab League Joint Special Representative on the Syrian crisis to resign and was replaced by the European diplomat, Staffan Domingo de Mistura. At the same time, controversial presidential elections in Syria saw the predictable re-election of the incumbent president for another seven-year term.

Furthermore, the security situation on the ground has deteriorated at an alarming rate due to the rising numbers of active armed groups, the arrival of foreign fighters and the rapid advance of the rebel group Islamic State in Iraq and the Levant (ISIL). ISIL extended its presence in the Sunni-majority areas in the governorates of Raqqah, Idlib, Deir el Zor and Aleppo and proclaimed the establishment of a Caliphate in June. In September, the advance of ISIL in Syria and Iraq triggered the intervention of a multinational coalition led by the United States and made up of about 40 countries, among them some Arab States in the region.

Governmental forces remain the main perpetrators of serious human rights violations – notably of massacres against the civilian population, indiscriminate shelling and the use of chemical weapons. The systematic and widespread practice of torture and enforced disappearances led the Commission of Inquiry on Syria to conclude that these violations amounted to crimes against humanity. It also found that rebel groups were responsible for some serious violations of international law that could also be defined as war crimes and crimes against humanity, due to reports of numerous acts of torture, enforced disappearances, massacres, hostage-taking and attacks against the civilian population. To this day, however, all these crimes remain unpunished.



Members of the Yasin family, all disappeared in Syria since December 2013. Alkarama referred their case to the UN Special Procedures in April 2014.

Special courts used to repress civil society

Human rights defenders and peaceful humanitarian or political activists continue to be targeted by the Syrian authorities, who accuse them of “terrorist” activities under Law No. 19 of July 2012. These individuals are regularly brought before the anti-terrorism court – a special court under the Ministry of Justice – and sentenced to lengthy prison terms. Established by Law No. 22 of the same year, this court has jurisdiction over both civilians and the military in expedited trials that do not meet international standards of fair trial.

Torture: a systematic and widespread practice

Several cases documented by Alkarama attest of the systematic and widespread use of torture in Syrian prisons, as well as in the regime’s multiple secret detention centres. The frequency, duration and gravity of these acts – practiced by all branches of the security services without exception – have caused several deaths in custody. Families of the victims often do not receive the remains of their relatives, but only death certificates. Torture is mostly practiced with the aim to extract confessions that will then be used to convict the victims before special courts without any other material evidence. Denounced by the UN High Commissioner for Human Rights in a recent report, the large-scale practice of torture by governmental forces and its affiliated militias may amount to war crimes and crimes against humanity.



ENFORCED DISAPPEARANCES, A TOOL OF TERROR

Given the extent of this practice in Syria, the recourse to individual complaints to the UN Working Group on Enforced or Involuntary Disappearances constituted the vast majority of Alkarama's work in 2014. The number of enforced disappearances is all the more concerning in that this practice is constantly on the rise.

Most victims of enforced disappearances are arrested at military checkpoints or during operations by the army, which carries out mass arrests. The different security branches are also involved in the arrest of political activists and human rights defenders, as well as members of humanitarian organisations or even ordinary citizens. These arrests take place without any judicial warrant and no information is given on the fates of the victims. Additionally, the families of victims often avoid reporting the disappearance of their relatives to the authorities for fear of suffering the same fate. In the rare cases when they do speak out, their attempts to obtain information meet with the absolute denial of the authorities.

Based on the sheer number of cases of enforced disappearances that Alkarama has documented, it is clear that the Syrian regime uses this particularly serious practice as a sophisticated tool of repression against peaceful political activists. Alkarama was recently presented with the case of Abed Alkareem Shia, an opponent of the regime who organised various peaceful protests at the beginning of the uprising, before embarking on humanitarian work to help displaced persons fleeing the fighting in Aleppo, where he was later arrested by several members of the security forces in military uniform on 3 October 2011. According to the testimonies of released prisoners, he was brought to the military prison of Aleppo before being transferred to Damascus but, despite various attempts by his family to establish his fate, the Syrian authorities have consistently denied his detention.

Women are not spared by the Syrian security services either and are also the victims of enforced disappearances. For instance, Faten Rajab Fawaz, a human rights activist involved in humanitarian action since the beginning of the Syrian revolution, was arrested by the air force intelligence services on 26 December 2011 and her family has not had any news of her fate to this day.

Finally, it is important to note that, in addition to the violations committed by the Syrian authorities, violations are committed by other armed groups, which are also responsible for cases of enforced disappearances, as documented by the Commission of Inquiry on Syria.



WHAT IS RATIFIED

ICCPR ✓ CAT ✓ ICPPED ✗
OP ICCPR ✗ OPCAT ✗



UPCOMING

- Initiatives by the international community to find a political solution to the conflict;
- The situation of journalists, human rights defenders and humanitarian workers missing, detained or prosecuted in unfair trials.



OUR CONCERNS

- The devastating impact of the conflict, particularly on the civilian population;
- Impunity for the perpetrators of crimes against humanity and war crimes;
- Systematic repression of any protest in the name of the fight against terrorism;
- Systematic and widespread practice of the crime of enforced disappearances.



OUR RECOMMENDATIONS

- Take all necessary measures to protect the civilian population in accordance with the principles of humanitarian and human rights law;
- Put an end to the massive and systematic violations of human rights and humanitarian law – in particular to the use of extrajudicial executions, enforced disappearances and torture – and combat impunity for their perpetrators;
- Put an end to the repression of journalists, human rights defenders and humanitarian workers and guarantee their protection.

TUNISIA

Tunisia reached an historic turning point in 2014 with the adoption of a new Constitution after three years of work and heated debates in the National Constituent Assembly elected following the 2011 revolution.

The new Constitution, which was widely applauded by international public opinion, established a comprehensive catalogue of fundamental rights and principles. Nonetheless, it must be said that, for the time being, there is a considerable gap between the provisions of the Constitution and the reality on the ground. After a start of the year characterised by political tensions fuelled by the opponents to the Ennahda government that led to its resignation, a government described as “technocratic” was set up to prepare for the planned legislative and presidential elections.

Faced with an unprecedented security crisis in the country, the authorities have reacted by putting into place ever more repressive measures, which seriously undermine the most fundamental rights. Thus, arbitrary arrests, secret detention and cases of torture have multiplied with full impunity, under the pretext of the fight against terrorism.

On 26 October, Tunisians were called upon to elect a new Parliament, the Assembly of the Peoples’ Representatives. These elections, which saw a significantly lower rate of participation than in 2011, resulted in the victory of the Nidaa Tounes party – a party that includes several members of the former regime in its ranks – winning 86 seats against 69 for Ennahda, the winner of the 2011 elections.

The presidential elections were also won by the Nidaa Tounes candidate, Beji Caid Essebsi, an 86-year-old former member of the Democratic Constitutional Rally and a minister under Ben Ali. Thus, four years after the revolution, several figures from the old regime have returned to the forefront of the political scene to lead the country once again.

Alkarama remains today particularly concerned by the deterioration of the human rights situation in Tunisia and by the repression practiced by a security apparatus that continues to act with complete impunity. It is imperative for the Tunisian authorities to put into practice the political will expressed unanimously following the revolution to preserve fundamental freedoms and put a definitive end to torture and impunity.

Flouted human rights in the context of the fight against terrorism: *incommunicado* detention, torture and unfair trials

The results of the fight against terrorism in Tunisia remain worrying in terms of its effect on the respect of human rights. The terrorist threat and the fight against it are used as the justification for concerning abuses that lead to serious violations of human rights, including the right to life.

In August in the Kasserine region, plainclothes agents of the anti-terrorism forces opened fire on a vehicle driven by young people that the agents claim they identified as an armed group. Two young girls, Ons and Ahlem Dalhoumi, aged 18- and 21-year-old respectively, were killed.

On 28 October 2014, the Minister of the Interior, Lofti Ben Jeddou announced in an interview that over 2,000 arrests had been carried out in eight months in the context of the fight against terrorism. These arrests were carried out in complete denial of the fundamental rights of the people arrested. In every case documented by Alkarama, victims reported that they were arrested without warrants.

Those suspected of ties to terrorism are systematically placed in custody for six days – the maximum allowed by law – regardless of the incriminating acts. People are held in custody in unknown places, where the persons prosecuted are held *incommunicado* without any contact with the outside world. They are not authorised to inform their families of their arrest, or to contact or receive a visit from a lawyer. It is only after six days, in their first hearing before the investigating judge, that the victims are allowed to see their lawyer.

This is how Zied Younes, a 22-year-old engineer, was arrested at his house in September 2014, in the middle of the night, without an arrest warrant. During his time in custody, he was the victim of serious acts of torture; he was notably stripped naked and violently beaten on every part of his body, before being subjected to the “roast chicken”, a form of torture that was commonly used under the former regime of Ben Ali and which seems to be coming back again, according to the corroborating testimonies of people suspected of terrorism.

Following his visit in June 2014, Mr Juan Méndez, the Special Rapporteur on Torture, reported the persistence of torture and mistreatment in Tunisia. He also regretted the insignificant number of convictions for the perpetrators of such acts, noting furthermore that those standing trial only received short sentences. Impunity is thus assured for torturers and only contributes to the longevity of the practice of torture. The UN expert also stressed the need to implement certain essential legal standards to effectively eradicate torture, such as guaranteeing immediate access to a lawyer at the beginning of custody or to have a medical examination during this period.

Freedom of expression undermined

Freedom of expression is still being infringed in Tunisia. The country held several trials for “defamation” and “insult to senior officials” because of online criticism. On 25 December 2014, the blogger Yassine Ayari was arrested upon his arrival at the Tunis airport, following his trial in absentia in November before a military court that sentenced him to three years in prison for “defamation of officers and senior officials from the Ministry of Defence” and “publication of rumours that could cause confusion in military units.” He was prosecuted after his criticism of the military institution was published on social media. His case is currently being appealed before the Tunis military court.

Following an attack that caused the deaths of 15 soldiers in July, the government announced the closure of several media organisations under the pretext of their “possible connections to terrorism.” This decision was taken by the government without any prior legal justification, thus granting itself broad powers to regulate the media under an independent institution, the Independent High Authority for Audiovisual Communication (HAICA).



AN INDEPENDENT JUDICIARY, THE KEY TO A SUCCESSFUL TRANSITION

Article 102 of the Tunisian Constitution enshrines the principle of judicial independence. Nonetheless, the practice remains far removed from this fundamental principle. The independence of the judiciary remains, in fact, very problematic in Tunisia, following decades of corruption and the executive’s control over the judiciary. Establishing a truly independent justice system should be the authorities’ priority as an essential condition to guarantee the respect of all other rights.

Today, the reappearance of serious human rights violations – such as torture, arbitrary detention or repression of the freedom of expression – is based on the lack of independence and impartiality of the judiciary. A successful transition will be inconceivable without an effective separation of powers and a truly independent judiciary.

In November 2014, Tunisia welcomed the UN Special Rapporteur on the Independence of Judges and lawyers, Mrs Gabriela Knaul, who noted a mentality of “dependence and submission” of the judiciary towards the executive branch. In fact, judges consider themselves as public servants under the Ministry of Justice, which is contrary to the very essence of the principle of independence of the judiciary. A radical change in the magistrates’ perceptions of their roles is therefore required to establish an independent justice system. Mrs Knaul also pointed out the need to define the specific criteria by which judges are nominated, promoted and dismissed. It is therefore fundamental to establish the Supreme Council of the Judiciary – outlined in article 112 and following of the Constitution – in order to put an end to the current system’s abuses and deficiencies. It is also essential that this constitutional body enjoys genuine independence in the exercise of its duties.



WHAT IS RATIFIED

ICCPR ✓ CAT ✓ ICPPED ✓
OP ICCPR ✓ OPCAT ✓



UPCOMING

- September 2015: Adoption of the List of Issues by the Committee on Enforced Disappearances;
- November 2015: Adoption of the List of Issues by the Committee against Torture.



OUR CONCERNS

- Pervasive practice of torture and secret detention;
- Systematic violation of procedural guarantees, unfair trials, long periods of pre-trial detention, arbitrary detention;
- Lack of judicial independence and impunity for the perpetrators;
- Repeated attacks on freedom of expression.



OUR RECOMMENDATIONS

- Take urgent measures to reform the police and fight against impunity for torturers, by systematically opening investigations and prosecuting those responsible;
- Ensure the independence of the judiciary and establish the Supreme Council of the Judiciary;
- Ensure respect for freedom of expression;
- Put an end to the violations committed under the anti-terrorism law and bring it into conformity with international conventions on the protection of human rights.

The significant deterioration of the human rights situation in the United Arab Emirates in 2012 and 2013 continued in 2014. After the largest political trial in the country's history – in the case of 94 people who were charged and brought before the National Security Court and sentenced to lengthy prison terms following an unfair trial – the country has seen the cycle of repression intensify in 2014 with more arrests of Emirati citizens and other Arab nationals. In the vast majority of cases, the accusations brought by the authorities relate to their alleged links with the Muslim Brotherhood movement.

The trials before the State Security Court are characterised by flagrant violations of the rights of those prosecuted before this special tribunal. The United Nations Working Group on Arbitrary Detention repeatedly took the opportunity to highlight these serious violations during the review of cases submitted by Alkarama – all of which were recognised as cases of arbitrary deprivation of liberty.

The UN experts also observed the scale of violations of the victims' fundamental rights, by noting notably that the nature of the charges incriminates, in fact, acts falling within the scope of the right to freedom of expression, opinion and association. The opinions of the UN Working Group unequivocally show that these trials are politically motivated and reveal the desire of the authorities to suppress any peaceful criticism of the government policy.

Moreover, and despite the UAE's ratification of the Convention against Torture, this practice remains systematically used against people who are arrested and detained for political reasons. Numerous documented testimonies report particularly serious physical and psychological abuses during the lengthy pre-trial *incommunicado* detention following arrest. The aim pursued by the torturers is to coerce the victims into signing confessions that are used against them in trials in the absence of any other element of proof.

The increasing pressure and denunciation of these practices by several NGOs and the decisions issued by the various UN Special Procedures bodies indicate the systematisation of these serious human rights violations in the Emirates and paint a bleak picture of the true situation of fundamental rights and freedoms in the country.

UN calls the detention of Al Islah members and their lawyers arbitrary

Opened on 4 March 2013 before the Federal Supreme Court of Abu Dhabi, the largest political trial in the history of the Emirates received considerable attention from Alkarama, which had observed and documented serious violations of the fundamental principles of the right to a fair trial. The 94 accused, of which eight were tried *in absentia*, were prosecuted for plotting to overthrow the regime, a charge that they consistently denied and that is punishable with up to 15 years in prison under Article 180 of the Penal Code. The majority of them were sentenced to 7 to 10 years of imprisonment.

Among the victims of these violations are a number of lawyers and human rights defenders known for their peaceful engagement, such as Mohamed Al Mansoori and Mohamed Abdullah Al Roken, both lawyers and human rights defenders; Salem Al Shehhi, their own lawyer who was arrested for defending them; Hadeef Al Owais, a jurist and academic who proclaimed his intent to defend them; as well as Mohammed Saeed al Abdouli, former president of the Abu Dhabi Court of Appeal. Because of their political actions or commitment to defend human rights, these people suffered a long period of *incommunicado* detention, during which they were victims of serious physical and psychological torture.

Alkarama followed up on these cases with the Special Procedures of the Human Rights Council and regularly kept the experts informed of the trial's development until its closing. The procedure initiated by Alkarama eventually led to a decision of the UN Working Group (Opinion No. 60/2013 of 2 April 2014) establishing that these violations were of such magnitude and severity that the detention of the victims should be considered arbitrary.

Lack of judicial independence

Following her visit to the country from 28 January to 5 February 2014, the Special Rapporteur on the Independence of Judges and Lawyers, Mrs Gabriella Knaul reported the several failures in the Emirates' judicial system. The UN expert noted that the country's judiciary remains under the *de facto* control of the executive branch, making its independence impossible in practice. In addition, the expert recommended a revision of the statute of the Federal High Council of the Judiciary, as this seven-member Council is composed of a majority of representatives of the executive branch.

At the press conference upon her return from the Emirates, Mrs Knaul relayed the concerns expressed by Alkarama, highlighting the systematic nature of the serious violations of the right to a fair trial in cases of arrest of people for alleged crimes against State security. Finally, the Rapporteur also noted several cases of torture in secret detention centres, cases that have never been independently investigated despite the complaints lodged by the victims and their lawyers.

Criminalisation of freedom of expression

Human rights defenders who provide information on serious ongoing violations in the country are the victims of harassment, threats and reprisals from the authorities. The use of social media to criticise the government or comment on political trials

is severely repressed. Hence, Walid Al Shehhi was sentenced to two years in prison without parole for criticising the bias of the judicial system on Twitter. Not only human rights defenders but also the families of those accused in political trials are regularly the victims of reprisals and intimidation by the security services and subjected to travel bans; they are also forbidden to communicate with people abroad, under the threat of legal charges.

Thus, Osama Al Najjar, a blogger and human rights activist, was tried by the Federal Supreme Court of Abu Dhabi and sentenced to three years in prison and a fine of 500,000 Emirati dirhams (approx. 136,000 USD) for publicly defending political prisoners, including his father, on social media.



SYSTEMATIC USE OF TORTURE AND SECRET DETENTION

Several cases of torture during detention have been reported throughout the past few years, notably through the testimonies of prisoners. According to these numerous testimonies, physical and psychological abuses are systematically applied, especially during the period of *incommunicado* detention. The authorities' objective is to scare their victims into signing the records of hearings dictated by their torturers and that the victims are not allowed to read. These documents then constitute the sole piece of evidence of their guilt during their trials before the National Security Court of Abu Dhabi. The first appearance of the victims before a judicial authority usually takes several weeks, sometimes months, after the initial arrest – the time necessary for the signs of abuse to fade.

Despite the repeated complaints of the victims and their defence lawyers – both before prosecution during the initial appearance and before the trial court at the opening of the trial – no investigation has ever been launched by the judicial authorities, in violation of the Convention against Torture. Additionally, in all of the political trials held in the past years, the lengthy sentences were handed down on the sole basis of the verbal proceedings signed under torture.

Methods of torture reported to Alkarama attest to a clear desire of the torturers to inflict serious physical and psychological harm to the victims with the aim to force them to sign the confessions dictated by the authorities. Among the most frequently reported violations are prolonged solitary confinement in two by three metre cells; continuous exposure to harsh lighting and extreme temperatures; and prolonged periods in painful positions.

During these interrogations, carried out by agents of the intelligence services, the detainees are blindfolded. They testify to being stripped naked and beaten on every part of their body with rubber cables and subjected to waterboarding. They also report receiving threats against their relatives, especially their spouses.

Specific recommendations for the abolition of torture:

- *Put a definitive end to the practice of torture and other cruel, inhuman or degrading treatments in the country's detention centres;*
- *Put a definitive end to the practice of incommunicado detention including in cases overseen by the National Security Court;*
- *Open prompt and impartial investigations into all allegations of torture and other ill-treatment, enforced disappearances and secret detention;*
- *End impunity for the perpetrators of these serious violations;*
- *Ban the use of any confession or verbal minutes taken during the preliminary investigation and obtained under torture or physical or psychological coercion;*
- *Compensate victims of torture, enforced disappearances and arbitrary detention for their suffering.*



WHAT IS RATIFIED

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



OUR CONCERNS

- Practice of torture in detention centres and systematic use of secret or *incommunicado* detention;
- Systematic repression of human rights defenders and political activists;
- Arbitrary detention without trial or following unfair trials;
- Lack of independence of the judiciary.



OUR RECOMMENDATIONS

- Release all human rights defenders and political activists arbitrarily detained for expressing their opinion;
- Put an end to the practice of torture in all detention centres and implement the CAT to fight against impunity;
- Put an end to the practice of enforced disappearance and secret or *incommunicado* detention;
- Ratify the ICCPR and CED.

YEMEN

Unstable since the fall of Ali Abdallah Saleh, the political situation of Yemen deteriorated significantly in 2014. The proliferation of actors and interests in play in the country has made it more difficult to create a sense of national unity, allowing a return to a peaceful dialogue process.

Politically, Sana'a's initiatives struggle to create a consensus. On 8 March 2014, the interim President, Abd Rab Mansour Hadi announced the creation of a commission responsible for drafting a new Constitution and submitting it to public debate before a referendum on its adoption. The draft proposed by the commission was heavily criticised, in particular on matters concerning the number of regions and the new territorial division. The National Dialogue Conference – made up of more than 500 representatives of Yemeni society and mandated with producing a draft Constitution and organising general elections in 2014 – finished its work in October 2014. The final draft provides for the creation of a federal State and the extension of the interim President's term until the adoption of the new Constitution, as well as the setting up of the institutions and the legislative elections.

At the same time, the crisis recovery process remains endangered, notably due to the attacks perpetrated by the Houthi movement against the central government, including in the capital, Sana'a. In fact, the Houthi rebellion, which had long been contained in the northwest area of the country, has rapidly grown in 2014 and confrontations took place between the rebels and governmental forces. The political agreement signed on 21 September 2014 between the authorities and the insurgency – while the insurgency was moving towards the capital – was not sufficient to stop its advance and the wave of violence that followed caused hundreds of deaths in Sana'a, plunging the country into an unprecedented political crisis.

This political instability, coupled with a security crisis and the lack of control over the country by a central government, was accompanied by a strong increase in violations committed against civilians, in an overall climate of impunity. In spite of the political will to improve the situation, expressed by the Ministry of Human Rights which registered 470 complaints for various violations in 2014, this institution is totally incapable of taking action to remedy the situation. Although Yemen accepted the recommendations submitted to it during its Universal Periodic Review in January 2014, the United Nations Human Rights Council expressed its concern over their effective respect.

Increasing cases of arbitrary detention and torture

Arbitrary detention in Yemen remains a major concern for Alkarama, which documented further cases in 2014. Several people who had been arrested, following the 2011 popular uprisings, continue to be detained without legal proceedings and in deplorable conditions. Under the pretext of the fight against terrorism, the security forces carried out waves of arrests in 2014 and used legal procedures in violation of the international norms relative to a fair trial. Despite the constitutional prohibition of this practice, victims of arbitrary detention frequently testified to being subjected to torture and other ill-treatment during their detention, often in secret, by the police and intelligence services.

Along with the governmental authorities, the Houthi rebels also established a parallel system of illegal detention, imprisoning any person suspected of fighting against them or expressing opposition to their movement. Hundreds of people are still unaccounted for since the movement took control of a number of regions.

Extrajudicial executions

Extrajudicial executions are carried out by multiple actors, whether they are State or non-State, nationals or foreigners, therefore making the protection of civilians and the prosecution of the perpetrators of these violations all the more problematic. The Yemeni authorities continued to use excessive force to repress peaceful demonstrations in the south of the country, causing the deaths of several protestors without any independent investigation carried out to determine those responsible and to prosecute the perpetrators.

Moreover, the campaign against Al-Qaida in the Arabian Peninsula (AQAP) – carried out by the United States via drone attacks – continued in 2014, causing the deaths of some combatants but also of numerous civilians, because of the indiscriminate nature of air strikes. These strikes were carried out with the blessing of the Yemeni government against the will of its Parliament, which had demanded in 2013 the end of the authorisation to kill in their territory, given to the American government. The lack of an appropriate reaction from the international community in the face of the dramatic civilian losses caused by the American strikes was reported by several human rights defenders. In 2014, Alkarama further documented 30 operations carried out by the US forces in the country, which killed 110 people and injured many others, including children. Finally, non-State armed groups present in the country – such as the Houthis and AQAP – engaged in several particularly violent attacks, striking not only the security forces but also civilians.

Attacks on the freedom of expression

In 2014, journalists continued to be the victims of severe repression, which took the form of arrests, ill-treatment and, often, the confiscation of their work tools. In the central and southern parts of the country, where the Yemeni army undertook military operations against Al Qaida, journalists who tried to cover the operations were prohibited from accessing the battlefield.

A team from the Qatari channel Al-Jazeera was in fact expelled from the region and the authorities also forbade access to any foreign journalist wishing to cover these events, expelling those who were already in the country and refusing entry into the territory to others.

Finally, the capture of Sana'a by Houthi militias on 21 September 2014 was accompanied by a broad campaign of repression, drastic restrictions on personal freedoms and the pure and simple suppression of the freedom of the media and the press, today still completely under the authorities' control.



A STUDY TO ASSESS THE TRAUMA EXPERIENCED BY POPULATIONS LIVING UNDER DRONES

From July through to September 2014, Alkarama carried out a study based on a representative survey of people living in areas where drone operations are carried out by the American forces in Yemen. This study aimed to evaluate the possible effects of Post-Traumatic Stress Disorder (PTSD) on the civilian population due to these attacks. The sample of respondents included an equal number of men and women, as well as adults and children, some having lost a family member during a drone attack and others who had not been affected personally.

The symptoms described by the sample population demonstrated the omnipresence of extremely high and generalised PTSD symptoms, such as: anxiety, depression, stress, paranoia and trouble sleeping such as insomnia or night terrors. More importantly, whether or not they were directly affected by a drone attack, the civilians suffered the same symptoms with the same degree of severity. The point of this study was to establish that the simple fact of living with the constant threat of drones and of being – directly or indirectly – hit by a drone strike leads to the creation of a serious traumatic disorder. Thus, in addition to the loss of a loved one in these strikes, the constant fear of death or of the loss of a relative without knowing the cause, location, or time of these fatal attacks leads to these symptoms. This constant state of existential uncertainty among civilians is caused by the opacity and complete lack of control and accountability in the American operations, making of the sky an object of constant fear.

Based on these results, Alkarama raised its serious concerns to the Committee against Torture during its Review of the US during at 53rd session, held in Geneva from 3-28 November 2014. Alkarama's case sought to prove that the scale and severity of the trauma suffered by the Yemeni civilian population due to American strikes is a form of cruel, inhuman and degrading treatment and thus amounts to a violation, by the US, of Article 16 of the Convention against Torture. This violation was aggravated by the complete absence of protection of civilians prior to the strikes and the lack of means for legal remedy following them. The families of the numerous civilian victims of these strikes cannot prosecute their perpetrators, nor can they demand an inquiry into the legality of the strike, let alone seek compensation for their loss and suffering. This research has been published as a public report.



WHAT IS RATIFIED

ICCPR ✓ CAT ✓ ICPPED ✗
OP ICCPR ✗ OPCAT ✗



OUR CONCERNS

- Political instability that ended the transition process and the degradation of the security situation in the country;
- Extrajudicial executions of civilians by American drones and severe psychological effects on the civilian population, particularly children;
- Extrajudicial executions perpetrated by the authorities and non State actors;
- Arbitrary detention and use of torture and other cruel, inhuman or degrading treatment;
- Lack of an effective remedy for victims of human rights violations.



OUR RECOMMENDATIONS

- Respect the principles of international humanitarian and human rights law;
- Take effective measures to put a definitive end to the practice of torture and other cruel, inhuman or degrading treatment;
- Put an end to arbitrary detention and ensure that every person is brought before a legal authority and enjoys guarantees of a fair trial;
- Commit to prosecute and punish the perpetrators of serious human rights violations.

PUBLIC REPORTS

- Alkarama, *Impunity is not an option: Ensure accountability for mass killings in Egypt*, Geneva, Switzerland, 25 February 2014

UN MECHANISMS

UNIVERSAL PERIODIC REVIEW

- Alkarama, *Universal Periodic Review of Iraq – Submission to Stakeholders’ Summary*, Geneva, Switzerland, March 2014
- Alkarama, *Universal Periodic Review of Egypt – Submission to Stakeholders’ Summary*, Geneva, Switzerland, March 2014
- Alkarama, *Universal Periodic Review of Kuwait – Submission to Stakeholders’ Summary*, Geneva, Switzerland, June 2014
- Alkarama, *Universal Periodic Review of Libya – Submission to Stakeholders’ Summary*, Geneva, Switzerland, September 2014

HUMAN RIGHTS COMMITTEE

- Alkarama, *Contribution to the List of Issues in view of the periodic review of Iraq by the Human Rights Committee*, Geneva, Switzerland, December 2014

COMMITTEE AGAINST TORTURE

- Alkarama, *Contribution to the List of Issues in view of the periodic review of Qatar by the Committee against Torture*, Geneva, Switzerland, August 2014
- Alkarama, *Alternative Report in view of the Periodic Review of the United States of America by the Committee against Torture*, – *Death from Above: The Traumatic Effect of Drone Operations on Civilians Living Under the Drones*, Geneva, Switzerland, October 2014

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- Alkarama, *Contribution to the List of Issues in view of the initial review of Iraq by the Committee on Enforced Disappearances*, Geneva, Switzerland, December 2014

NATIONAL HUMAN RIGHTS INSTITUTIONS

- Alkarama, *Submission in view of the Review of the National Commission of Human Rights of Iraq by the International Coordinating Committee of NHRIs*, Geneva, Switzerland, December 2014

GOVERNMENTS



SPECIAL PROCEDURES
SEND CASES OF VIOLATIONS

TREATY BODIES
COUNTRY REVIEWS
INDIVIDUAL COMPLAINTS

HUMAN RIGHTS COUNCIL
UNIVERSAL PERIODIC REVIEW

UNITED NATIONS



OFFICE OF THE HIGH COMMISSIONER
FOR HUMAN RIGHTS

REQUESTS

REVIEWS

NATIONAL
HUMAN
RIGHTS
INSTITUTIONS

VICTIMS & FAMILIES



NGOs



COOPERATION

SUPPORT &
INFORMATION

ALKARAMA
الحرقة

PRESS RELEASES

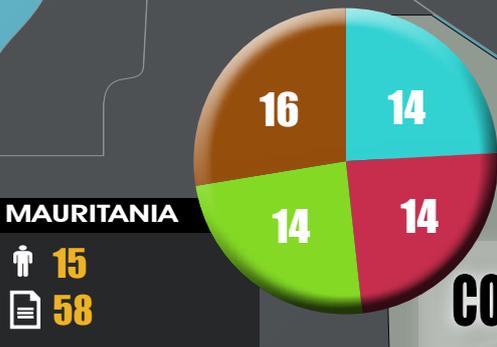
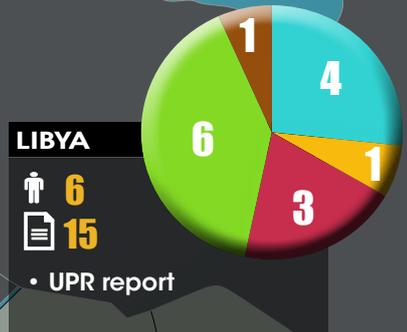
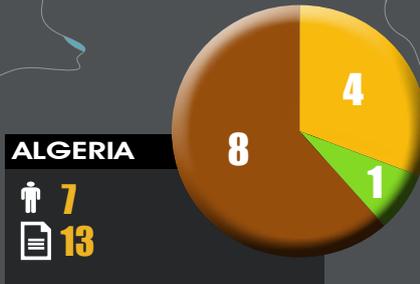
MEDIA



REPORTS & COMMUNICATIONS

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

الكرامة
OUR WORK
2014
 عملنا

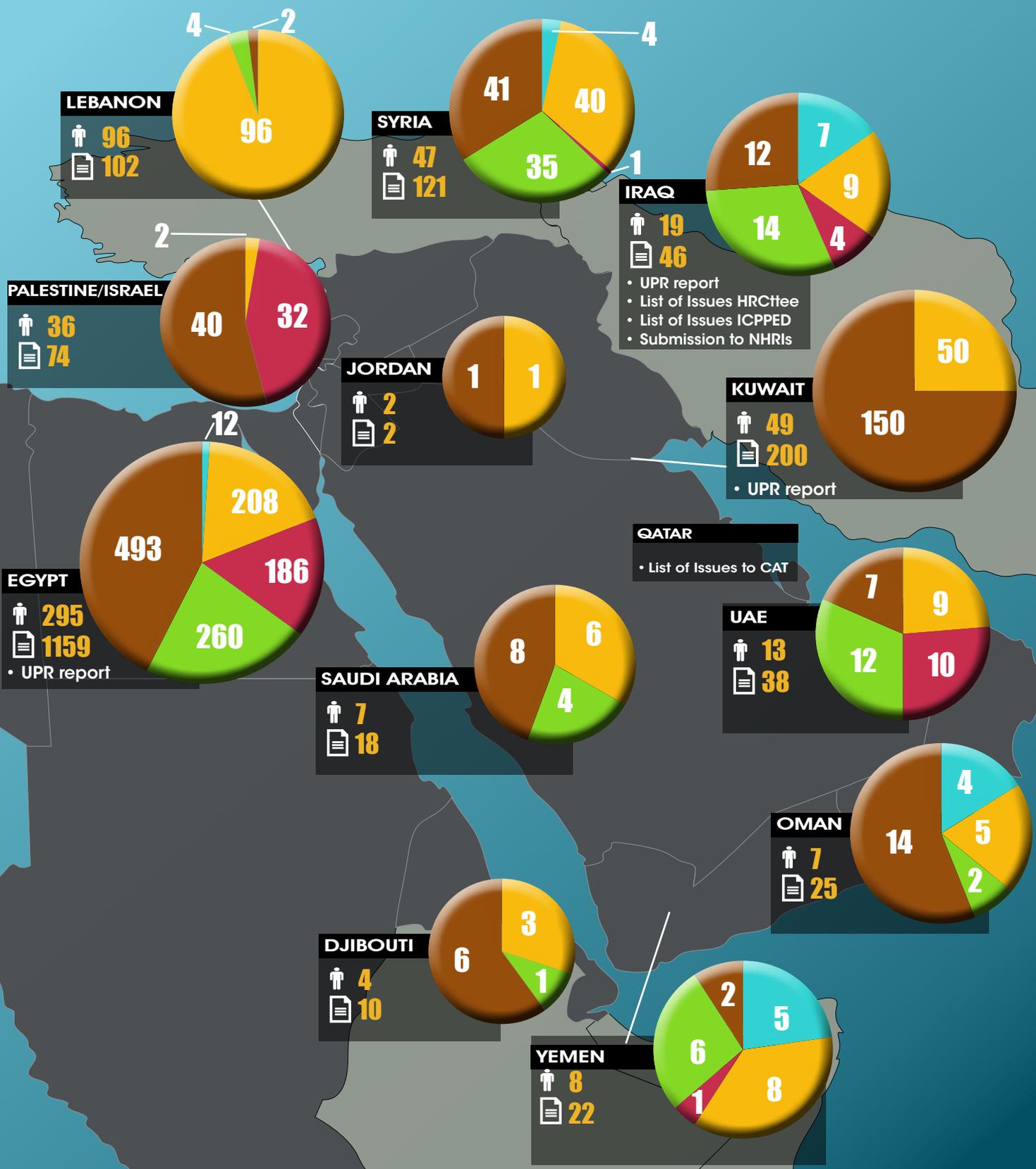


COMMUNICATIONS TO UN
1945

INDIVIDUAL CASES
624

MAP LEGEND

- 👤 # of cases
- 📄 # of communications
- # of communications sent to
 - Special Rapporteur on Summary Executions
 - Working Group on Enforced Disappearances
 - Special Rapporteur on Torture
 - Working Group on Arbitrary Detention
 - Other Procedures



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

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



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