



ANNUAL REPORT

2016

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According to the figures published in the 2016 United Nations Arab Human Development Report, while the Arab world is home to only 5% of the global population, it accounts for approximately 68% of the world's conflict-related deaths, 58% of the world's refugees, and 45% of the world's terrorist attacks. Autocracies, dictatorships, and foreign interventions are certainly among the leading factors to blame for this appalling situation.

In this context, Alkarama's vision for an Arab world where all individuals live in freedom and dignity and are protected by the rule of law – albeit a daunting task – is essential. Back in 2011, we anticipated that the transition initiated by the Arab Spring would be difficult. Time has shown that the hopes shared by so many in the region – to peacefully achieve sustainable change in governance and the rule of law – have been met with brutal repression. Far from meeting their citizens' demands, governments have pushed back, using abductions, executions, judicial harassment, and torture, among others, to silence their people.

Protecting human rights defenders and change makers in this context has been one of the major challenges faced by Alkarama in the past years. More than ever, our strategy remains to protect and empower local civil societies by acting as a bridge between them and the UN human rights mechanisms. The effectiveness of this approach has been questioned, however, as some governments persist in refusing to ratify core human rights conventions, while those who have ratified them are often reluctant to uphold the obligations enshrined therein. Nevertheless, we are convinced that the UN mechanisms remain an important means through which claims can be made by victims, especially in countries where justice is at best inefficient, if not a tool for governments to punish dissenting voices.

It is therefore not surprising that under the pretext of counter-terrorism, some Arab governments, with the silence – if not the support – of Western liberal democracies, do not hesitate to attack these procedures as well as those who cooperate with them.

Too often, victims, along with their families and lawyers, are subjected to reprisals for engaging with the UN. In the same vein, Alkarama is frequently targeted by smear campaigns orchestrated by those very States in an attempt to discredit our work and the victims who seek our help. We remain unshaken by these sordid accusations, which only embolden us to continue to shed light on the injustices committed by these governments and to speak for those who are silenced.

This year again, our dedicated staff has provided legal assistance to hundreds of victims of the most severe human rights abuses. Our team has also produced and submitted six reports to the UN Treaty Bodies, five reports to the Human Rights Council in the context of the Universal Periodic Review, as well as three reports on Arab National Human Rights Institutions assessing their independence and impartiality. Alkarama has also published two public reports on the right to truth for families of the disappeared in Algeria and the crackdown on human rights defenders in Saudi Arabia. Despite recurring resistance and limited resources, we have had some notable achievements and we remain hopeful that our work will lead to some positive change in the region.

We wish to pay tribute to the outstanding men and women without whom our work would not be possible. We are humbled everyday by their courage and sense of sacrifice, often risking their lives and liberty to defend human rights in their countries.

We also thank the UN independent experts and the dedicated staff of the Office of the High Commissioner for Human Rights for their lasting and fruitful collaboration.

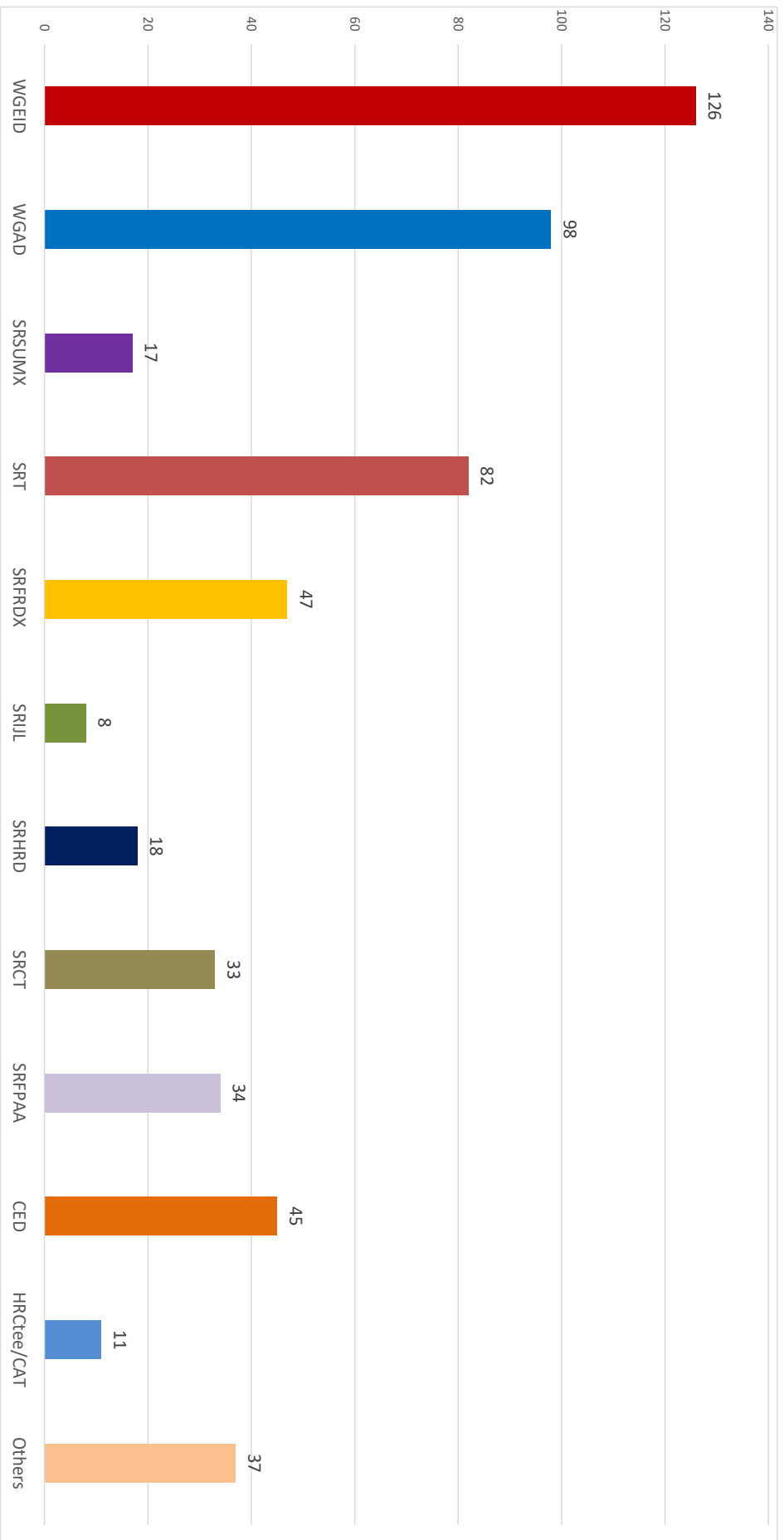
Alkarama's Board of Trustees

ACRONYMS

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

OTHER TERMS

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



A total of 556 communications relating to 315 individuals were submitted by Alkarama in 2016. The graph shows the breakdown per procedure. Refer to the Glossary (page 4) for the definition of the acronyms.



WHO IS ALKARAMA?

MISSION

Alkarama is a Geneva-based non-governmental human rights organisation established in 2004 to assist all those in the Arab world subjected to or at risk of extrajudicial execution, enforced disappearance, torture, and arbitrary detention. Acting as a bridge between individual victims and international human rights mechanisms, Alkarama works towards an Arab world where all individuals live in freedom and dignity and are protected by the rule of law. In Arabic, Alkarama means dignity.



THE TEAM

Since 2007, Alkarama is registered as a Swiss foundation. It is headed by a Board of Trustees, has an Advisory Board and is composed of a diverse and experienced staff.

Our Board of Trustees is composed of:

- **Khalifa Mohamed Rabban**, a Qatari businessman, who is active in a number of humanitarian, charity, and human rights organisations. Mr Rabban is the President of the Board;
- **Abbas Aroua**, a Doctor of Medical Physics from Lausanne Medical School, who is a renowned Algerian expert on humanitarian, human rights, conflict resolution, and intercultural communication. Dr Aroua is the Board's Secretary;
- **Ahcene Kerkadi**, a Swiss-Algerian national, who works as a dentist. Holding political refugee status in Switzerland since 1994, he has been active in a number of human rights initiatives and organisations, including Amnesty International's Swiss Section.

Our Advisory Committee

The statutes of the Foundation establish an Advisory Committee. The Committee advises Alkarama on its global strategy and issues relating to ethical standards and good governance. Its members are:

- **Maha Azzam**, a leading policy expert on the Middle East and political Islam. She is Egyptian and holds a PhD from Oxford University;
- **François Burgat**, a French political scientist and Senior Research Fellow at the French National Centre for Scientific Research;
- **Richard Falk**, an American Professor Emeritus of International Law at Princeton University. From 2008 to 2014, Professor Falk served as the United Nations Special Rapporteur on the situation of human rights in Palestine;
- **Mutaz Qafisheh**, a French-Palestinian international lawyer and the Dean of the College of Law and Political Science at Hebron University, Palestine.

Our Staff

Alkarama is composed of a multicultural team of 12 staff members with 9 different nationalities working in Geneva and Beirut. The employees, as of 31 December 2016, are:

- **Youssef Coulibaly**, *Finance and Administration Officer*
- **Mourad Dhina**, *Executive Director*
- **Simone Di Stefano**, *Regional Legal Officer for the Nile Region*
- **Julia Legner**, *Regional Legal Officer for the Gulf Region*
- **Rachid Mesli**, *Legal Director*
- **Radidja Namar**, *Regional Legal Officer for the Maghreb Region*
- **Hassan Nouhaili**, *Arabic Media Editor*
- **Inès Osman**, *Coordinator of the Legal Department & Regional Legal Officer for the Mashreq Region*
- **Saadeddine Shatila**, *Lebanon Country Representative*
- **Iman Taha**, *Translation Officer*
- **Elisa Volpi Spagnolini**, *Human Rights Officer for the Mashreq Region*
- **Michelle Wazan**, *Human Rights Officer for the Gulf Region*

Our Interns

In 2016, Alkarama welcomed seven interns in both our legal and communication departments, allowing young graduates with an interest in the Arab world to gain experience in a multicultural non-governmental organisation (NGO) and to work in cooperation with the UN to defend victims of human rights violations in the region. Alkarama's interns contribute significantly to the work of the organisation and are fully integrated therein, thus gaining valuable experience and knowledge of the main issues at stake in the region. Alkarama supports its interns with a monthly stipend and, in 2016, joined the "We pay our interns" initiative along with several other Geneva-based NGOs.



OUR BUDGET

Salaries and social charges

CHF 904 551.12

Rent, heating and electricity

CHF 127 960.24

IT, Telecoms, shipping costs

CHF 14 245.90

Travel

CHF 28 134.80

IT, Telecoms, shipping costs

CHF 14 245.90

Total

CHF 1 125 542.90



HOW DO WE WORK ?

ASSIST VICTIMS OF HUMAN RIGHTS VIOLATIONS

Alkarama offers pro bono legal assistance to victims of the most serious human rights violations, without discrimination. The organisation focuses its efforts on violations of the right to life, human dignity, physical integrity, and fundamental freedoms such as extrajudicial executions, enforced disappearances, torture, and arbitrary detention.

Using the international human rights mechanisms and working closely with the Office of the United Nations High Commissioner for Human Rights (OHCHR), we document individual cases of violations through direct contact with the victims, their families or lawyers, and submit complaints on their behalf to the United Nations (UN) Special Procedures and Treaty Bodies, asking them to intervene with the State in question to put an end to these violations.

Alkarama also gives a voice to the victims or their families by sharing their stories, as well as the recommendations issued by the various UN mechanisms on their cases, both on our website and through our social media channels. We also use the media, lobbying, advocacy campaigns, and collaboration with other NGOs and civil society to ensure the protection of victims.

ADVOCATE FOR REFORMS TO RESPECT AND PROTECT HUMAN RIGHTS IN ALL ARAB COUNTRIES

Based on our expertise on the Arab world and the individual cases Alkarama documents, we prepare in-depth reports on the human rights situation in each of the 20 countries we cover. These may include public reports, submissions to the UN Treaty Bodies – such as the Committee against Torture (CAT), the Human Rights Committee (HRCtee), and the Committee on Enforced Disappearances (CED) – ahead of a country's review, or contributions to the Human Rights Council's Universal Periodic Review (UPR) that reviews the human rights record of its Member States every four to five years. We also work with local civil society to participate in the reviews of National Human Rights Institutions in the Arab region by the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions.

On the basis of the information submitted to them, all of these mechanisms issue recommendations aimed at improving the human rights situation in a given country, which can in turn be used by the local civil society to lobby for their implementation.

RAISE AWARENESS ON HUMAN RIGHTS IN THE ARAB WORLD

Alkarama also brings media attention to the cases and situations it covers, helping victims to have their voices heard and to shed light on the human rights situation of a country, through press releases as well as public reports and analyses published in various media outlets. In order to reach a broader audience, we increasingly rely on social media, particularly Twitter and Facebook.

From 2009 to 2015, we have organised the Alkarama Award to highlight the work of human rights defenders who have most significantly contributed to the promotion and protection of human rights in the region. As of 2016, and in order to achieve a greater impact, we have decided to replace the annual award ceremony with an international advocacy campaign in support of Alkarama's "human rights defenders of the year".

STRENGTHENING THE UN HUMAN RIGHTS SYSTEM

Acting as a bridge between victims of severe human rights violations and the UN human rights mechanisms, Alkarama makes every effort to ensure that these mechanisms are strengthened and able to protect and promote human rights in the region.



Supporting the Office of the High Commissioner for Human Rights...

In the beginning of 2016, Alkarama attended a regional conference on “the Role of the Office of the High Commissioner for Human Rights in Promoting and Protecting Human Rights in the Arab Region” in Doha, Qatar, which welcomed over 230 participants from governments, regional and civil society organisations, and the OHCHR. An interactive dialogue was held between the participants to discuss the response of the human rights protection mechanisms to the situation in the Arab world. During the conference, an OHCHR representative deplored the lack of funding of the human rights pillar at the UN, as well as the denial of access to certain countries, both of which have impeded the implementation of human rights programmes. Moreover, the Chief of the Civil Society Unit denounced the “counterproductive” restrictions on the freedoms of expression and peaceful assembly in the region, in particular the arbitrary arrests that civil society members are too often subjected to, including under restrictive anti-terrorism laws that are used “to shut down their legitimate activities”.

Supporting the UN Special Procedures...

On 8 June 2016, Alkarama participated – as it does every year – in the annual Meeting of the Special Procedures. We welcomed both the launch of an online platform for the submission of communications and the increased visibility of the work of UN experts through the OHCHR website. During the meeting, Alkarama raised the issue of the lack of follow-up on communications sent to governments and called on the Special Procedures to issue public statements when a State is unwilling to cooperate with the UN. In response, the Chairperson of the UN Working Group on Arbitrary Detention (WGAD) explained that the experts were going to include follow-up information on the implementation of the Opinions issued. The Special Rapporteur on human rights defenders, Michel Forst, highlighted a concern shared by both UN experts and Alkarama, namely the lack of substantial elements in States’ responses to communications. Lastly, Alkarama raised the difficulties encountered when assisting victims of violations by non-state actors, especially in conflict-affected countries. Since most UN human rights mechanisms only communicate with internationally recognised governments, such violations remain unaddressed, leading to a growing frustration among the families of the victims. On this specific issue, the Special Rapporteur on the right to freedom of opinion and expression (SR FRDX) responded that the Special Procedures were trying to handle such cases, in particular for human rights violations committed by business corporations.

In addition, throughout the year, Alkarama met with several Special Procedures mandate holders with whom it works closely. During the 32nd session of the HRC in June, Alkarama met with the SRFRDX, David Kaye, to thank him for his prompt intervention on numerous cases brought to his attention, but also to raise concerns over the state of freedom of opinion and expression in specific countries, including in Algeria, Egypt, Jordan, Kuwait, Lebanon, Palestine, and Saudi Arabia. During the HRC session, Alkarama’s legal officers also participated in an informal discussion with the Special Rapporteur on the independence of judges and lawyers, Mónica Pinto, who sought civil society input for the preparation of a thematic report on the situation of lawyers and obstacles to their independence. Alkarama provided insight on the situation of lawyers in the Arab world, in particular on the hurdles they face when operating in flawed and partial legal systems. Alkarama also denounced the prosecution of some of these lawyers on the grounds that they were assisting individuals accused of “terrorism” and were thus deemed “disloyal to the State”.

On 25 August, Alkarama’s legal team attended an informal meeting between the WGAD and civil society. Alkarama welcomed the announcement by the WGAD of the establishment of a new follow-up procedure to its Opinions, according to which both the State and the victim must provide information after six months on the implementation of the decision by the authorities. Alkarama shared its hope that such a procedure

could help put pressure on States to implement the exceeding number of WGAD Opinions that have been continuously ignored so far. On 28 November, Alkarama also participated in the WGAD's 25th anniversary, during which our team members offered a perspective from victims on the right to be free from arbitrary detention in the Arab world and shared the testimony of former victims who were released following Alkarama's submission to the WGAD.

In September, during the 110th session of the Working Group on Enforced or Involuntary Disappearances (WGEID), Alkarama met with the Group's members to discuss several country situations, in particular Egypt, Lebanon, Sudan, Tunisia, and the United Arab Emirates, where recourse to *incommunicado* and secret detention between the arrest and the indictment of an individual is common and often used to isolate the victim and to force him/her to sign self-incriminating statements under torture. Alkarama also raised the cases of Libya and Yemen where numerous enforced disappearances are committed by non-state actors with whom the WGEID is not communicating, as well as the case of Algeria which is the fifth country in the world with most cases pending before the WGEID with whom it refuses to cooperate.

Lastly, in November, Alkarama met with the newly appointed Special Rapporteur on torture, Nils Melzer, to discuss the priorities to be set by the UN expert in the Middle East and North Africa. Alkarama suggested to the Special Rapporteur and his team that communications on individuals at risk of being deported to a country where they could face torture or other cruel, inhuman or degrading treatment or punishment, as well as cases involving minors, should be treated as a matter of priority by the UN and immediately sent to the relevant authorities. Alkarama, as well as other NGOs attending the meeting, raised some situations of particular concern, in countries such as Egypt and Saudi Arabia, for example, and encouraged the Special Rapporteur to push for the conduct of country visits, since both countries have never responded to his predecessor's repeated requests.

Supporting the UN Treaty Bodies...

In 2016, Alkarama continued to support the work of the UN Treaty Bodies, in particular through the submission of six shadow reports to the HRCtee, the CAT, and the CED ahead of the reviews of Kuwait, Morocco, Saudi Arabia, and Tunisia. Ahead of each review, Alkarama met with the Committees' independent experts to brief them on key concerns and ensured the wide diffusion of their Concluding Observations with local civil society.

In December, Alkarama's Legal Director, Rachid Mesli, took part in an expert meeting between the CAT and Interpol, during which he talked about the impact of Red Notices when used for political purposes, as opposed to combating criminality, which has repeatedly been the case for Arab States that consider peaceful and legitimate criticism as "terrorism". Mr Mesli, who was for years subjected to a Red Notice issued by Algeria in reprisal for his work as a human rights lawyer, before Interpol decided to withdraw it in May 2016, reflected on his own experience. He explained that political opponents and human rights defenders who go through a similar experience by being listed as "wanted criminals", live in constant fear of being arrested and extradited at any time to a country where they risk being tortured, in violation of article 3 of the Convention against Torture (UNCAT).

Strengthening civil society action in the framework of the Universal Periodic Review...

This year, Alkarama took part in several initiatives ahead of the Universal Periodic Review of Syria held in October 2016. In September, for example, we participated in a diplomatic forum organised by the OHCHR in Beirut gathering civil society organisations working on Syria in order to brief diplomatic missions on the current human rights situation in Syria and to advocate for specific recommendations to be made during the review. A representative of Alkarama briefed State delegations, as well as the European Union in Geneva, ahead of the review to ensure that recommendations would be made on our key concerns.

FOSTERING A CULTURE OF HUMAN RIGHTS IN THE ARAB WORLD

Strengthening civil society in the Arab world

Alkarama believes that it is essential to empower local civil society, since an experienced and competent civil society plays a crucial role in ensuring the promotion and protection of human rights in a country. In 2016, Alkarama took part in several initiatives to build and strengthen the capacity of local actors in numerous countries within the region.

- ***Trainings of human rights defenders***

Alkarama organised and intervened in various workshops on the UN mechanisms and the documentation of individual cases of human rights violations.

In February, our Legal Director gave a training to members of Syrian civil society on the UPR. The workshop was delivered in Istanbul in the framework of a project funded by the German Ministry of Foreign Affairs. In addition, we trained judges, lawyers, and NGOs on the use of international human rights mechanisms and provided technical assistance for the drafting of shadow reports ahead of the review of Syria by the Human Rights Council.

On 9 March, Alkarama provided a half-day intensive training to members of the Moroccan National Human Rights Council and civil society actors. The training was organised by the Geneva Institute for Human Rights, which asked Alkarama to share its experience in assisting victims of human rights violations in the Arab world and to explain the role of NGOs in the promotion and protection of human rights within the UN framework.

Lastly, in May, alongside the review of Tunisia by the CAT in Geneva, Alkarama provided a training to local civil society actors on reporting to the UN Treaty Bodies and the documentation of cases of violations of fundamental rights and freedoms in their country. The workshop focused primarily on violations of the right to freedom of peaceful assembly and association and how to protect these rights when faced with severe restrictions by the authorities.

- ***Denouncing reprisals against human rights defenders***

In 2016, numerous human rights defenders with whom we work closely faced reprisals for cooperating with the UN human rights mechanisms. As every year, Alkarama submitted a report to the UN Secretary General (UNSG) reporting such instances of reprisal. In his annual report, released in September 2016 before the Human Rights Council, the UNSG stressed “the absolute unacceptability of any act of intimidation or reprisal, no matter how seemingly subtle or explicit” and that “such acts, which run contrary to the principle of human dignity and violate numerous human rights, show complete contempt and disregard for the United Nations system as a whole”. In relation to the Arab world, Mr Ban Ki-Moon condemned the retaliatory measures taken against human rights activists in several countries including in Iraq, where three members of the NGO Al Wissam Humanitarian Assembly were subjected to reprisals for documenting cases of enforced disappearances to the Committee on Enforced Disappearances; in Sudan, where human rights activists were prevented from travelling to Geneva to attend their country’s Universal Periodic Review; as well as in Oman and the United Arab Emirates, where a prominent activist and a blogger were prosecuted for having met the Special Rapporteur on the rights and freedom of peaceful assembly and association and the Special Rapporteur on the independence of judges and lawyers, respectively.

Building a constructive dialogue with States

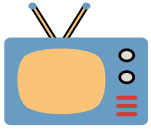
Through its work, Alkarama wishes to engage in a constructive dialogue with States in the Arab world and to promote better respect for human rights and the rule of law in the region. In 2016, Alkarama thus undertook several initiatives to this end, especially in Lebanon, where Alkarama established offices in 2007.

In this regard, as a member of the Follow-Up Committee on Lebanon’s UPR, along with several local NGOs,

Alkarama took part in several meetings with the Lebanese authorities. In January, we met with the Minister of Justice and the Head of the International Organisations Department at the Ministry of Foreign Affairs (MoFA). Amongst the points discussed were the draft law submitted by the Ministry of Justice to the Council of Ministers, which sought to abolish military courts and the Judicial Council – exceptional jurisdictions that do not abide by due process guarantees – as well as the establishment of a mechanism within the MoFA that would coordinate with the UN human rights mechanisms and will be responsible for drafting State reports to the Treaty Bodies and respond promptly to communications. In October, Alkarama met with a representative of the Ministry of Justice who explained that the Minister was working on a draft law to amend article 108 of the Code of Criminal Procedure, which allows for unlimited pre-trial detention as well as on a law to establish a national commission on enforced disappearances. In April, the UPR Follow-Up Committee and the OHCHR organised a conference to discuss the level of implementation of the recommendations accepted by Lebanon. Alkarama attended the conference alongside representatives of several Lebanese NGOs, a member of the Parliamentary Human Rights Committee, the head of the Internal Security Forces' Human Rights Committee as well as observers from several European embassies. Priority issues were discussed, including the practice of torture and the need to adopt a law criminalising this practice; the need to establish a National Preventive Mechanism in line with the Optional Protocol to the UNCAT; the need to address overcrowding in prisons and poor conditions of detention; as well as the need to put an end to arbitrary detention and halt the recourse to exceptional jurisdictions.

Lastly, in August, Alkarama and nine other local NGOs sent a letter to the Lebanese Minister of Foreign Affairs calling upon him to accept the request made by the UN Special Rapporteur on the independence of judges and lawyers to visit the country in 2016. Indeed, in March 2011, the Lebanese government extended a standing invitation to all UN Special Procedures and by doing so, committed to accept requests for country visits by these experts. The ten co-signatory organisations demanded that the Lebanese government uphold this commitment and accept the request for visit submitted by the Special Rapporteur in November 2015 and facilitate her visit in 2016. The NGOs added that such a visit would allow for an objective assessment of the functioning of the justice system and provide useful recommendations to pave a better way forward.

INCREASE PUBLIC AWARENESS ON HUMAN RIGHTS ISSUES IN THE ARAB WORLD



Using the media to foster a better understanding of human rights in the region

The media is an essential tool for raising awareness on major human rights issues and bringing visibility to victims of violations in the Arab world. In this regard, both Arab and international media outlets are of major significance.

This year, Alkarama has been an important source of independent and expert information for several Arab and international media outlets. Our staff participated in press conferences and live debates broadcasted on TV stations to discuss the human rights situation in Arab countries as well as cases of victims of human rights violations handled by Alkarama. Among these media outlets, were ARD, Al Jazeera, Al Mayadeen, Al Magharibia and Lulua.

Moreover, many press articles cited the work of our organisation or shared testimonies of victims whose cases were handled by Alkarama. These included the Huffington Post, The Independent, Middle East Eye, and the Daily Star. Alkarama's legal officers also published several Op Eds on Open Democracy, including on enforced disappearances in Algeria; on Jordan's Anti-Terrorism Law and the crackdown on the dissent; on Saudi Arabia and the repression of human rights defenders; on the opening of a US drone base in Tunisia; and on the UAE's criminalisation of free speech.



Using social media for advocacy and ensure better visibility of our work

Alkarama continued to strengthen its presence on social media, including Facebook and Twitter, to shed light on the plight of the victims we defend and to provide reliable information on the general human rights situation in Arab countries. This has allowed us to reach a broader audience and increase the dissemination of information on human rights in the region, particularly in countries where access to our website is blocked.

In October of this year, we also launched our first media campaign on arbitrary detention and reprisals against human rights defenders in Saudi Arabia under the hashtag #KingdomofArbitraryDetention, drawing tremendous attention from Saudi citizens, as well as Arab and international civil society and media.

Finally, in December, Alkarama launched its new website with a new design and a better browsing experience to facilitate access to information and provide a richer content to visitors, as well as a heightened visibility of the stories of victims. In an effort to better reflect the modernity and dynamism of the organisation, Alkarama has also redesigned its logo.



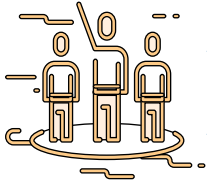
Cooperating with universities to strengthen human rights advocacy

Throughout 2016, Alkarama also had the opportunity to give talks to students who wanted to learn more about the work of a human rights NGO that interacts with the UN mechanisms on a daily basis and is specialised on the situation of human rights in the Arab region.

In March, one of Alkarama's staff members in Lebanon gave a presentation about the role of NGOs in strengthening human rights on the ground to students in the Arts, Sciences, & Technology University in Lebanon in Beirut.

In May, our team presented its work to students of a Masters Programme in Human Rights from the University of Glasgow during their visit to Geneva. Alkarama explained the main issues at stake in the region, as well as its strategy to address them through the use of UN human rights mechanisms in order to allow for the promotion of human rights in each country.

Lastly, in November, we welcomed students from Washington State University to our office, who were seeking the insight of an NGO advocating for human rights, as they were working on finding practical and innovative solutions to address the practice of arbitrary detention in the United States.



Alkarama's first international advocacy campaign:
#KingdomofArbitraryDetention Denouncing arbitrary detention in Saudi Arabia and the prosecution of the Human Rights Defenders of ACPRA

Since 2009, Alkarama has held an annual award ceremony around Human Rights Day on 10 December, to honour prominent personalities or organisations that have contributed considerably to the protection and promotion of human rights in the Arab World. The objective of this ceremony was to make these human rights defenders known to the international community by shedding light on their actions and steadfast commitment to human rights in their country.

As of 2016, taking into consideration the hurdles specific to the region and adapting its strategy accordingly, the Alkarama Foundation decided to take more concrete action in supporting the "Human Rights Defenders of the Year", in the hope of achieving greater impact in the protection and promotion of human rights in the Arab World, thus forgoing its annual award ceremony and instead conducting an international advocacy campaign.

#KingdomofArbitraryDetention

#سعودية_دون_الإعتقال_التعسفي

Accordingly, on 12 October 2016, the Alkarama Foundation launched the #KingdomofArbitraryDetention campaign to address arbitrary detention and the prosecution of human rights defenders in Saudi Arabia. This 11-day advocacy campaign comprised an in-depth report, a short film, a joint open letter to the UN High Commissioner for Human Rights, as well as a social media campaign using the hashtag #KingdomofArbitraryDetention. It was launched on the seventh anniversary of the establishment of the Saudi Civil and Political Rights Association (ACPRA) and honours the commitment of its 11 human rights defenders – all of whom have been harshly prosecuted for their peaceful human rights activism. On each of the 11 days, the campaign featured the profile of a different member. Ultimately, the aim of the campaign was to expose the Kingdom's human rights record on the global stage, encourage the Saudi authorities to end its use of arbitrary detention and to respect the fundamental rights and freedoms of human rights defenders.

The institutionalisation of repressing any dissent in Saudi Arabia has been illustrated by the authorities' modus operandi when it comes to prosecuting individuals that have merely exercised their fundamental right to freedoms of expression and of peaceful assembly. The crackdown on these basic rights and freedoms is led by the Ministry of Interior and further facilitated by the lack of a Criminal Code, which has given large discretionary powers to judges of the Specialised Criminal Court to charge and sentence peaceful activists under the 2014 Anti-terrorism Law. The latter tribunal, while competent to try cases of terrorism, is known for its blatant violations of fair trial guarantees.



ACPRA has become a symbol of the systematic repression on any dissenting voices by Saudi authorities. Established in 2009 to promote civil and political rights in the country and call for peaceful political reforms to safeguard the fundamental rights of Saudi citizens, ACPRA peacefully advocated for a constitutional monarchy, a universally elected Parliament, and an independent judiciary, as well as the protection of fair trial rights in Saudi Arabia. The organisation has also documented human rights violations, helped relatives of victims file complaints with the Saudi Board of Grievances, and communicated cases of human rights violations to various UN human rights mechanisms, including the UN Working Group on Arbitrary Detention and other Special Procedures.

ACPRA's very vocal criticism of the Saudi authorities and their repression of dissenting voices resulted in the organisation being banned in 2013. The members of ACPRA were arrested and prosecuted; all faced broad and vaguely defined charges such as "insulting the judiciary", "calling to break allegiance with the Minister of Interior", "accusing the judiciary of being unable to deliver justice", "communicating with international organisations in order to harm the image of the State", and "forming or joining an illegal organisation." On this basis, all 11 members were handed down sentences ranging between 4 and 15 years in prison, with many sentences being followed by extended travel bans. Today, the majority of ACPRA's members are still serving their sentences.

With its #KingdomofArbitraryDetention campaign, Alkarama set out to reach Saudi civil society, to create international solidarity and to have the UN human rights mechanisms condemn the prosecution of ACPRA members and the systematic practice of arbitrary detention in the country. As such, we aligned with principal Saudi human rights activists inside and outside Saudi Arabia and engaged with the most active members of civil society throughout Arab countries on social media. The campaign attracted extensive media attention, with articles being published in Arabi21, Open Democracy, IRIN, the Independent and the Beirut Press. On 17 November, the UN Working Group on Arbitrary Detention publicly denounced the prosecution of ACPRA and the practice of arbitrary detention practiced against dissidents in Saudi Arabia.

While our campaign on arbitrary detention and the prosecution of human rights defenders was effective in raising awareness of these violations at an international level, it should only be seen as a first of many steps necessary to make human rights a reality on the ground. In 2017, Alkarama will continue to monitor the human rights situation in Saudi Arabia, particularly the implementation of the recommendations made by the Committee against Torture following its review in April 2016.

ALGERIA



WHAT IS RATIFIED

ICCPR ✓

UNCAT ✓

ICPPED ✗

OP ICCPR ✓

OPCAT ✗



OUR CONCERNS

- Undue restrictions on the rights to freedom of expression, peaceful assembly, and association;
- Repression and judicial harassment of activists and journalists;
- Continuous refusal to implement of the decisions of the Human Rights Committee relating to human rights violations committed during the 1990s;
- Violation of procedural guarantees, unfair trials, and the practice of arbitrary detention;
- Lack of independence of the judiciary and impunity for perpetrators of human rights violations.

ALKARAMA'S WORK ON ALGERIA FOR THIS YEAR

We submitted **47** communications regarding **34** individual cases to the following Mechanisms:

WGEID : 20 // WGAD : 3 // SRFRDX : 3 // SRHRD : 3 // SRCT : 2 // SRFPAA : 2 // HRCtee/CAT : 8 // Others : 6

REPORTS PUBLISHED :

- Algeria: "Like a fire that never dies" – the denial of the right to truth and justice for the families of the disappeared, Public Report, August 2016
- Alkarama, Universal Periodic Review of Algeria – Submission to Stakeholders' Summary, September 2016

The continuous failure of the Algerian authorities to engage in sustainable legal, political, and economic reforms raises fear as to the imminence of a serious social and political crisis, as the country has not been able to diversify its economy and remains heavily reliant on hydrocarbons exportations. In the aftermath of the country's civil war in the nineties, the government was able to buy social peace as a result of the revenue from oil and gas. However, the sharp decline in oil prices recently has significantly impacted the country's economy and increased its fiscal deficits.

On 7 February 2016, without prior discussion, the Parliament adopted the draft Constitution announced by President Bouteflika after the Arab uprisings of 2011. At the time, the President had promised to undertake deep constitutional reforms aimed at moving towards a more free and democratic society. The new Constitution was published in the Official Gazette – and therefore entered into effect – on 7 March 2016.

Pursuant to article 179, the new Constitution reintroduces the constitutional two-term presidential limit, which President Bouteflika lifted in 2008 in order to be re-elected for a third term in April 2009. Although the independence of the judiciary is enshrined in article 156 of the new Constitution, the executive still plays a prominent role in the processes of judicial appointment and in the advancement of judicial careers. The Supreme Judicial Council itself is controlled by the executive, which appoints most of its members, thus strongly jeopardising the independence of judges.

HEIGHTENED CRACKDOWN ON JOURNALISTS AND HUMAN RIGHTS DEFENDERS

If on one hand, the new Constitution reaffirms the rights to freedom of expression, peaceful assembly and association, on the other, legal provisions regulating these rights remain restrictive. Indeed, the provisions inherited from the state of emergency – which was lifted in February 2011 – remain in force, prohibiting demonstrations and public gatherings in Algiers and subjecting the creation of political parties and associations to the approval of the executive.

In 2016, Alkarama observed a resurgence of persecution against journalists and human rights activists, as well as a dangerous recourse to the judiciary to stifle dissenting voices and heavily punish public dissent and criticism. This practice has been facilitated by the Information Law No. 12-05 of 2012, which was denounced by civil society and UN experts as restricting the right to freedom of expression and information and for criminalising peaceful criticism of public officials under the pretext of “defamation”. Journalists and activists thus continue to face reprisals for speaking out about the authorities' abuses and rampant corruption.

It is in this context that numerous bloggers and peaceful activists were prosecuted and sentenced for acts falling well within their right to freedom of expression. They were subjected to heavy sentences under articles 87 bis 4 and 5 of the Criminal Code, which sanctions “apology for terrorism” and any dissemination of documents deemed as “promoting terrorism” and provides for a broad and vague definition of the crime. On 24 November 2016, Alkarama seized the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism with the case of Adel Ayachi and Tijani Ben Derrah, two bloggers and human rights activists sentenced to imprisonment after one year of pre-trial detention on account of their alleged “apology for terrorism”. The two activists had been arrested following their participation in a peaceful sit-in held in Algiers to protest against repeated attacks on freedom of expression and to call for the release of Hassan Bouras.

On 28 November 2016, Hassan Bouras an independent journalist and member of the Algerian League for the Defence of Human Rights, was sentenced to one year in prison for “complicity of contempt of State institution” and “exercising the journalistic profession without previous authorisation”. The charges were issued after he interviewed two victims of police abuse and broadcasted their accounts on the Al Maghribia channel. The two victims were also convicted of “contempt of State institution”. The trial was held with a heavy police deployment as security forces surrounded the tribunal to avoid any demonstration.

Alkarama also documented the case of 42-year-old Mohamed Tamalt, who died on 11 December 2016 in the Bab-el-Oued hospital of Algiers following



Mohamed Tamalt

a long hunger strike and a three-month coma. The journalist, who was based in the United Kingdom, was arrested on 27 June 2016 in Algiers. On 11 July, he appeared before the Criminal Court of Algiers and was sentenced to two years imprisonment for “contempt of State institutions and to the person of the President”, having criticised the Algerian President and political dignitaries on Facebook. After his health severely deteriorated he was transferred from prison to the Bab-el-Oued hospital where neither his family nor his lawyers were allowed to visit him. They were similarly denied access to his medical record and thus unable to obtain any information on his condition.

CONSTANT DENIAL OF THE RIGHT TO TRUTH AND JUSTICE FOR THE FAMILIES OF THE DISAPPEARED

On 30 August 2016, International Day of the Victims of Enforced Disappearances, Alkarama issued a public report to denounce the denial of the right to truth and justice for the families of the disappeared. More than 20 years after the beginning of the civil war triggered by the military coup of January 1992, families still do not know the fate or whereabouts of their relatives who were among the thousands of individuals abducted by the authorities. To this day, the authorities have refused to shed light on the fate of the disappeared in spite of the decisions and recommendations of the UN human rights mechanisms, urging them to tell the truth to the families, to investigate this mass crime, and to prosecute its perpetrators.

Today, the impact on the families of victims of enforced disappearances remains present and profound. Long stigmatised as “the families of terrorists” and constantly subjected to threats and reprisals, they continue to face the constant denial of their right to know the truth. 2016 marked ten years since the establishment of the “Charter for Peace and National Reconciliation”, which institutionalised the authorities’ denial of their responsibility for these crimes and imposed silence on the families.

In Algeria, the families of the disappeared can be prosecuted for peacefully demonstrating for their right to know the truth about the fate of their loved ones. For example, on 29 September 2016, Alkarama sent a communication to the UN Working Group on Enforced or Involuntary Disappearances (WGEID) following the violent arrest of 20 human rights defenders and relatives of disappeared persons who were peacefully demonstrating outside the National Assembly headquarters in Algiers to demand justice and truth about the fate and whereabouts of their relatives.



Families of the disappeared protesting in Constantine, Algeria



PRESSING ISSUES TO BE ADDRESSED DURING UPCOMING UNIVERSAL PERIODIC REVIEW

On 22 September 2016, Alkarama submitted its report on the human rights situation in Algeria to the Human Rights Council (HRC) in view of the State's third Universal Periodic Review, which will be held in May 2017. The report includes 18 recommendations aimed at strengthening the authorities' respect for human rights.

Among others, Alkarama raised the issue of serious violations of detainees' fundamental rights, including the restriction of the right to communicate with one's lawyer or family from the onset of the arrest, the absence of confidentiality of communication between lawyers and their clients, as well as the excessive length of custody period. Alkarama also raised concerns regarding the counterterrorism legal framework, which is based on a broad and particularly vague definition of terrorism, in virtue of which individuals can remain in custody for a period as long as 12 days.

Furthermore, Alkarama stressed that the Algerian authorities restrict and punish acts falling under the rights to freedom of opinion and expression, of peaceful assembly and of association. After the 2014 presidential election, several peaceful protest movements were violently suppressed by the authorities; arresting numerous individuals, including journalists and other media workers critical of the government. Alkarama recalled that "unarmed gatherings" are still criminalised under article 98 of the Criminal Code and that despite the end of the state of emergency in 2011, peaceful demonstrations are still forbidden in the capital.

Associations also remain under strict executive scrutiny since the current legislation provides the Ministry of Interior with discretionary power to refuse the registration of an association under the pretext that it does not comply with "national values, public order, public decency and the provisions of existing legislation".



OUR RECOMMENDATIONS

- Ensure respect for the rights to freedom of expression, peaceful assembly, and association;
- Put an end to all forms of repression against human rights activists and journalists;
- Investigate crimes committed during the civil war, and put an end to impunity by prosecuting perpetrators thereof;
- Repeal the Charter for Peace and National Reconciliation;
- Revise the Anti-Terrorism Law in order to bring it in line with international standards on fair trial rights and freedom of expression;
- Cooperate actively and in good faith with the UN Special Procedures and Treaty Bodies.



UPCOMING

- 8 May 2017: Third Universal Periodic Review of Algeria before the Human Rights Council;
- 20 June 2017: Five-year delay in the submission of Algeria's fourth periodic report to the Committee against Torture;
- 1 November 2017: Six-year delay in the submission of Algeria's fourth periodic report to the Human Rights Committee.

BAHRAIN



WHAT IS RATIFIED

ICCPR ✓

UNCAT ✓

ICPPED ✗

OP ICCPR

OPCAT ✗



OUR CONCERNS

- Continued repression and systematic harassment of all dissenting voices;
- Practice of torture and impunity for the security services;
- Excessive use of force to disperse peaceful demonstrations and public gatherings.

ALKARAMA'S WORK ON BAHRAIN FOR THIS YEAR

We submitted **8 communications** regarding **5 individual cases** to the following Mechanisms:

WGAD : 2 // SRSUMX : 1 // SRT : 5

REPORTS PUBLISHED :

- Alkarama, Universal Periodic Review of Bahrain – Submission to Stakeholders' Summary, September 2016
- Alkarama, Submission in view of the review of Bahrain's National Institution for Human Rights by the Global Alliance of NHRIs, January 2016

Five years on, Bahrain is yet to emerge from the political crisis into which the country plunged in 2011. The process of national reconciliation remains blocked and has proven increasingly problematic given Bahrain's participation in the Saudi-led coalition against Houthi rebels in Yemen, which has contributed significantly to a further polarisation of society.

This year again, the confessional division remained at the heart of many issues and political fractures in the country. On 30 May 2016, the Bahraini Court of Appeal upheld the conviction of Sheikh Ali Salman, the Secretary General of Al Wefaq – the country's main Shia opposition party – and increased his prison sentence from four to nine years on charges of “incitement against the government”. In June, his party was suspended; accused of creating “an environment for terrorism, extremism and violence”, the High Administrative Court of Bahrain later pronounced its dissolution.

In 2016, human rights violations have been on the rise and the political repression against the opposition continued to result in abusive arrests, travel bans, and deprivation of nationality. Peaceful protests, which continued to be held despite the 2013 law prohibiting public gatherings in the capital Manama, were severely repressed, with security forces often resorting to a disproportionate use of force.

Furthermore, in May 2016, the National Institution for Human Rights of Bahrain (NIHR) was reviewed by the Sub-Committee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions, which accredited the NIHR with the “B” status, reflecting its non-compliance with the Paris Principles. In January 2016, Alkarama had submitted a report to the SCA underlining the NIHR's lack of independence and transparency.

THE CONTINUED CRACKDOWN ON CIVIL SOCIETY AND POLITICAL OPPOSITION

The crackdown on civil society and political opposition has become an institutionalised practice in Bahrain. This year again, measures of repression against the opposition have resulted in abusive arrests followed by arbitrary detentions, travel bans, and deprivation of nationality. Attacks on fundamental human rights are on the rise, ranging from assaults on the freedom of expression and of peaceful assembly to denying detainees their legal safeguards and subjecting them to torture.

The oppressive nature of the 2006 Anti-Terrorism Law continued to limit these fundamental freedoms and to threaten peaceful activists, human rights defenders, and members of the opposition. Many have been prosecuted for “criticising” the government on social media or during public gatherings, while the authorities continue to detain prisoners of conscience, convicted following unfair trials. The lack of independence



Protests in Manama, Bahrain.

of the judiciary leads to unfair trials of human rights defenders and members of the opposition.

Over the span of only a few months, the authorities increased their crackdown on the freedom of expression and of peaceful assembly, arresting numerous activists, journalists, and other prominent figures in the process. In February 2016, after being detained incommunicado and tortured, the photojournalist Ahmed Jaber Al Fardan was sentenced to three months in prison, merely for covering a local protest that took place in 2013. He was charged with “attempting to attend an illegal gathering”.

On 14 June 2016, under the pretext of the necessity to “protect society and combat extremism”, Al Wefaq was suspended and its assets were frozen. This decision came just two weeks after the party’s Secretary General’s sentence was increased from four to nine years in prison. The Bahraini judiciary found him guilty of “inciting the promotion of the change of the political system by force, threats and other illegal means”, “publicly insulting the Interior Ministry”, and “publicly inciting others to disobey the law”. On 17 July 2016, the High Administrative Court of Bahrain pronounced the dissolution of Al Wefaq for “serious violations of the Constitution and national laws”, including creating “an environment for terrorism, extremism and violence”, “conducting of activities detrimental to the civil peace and unity”, and “incitement to non-compliance with institutions”.

Torture: a persistent practice

Despite Bahrain’s ratification of the Convention against Torture (UNCAT) in 1998, torture remains a persistent practice in the country and is used as a tool of repression. In 2016, cases documented by Alkarama have shown once more that the authorities use torture to obtain confessions, which are subsequently admitted during trials and relied upon as the sole evidence to sentence the accused. Acts of torture are committed by law enforcement officials falling under the authority of the Ministry of Interior with complete impunity, and perpetrated against people charged under the 2006 Anti-Terrorism Law in particular.

In 2016, the authorities continued to deny the existence of such practices, stating that torture is prohibited under the Constitution and punishable by law, and that Bahrain is meeting international standards in this regard. While Bahrain agreed, in 2011, to amend its legislation and introduce a definition of torture that is in conformity with the UNCAT and criminalises all acts of torture and ill-treatment, the clear and unequivocal prohibition of this practice still fails to appear in any Bahraini law.

Moreover, while the authorities have consistently claimed that they did not oppose peaceful demonstrations, various human rights organisations have reported an excessive use of force by authorities to repress protests.

In this respect, Alkarama documented the case of two under-aged brothers, Fadel and Bassel Jayed, who were tortured in detention and forced to sign statements confessing to the charge of “illegal gathering”, a charge regularly used to repress the right to freedom of peaceful assembly and prosecute individuals for taking part in demonstrations.

This year again, Bahrain failed to set a date for the visit of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment. After cancelling visits scheduled for 2012 and 2013, the government continues to postpone the deadline, officially citing an “inability to fix a date”.



Bassel Jayed



BAHRAIN'S UPCOMING UNIVERSAL PERIODIC REVIEW

On 22 September 2016, in view of Bahrain’s third Universal Periodic Review (UPR), which will be held on 1 May 2017, Alkarama submitted its report on Bahrain’s human rights situation to the Human Rights Council (HRC). The UPR involves a review of the human rights record of all UN Member States by the HRC every four years. The review encompasses an interactive discussion between the State under review and other UN Member States. In support of this process, NGOs can submit information, which can be referred to by any of the States taking part in the interactive discussion.

In its report, Alkarama underscored the most serious and persistent human rights violations in the country, including the use of torture, the recourse to arbitrary detention, and the violations of fair trial rights. Alkarama also expressed concern about the repression exercised against the opposition and underlined the oppressive nature of the 2006 Anti-Terrorism Law, which continues to limit and threaten the fundamental freedoms of peaceful activists, human rights defenders, and members of the opposition.

In addition, Alkarama denounced the practice of arbitrary detention to silence peaceful dissidents and human rights defenders. It noted that arrests, particularly those of peaceful protestors, were often carried out by members of the police or National Security Special Forces, with an excessive use of force. Such practices go hand in hand with the violation of the right to a fair trial. Indeed, secret detention, the denial of access to a lawyer before the trial to prepare the defence, and the use of confessions obtained under torture all constitute major flaws that are characteristic of the Bahraini judicial system. Similarly, judicial bodies such as military tribunals and the National Safety Court do not offer sufficient judicial guarantees to protect the rights of the accused, as they remain under royal control and thus lack independence.

Alkarama noted that since 2012, the Office of the Ombudsman in the Ministry of Interior, the Special Investigations Unit in the Office of the General Prosecutor, as well as the Prisoners and Detainees Rights Commission have been established, while the National Institution for Human Rights has been re-instated. Yet, impunity prevails in Bahrain as these institutions lack independence, efficiency and transparency, as demonstrated by the NHRI being granted a status “B” by the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions.

Lastly, Alkarama’s report pointed out the lack of implementation of several recommendations accepted by Bahrain during its UPR in 2012, demonstrating a lack of political will to uphold human rights in the country. In May 2017, Bahrain will receive further recommendations by UN Member States, and will have to inform the HRC which recommendations it intends to accept and implement.



OUR RECOMMENDATIONS

- Put a definitive end to the crackdown on political activists and release all those arbitrarily detained;
- Put an end to the practice of torture and ensure that all allegations of torture are subjected to independent and impartial investigations;
- Stop the excessive use of force against peaceful demonstrators;
- Amend the 2006 Anti-Terrorism Law to ensure it is in conformity with international human rights standards and review all convictions handed down under this legislation.



UPCOMING

- April-May 2017: Review of Bahrain by the Committee against Torture;
- 1 May 2017: Third Universal Periodic Review of Bahrain before the Human Rights Council.

DJIBOUTI



WHAT IS RATIFIED

ICCPR ✓

UNCAT ✓

ICPPED ✗

OP ICCPR ✓

OPCAT ✗



OUR CONCERNS

- Widespread torture and ill-treatment in detention and police custody;
- Arbitrary arrests of real and perceived political opponents;
- No fair trial guarantees;
- Restrictions on the freedom of expression and of peaceful assembly and the excessive use of force by the police and the army;
- Impunity for perpetrators of human rights violations and a lack of independent and impartial investigations.

ALKARAMA'S WORK ON DJIBOUTI FOR THIS YEAR

We submitted **7 communications** regarding **3 individual cases** to the following Mechanisms:

SRFRDX : 5 // SRIJL : 2

2016 was marked by recurring violations of civil and political rights in Djibouti, a country dominated by a one-party system. In April 2016, President Ismail Omar Guelleh was re-elected for a fourth consecutive term with 87% of the votes, following elections that were widely criticised for having been manipulated, but to which a repressed opposition, sidelined from the country's political affairs, participated.

The electoral process was accompanied by serious violations of the country's international human rights obligations, with the authorities systematically silencing members of the opposition and other critical voices, including journalists and human rights defenders. The government crackdown took the form of widespread arbitrary arrests and detention, summary executions and torture, as well as the closure of newspapers, the persecution of cyber activists, and travel bans being issued against human rights defenders.

SYSTEMATIC SUPPRESSION OF FREEDOM OF EXPRESSION THROUGH ARBITRARY ARRESTS

Since Guelleh's election for a fourth presidential term, dissenting voices in the country are on the rise, often expressing themselves through cyber activism, social media outlets, and the press. However, in many cases, following any public manifestation of criticism, the authorities have been quick to arbitrarily arrest, detain, judicially harass, and sometimes torture those who have merely expressed their opinion.

This was, for instance, the case of Kadar Abdi Ibrahim, co-director of the oppositional Aurore newspaper in Djibouti City. On 19 January 2016, Mr Ibrahim was condemned to a two-month suspended prison sentence and the publication of his monthly newspaper was also suspended for a similar period of time. Mr Ibrahim faced harassment following the publication of the newspaper's fifth edition, which included a photograph of a seven-year-old girl who died during the violent dispersal of a religious ceremony by the police and the army on 21 December 2015; an incident that led to numerous deaths and left dozens injured. In August 2016, Mr Ibrahim was arbitrarily arrested for a second time and his newspaper suspended for having reported on the travel ban imposed by the authorities on a former Djiboutian Minister.

Similarly, Alkarama referred the case of Abdi Aden Cheik Ali, another peaceful opposition activist, to the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. Mr Cheik Ali was arbitrarily arrested in August 2016 and detained for three months. His arrest and detention are seen as a reprisal for the disseminated a video, which denounced the water shortage in the region of Ali-Sabieh, and the blame he placed on the Djiboutian authorities for their inaction in relation thereto.

While documenting these cases, Alkarama identified the following pattern: victims are usually arrested arbitrarily, without any warrant, before being placed in custody in various police stations across the country; they are deprived of their right to contact their legal counsel and families; accused of "spreading false information" or "insulting State officials"; and consequently subjected to unfair trials, often sentenced to several months of imprisonment and/or heavily fined. Unfair and often expeditious trials are symptomatic of the Djiboutian judiciary system, which lacks independence and impartiality, as it acts as a branch controlled by the government to judicially harass and silence any voice of dissent.

COERCED CONFESSIONS AND POOR CONDITIONS OF DETENTION

Journalists, human rights defenders, and members of the opposition have been subjected to numerous violations when placed in detention. Many have been tortured at the hands of the security services or law enforcement agents, be it to extract incriminating confessions or as a retaliatory measure.

Moreover, detention conditions are also appalling, with poor hygiene, severe overcrowding, and no access to appropriate nutrition and healthcare. This type of treatment is usually aimed at spreading fear among detainees and dissuading these individuals from continuing their activism.

For example, Djiboutian journalist Mohamed Ibrahim Waiss was arbitrarily arrested and detained in January 2016 after having published articles expressing criticism towards governmental policies. He was arrested by police forces on 11 January 2016, and subsequently tortured to obtain the password of his Facebook account, in order to monitor his online activities. In critical physical condition as a result of the

torture perpetrated against him, he was transferred to the central prison of Gabode in Djibouti City, where his suffering was aggravated by the poor conditions of detention, poor hygiene and malnutrition. He was also denied medical care and family visits.

The aforementioned accounts of severe human rights violations not only cast doubt on Djibouti's real commitment to abide by its international legal obligations – in particular the International Covenant on Civil and Political Rights ratified in 2002 –, but also illustrate the intentional nature of these acts; aimed at silencing any dissenting voice and retaliating against those critical of the government. There is an urgent need for the country to allow for political pluralism and to engage in democratic reforms so as to ensure that basic rights and fundamental freedoms are respected and protected.



CRACKDOWN DURING THE PRESIDENTIAL ELECTIONS

In 2010, after Guelleh was elected twice president – in 1999 and 2005 –, the National Assembly of Djibouti amended the country's Constitution, allowing him to stand for a third term in 2011. This move was met with sharp criticism, as a result of which the country was shaken by a large wave of protests. While dissent was brought down swiftly, the opposition boycotted the 2011 elections and Guelleh became president for a third consecutive term.

Following Guelleh's announcement to run for a fourth term in April 2016, the authorities launched a crackdown on peaceful opposition gatherings, which were met with an excessive use of force. Alkarama reported on one such incident. On 21 December 2015, police forces raided the home of USN member, Djama Amareh Meidal, where an opposition meeting was taking place. The police used excessive force, thereby resorting to the use of lethal weapons and tear gas against those present at the gathering, including in particular, Said Houssein Robleh, a deputy who had already been harassed by the authorities; Ahmed Youssef Houmed, president of the USN; and Hamoud Abdi Souldan, former Minister of Muslim affairs. The three men were injured, urgently hospitalised and remained under intensive care.



Protests against Guelleh's running for fourth term



OUR RECOMMENDATIONS

- Amend the domestic legislation on torture and ill-treatment to ensure that it is in conformity with the Convention against Torture;
- Ensure that the Standards Minimum Rules for the Treatment of Prisoners to anyone detained and apply all fair trial guarantees;
- Guarantee the freedoms of expression, association, and peaceful assembly and ensure that these rights may be exercised freely;
- Fight against impunity by prosecuting any perpetrator of serious human rights violations at all levels.



UPCOMING

- September 2017: Submission of Alkarama's report to the Human Rights Council in view of Djibouti's third Universal Periodic Review in May 2018;
- 1 November 2017: Submission of Djibouti's second periodic report to the Human Rights Committee.



WHAT IS RATIFIED

ICCPR ✓ UNCAT ✓ ICCPED ✗
OP ICCPR ✗ OPCAT ✗



OUR CONCERNS

- Institutionalisation of the practice of enforced disappearance;
- Arbitrary detention and proceedings against civilians before military courts;
- Death sentences pronounced as a result of unfair trials and summary executions;
- Adoption of drastic laws to stifle any form of dissent, expression, peaceful assembly and political opposition;
- Excessive use of force against real and alleged political opponents and demonstrators, and ill-treatment and torture upon arrest and in detention.

ALKARAMA'S WORK ON EGYPT FOR THIS YEAR

We submitted **112 communications** regarding **68 individual cases** to the following Mechanisms:

WGEID : 30 // WGAD : 23 // SRSUMX : 1 // SRT : 21 //

SRFRDX : 10 // SRCT : 5 // SRFPAA : 10 // Others : 12

REPORTS PUBLISHED :

- Alkarama, Submission in view of the review of Egypt's National Council for Human Rights by the Global Alliance of NHRIs, June 2016

Despite the Parliamentary elections held in late 2015, as well as the promises made by the Egyptian government to enhance fundamental rights and freedoms, 2016 saw a further increase in human rights violations across the country, demonstrating the State's lack of commitment to engaging in meaningful reforms.

In January 2016, the newly elected Parliament was quick to approve flawed laws, including the 2015 Anti-Terrorism Law and the Law on the "protection of vital and public facilities", which allows the referral of civilians to military courts. Having been previously issued by the executive power, in the absence of a Parliament, sparking considerable criticism from NGOs. New oppressive laws were also promulgated, further jeopardising the rule of law and undermining fundamental freedoms in the country. Notably, in November 2016, the Egyptian Parliament passed a new draft NGO law, further restricting the right to peaceful assembly and association. In December, a new media law was ratified. It foresees the creation of a Supreme Council for the Administration of the Media – whose Chairman will be nominated by the president – which can revoke licences for foreign media and fine or suspend publications and broadcasters, thus seriously infringing on freedom of the press.

It is within this legal framework that rampant human rights violations have continued to occur throughout the year. In Sinai, where a state of emergency is still in place, the Egyptian military and law enforcement agencies have resorted to indiscriminate violence, torture, extrajudicial executions, as well as arbitrary arrests of alleged "terrorists". While the 2015 Anti-Terrorism Law was used to justify violent crackdowns on dissenting voices, journalists and political opponents, Egyptian security services have also arbitrarily arrested and detained peaceful demonstrators throughout the country, under the pretext of preserving "State security". Equally, the renewal of the Law on the "protection of vital and public facilities" has allowed for the referral of civilians to military courts, subjecting individuals to unfair trials given the lack of impartiality exercised by these jurisdictions the admission of confessions obtained under torture. Human rights defenders and NGOs have been victims of the authorities' systematic crackdown, through the freezing of their assets, the issuance of travel bans, arbitrary detention, and the suspension of their activities.

The aforementioned violations have prompted various UN human rights mechanisms to issue statements calling on the Egyptian government to adopt urgent measures to address the situation. With regard to the new NGO Law in Egypt, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association observed that "this bill proposes perhaps the worst restrictions on fundamental freedoms in Egypt since the 2011 uprisings" and that "it aims to destroy Egypt's foundation for peaceful, civic engagement at its very roots. If it becomes law, it would devastate civil society not only in the short term, but possibly for generations to come".

A STEADY INCREASE OF ENFORCED DISAPPEARANCES

The practice of enforced disappearances perpetrated by State actors has been on the rise throughout the year, reaching alarming and unprecedented levels. While the Egyptian authorities continue to deny their involvement in the abduction of thousands of individuals, Alkarama has reported many such cases based on the accounts of witnesses and families of victims. The scale of this phenomenon prompted the UN Working Group on Enforced Disappearances to highlight this issue in its July 2016 annual report. The experts expressed extreme concern over the fact that during the reporting period, "it transmitted 131 new cases under its urgent action procedure to the government in relation to what seems to be an increasing pattern of disappearances".

The majority of enforced disappearances documented by Alkarama follow the same pattern. Victims are typically arrested without a warrant, held in secret detention by the security forces, the intelligence services, the army or the police, and subsequently tortured to extract confessions that are then used as evidence to convict them at trial. Some victims reappear in detention facilities at a later stage, are brought before the Prosecutor, and then formally charged in order to formalise their detention. In some cases the date of their arrest is altered in the process. Local authorities systematically deny involvement in these disappearances and refuse to provide the families of the victims with any information on their fate and whereabouts.



Demonstration of families of disappeared in Egypt

This is, for instance, the case of two Egyptian citizens who were forcibly disappeared at the hands of the Egyptian authorities and are still missing to date. Abducted, respectively, on 27 December 2015 in Ain Shams, Cairo, by law enforcement agents, and on 10 September 2014 in El Khanka, El Qalyubia Governorate, by the Homeland Security Services. Their families have tried to locate them but have not received any news so far. Despite their efforts, the Egyptian authorities have denied any involvement in the abduction of these two men and refuse to provide any information on their fate and whereabouts.

PERSISTENT VIOLATIONS OF THE RIGHTS TO FREEDOM OF EXPRESSION, OF PEACEFUL ASSEMBLY AND OF ASSOCIATION

In continuity with previous years, the Egyptian authorities have repressed fundamental rights, such as the freedom of expression, of peaceful assembly, and of association.

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In April and May 2016, demonstrators gathered in various cities to peacefully protest against the decision of the government to transfer two Red Sea islands – Tiran and Sanafir – to Saudi Arabia. Law enforcement agents used excessive force against peaceful protesters and arrested hundreds of demonstrators that were later charged under the highly restrictive Law No. 107 of 2013 on demonstrations and public gatherings, infamous for having justified serious human rights abuses, including the sentencing of peaceful demonstrators to the capital punishment.

Similarly, in September 2016, the Egyptian government passed a new NGO draft law, raising the concern of both Alkarama and the UN Special Procedures. This law further restricts the financing and activities of associations and NGOs, placing them under the control of the security apparatus and severely limiting their activities to what is vaguely referred to as “Egyptian social needs”. In this respect, 2016 saw the continuous judicial harassment and prosecution of several local NGOs and their founders, who have been arbitrarily accused of “receiving illicit funds” and of “carrying out unlawful activities”. While some of these NGOs were forced to close down, the UN Special Procedures have expressed their concern as to the incessant violations of such fundamental rights, with the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression referring to “an increasing trend of criminalization of expression and imprisonment of journalists”.



Protesting against violation of right to freedom of expression in Egypt

Lastly, on 26 December 2016, President Al Sisi ratified a law on the “Institutional Regulation of the Press and the Media”, which established three regulatory bodies to oversee all media outlets. The first two will supervise state-owned press organisations, audio-visual media, and radio, while the Higher Council for Media Regulation will regulate all media outlets. The Directors of these boards will be chosen directly by the president and, accordingly, allow the executive to control the media. The new law falls into a broader pattern of the government crackdown on media workers, seeing numerous journalists arrested and prosecuted, including on allegations of “terrorism and before military courts”.

SUMMARY EXECUTIONS AND CAPITAL PUNISHMENT FOLLOWING UNFAIR TRIALS

Extrajudicial executions are amongst the most severe human rights violations in Egypt. In this regard, Alkarama strongly condemned the Egyptian Minister of Justice’s speech of January 2016, which called for the killing of Muslim Brotherhood members and their supporters. Not only do such comments violate fundamental principles of international human rights law – namely article 20 of the International Covenant on Civil and Political Rights, prohibiting any “discrimination, hostility or violence” –, they also constitute a breeding ground for further violations and equally create a climate of impunity for perpetrators. In 2016, Alkarama raised several accounts of suspicious deaths in detention of political detainees, while media outlets exposed several summary executions targeting members of the Muslim Brotherhood, including the killing of a prominent leader of the group, Mohamed Kamal, in the Cairo’s Bassateen neighbourhood. Mr Kamal was allegedly killed in an exchange of gunfire with the police while they were trying to arrest him.

The comments made by the Minister of Justice also violate his legal duty of independence and impartiality and jeopardise the integrity of the judiciary system. In tune with this, many individuals continue to be at risk of being sentenced to death as a result of unfair trials – including before military courts – that are politically motivated.



THE UN DENOUNCES A SYSTEMATIC PATTERN OF ARBITRARY DETENTION

To date, Alkarama has reported and transmitted hundreds of cases of arbitrary arrests and detention in Egypt to the relevant UN Special Procedures. Consequently, in 2016, the UN Working Group on Arbitrary Detention (WGAD) issued several Opinions in which it denounced the arbitrary nature of the victims' detention and calling for their immediate release. This is the case, for instance, for the nine journalists who were arbitrarily arrested, detained, and unfairly sentenced either to death or to heavy prison sentences in the so-called "Raba'a Operations Room". In April 2016, the WGAD urged the authorities to release them. Similarly, the UN group of experts qualified the detention of one young student as arbitrary, following Alkarama's request. In this case, the experts acknowledged that his trial was unfair, that the legal basis invoked to justify his detention was flawed – due to the confessions extracted under torture – and that, as a civilian, he should never have been brought before a military court.

Importantly, these WGAD decisions highlighted the systematic nature of this practice and a "pattern of violations occurring in Egypt". Based on the findings of both the UN and Alkarama, Egypt should adopt urgent measures to release all victims arbitrarily detained. To date, Egypt has not implemented any of the WGAD's Opinions, including one issued in the case of former President Mohamed Morsi, whose detention was qualified as "arbitrary" in 2013. The authorities should immediately put an end to arbitrary arrests, bring all victims under the protection of the law, and grant them fair judicial procedures.



OUR RECOMMENDATIONS

- Ratify the International Convention for the Protection of all Persons from Enforced Disappearances and abolish this practice;
- Amend legislation on torture and ensure that it is in conformity with international standards and submit its overdue report to the Committee against Torture;
- Abolish the emergency legislation allowing for the prosecution of civilians before military courts;
- Apply all fair trial guarantees;
- Guarantee the rights to freedoms of expression, association, and peaceful assembly.



UPCOMING

- March 2017: Review of the National Council for Human Rights before the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions;
- 25 June 2017: 13-year delay in the submission of Egypt's initial report to the Committee against Torture (initially due in 2004);
- 1 November 2017: 13-year delay in the submission of Egypt's initial report to the Human Rights Committee.



WHAT IS RATIFIED

ICCPR ✓
OP ICCPR

UNCAT ✓ ICPPED
OPCAT ✗



OUR CONCERNS

- Widespread and systematic practice of enforced disappearances by State agents and militias affiliated with the Popular Mobilisation Units;
- Systematic use of torture and the use of forced confessions in unfair trials before the Central Criminal Court of Iraq;
- Imposition of the death sentence succeeded by executions;
- Use of the Anti-Terrorism Law to justify repression of all forms.

ALKARAMA'S WORK ON IRAQ FOR THIS YEAR

We submitted **115 communications** regarding **58 individual cases** to the following Mechanisms:

WGEID : 4 // WGAD : 23 // SRSUMX : 1 // SRT : 20 //

SRIJL : 1 // SRHRD : 2 // SRCT : 20 // CED : 44

2016 was marked by the continued escalation of violence in Iraq, leading to serious human rights violations. The violence suffered by civilians, who are the primary victims of the conflict, remains staggering. According to UN figures, this year alone, the conflict has claimed over 6,500 lives, while in the context of a continuing humanitarian crisis, the total number of displaced persons has reached 3.4 million.

In January 2016, the Iraqi army besieged the city of Fallujah, which was captured by the Islamic State (IS) in 2014. In February, the army recaptured the towns of Al Karmah and Ramadi and on 3 May and after a prolonged siege, launched the “battle of Fallujah”. The city was re-taken a month later. On 20 October 2016, Iraqi and Kurdish troops, supported by the US-led coalition, began a massive operation to retake Iraq’s second largest city of Mosul from IS militants.

The persistent climate of insecurity is clearly illustrated by the two deadly bombings in Baghdad on 3 July 2016, for which IS claimed responsibility. With a death toll of 250, the Iraqi government considered these attacks to be the deadliest in the country since the 2003 US-led invasion. The following day, the Prime Minister and the Ministry of Justice publicly called for the execution of convicts on death row, affirming that this would “deliver just punishment to those whose hands are stained with the blood of Iraqis”. Five executions were carried out that same day, without any specification being made as to the crimes for which the detainees were sentenced.

On 26 November, the Parliament passed a bill recognising the Popular Mobilisation Units (PMU) – an umbrella organisation of approximately 40 militias that had already been placed under the control of the Ministry of Interior – as a government entity operating alongside the military. Composed mostly of Shia militia fighters, critics have said that this move would only widen sectarian divides in society.

On a political level, 2016 was marked by struggles over the country’s sectarian quota system and reshuffling of the government, after the Prime Minister announced, in February, that he wanted to appoint technocrats and recompose the cabinet formed in 2014, which is based on the Parliament’s political blocs. However, he faced significant opposition from political forces, as Parliamentarians staged a sit-in and boycotted the sessions to show their disagreement with the lists presented by the Prime Minister. Alongside this, several protests called by Shia cleric Muqtada Al Sadr were held in the capital throughout the year. In April, he issued a statement calling for the resignation of all ministers, following which protestors gathered in the capital to demand a new government and denounced sectarianism and corruption.

THE FIGHT AGAINST TERRORISM: AN OPEN DOOR TO ABUSE

The Iraqi government’s response to the deteriorating security situation and the intensification of fighting against IS fostered an environment that has brought about an increasing number of severe human rights violations, many of which are perpetrated in the name of the fight against terrorism. As a result, numerous individuals suspected of being “terrorists”, without any reasonable grounds, were subjected to summary executions, enforced disappearances, torture, and trials disregarding their most fundamental rights.

During the battle of Fallujah in May 2016, Alkarama received several testimonies according to which Sunni civilians fleeing the besieged city were shot dead, while hundreds of local residents were said to be detained and severely tortured by Iraqi military forces and state-sponsored militias belonging to the PMU in order to “determine their involvement with IS”.

Individuals displaced from areas under IS control were also arrested and disappeared on suspicion of being “supporters” of a terrorist organisation. In September, Alkarama documented the case of three men displaced from their hometowns of Mosul and Ramadi – cities then under IS control – who disappeared between May and June 2015 after having been arrested at checkpoints controlled by a State-supported Hezbollah brigade.

Moreover, trials of individual suspected of terrorist crimes systematically fail to respect due process guarantees, while lawyers defending individuals accused of terrorist crimes continue to be victims of harassment by the authorities. In Iraq, the Anti-Terrorism Law provides for the death penalty, which leads to capital punishment being routinely handed down after expeditious trials by the Central Criminal Court of Iraq (CCCI) – a court lacking any guarantee of independence – based on confessions extracted under



Militias in Iraq

torture or information provided by “secret informants”. As the third most frequent user of the capital punishment worldwide, the Iraqi government has repeatedly affirmed that the death sentence would serve as a “deterrent to acts of terrorism”.

Such practices are illustrated by the case of Salih Al Dulaimi, an engineering professor at Anbar University, who the CCCI sentenced to death for terrorist acts on 12 May 2016, solely on the basis of information allegedly provided by the US intelligence and statements he made under torture. The judge refused to take into account Mr Al Dulaimi’s testimony of torture and affirmed that his wounds were “self-inflicted”.

THE SYSTEMATIC PRACTICE OF ENFORCED DISAPPEARANCE

As the country most affected by enforced disappearances worldwide, Iraq counts up to one million missing persons. Starting in the time of Saddam Hussein, during which approximately 250,000 people were disappeared, this phenomenon increased during the US-led invasion in 2003 and is today a widespread and systematic practice, with security forces and affiliated militias operating with complete impunity.

This year, Alkarama has documented numerous cases of enforced disappearances and transmitted these to the UN human rights mechanisms together with Al Wissam Humanitarian Assembly. It has identified the following pattern: victims of enforced disappearance are commonly arrested by the security force during house raids; individuals are then held in secret places of detention and denied access to the outside world, while their relatives are left without any information as to their fate and whereabouts. While secretly detained, they are tortured extensively, often with the aim of extracting confessions. This was the case of Mohamad Al Jabouri, who reappeared in prison in September 2016, after having been disappeared for more than one year, during which he was secretly sentenced to death by the CCCI for “terrorist crimes” on the basis of confessions extracted under torture.

Abductions of this kind are also perpetrated by pro-government militias operating alongside the security forces, especially those affiliated to the Popular Mobilisation Units in the fight against IS. For instance, Dawood Al Issawi, a 67-year-old farmer, disappeared after his arrest on 8 June 2014 by Federal Police and Imam Sadiq regiment – the armed wing of Badr political party and member of the PMU – in Salah Al Din province. To date, his fate and whereabouts remain unknown, despite the actions taken by the UN Committee on Enforced Disappearances (CED) in September 2016, after it was seized by Alkarama and Al Wissam Humanitarian Assembly.

In addition, the fate of hundreds of those who disappeared during the US-led occupation still remains unknown. This year, Alkarama continued to raise cases of disappearances carried out by US forces with the

UN. This included, for example, the case of Mazen Al Izzi, who was arrested by the US army on his way to work on 10 January 2004. Four years later, a former detainee informed his relatives that he was held in the Fifth Division of the Army in Kadhimiyah, northern Baghdad. When they asked about him, the authorities denied any involvement in his detention. More than 10 years have passed, yet despite their best efforts, to date, his family remains without any information as to his fate and whereabouts.



CRACKDOWN ON HUMAN RIGHTS ACTIVISTS

This year again, human rights defenders, especially those documenting violations, experienced harassment and attacks in retaliation for their work from the Iraqi security forces and affiliated militias. Victims of this repression include members of the human rights NGO Al Wissam Humanitarian Assembly, which has documented numerous cases of enforced disappearance and submitted them, together with Alkarama, to the relevant UN human rights mechanisms.

On 6 March 2016, two members of the NGO, Imad Amara and Faisal Al Tamimi, were arrested in Baghdad, handcuffed, blindfolded, and taken to an unknown location where they were severely beaten, insulted, and threatened while being interrogated about their work with families of disappeared persons for about two hours. They were released in Baghdad later that night. A few months before, the NGO's founder, Salam Al Hashimi, was also subjected to reprisals: he was threatened by members of the security forces and an arrest warrant was issued against him in December 2015, accusing him of terrorism. Alkarama raised their cases with the UN Secretary General, who, in his annual report in September 2016, strongly condemned the retaliatory measures against the three men.

This year, Alkarama and the Iraqi Observatory for Human Rights also raised the case of lawyer and human rights defender Waeel Al Jabouri with the CED. On 19 August 2015, he was arrested at a checkpoint by the Liwa Al Sadr militia, an armed group part of the PMU, and has not been seen since. His closest collaborators, friends and family, believe he was arrested and disappeared as a retaliation for his activism, as only a couple of days before his arrest he had met with several other activists to organise a peaceful demonstration.



OUR RECOMMENDATIONS

- Take all necessary measures to ensure that no one is secretly detained and establish the fate and whereabouts of all disappeared persons by effectively cooperating with the appropriate UN human rights mechanisms;
- Investigate allegations of torture and ensure that forced confessions are not admitted as evidence during trial;
- Abolish the death penalty or adopt a moratorium with a view to its complete abolition;
- Amend the Anti-Terrorism Law to bring it in conformity with international human rights law.



UPCOMING

- 14 August 2017: Two-year delay in the submission of Iraq's follow-up report to the Committee against Torture;
- 18 September 2017: Two-year delay in the submission of Iraq's follow-up report to the Committee on Enforced Disappearance;
- 4 November 2017: Two-year delay in the submission of Iraq's follow-up report to the Human Rights Committee.

JORDAN



WHAT IS RATIFIED

ICCPR ✓

UNCAT ✓

ICPPED ✗

OP ICCPR ✗

OPCAT ✗



OUR CONCERNS

- Practice of torture and *incommunicado* detention by the General Intelligence Directorate;
- Judicial harassment against any dissenting voices on the basis of draconian laws;
- Unfair trials before the State Security Court and the admission of confessions extracted under torture.

ALKARAMA'S WORK ON JORDAN FOR THIS YEAR

We submitted **17 communications** regarding **8 individual cases** to the following Mechanisms:

WGEID : 1 // WGAD : 6 // SRT : 1 // SRFRDX : 5 // SRCT : 3 // SRFPAA : 1



The "Berm" in Jordan

This year, Jordan continued to suffer the repercussions of the Syrian conflict. The country now hosts around 650,000 refugees, amounting to approximately 10% of its total population. In June 2016, after a bomb attack by the Islamic State near the refugee camp of Al Rukban killed seven Jordanian soldiers, the country's army chief decided to seal off the entire Syrian border, barring access even to aid agencies. As a result, approximately 70,000 refugees, half of whom are children, were blocked in the "berm" – a barren demilitarised desert area. Already living in appalling conditions, without access to food, water, and medical care, their situation quickly deteriorated. Despite talks with international aid agencies, Jordan only allows for aid drops by crane over the wall demarcating the border, which it still refuses to re-open.

On the political side, in March 2016, the electoral law was amended to allow multiple votes for open proportional lists, replacing the decade-old single-vote system. In April, the Parliament passed several constitutional amendments giving the King more powers, including the right to appoint the head of the Constitutional Court as well as members of the Senate. Critics denounced this move, arguing that Jordan was shifting toward an absolute monarchy. That same month, the security services closed the Amman headquarters of the Muslim Brotherhood, considered by the authorities as illegal because its licence was not renewed.

On 20 September 2016, legislative elections for the 18th Lower House of Parliament – which has limited political power over governmental policies, since the King appoints members of the Parliament's Upper House – were held. The Islamic Action Front – the Muslim Brotherhood's political wing – and its allies, who boycotted the last two elections, secured 16 seats.

HUMAN RIGHTS VIOLATIONS IN THE CONTEXT OF COUNTERTERRORISM

1 November 2016 marked the 10-year anniversary of the Jordanian "Prevention of Terrorism Act", enacted in response to the 2005 hotel bombings in Amman that left 60 people dead. Since then, numerous violations have been committed by the authorities under the pretext of counterterrorism, most notably by the General Intelligence Directorate (GID) – the country's national intelligence agency that is controlled directly by the King – and the State Security Court (SSC), an exceptional jurisdiction whose members, two military judges and one civilian judge, are directly appointed by the executive.

In this respect, the cases documented by Alkarama largely follow the same pattern: victims are arrested by the GID without a warrant and detained incommunicado at the GID premises in Amman, during which they are tortured and ill-treated in order to extract incriminating confessions. Since the SSC General Prosecutor is housed on GID premises, victims are subsequently charged and prosecuted on the basis of confessions extracted under torture, before being sentenced under the Anti-Terrorism Law.

This year, Alkarama documented the cases of Adam Al Natour, a 21-year-old Polish and Jordanian student, and Hatem Al Darawsheh, a 19-year-old high school student. Both men were detained incommunicado for several weeks at the GID premises, where they were tortured extensively. In February and December 2016, respectively, the two young men were sentenced to four years in prison by the SSC for “terrorism” on the basis of confessions extracted under torture.

In August 2016, upon Alkarama’s request, the United Nations Working Group on Arbitrary Detention, issued an Opinion on the case of Adam Al Natour, which qualified his detention as “arbitrary” and requested the authorities to release him immediately. To date, however, the government is yet to take any action to this effect.

This year, Alkarama also received the testimony of a victim who was disappeared for four months at the hands of the GID. On 27 February, Abdulmalik Mohammad Yousef Abdelsalam, a 26-year-old Jordanian university student, disappeared after he landed in Amman’s airport. Concerned over his disappearance, Alkarama has written to the UN Working Group on Enforced or Involuntary Disappearances; however, the Jordanian authorities never responded to the UN experts’ request. It is only on 29 June 2016 that Mr Abdelsalam was released without any judicial procedure.

SYSTEMATIC VIOLATIONS TO FREEDOM OF EXPRESSION AND PEACEFUL ASSEMBLY

In 2016, human rights defenders, political opponents, journalists, and critics of the government have suffered from restrictions on their right to freedom of expression, suffering from arbitrary detention and unfair trials before the State Security Court. The latter exercises jurisdiction for acts of terrorism, which since the 2014 amendments to the Anti-Terrorism Law, includes nonviolent acts and entails harsh sentence of a minimum of five years imprisonment. Victims have been prosecuted by the SSC for “disturbing the public order” or for “disturbing relations with a foreign country”, charges that leave a window for interpretation.

It is under the latter accusation that Professor Amjad Qourshah, a professor in comparative religions and famous TV and radio presenter, was detained by the GID for three months in 2016. Mr Qourshah released a video in which he criticised Jordan’s participation in the international coalition against the Islamic States, which he considered to be part of the United States’ agenda, and which, in his opinion, was forcing Arab States to fight a war that is not theirs.



Amjad Qourshah

Other critics have been prosecuted by the SSC on the basis of repressive provisions of the Jordanian Penal Code, in particular article 149, which sanctions anyone who “encourages the contestation of the political system” or “commits an individual or collective act in order to change the fundamental structures of society”. This was the case of Professor Eyad Qunaibi, who was released on 17 May 2016 after having spent a year in detention on a charge of “incitement against the political regime”, having published a Facebook post criticising, among others, his country’s ties with Israel. During his trial, references to specific sections of his article, which indisputably showed that he had been prosecuted solely for exercising his fundamental rights, were presented as sole evidence in support of the case against him. Despite the intervention of the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, seized by Alkarama, the State Security Court failed to recognise that Professor Qunaibi was arbitrarily detained for having exercised his right to the freedom of expression and similarly failed to acquit him.

Lastly, in March 2016, amendments to the 2008 Law on Associations were published, which, if adopted, would seriously infringe the ability of NGOs to operate in the country. Indeed, the law prohibits the registration of associations whose aims violate “national security, public safety, public health, public order, public morals, or the rights and freedom of others”; an overly broad list that leaves room for misinterpretations and abuse. Moreover, the registration of an organisation would automatically be rejected in the absence of a response from the government and may be dissolved upon recommendation of a relevant Minister. Furthermore, the law allows for further governmental control of NGOs since organisations must submit prospective annual plans to the government and allow government officials to attend their meetings. Such

measures, if adopted, would greatly undermine the work of associations in the country and constitute a clear violation of the freedom of association and peaceful assembly.



GLOBAL ALLIANCE OF NATIONAL HUMAN RIGHTS INSTITUTIONS MAKES RECOMMENDATIONS TO NATIONAL CENTRE FOR HUMAN RIGHTS

On 26 January 2016, the Subcommittee on Accreditation (SCA) of the Global Alliance for National Human Rights Institutions (NHRIs) published a report in which it made recommendations to the National Centre for Human Rights (NCHR) to ensure its full compliance with the Paris Principles, a set of international standards aiming at ensuring the independence and impartiality of NHRIs. Although the review of the NCHR was set to take place in November 2015, the Centre had requested a deferral in order to have time to propose amendments within domestic law that would enable it to comply fully with the Paris Principles.

In its report, the SCA raised several concerns, echoing those highlighted in Alkarama's 2015 report. First, the SCA noted the lack of transparency with regard to the appointment and dismissal procedures and called upon the NCHR to "establish clear and uniform criteria upon which all parties assess the merit of eligible applicants" and to clearly define the grounds for dismissal, which cannot "be based solely on the discretion of the appointing authorities". Another issue of concern was the appointment of two parliamentarians as members of the Board of Trustees. Indeed, government representatives and members of the Parliament should not be members of, nor participate in, decision-making bodies of a NHRI. Thirdly, the SCA encouraged the NCHR to "conduct 'unannounced' visits as this limits opportunities for detaining authorities to hide or obscure human rights violations and facilitates greater security". Indeed, as was highlighted by Alkarama, even though the NCHR theoretically holds the right to visit places of detention, in practice, it requires previous authorisation from the authorities.

In December 2016, the Jordanian media reported that the Parliament had approved draft amendments to the NCHR Law. Nevertheless, this law still requires the endorsement of the Senate and the King. Alkarama welcomes this development and calls on the NCHR to ensure that the amendments in question will effectively ensure its full impartiality and effectiveness. The Jordanian authorities should also allow the NCHR to undertake reforms, so that they can successfully protect and promote human rights in the country.



OUR RECOMMENDATIONS

- Bring an end to the practice of torture by ensuring that confessions extracted under torture are not admitted as evidence during trials, that all allegations are thoroughly investigated, and that perpetrators are prosecuted;
- Amend the Anti-Terrorism Law and article 149 of the Penal Code to ensure that they do not constitute a basis on which to prosecute acts of free speech;
- Abolish the State Security Court;
- Amend repressive legislations to create a legal framework in which the rights to freedom of expression, association and peaceful assembly are guaranteed.



UPCOMING

- October-November 2017: Review of Jordan by the Human Rights Committee;
- 9 December 2017: One-year delay in the submission of Jordan's follow-up report to the Committee against Torture.

KUWAIT



WHAT IS RATIFIED

ICCPR ✓

CAT ✓

ICPPED ✗

OP ICCPR

OPCAT ✗



OUR CONCERNS

- Violations of the right to freedom of expression, notably through the enactment of the Law on Cybercrimes;
- Restricting political participation of persons convicted of defamation or blasphemy;
- Continued persecution of human rights activists, bloggers, journalists, and political opponents;
- Discrimination against the Bidun and the revocation of nationality as a means to punish political opponents.

ALKARAMA'S WORK ON KUWAIT FOR THIS YEAR

We submitted **1 communications** regarding **1 individual cases** to the following Mechanisms:

Others : 1

REPORTS PUBLISHED :

- Alkarama, Alternative report in view of the third periodic review of Kuwait by the Committee against Torture, July 2016
- Alkarama, Alternative report in view of the third periodic review of Kuwait by the Human Rights Committee, May 2016



Voting in Parliamentary Elections, November 2016, Kuwait.

In 2016, due to the decrease in oil prices, Kuwait faced its first deficit in two decades, prompting the government's decision to cut fuel subsidies. The decision spurred a national debate that resulted in several members of the Parliament opposing the government and ended with the Emir dissolving the Parliament on 16 October 2016. Elections for the 50 parliamentary seats were consequently held on 26 November 2016. A total of 454 candidates, including 15 women, registered to stand for election. The year also saw the return of major opposition figures, ending a four-year boycott initiated in response to the government's prior decision to amend the voting system. However, the electoral committee banned around 50 candidates because of "court verdicts" or due to "uncompleted procedures". A number of those disqualified candidates included members of the opposition who had previously been prosecuted and sentenced for having merely exercised their right to freedom of expression. Indeed, in June 2016, amendments were made to the electoral law whereby persons convicted of defamation or blasphemy would henceforth be barred from running for political office.

In 2016, Kuwait underwent reviews by two UN Treaty Bodies, namely the Human Rights Committee (HRCtee) and the Committee against Torture (CAT). During the review of the situation of civil and political rights, the HRCtee highlighted a number of issues pertaining to violations of fundamental freedoms, including discrimination against the Bidun – the stateless people – and the revocation of nationality as a means to punish political opponents. For its part, the CAT underlined the State's lack of respect for the legal safeguards applicable from the onset of an arrest, the failure to investigate torture allegations, and the lack of adequate prevention and complaint mechanisms.

THE DNA LAW AND VIOLATIONS OF THE RIGHT TO PRIVACY

In 2015, the Kuwaiti Parliament passed Law No. 78/2015, legalising the compulsory and indiscriminate collection of DNA samples from all Kuwaiti citizens, residents, and visitors alike. The law fixed a deadline of a year within which the DNA collection would have to be completed and stipulated that anyone who refuses to provide the authorities with a sample would be sentenced to "one year in prison and a fine of ten thousand dinars. Back then, the authorities described the law as a counterterrorism measure in response to an attack on a Shia mosque in June 2015. The Kuwaiti DNA Law, comprising 13 articles, is the first of its kind in that it indiscriminately requires all individuals to provide a DNA sample.

In its shadow report to the HRCtee, ahead of Kuwait's review in June 2016, Alkarama denounced the potential dangers posed by this law and made a number of recommendations in order to safeguard the

right to privacy of all individuals present in Kuwait. In its Concluding Observations, the HRCtee, echoing Alkarama's recommendations, called on Kuwait to "revise its Law No. 78/2015 in order to limit the sample collection to individuals suspected of having committed serious crimes". It further called on Kuwait to only allow for DNA collection upon orders from a competent judicial authority, to grant the possibility to "challenge the lawfulness of the request for DNA collection" and "set a time limit after which DNA samples will indefinitely be removed from the database", and finally, to instate an independent authority to supervise and administer the DNA database so as to avoid the inappropriate use of data by the Ministry of Interior.

On 19 October 2016, the Kuwaiti Parliament announced that it would revise its DNA Law and bring it in line with the Kuwaiti Constitution, which protects the right to privacy. The Emir consequently requested that the Parliament reconsider the scope of the law, with the view of restricting the imposition of compulsory DNA collection to criminal suspects only, as opposed to all Kuwaiti citizens and residents, as initially envisioned.

THE LACK OF AN INDEPENDENT JUDICIARY

Kuwait suffers from a severe lack of independence within the judiciary. Indeed, while the Constitution enshrines the separation of powers, it also states that the law is rendered by the Courts "in the name of the Emir". Furthermore, the executive controls the appointment procedure of judges, who are appointed by Emiri decree on the basis of the Minister of Justice's suggestions. Another issue lies in the fact that the Kuwaiti judiciary is, in part, composed of foreign judges, who are employed on a contractual basis and for a limited period of time.

This is in direct contradiction to the principle of irremovability of judges, which seeks to ensure their impartiality and independence. As such, the Minister of Justice can request foreign judges by name and can decide to extend their appointment after their contract has expired. In this context, the review of their performance and extension of their term is dependent on the Ministry of Justice, which has important control over them and thus compromises their independence.

Another aspect pertaining to the lack of independence of the judiciary is the system used to discipline judges. Indeed, every two years, an administrative body carries out an inspection that grades the performance of judges. However, the decision as to whether or not to refer the cases of judges scoring below average to the Supreme Court – which will ultimately decide on their dismissal – is left to the discretion of the Minister of Justice. Evidently, Kuwaiti law on the organisation of the judiciary clearly provides the Ministry of Justice with the power to supervise the judiciary.

In July 2016, echoing Alkarama's concerns, the HRCtee recommended that Kuwait "guarantee the independence, autonomy and impartiality of the judiciary by reforming the system for the appointment, promotion and disciplining of judges and the security of tenure for foreign judges".

The elements mentioned above raise questions about the integrity of the judiciary and its role in politicising certain cases. Indeed, the laws can be abused to prosecute those deemed undesirable by – or seen to be opposed to – the regime. This is exemplified by the case of Musallam Al Barrack, a former MP imprisoned for denouncing policies of the Emir.



NEW LAW ON CYBERCRIMES INFRINGES FREEDOM OF EXPRESSION

In January 2016, Kuwait's Law No. 63 on Cybercrimes came into force. The law restricts freedom of opinion and expression as its broad definitions can easily be used to punish peaceful opposition and dissent. The law punishes, inter alia, the online publication of information that "might prejudice public morality" or that criticises the Emir. Laws condemning criticism of the Emir or State institutions are contrary to the spirit of the International Covenant on Civil and Political Rights (ICCPR).

Alkarama underlined such violations of the freedom of expression in its shadow report to the HRCtee, recommending that these provisions be revised in order to bring them into conformity with Kuwait's international obligations under the ICCPR. Alkarama also expressed its concern about the use of these laws to prosecute human rights defenders, journalists, or anyone else expressing criticism. It further denounced Kuwait's Communications Act, which restricts basic freedoms, as well as the administrative decisions ordering the closing of a number of media outlets. In its Concluding Observations, the HRCtee reflected Alkarama's concerns and recommended that Kuwait guarantee media freedom by ensuring that media outlets can operate independently and free from government interference. The HRCtee further recommended that any decision to shut down media outlets should come from an independent body that is subject to judicial review. In addition, Alkarama called on Kuwait to release and offer effective judicial redress to all persons imprisoned for having merely exercised their right to express their opinion.



OUR RECOMMENDATIONS

- Amend Law No. 78/2015 to limit the collection of DNA to criminal suspects only and ensure that the right to privacy is respected;
- Revise the electoral law barring individuals convicted of defamation and blasphemy from running for elections;
- Repeal and revise all laws restricting the freedom of opinion and expression and ensure they are in conformity with Kuwait's international obligations under the ICCPR;
- End all forms of discrimination against the Bidun and put an end to the practice of revoking nationality.



UPCOMING

- Revision of DNA Law 78/2015;
- 15 July 2017: Submission of Kuwait's follow-up report to the Human Rights Committee;
- 12 August 2017: Submission of Kuwait's follow-up report to the Committee against Torture.

LEBANON



WHAT IS RATIFIED

ICCPR ✓

CAT ✓

ICPPED ✗

OP ICCPR ✗

OPCAT ✓



OUR CONCERNS

- Serious and recurrent violations committed by the security services in the context of counterterrorism, including against Syrian refugees and minors;
- Widespread use of torture, notably to extract confessions;
- Unfair trials before special courts, namely the military court and the Judicial Council;
- Restrictions on the freedom of expression, particularly in response to denunciations of abuses committed by the security services.

ALKARAMA'S WORK ON LEBANON FOR THIS YEAR

We submitted **21 communications** regarding **9 individual cases** to the following Mechanisms:

WGEID : 1 // WGAD : 3 // SRT : 7 // SRFRDX : 3 //

SRIJL : 3 // SRCT : 3 // Others : 1

In 2016, Lebanon remained gripped by political paralysis as the government struggled to adopt new laws and engage in a genuine dialogue process. However, on 31 October 2016, after a deadlock of more than two years, the Lebanese Parliament elected Michel Aoun, a former army chief and founder of the Free Patriotic Movement, as the new Head of State. On 3 November 2016, he entrusted Saad Al Hariri with the role of Prime Minister of Lebanon for the second time, having already held this position previously, from 2009 to 2011. On 28 December, Lebanon's Parliament went on to approve a national unity cabinet, which includes a State Minister for Human Rights.

As in previous years, Lebanon continued to suffer from the repercussions of the Syrian conflict. With more than one million Syrian refugees on its territory, the country carries the highest per capita concentration of refugees worldwide, despite the strict refugee regulations adopted in 2015. Hezbollah also continued to fight alongside the forces of President Bashar Al Assad in Syria. Moreover, Lebanon's security situation remained unstable due to threats and clashes between armed groups – affiliated to Al Nusra and the Islamic State – and the Lebanese army, particularly in border areas.

On 19 October 2016, after a year of political impasse, the Lebanese Parliament approved a law establishing an independent National Commission for Human Rights, tasked with enhancing the protection and promotion of human rights throughout the country. As required under the Optional Protocol to the Convention against Torture (OPCAT), which Lebanon ratified in 2008, the Lebanese National Human Rights Institution includes a National Preventive Mechanism; an independent body mandated to visit places of detention. The Commission is yet to be established: if granted the necessary guarantees to carry out its mandate effectively and impartially, this mechanism could be instrumental for victims of abuses to raise violations and obtain redress.

HUMAN RIGHTS VIOLATIONS IN THE FRAMEWORK OF COUNTERTERRORISM

In 2016, a year characterised by instability and insecurity, the Lebanese Armed Forces and Internal Security Forces (ISF) carried out numerous arrests of individuals suspected of terrorist crimes and attacks against the army. Most of these individuals were subsequently held *incommunicado* and interrogated while being tortured, a practice that remains widespread and systematic in the country despite the recommendations issued by the United Nations Committee against Torture (CAT) in October 2014, following its inquiry in the country. Suspects of terrorist crimes are then referred to the military court – a jurisdiction composed primarily of military judges appointed by the Minister of Defence, to which they are directly subordinated – and subjected to trials violating due process rights. As such, some trials are held in secrecy, without the presence of a lawyer, and are not subject to the control of any independent judicial authority. Furthermore, judges of the military court usually admit confessions extracted under torture into evidence. Moreover, suspects of terrorist crimes may be referred to the Judicial Council, a political body whose members are appointed by the executive and whose decisions cannot be appealed.

This year, Alkarama has documented numerous cases illustrating such violations to the UN human rights mechanisms, including, for example, the case of 25-year-old Syrian refugee, Yarub Al Faraj. In December 2015, he was convicted by the military court for terrorism, on the sole basis of confessions extracted under torture. While being detained *incommunicado* by the Military Intelligence at Ablah Military Barrack, he was beaten up, sometimes while being suspended from the ceiling, deprived of food and water, and threatened of death.

In addition to often being victims of violations embedded in counterterrorism measures, refugees from Syria have also been subjected to enforced disappearance, as was the case of Mohamad Al Souki, a 23-year-old Syrian refugee arrested in late August 2016 in Sir El Danniyeh, north of Lebanon, by officers of the Military Intelligence for “not possessing a valid Lebanese residence permit”. He only reappeared a month later, when – upon information received by a former detainee – a notary public went to the premises of the military police at the military court in Beirut and received official confirmation from the authorities that Mr Al Souki was being held there. The UN Working Group on Enforced and Involuntary Disappearances, solicited by Alkarama, subsequently sent a letter to the Lebanese authorities and requested that they shed light on his fate and whereabouts.



The Military Tribunal in Lebanon

In addition, Alkarama is extremely concerned about the fact that minors are not spared from such mistreatment when under suspicion of terrorism. For instance, in September 2014, 16-year-old Walid Diab was arrested while crossing a military checkpoint, on the sole basis of information provided by “secret informants”. During his three-month incommunicado detention, he was kept at the premises of the Military Intelligence in Hanna Ghostine Barracks in Araman, north Lebanon. Here, he was electrocuted, hanged and suspended with his wrists behind his back, beaten, and denied food and water in an effort to extract a forced confession for being a “member of a terrorist group”, charges for which he was prosecuted before the military court. Following Alkarama’s intervention with the relevant UN human rights mechanisms, his case was deferred to a juvenile court, which ordered his release on bail.

INFRINGEMENTS ON THE RIGHT TO FREEDOM OF EXPRESSION

Although Lebanon is a country where freedom of expression is generally respected, Alkarama deplores the fact that the authorities have this year resorted to threats and judicial prosecution for “defamation”, a crime that carries prison sentences, to punish and silence those who criticise the authorities or denounce abuses committed by its security services.

The case of Lebanese lawyer Nabil Al Halabi, a vocal critic of corruption and the use of military courts and torture in Lebanon, who was detained by the ISF between 30 May and 1 June 2016, following a complaint filed against him by the Ministry of Interior (MoI) for “libel and slander”, because of a Facebook post he published denouncing corruption of MoI officials, is one such example. During his detention, he was intimidated with the threat of being prosecuted for “having relationships with terrorist groups” such as the Islamic State or Al Nusra Front, because of his previous role in mediating with such groups to secure the release of kidnapped Lebanese soldiers. His release was conditional on the withdrawal of his statements and commitment to never to publish similar declarations.

Denouncing human rights violations in Lebanon can similarly lead to prosecution, as was the case for Loyal Al Kayaje, a 31-year-old Palestinian woman who publicly denounced her rape by Military Intelligence officers while she was detained in one of their barracks in Rihaniyyeh in September 2013. On 22 August 2016, the military court sentenced her to one month imprisonment for “defamation and libel against the Lebanese army”. Similarly, in 2016, the judicial harassment of two human rights defenders, Ms Marie Daunay and Mr Wadih Al Asmar, the President and Secretary General of the Lebanese Centre for Human Rights, respectively, continued. A court case against them was opened in 2011, after the political party Amal filed a complaint against them following the publication of a report denouncing arbitrary arrests and the practice of torture in the country, including by Amal movement members. After a long investigation phase, on 24 February 2014, the investigative judge at the Baadba Court charged them with “defamation”

and referred their case to the Court of Publication. Their trial is still ongoing.



LEBANON SHOWS LIMITED WILLINGNESS TO IMPROVE HUMAN RIGHTS SITUATION DURING UNIVERSAL PERIODIC REVIEW

Following the country's Universal Periodic Review (UPR) before the Human Rights Council (HRC) in November 2015, Lebanon presented its views on the recommendations received to the HRC in March 2016. In doing so, it accepted 130 of recommendations, while only "noting" 89.

In this regard, Alkarama welcomed the acceptance by Lebanon of 15 recommendations regarding the eradication of torture, amendments to its legislation so as to ensure compliance with the Convention against Torture and its Optional Protocol to which Lebanon is a party, as well as its commitment to make efforts to eradicate torture in the country and to hold perpetrators accountable. Moreover, Lebanon accepted a number of recommendations demanding the establishment of a National Human Rights Institution, which are being implemented, as in October 2016, the Parliament approved a law creating an independent National Commission for Human Rights.

Alkarama expresses concern, however, regarding Lebanon's refusal to note or accept several recommendations made by UN Member States to end the use of military tribunals to try civilians and to establish a *de jure* moratorium on the death penalty. As such, Lebanon did not accept a recommendation to "limit the Military Tribunal's jurisdiction to members of the armed forces and enhance the independence of the judiciary". Similarly, the authorities merely "noted" the recommendations aimed at abolishing the death penalty or ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights.



OUR RECOMMENDATIONS

- Put an end to the practice of *incommunicado* detention and torture perpetrated by the security services and fight impunity by prosecuting perpetrators of such crimes;
- Amend the jurisdiction of the military court and abolish the Judicial Council;
- Ensure that the fight against terrorism is carried out in accordance with international human rights standards;
- Implement the recommendations issued by the Committee against Torture and accepted in the framework of the Universal Periodic Review.



UPCOMING

- April-May 2017: Review of Lebanon by the Committee against Torture;
- Adoption of laws on the promotion and protection of human rights, including the law on the criminalisation of torture.

LIBYA



WHAT IS RATIFIED

ICCPR ✓

UNCAT ✓

ICPPED ✗

OP ICCPR ✓

OPCAT ✗



OUR CONCERNS

- Persistent violations of international humanitarian law and human rights, including summary executions, abduction, torture, enforced disappearance, and secret detention, as well as indiscriminate attacks against civilians, some of which amount to war crimes;
- Absence of the rule of law;
- Lack of accountability for perpetrators of war crimes and gross human rights violations, who continue to operate with complete impunity.

ALKARAMA'S WORK ON LIBYA FOR THIS YEAR

We submitted **3 communications** regarding **2 individual cases** to the following Mechanisms:

WGEID : 1 // WGAD : 1 // SRT : 1

Six years after the beginning of the revolution, Libya remains entrenched in a complex, multifaceted conflict between competing governments and militias over political power and national resources. The many impediments to peace and State-building derive from the deep fractures within the Libyan society and political landscape, as well as from the foreign interventions in the conflict, fuelling existing antagonisms.

The UN-sponsored Skhirat agreement, signed on 17 December 2015, which provides for the creation of a new Government of National Accord (GNA) and a Presidential Council, failed to solve the political crisis as neither the Tripoli-based government in the west nor the Tobruk-based authorities in the east are willing to recognise the GNA's authority. As soon as the GNA's creation was announced on 19 January 2016, it faced stern opposition from both competing governments, which accused it of unequal representation among the country's factions and of being "imposed from outside". Originally based in Tunis, the GNA was only able to establish itself in Tripoli in mid-March 2016, after having arrived by sea, since its opponents blocked access to airports and warned them not to enter the capital. In this context, the UN-backed government established its headquarters in a heavily guarded naval base in Tripoli.

The GNA's Presidential Council, headed by Prime Minister Fayez Sarraj, is facing multiple challenges, including a lack of effective control over its militias and difficulties in building a consensus between stakeholders to achieve unity and to stabilise the country. Moreover, the Tobruk-based Parliament rejected the Presidential Council's authority on two separate occasions, voting once on 25 January 2016 and then again on 22 August 2016. In doing so, it requested that the Presidential Council be restructured and that the Skhirat agreement's provisions on the distribution of key sovereign governmental positions be repealed. In September, militias under the command of General Haftar and aligned with the Tobruk-based government forcibly seized all major ports of oil exportations that had just been put under the GNA's control. In parallel, Khalifa Al Ghweil, the leader of the Tripoli-based government, had stated in early April 2016, that he refused to step down or relinquish his National Salvation Government's power in favour of the GNA. In mid-October, he seized the GNA's key administrative offices in the capital and declared the re-establishment of his government, before calling on its rival Tobruk-based government to strike a deal against the GNA.

Furthermore, external military interventions continue to fuel existing confusion and animosity. In July 2016, the death of three French intelligence officers near Benghazi pressed President François Hollande to confirm his country's military cooperation in support of General Haftar, whose militias have been fighting both Al Ghweil's government and the GNA. This announcement was followed by large protests in Tripoli against foreign interventions. The GNA has also formally condemned France's involvement, deeming it a



Demonstration in Libya about the National Dialogue

breach of Libya's sovereignty, as well as a factor contributing to the further destabilisation of the country. Furthermore, in November 2016, the Libyan media released audio recordings suggesting direct cooperation between US forces – engaged under NATO command – and General Haftar in order to fight rebels in the eastern part of the country.

In the midst of the crisis, the Islamic State (IS) – having already carried out the most devastating terrorist attack in the country's history in Zliten in January – also took advantage of the political confusion to seize more territory around Misrata in May. The city of Sirte, an IS stronghold, was reclaimed by GNA forces in December 2016, after months of fighting and the support of US airstrikes on the city.

PERSISTENT VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW AND HUMAN RIGHTS

The failure of the different authorities to maintain security and uphold basic rights and freedoms has created a breeding ground for severe violations of international humanitarian law and human rights. Abuses continued to occur this year, including numerous unlawful killings, most notably in the form of executions of individuals that had been abducted and secretly detained or of those voicing dissent. Furthermore, as the different governments fail to exercise full judicial control over arrests carried out by militias, subsequent detentions often fall outside the framework of the law. As a result, individuals are frequently detained for long periods without any judicial review and numerous cases of enforced disappearances are on the rise, particularly of persons being held in secret or unrecognised facilities. Torture also remains widespread, commonly resulting in the death of detainees.

This year, Alkarama documented several cases of severe violations committed by the Special Deterrence Forces (RADA forces), which pledged allegiance to the GNA. However, since the latter does not exercise effective judicial control over these forces, numerous violations, including abductions, secret detentions and torture, are committed with complete impunity. On 11 October 2016, Alkarama sent an urgent appeal to the UN Working Group on Arbitrary Detention (WGAD) regarding the case of Moustafa Abdelkhalek Al Darsi, a 48-year-old Libyan citizen who was abducted on 9 January 2016 in Zliten by members of the RADA forces in plainclothes. Since his abduction, his family has been able to see him only once in May 2016, through a glass screen at Mitiga military base, 11 kilometres east of Tripoli, in which several detention facilities have been established by different militias. To date, Mr Al Darsi is still detained arbitrarily and has never been presented before a judicial authority.

Similarly, on 12 November 2016, Alkarama sent an urgent appeal to the UN Working Group on Enforced or Involuntary Disappearances on the case of Nader Snoussi Ali Al Omrani, a 44-year-old religious scholar abducted on 6 October 2016 in Tripoli by the RADA Forces. According to the testimony of a young member of the RADA Forces, members of this force had summarily executed the religious scholar. To date, the Office of the Public Prosecutor did not open any investigation into the facts.

LACK OF ACCOUNTABILITY FOR PERPETRATORS OF HUMAN RIGHTS VIOLATIONS

In light of the foregoing, civilians in Libya have to deal with multiple authorities, each with parallel security and political institutions. In addition to three parallel governments, the myriad of militias, which have proven to be unstable in their allegiances to the various political authorities, sometimes unofficially taking on law enforcement operations across the country. In this context, it is difficult to identify perpetrators of human rights violations and to hold them accountable.

The rule of law is largely absent in the eastern part of the country since the Tobruk authorities are unable to exercise control over all militias, including those who have pledged allegiance to them, as well as those under General Haftar's command. This situation has created an alarming accountability vacuum, all the more concerning in light of the fact that these militias have been accused of committing war crimes. In July 2016, the bodies of 14 victims of extrajudicial executions were brought to the Benghazi hospital after having been found in areas under Haftar's control. The UN Special Representative and Head of the United Nations Support Mission in Libya, Martin Kobler, qualified the killings as a war crime. He called for an investigation and for the prosecution of those responsible, neither of which have occurred to date.

Another example of the lack of accountability for gross human rights violations is the case of Suleiman

Awad Zoubi, a retired judge and former member of the Libyan General National Congress, who was released on 4 September 2016, after two years of arbitrary detention. Following his abduction in July 2014 by Zintan militias, Alkarama sent an urgent appeal to the WGAD emphasising that he was held in solitary confinement and subjected to torture and ill-treatment. However, to date, the perpetrators remain at large and no one has been held accountable.



NEW LAW ON CYBERCRIMES INFRINGES FREEDOM OF EXPRESSION

In March 2015, the UN Office of the High Commission for Human Rights (OHCHR) dispatched a mission to investigate violations of international human rights law committed in Libya since the beginning of 2014. In October 2015, Alkarama submitted a report to the investigation team documenting serious cases of violations committed by various actors as well as gathering testimonies from survivors and witnesses collected by our research team on the ground. On 15 February 2016, the OHCHR published a report on its findings.

The OHCHR report, which was presented to the Human Rights Council (HRC) during its 31st session in March 2016, identified a pattern of violations and abuses – which “may amount to war crimes” – committed by major armed groups, including “Operation Dignity”, comprising militias aligned with General Haftar; Shura Councils opposed to “Operation Dignity”; “Libya Dawn” and a coalition of armed groups opposed to the latter; as well as tribal armed groups and groups which pledged allegiance to IS.

In its report, the OHCHR deplored that these abuses were taking place in a complete climate of impunity and formulated several recommendations “to the Libyan government” to fight impunity and to strengthen and reform the justice sector. However, given the current situation, with different competing political authorities and the challenges faced by the GNA, the implementation of such recommendations will be extremely difficult.

Moreover, the report recommends urgent action to stop the proliferation of armed groups through disarmament, demobilisation, and reintegration, as well as the establishment of a vetting programme to prevent the recruitment of individuals responsible for human rights violations in a future unified army. The OHCHR also calls upon the authorities to “resume State-building activities as soon as feasible, with a particular focus on building inclusive institutions, effective law enforcement agencies, an independent and impartial justice sector and a unified armed force operating under civilian control”.

However, six months after the issuance of the report, the Deputy High Commissioner for Human Rights, Kate Gilmore, affirmed – during the 33rd session of the HRC – that the situation had not improved and that warring factions continued to “show little regard for civilians”. In view of the distressing situation on the ground with “little hope of resolution in immediate sight”, she called for the establishment of an independent expert on Libya, to report on the situation of human rights and on progress made towards accountability.



OUR RECOMMENDATIONS

- Ensure compliance, by all parties to the conflict, with the principles of international humanitarian law and international human rights law, and ensure the protection of civilians and civilian objects;
- Open independent and impartial investigations into crimes committed by all parties to the conflict;
- Prosecute perpetrator of severe violations of international humanitarian law and international human rights law and put an end to impunity;
- Implement the recommendations of the Office of the High Commissioner for Human Rights.

MAURITANIA



WHAT IS RATIFIED

ICCPR ✓

UNCAT ✓

ICPPED ✓

OP ICCPR ✗

OPCAT ✓



OUR CONCERNS

- Judicial harassment of human rights defenders, in particular anti-slavery activists;
- Lack of willingness or effective public policy to definitively eradicate slavery;
- Inhumane conditions of detention and systematic use of torture;
- Unwillingness to address the most serious human rights violations;
- Lack of independence of the National Human Rights Commission.

ALKARAMA'S WORK ON MAURITANIA FOR THIS YEAR

We submitted **21 communications** regarding **7 individual cases** to the following Mechanisms:

WGAD : 7 // SRSUMX : 7 // SRT : 7

REPORTS PUBLISHED :

- Alkarama, Submission in view of the review of Mauritania's National Human Rights Commission by the Global Alliance of NHRIs, July 2016.

In 2016, President Mohamed Ould Abdel Aziz declared that he was willing to amend the Constitution. The opposition has, however, denounced this revision, considering it as an attempt by the President to modify the Constitution in order to be able to run for a third term in office. On 29 September 2016, a 10-day national dialogue – involving 450 individuals – was launched in order to discuss the potential changes to the Constitution. Following the dialogue, the President announced that he would not modify the two-term limit and that a constitutional referendum would be held in 2017.

In May 2016, Philip Alston, the United Nations Special Rapporteur on extreme poverty and human rights, visited the country and highlighted several issues, including the persistence of slavery, despite its abolition in 1981 and its criminalisation in 2007. In 2016, the Global Slavery Index estimated that approximately 43,000 people in Mauritania – equivalent to 1.06% of the country's total population – were living in conditions of either modern or traditional slavery. In May 2016, two individuals were sentenced by the newly established specialised criminal courts on slavery; however, the practice still persists. The numerous testimonies of reprisals against anti-slavery activists received by Alkarama show that this remains a contentious issue in the country.

CRACKDOWN ON HUMAN RIGHTS DEFENDERS AND ANTI-SLAVERY ACTIVISTS

Throughout 2016, human rights defenders, particularly anti-slavery activists, continued to face reprisals and were frequently subjected to judicial harassment. Despite the release of two activists, Biram Dah Abeid and Brahim Ould Bilal Ramdane, on 19 May 2016, a group of abolitionist activists were arrested and prosecuted less than two months later. In early July 2016, 13 members of the Resurgence of the Abolitionist Movement Initiative (IRA) were arrested for allegedly participating in a demonstration against the forced eviction of Haratine inhabitants in a Nouakchott's neighbourhood, during which violent clashes erupted. Alkarama sent an urgent appeal to several UN Special Procedures, calling on the authorities to release them immediately and to drop all charges against them.

Yet, on 18 August 2016, they were sentenced to heavy prison sentences, ranging from 3 to 15 years, on the basis of confessions extracted under torture and following a manifestly unfair trial. On 19 October 2016, a group of seven UN experts issued a press release, in which they considered the aforementioned prosecutions to have been “politically motivated”. They further stressed that the Mauritanian authorities, known for their hostility to criticism from civil society, were even less tolerant towards groups like the IRA “whose members are from the Haratine minority and who work to promote the end of slavery”.



Demonstrating against slavery in Mauritania

THE PERSISTENT ISSUE OF TORTURE AND ILL-TREATMENT

From 25 January to 3 February 2016, the UN Special Rapporteur on torture, Juan E. Méndez, made his first official visit to Mauritania to assess the situation regarding the use of torture and other cruel, inhuman or degrading treatment. As emphasised in a note sent to the Special Rapporteur by Alkarama prior to his visit, the main challenge in this regard, is the lack of effective mechanisms to prevent as well as investigate cases of torture. Following his visit, the UN expert echoed these concerns, noting that “the safeguards against torture and ill-treatment are in place, but they don’t work”. He emphasised, in particular, the absence of investigations into allegations of torture and the lack of forensic medical expertise. Furthermore, he found the living conditions of detainees to be inhumane and urged the authorities to bring their detention practice in line with international standards.

The use of torture to obtain confessions, which will subsequently be used in unfair trials to guarantee a conviction, remains a primary concern. The case of Yaya Cissé, a Malian national arbitrarily detained and sentenced to death following an unfair trial and on the basis of confessions obtained under torture, is a clear illustration of this phenomenon. In October 2016, Alkarama seized the Working Group on Arbitrary Detention of the case in order to call on the Mauritanian authorities for his immediate release and to guarantee the right of every accused person to a fair trial, especially by excluding any evidence obtained under torture.

The visit of the UN Subcommittee on the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in October 2016, following Mauritania’s ratification of the Optional Protocol to the UN Convention against Torture was thus particularly welcomed by local civil society. The experts assessed, among others, the work of the National Human Rights Commission (NHRC) in charge of establishing the National Preventive Mechanism (NPM) against torture, entitled to visit detention facilities throughout the country. The experts noted that the NPM, established in 2016, faced major challenges, especially in terms of funding and independence.

LACK OF INDEPENDENCE OF THE NATIONAL HUMAN RIGHTS COMMISSION

In 2016, Alkarama contributed to the review of the NHRC by the Subcommittee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions, which was held in November. Following a consultation process with numerous local activists, Alkarama submitted a report, co-signed by eight Mauritanian human rights NGOs, in which it highlighted numerous concerns. In particular, it stressed the lack of independence and transparency of the NHRC.

While the NHRC was reformed in 2012, its independence remains questionable in practice, as it reports directly to the executive. The latter also controls the appointment of its members, systematically excluding the most active and critical human rights NGOs from the nomination process, without any justification. In April 2016, several NGOs issued a public statement in which they denounced the opacity of NHRC’s designation process.

Alkarama observed that the NHRC has failed to gain the confidence of the vast majority of organisations working on sensitive topics such as slavery, torture, and arbitrary detention, having never publicly addressed these issues since its establishment. Local organisations in particular have denounced the NHRC’s alignment with the official position of the authorities, as it affirmed that slavery had been “eradicated” and congratulated security forces for not using torture, blatantly ignoring the numerous cases of torture documented in the country.

In light of these developments, Alkarama finds that the NHRC does not fully comply with the Paris Principles and is therefore unable to play the role expected of an institution granted the “A” status. As a result, Alkarama made eight recommendations directed at enhancing the independence of the Commission, restoring civil society’s confidence in it, improving the effectiveness of its complaint mechanism, and taking a more critical approach towards the government. In January 2017, the SCA will publish a report assessing the independence and efficiency of the NHRC following its review.



THE UNIVERSAL PERIODIC REVIEW – A LACK OF COMMITMENT TO ADDRESS THE COUNTRY’S MOST PRESSING ISSUES

On 16 March 2016, the Working Group of the Universal Periodic Review adopted its report containing the recommendations made to Mauritania by UN Member States during its review in November 2015. Ahead of the review, Alkarama had submitted a report on the human rights situation in the country to the Human Rights Council, highlighting several issues, including the persistence of torture, slavery, arbitrary detention, and ill-treatment of detainees, as well as the restrictions on the rights to freedom of opinion and expression, of peaceful assembly, and of association, which curbed the space for civil society to operate within the country.

Echoing Alkarama’s concerns, which were included in a summary of information transmitted to UN Member States prior to the review, numerous countries urged the Mauritanian authorities to address the aforementioned concerns. Thus, among the recommendations formulated by Member States, many expressed the need to enhance the fight against slavery and torture and to release human rights defenders arbitrarily detained. However, Mauritania did not accept recommendations which invited the State to take concrete steps to prevent human rights violations, for example, by releasing arbitrarily detained victims, enacting and enforcing laws preventing and criminalising human rights violations, as well as the ratification of core instruments such as the first protocol to the International Covenant on Civil and Political Rights.



OUR RECOMMENDATIONS

- Put an end to reprisals against human rights defenders, especially anti-slavery activists;
- Implement international human rights treaties and ensure national laws are in conformity therewith;
- Ensure detention conditions comply with the UN Standard Minimum Rules for the Treatment of Prisoners;
- Ensure the independence of the NHRC and improve the effectiveness of its complaint mechanism.



UPCOMING

- January 2017: Publication of the report of the Subcommittee on Accreditation of the National Human Rights Commission;
- March 2017: Presentation of the report of the Special Rapporteur on torture to the Human Rights Council on his visit to Mauritania;
- 31 May 2017: Submission of Mauritania’s third periodic report to the Committee against Torture;
- June 2017: Presentation of the report of the Special Rapporteur on extreme poverty and human rights to the Human Rights Council on his visit to Mauritania;
- 1 November 2017: Submission of Mauritania’s second periodic report to the Human Rights Committee;
- 3 November 2017: Three-year delay in the submission of Mauritania’s initial report to the Committee on Enforced Disappearances.

MOROCCO



WHAT IS RATIFIED

ICCPR ✓

CAT ✓

ICPPED ✓

OP ICCPR ✗

OPCAT



OUR CONCERNS

- Human rights violation in counterterrorism operations and the use of coerced confessions, unfair trials, and arbitrary detention in the wake of the 2003 terrorists attacks;
- Absence of investigation in cases of torture and resulting impunity of perpetrators;
- Lack of independence of the judiciary and the National Human Rights Commission;
- Violations of the right to freedom of expression and reprisals against journalists and human rights defenders;
- Violation of the right to peaceful assembly and the excessive and disproportionate use of force by the authorities to disperse peaceful gatherings.

ALKARAMA'S WORK ON MOROCCO FOR THIS YEAR

We submitted **9 communications** regarding **7 individual cases** to the following Mechanisms:

WGAD : 4 // SRT : 1 // CED : 1 // HRCtee/CAT : 3

REPORTS PUBLISHED :

- Alkarama, Alternative report in view of the sixth periodic review of Morocco by the Human Rights Committee, September 2016;
- Alkarama, Universal Periodic Review of Morocco – Submission to Stakeholders' Summary, September 2016.

The parliamentary elections held in Morocco in October 2016 resulted in the Justice and Development Party winning for the second time in a row. In December 2016, Prime Minister Abdelilah Benkirane was still conducting consultations to form a new government, which proved to be a challenging process.

At the legislative level, in 2015, the Minister of Justice submitted a project to reform the Code of Criminal Procedure in order to bring the judicial system in conformity with the 2011 Constitution and Morocco's international human rights obligations. The draft Code sets out specific conditions to put suspects in police custody, establishes alternatives to detention, and provides for an obligation for the judicial police to conduct interrogations under audio-visual recording. The proposed reform has yet to be adopted. However, on 9 June 2016, the Government Council adopted a new draft Penal Code, which was strongly criticised by some members of the opposition for providing inadequate protection of individual freedoms.

The country continues its "truth and reconciliation" process to address the gross human rights violations committed between 1956 and 1999, a period known as "the years of lead", during which political opponents were subjected to arbitrary detention, torture, and enforced disappearances. Yet, the same violations were perpetrated after the Casablanca attacks of 2003, especially under the pretext of counterterrorism operations. The authorities have similarly failed to address these violations, as hundreds of individuals continue to be detained arbitrarily.

Lastly, Western Sahara remains a sensitive political issue, in the context of which human rights violations continue to occur. In November 2016, Alkarama sent an individual complaint on behalf of Salaheddine Bassir, a Sahrawi journalist arrested in June 2015 and arbitrarily detained in Laayoune following a conviction exclusively based on a confession obtained under duress. Mr Bassir, journalist for RASD TV – the television channel of the Polisario Front – was arrested following his coverage of a Sahrawi demonstration in Smara during which violent clashes erupted in May 2013. On 24 November 2015, he was sentenced to four years in prison for "conspiracy, violence against police officers in service and degradation of public property", despite having claimed during the trial that he had been forced to confess under duress.

PERSISTENCE OF HUMAN RIGHTS VIOLATIONS IN COUNTERTERRORISM

Anti-Terrorism Law No. 03-03 of 2003, adopted in the wake of the Casablanca attacks, significantly restricts fundamental and fair trial guarantees for individuals arrested and prosecuted on the basis of this legislation. Comprising a vague and broad definition of terrorism, the legislative text does not guarantee the basic right to have access to a lawyer from the onset of an arrest. Currently, the period of police custody without a charge can last as long as 12 days. During this time, individuals are allowed to see a lawyer only once, for a period of 30 minutes and under police supervision, sometimes after having already spent up to six days in detention.

The numerous shortcomings of the Anti-Terrorism Law have led to systematic violations of fundamental rights, including arbitrary arrests, torture, and unfair trials. Such practices are illustrated by the case of Abdelkader Belliraj, who was arrested in Marrakech in 2008. Accused of leading a terrorist network, he was secretly detained for 28 days during which he was severely tortured and forced to sign self-incriminating statements, without being allowed to read them. In July 2009, he was sentenced to life imprisonment after a flawed trial, during which the judge refused to take into considerations the victim's allegations of torture and secret detention. On 23 August 2016, upon Alkarama's request, the UN Working Group on Arbitrary Detention (WGAD) issued an Opinion in which it characterised his detention "arbitrary" and called for his immediate release. To date, the Moroccan authorities are yet to implement this decision. In October 2016, during Morocco's review by the Human Rights Committee (HRCtee), the UN experts echoed the concerns raised by Alkarama in its shadow report. As such, the HRCtee expressed concern over the situation of victims of arbitrarily detention, as well as over the broad definition of terrorist crimes and the excessive length of custody allowed for cases falling under this law.

OBSTACLES TO THE PREVENTION OF TORTURE AND IMPUNITY OF PERPETRATORS

Despite having ratified both the Convention against Torture and its Optional Protocol (OPCAT), Morocco still demonstrates serious shortcoming with regard to both preventing torture and prosecuting perpetrators thereof.

The establishment of the Equity and Reconciliation Commission in 2004, designed to address serious human rights violations committed during the “years of lead” under the former King Hassan II, did not result in any prompt, impartial and exhaustive investigations. While such a process could have prevented the repetition of past violations, the absence of prosecutions fostered a climate of impunity, with cases of torture reappearing in the years that followed. Similarly, none of cases of torture brought to the attention of the judiciary in recent years have led to investigations, while hundreds of prisoners remain in detention on the basis of evidence obtained under duress.

The lack of proper investigations is partly due to the absence of independent medical expertise, which could help establish acts of torture through forensic examination. Physicians presently entrusted with the examination of alleged torture victims are officials of the General Delegation of Prison Administration and Reintegration, an institution reporting directly to the King and not to the Ministry of Health. As such, their independence and credibility is clearly undermined. The absence of an independent and impartial forensic examination proved to be detrimental to the right to truth of Adnane Rahali’s family. Adnane, a young Sahrawi student at the Agadir law school and a member of the Sahrawi student union, disappeared on 17 December 2015. Fearing that he had been abducted by security forces, his family contacted Alkarama, which in turn submitted an urgent appeal to the Committee on Enforced Disappearances. A few months later, on 2 May 2016, Adnane was found dead in the vicinity of the university. The examination conducted by the authorities fell short of basic standards on forensic examination, lacked rudimentary information such as the time of death, and the description of the state of his body was cursory.



Adnane Rahali

The authorities denied the family’s request for a counter-examination and pressured them to bury the victim as soon as the first autopsy was conducted, strengthening the suspicions of the family on the responsibility of State agents in his death.

The prevention of torture is equally problematic in the country. Medical examinations of arrested individuals – which should be conducted automatically to prevent any mistreatment or abuse – are habitually not carried out, and the few expertise ordered are not made by independent medical capacity. Prevention of torture is not only a challenge during early hours of police custody but also during further stages of detention. In compliance with the OPCAT, to which Morocco acceded in 2014, a national prevention mechanism had to be established and given the necessary independence and prerogatives to visit and monitor all places of detention without restriction, so as to ensure that no torture or mistreatment is being perpetrated. In 2016, the authorities announced that this role would be assumed by its national human rights institution (NHRI) – the National Human Rights Council (NHRC) – despite concerns raised by local NGOs on its lack of independence and effective action taken when seized of cases of torture.

In 2016, the NHRC was reviewed by the Sub-Committee on Accreditation (SCA) of Global Alliance of National Human Rights Institutions, which decided to renew its status “A”, only granted to fully independent NHRIs, despite the concerns raised by Alkarama in its report to the SCA.

Alkarama also raised serious concerns over the lack of prevention and investigation into acts of torture, as well as the lack of prosecution of perpetrators in its report to the Human Rights Council ahead of Morocco’s Universal Periodic Review, which will be held in May 2017.



MOROCCO'S THIRD REVIEW BY THE HUMAN RIGHTS COMMITTEE

The third periodic review of Morocco by the HRCtee, which took place on 24 and 25 October 2016, was an opportunity to address the many challenges raised by Alkarama in the report it submitted to the UN experts in September 2016.

In its submission, Alkarama addressed numerous issues, ranging from the lack of independence of the judiciary to human rights violations committed in the fight against terrorism, restrictions of freedoms of expression and peaceful assembly, and the lack of investigation and prosecutions following the process initiated by the ERC. Before the review, Alkarama had the opportunity to brief the UN experts on its key concerns.

In its Concluding Observations, the Committee echoed Alkarama's recommendations, including the fact that the authorities had yet to address past serious violations and to compensate for the damage suffered by victims and their families. They also requested the Moroccan authorities to investigate allegations of torture and expressed concern over the fact that victims of torture who publicly denounce such abuses often face further threats and reprisals. HRCtee members also called upon the State to bring its Anti-Terrorism Law in line with international standards, especially in terms of procedural guarantees.

Furthermore, Alkarama drew the attention of the UN experts to the persistence of undue restrictions of fundamental rights of activists, human rights defenders, and journalists, hindering their legitimate and peaceful activities. For instance, despite a recent revision of the Press Code, several press offences remain punishable by imprisonment. The Committee subsequently recommended that Morocco amend its criminal law to comply with article 19 of the International Covenant for Civil and Political Rights (ICCPR), which guarantees the right to freedom of opinion and expression.

Lastly, Alkarama highlighted the use of excessive force by police during peaceful protests and gatherings. The Committee expressed its concern over the excessive and disproportionate use of force to disperse unauthorised peaceful meetings, as well as over the fact that public gatherings are subject to prior notification, which is impossible to obtain in some cases. The HRCtee stated that Morocco should ensure that the Law on Peaceful Demonstrations is applied in accordance with the provisions of the ICCPR and that the exercise of this right is not subject to undue restrictions.



OUR RECOMMENDATIONS

- Implement a revision mechanism and release individuals who are arbitrarily detained following unfair trials;
- Ensure that impartial, independent, and thorough investigations are carried out in cases of torture and other serious human rights violations and ensure that perpetrators are brought to justice;
- Reform the penitentiary administration in order to ensure the independence of medical practitioners and forensic experts entrusted with detainees' health;
- Reform the Penal Code and remove all dispositions which restrict the right to freedom of opinion and expression and put an end to reprisals against journalists and human rights defenders;
- Ensure respect for the right to peaceful assembly by avoiding excessive use of force.



UPCOMING

- 2 May 2017: Third Universal Periodic Review of Morocco before the Human Rights Council;
- 14 June 2017: 2-year delay in the submission of Morocco's initial report to the Committee on Enforced Disappearances;
- 2 November 2017: Submission of Morocco's follow-up report to the Human Rights Committee;
- 25 November 2017: 2-year delay in the submission of Morocco's fifth periodic report to the Committee against Torture.



WHAT IS RATIFIED

ICCPR **X** CAT **X** ICCPED **X**
OP ICCPR **X** OPCAT **X**



OUR CONCERNS

- Restrictions on the rights to freedom of expression, association and peaceful assembly;
- Systematic practice of arbitrary detention of human rights defenders and political activists or dissidents;
- Reprisals against peaceful activists and journalists.

ALKARAMA'S WORK ON OMAN FOR THIS YEAR

We submitted **3 communications** regarding **2 individual cases** to the following Mechanisms:

WGAD : 1 // SRFRDX : 1 // Others : 1

Despite being a founding member of the Gulf Cooperation Council (GCC), Oman is the only Member State not to have partaken in the efforts to restore the rule of the Hadi government in Yemen. In fact, as a result of its neutral position in the Yemeni conflict, the UN Special Envoy of the Secretary-General for Yemen consulted Oman in November to find a solution to the crisis. Indeed, earlier during the year, the Sultanate also negotiated the release of a US citizen from Yemen. In June 2016, following the outcome of Brexit, rumours emerged that Oman was similarly considering to opt out of the GCC. Omani officials denied these rumours, however, insisting that they intended to remain part of the Council.

2016 was also marked by a number of strikes by foreign workers over the withholding of salaries by their employers and their being housed in unhygienic facilities. Domestic foreign workers have emerged as a particularly vulnerable group within the GCC in general, including in Oman. Hence, in February 2016, Indonesia temporarily banned domestic workers from taking up employment in Oman. In April, the Omani Ministry of Manpower announced plans to increase the legal protection offered to those falling within this particular category of workers, who had thus far been excluded from labour laws entirely.

The beginning of 2016 saw the transfer of ten Yemeni Guantanamo detainees to Oman, a transfer described by the authorities as a “temporary stay” for humanitarian reasons, as these individuals were unable to return to their home country, ravaged by war. Although the move was presented as a positive development towards the shutting down of Guantanamo, no details were publicised about the conditions of their release, for instance, whether or not they would be detained in Oman. If so, this would constitute a violation of their basic human rights.

On the legislative level, the Omani Council – the country’s bicameral Parliament – has, since April, been studying amendments to the Penal Code. These amendments seek to add a section on defamation, which could prove harmful to the freedom of expression, a right that was seriously limited during 2016. Indeed, besides the prosecution of journalists, some publications resorted to self-censorship and shut down in light of the “circumstances” in the country. Both Mowaten magazine and Al Balad newspaper bid farewell to their readers this year.

Lastly, the end of 2016 saw the return of Omanis to the polls for local elections. Omanis were allowed to elect their local representatives for the first time in 2012, spanning a four-year term. However, the latter only have limited powers, since the Chairmen and Deputy Chairmen heading the 11 municipalities are not democratically elected, but are instead appointed by the authorities. On 26 December 2016, results demonstrated that out of the 202 councillor seats, only seven will be filled by women.

REPEATED ARRESTS AND PERSECUTION OF HUMAN RIGHTS DEFENDERS

In Oman, human rights activists and peaceful dissidents are systematically targeted for their dissenting opinions and criticism towards governmental policies. Human rights defenders are arrested, interrogated, and then released, only to subsequently be re-arrested and eventually tried on the basis of laws restrictive to their basic freedoms. Their deprivation of liberty is often arbitrary and they are usually victims of a number of other violations during their detention, including, for example, the extraction of confessions under duress, which are later used as evidence during unfair trials.

For instance, Said Jadad, a blogger and prominent human rights defender who has previously documented human rights violations in his country, led a series of protests in the Dhofar province, southern Oman, peacefully called for reforms in the country. He has been arrested several times and was held without charges in December 2014, following a meeting with the UN Special Rapporteur on the Freedom of Peaceful Assembly and Association, Maina Kiai. He was arrested again in 2015 and held in solitary confinement for the entire period of his interrogation. On the basis of confessions made during previous interrogations, which focused on his activism and ties to international organisations, Mr Jadad was subsequently charged and sentenced by the Court of Muscat for “inciting demonstrations”, “disturbing public order”, and “undermining the prestige of the Court”.

The execution of his three-year sentence was however suspended by the Court of Appeal. Mr Jadad was also sentenced by the Court of Salalah to one year in prison and was released in August 2016, after serving

a sentence for “using information technology to prejudice public order” for having compared the 2014 Hong Kong protests to those of Dhofar in 2011 in a social media post.

In May 2016, Talib Al Mamari, an Omani parliamentarian and a vocal proponent of the rule of law and the protection of the environment, who received the Alkarama Award for Human Rights Defenders in 2015, was released by royal pardon. He had been arrested in August 2013 for having taken part in a demonstration against pollution in his home town of Liwa. In October 2013, he was interrogated and released on bail, only to be re-arrested later that same day. He was then held in solitary confinement until the end of his trial in December of that year, when he was sentenced to four years in prison for “harming the State’s prestige”, as well as to one additional year for “disturbing public order” and “obstructing traffic”. Retried a number of times, his sentence was confirmed on appeal in October 2014. A month later, the UN Working Group on Arbitrary Detention recognised his detention as arbitrary and called for his immediate release. For over 18 months, the Omani authorities refused to implement the WGAD’s decision.

These series of reprisals must be understood in the context of a culture silencing civil society, which is implemented through a systematic use of arbitrary arrests, *incommunicado* and secret detentions, as well as unfair trials against all dissident voices, regardless of their peaceful nature.

STILL NO RATIFICATION OF THE CORE HUMAN RIGHTS INSTRUMENTS

To this date, Oman has only ratified four of the nine core international human rights instruments. It is the only Arab country that is not a party to any of the conventions protecting fundamental rights, including the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture (UNCAT) and the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED). These UN treaties provide greater protection to the rights and freedoms afforded in the Universal Declaration of Human Rights.

During its Universal Periodic Review in November 2015, Oman received 232 recommendations from UN Member States, 53 of which called for the ratification of the outstanding core human rights conventions, notably the ICCPR and the UNCAT. At the time of its review, the Omani delegation confirmed that “the Sultanate had agreed in principle to adhere to the following conventions: the International Covenant on Economic, Social and Cultural Rights; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the International Convention for the Protection of All Persons from Enforced Disappearance”. However, more than a year after this statement was made, Oman has yet to fulfil its promise. Furthermore, the delegation did not refer to Oman’s possible intention of ratifying the ICCPR, which protects fundamental rights and freedoms, such as the freedom of opinion and expression and the freedom of peaceful assembly and association; freedoms that, in practice, the Sultanate severely infringes upon. If Oman wishes to strengthen its commitment to human rights and provide its citizens with serious guarantees, it must ratify these conventions.



RESTRICTIONS TO FREEDOM OF EXPRESSION, SPECIFICALLY TARGETING JOURNALISTS

2016 saw numerous arrests and prosecutions undermining the freedom of expression and targeting artists, journalists, and writers. Indeed, in February, a renowned caricaturist was sentenced to three months in prison for the contents of a Facebook post. During the same month, former diplomat Hassan Al Basham was sentenced to three years in prison for posts he published on social media, convicted of “lese-majeste crimes and of blasphemy”. In April, writer Abdullah Habib was arrested for calling on the Sultan to reveal where the individuals killed during the Dhofar rebellion of 1970 had been buried. Other individuals including writers such as Saud Al Zadjali and Hamood Al Shukaily were arrested later during the year for similarly expressing their opinions.

This government crackdown on the freedom of expression in Oman was even more starkly illustrated by the shutdown of Al Zaman newspaper and the arrest of three of its journalists following the publication

of a series of articles exposing corruption and questioning the independence of the judiciary.

In late July and early August 2016, a few days after the publication of an article uncovering corruption of the judiciary entitled “Supreme bodies tie the hands of justice”, Al Zaman’s editor-in-chief, Ibrahim Al Ma’amari, was arrested, as well as his colleague Zaher Al Abri. On 9 August 2016, after a follow-up article had been published on the issue, the Ministry of Information ordered the newspaper’s closure and another of its writers, Yousuf Al Haj, was arrested by Internal Security officers and detained *incommunicado* for two days. August 2016, he was charged, inter alia, with “undermining the status and the prestige of the State”, “publishing what might be prejudicial to public security”, and “contempt for the judiciary”.



Shutdown of Al Zaman newspaper

On 26 September, the Court of Muscat ordered the shutdown of Al Zaman newspaper. It sentenced Yousuf Al Haj and Ibrahim Al Ma’amari to three years in prison and Zaher Al Abri was sentenced to one year in prison, respectively. Yousuf Al Haj has since been released on bail and is now awaiting the verdict of the Court of Appeal. He reported that during his detention, he was held in solitary confinement, resulting in the deterioration of his health.

While this restriction of the freedom of expression is a pressing issue in Oman, it is not new to the Sultanate. Indeed, after his visit to the country in 2014, the Special Rapporteur on the rights to freedom of peaceful assembly and of association had already expressed his concern about “a pervasive culture of silence and fear affecting anyone who wants to speak and work for reforms in Oman”.



OUR RECOMMENDATIONS

- Ratify all core international human rights instruments;
- Ensure detention conditions comply with the UN Standard Minimum Rules for the Treatment of Prisoners and apply all fair trial guarantees;
- Guarantee the free exercise of the rights to the freedom of expression, association and peaceful assembly;
- Fight impunity by prosecuting any perpetrator of grave human rights violations at all levels.

PALESTINE



WHAT IS RATIFIED

ICCPR ✓ UNCAT ✓ ICPPED ✗
OP ICCPR ✗ OPCAT ✗

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



OUR CONCERNS

- Arbitrary detention of Palestinians by Israeli authorities, particularly in the form of excessive use of administrative detention, including as a measure to silence any dissent;
- Use of torture and arbitrary detention against minors as young as 12 years old;
- Steady increase in the number of punitive house demolitions;
- Widespread practice of torture;
- Crackdown on freedom of expression by the Palestinian Authority.

ALKARAMA'S WORK ON PALESTINE FOR THIS YEAR

We submitted **9 communications** regarding **5 individual cases** to the following Mechanisms:

WGAD : 2 // SRFRDX : 1 // Others : 6

The year 2016 began with the UN Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967, Makarim Wibisono, announcing his resignation. In doing so, he explained that throughout his mandate, Israel had failed to grant him access to the Occupied Palestinian Territory (OPT) and expressed his concern over the lack of effective protection for Palestinian victims from continuing violations of human rights and international humanitarian law.

This year, the stalemate in negotiations between Israel and Palestine continued, after Israel's Prime Minister Benjamin Netanyahu rejected the French "Middle East Peace Initiative" launched in June of this year. On 23 December, the UN Security Council adopted Resolution 2334, demanding an immediate end to all settlement activities by Israel in the OPT. The resolution also called for immediate steps to prevent all acts of violence against civilians, as well as all acts of provocation and destruction. It further called for accountability in that regard and urged both parties to act in compliance with its obligations under international law. The Israeli government strongly rejected the resolution, affirming it would not abide by its terms and "reduce" ties with countries that supported the text.

On the political level, on 8 September 2016, the Palestinian High Court in Ramallah suspended the municipal elections in the West Bank and the Gaza Strip scheduled for 8 October, due to the inability to hold the vote in East Jerusalem and disputes between Fatah and Hamas over candidate lists. The elections, which are anticipated in 2017, will be the first to be held in all of the Palestinian territories since 2007.

The spiral of violence that began in September 2015, following clashes at the Esplanade of the Mosques, continued, with a total of 105 Palestinian and 13 Israeli fatalities in 2016, according to the UN Office for the Coordination of Humanitarian Affairs in the OPT. In June, four Israelis were killed in a gun attack in Tel Aviv, to which the authorities responded by cancelling 83,000 permits granted to West Bank and Gaza residents which would have allowed them to travel during Ramadan, as well as the suspension of approximately 200 work permits belonging to family members of the alleged attackers. The UN High Commissioner for Human Rights qualified these actions as "collective punishment" which he feared would "only increase the sense of injustice and frustration felt by Palestinians".

Lastly, in the context of a trend to undermine civil society space in Israel, on 11 July 2016, the Knesset voted in favour of the NGO Law. The latter is said to aim at increasing transparency by requiring NGOs that receive more than half of their funding from foreign government entities to disclose certain information, including the names of their donors, for example. The Law was adopted despite three UN experts expressing grave concern that the legislation would "chill the speech of human rights NGOs by subjecting them to harsh penalties for violations and delegitimizing them publicly".

TORTURE AND ARBITRARY DETENTION OF MINORS BY ISRAEL

In August 2016, Israeli lawmakers approved the "Youth Bill", authorising the imprisonment of children as young as 12 years old for terrorist offences. The Parliament affirmed that attacks in recent months demanded "a more aggressive approach, including toward minors". The law will apply mostly to Palestinian children in occupied East Jerusalem, since the emergency military law applicable in the occupied West Bank already allows for the imprisonment of children.

Alkarama documented several cases of torture and imprisonment of children and adolescents, including administrative detention, a measure against minors that has risen steadily since late 2015. Dima Al Wawi, a 12-year-old Palestinian student from Hebron whose case Alkarama referred to the UN Special Procedures, was among these victims. On 18 February 2016, the Israeli Ofer Court sentenced her to four and a half months in prison for "carrying a knife in her backpack, attempting to kill Israeli settlers and threatening Israel's security". Furthermore, on 21 April 2016, the Working Group on Arbitrary Detention (WGAD), seized by Alkarama, adopted an Opinion on the case of Mohammed Mahdi Saleh Suleiman, a Palestinian teenager from Hares, West Bank, who was sentenced to 15 years in prison by a military court for "throwing stones". In the decision, the UN experts qualified his detention as both "discriminatory" and "arbitrary", calling upon Israel to secure Mohammed's immediate release.

In May 2016, following the review of Israel by the Committee against Torture, the UN experts expressed concern over the fact that Palestinian minors continued to be exposed to torture and ill-treatment, including for the purpose of obtaining confessions during interrogations conducted in the absence of a lawyer or a family member. According to several NGOs, as of April 2016, more than 400 Palestinian minors were held in Israeli prisons.

ABUSIVE USE OF ADMINISTRATIVE DETENTION AGAINST PALESTINIANS

This year again, Palestinians held in Israeli detention facilities saw their most basic rights violated: hundreds were held in administrative detention, without ever being indicted or tried. Although international law stipulates that it may be exercised only in exceptional cases, Israeli authorities have routinely resorted to administrative detention to punish and control the Palestinian population. As such, it allows suspects to be held for renewable six-month periods without trial, often based on “secret evidence”. Moreover, most detainees are not given the opportunity to challenge their detention before an independent judge, their fate left to the discretion of the occupying power’s administration. According to NGO reports, more than 700 Palestinians were held in administrative detention in 2016, the highest number since 2007.

Alkarama notably reported the case of Ali Mustafa Ahmad Hanoon, a blind Palestinian Imam who was released on 11 January 2016, after 20 months in administrative detention. In a similar case handled by Alkarama, on 11 December 2016, after having already spent a year in prison, Palestinian circus performer Mohammed Abu Sakha was ordered to six additional months in administrative detention for allegedly “being a member of an illegal organisation”. Moreover, such abusive recourse to administrative detention is also used in order to shut down any dissenting voice, as was the case of journalist Mohammad Al Qeeq, who was released in May 2016 after six months in prison under the pretext of “inciting violence through the media”.

TORTURE, ARBITRARY DETENTION AND VIOLATIONS OF THE FREEDOMS OF EXPRESSION AND PEACEFUL ASSEMBLY BY THE PALESTINIAN AUTHORITY

Despite Palestine’s ratification of the International Covenant on Civil and Political Rights and the Convention against Torture in May 2014, human rights violations persist throughout the country. The practice of torture is widespread, with the Palestinian Independent Commission for Human Rights receiving dozens of complaints of torture and ill-treatment every month, both in the Gaza Strip, controlled by Hamas, and in the West Bank. Moreover, numerous cases of arbitrary detention were registered in 2016, including those arising from the refusal to implement court rulings or acquittal of detainees, or detentions ordered by the governor on political grounds.

In addition, attacks on the freedoms of expression, opinion and peaceful assembly are common in Gaza and the West Bank. This year, several journalists and political activists were harassed, intimidated, and physically abused because of their peaceful criticism of the authorities, including on social media. In some cases in the Gaza Strip, individuals were forced to sign a pledge not to criticise Hamas. Moreover, the crackdown on peaceful protests has also increased: in February, teachers at government schools began a strike calling for their employment rights to be met, leading to the biggest protests in years, which lasted several weeks. The Palestinian Authority security services set up checkpoints, pulled teachers from cars, and prohibited them from entering Ramallah, while forces affiliated with the Fatah party attacked the protesting teachers, accusing them of “stirring up instability”.



HOUSE DEMOLITIONS AS A FORM OF COLLECTIVE PUNISHMENT

According to the UN Office for the Coordination of Humanitarian Affairs in the OPT, 1,081 Palestinian-owned structures were demolished by the Israeli authorities in 2016 – twice as many as in 2015. A total of 1,587 individuals were displaced as a result. Reinstated by the Israeli government in 2014, punitive home demolitions – which aim at harming the family members of someone suspected of a crime, in violation of international law – have increased steadily.

In May 2016, the Committee against Torture denounced such practices and called upon Israel to take all necessary measures to put an end to its policy of house demolitions. During its review in Geneva, the Israeli authorities claimed that this practice was only used to “deter future perpetrators of terrorism”.

This year, Alkarama documented several cases of house demolitions, considering that this practice amounts to cruel, inhumane or degrading treatment, if not torture. In January 2016, for example, the Israeli Defence Forces destroyed the house of Shafeeq Halabi, a 52-year-old plumber from Surda, a village north of Ramallah, whose son Muhannad was shot dead by the police three months earlier for stabbing Israelis.

Such punitive measures do not only constitute measures of reprisal, but also fit into a wider discriminatory pattern. For example, while Israeli citizens are generally allowed to construct settlements without restriction, Israel has approved less than 1.5% of Palestinian applications for building permits in recent years. Such discrimination is illustrated by the case of the brothers Saeed and Nasr Al Abbasi, who, on 6 December 2016, witnessed the destruction of their family home in East Jerusalem by about 100 Israeli soldiers, who alleged that the house had been constructed without the due licence as was built on “green open space”.



Demolition of Palestinian houses by occupying Israeli forces



OUR RECOMMENDATIONS

To Israel:

- Release all minors arbitrarily detained and amend the repressive legislation used against them;
- Ensure that persons held in administrative detention are either released or subjected to a fair judicial procedure without delay;
- Put an end to the policy of punitive house demolitions against Palestinians.

To Palestine:

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



UPCOMING

- Palestinian municipal elections;
- 2 May 2017: Two-year delay in the submission of Palestine's initial report to the Committee against Torture;
- 2 July 2017: Two-year delay in the submission of Palestine's initial report to the Human Rights Committee.

QATAR



WHAT IS RATIFIED

ICCPR **X**

✓ ICPPED **X**

UNCAT

OP ICCPR **X**

OPCAT **X**



OUR CONCERNS

- Restrictions on freedom of expression and criminalisation of defamation as stipulated in Law No. 14 of 2014 on Combating Cybercrime;
- Social and economic discrimination of the stateless population;
- Large restrictions to political representation.

ALKARAMA'S WORK ON QATAR FOR THIS YEAR

We submitted **1 communications** regarding **1 individual cases** to the following Mechanisms:

Others : 1

The human rights situation in Qatar has not seen any significant changes in 2016. The executive remains the only source of decision-making power and retains effective control over the legislature and the judiciary. While the country continued to implement reforms in the field of human rights, including the adoption of more favourable legislations to uphold the rights of migrant workers, more measures must be taken for the promotion, protection, and implementation of international human rights standards.

Despite increased attention from the media and human rights groups in the run-up to the 2022 football World Cup in Doha, migrant workers continued to face abusive conditions. On 14 December 2016, Law No. 21 of 2015, which regulates the entry, exit, and residency of expatriates, came into force. The law aims to replace the Kafala system with a contract-based system, annulling the exit permit procedure. While celebrated by some as a great improvement, human rights organisations have criticised the law for failing to address the most problematic issues faced by migrant workers.

On 26 January 2016, the Sub-Committee on Accreditation of the Global Alliance of National Institutions for the Promotion and Protection of Human Rights published its report recommending that the Qatari National Human Rights Institution (NHRI) – the National Human Rights Committee (NHRC) – keeps its “A” status to show its full compliance with the Paris Principles, the international standards established to ensure an NHRI’s independence from the government and its effective promotion and protection of human rights. However, Alkarama remains concerned over the lack of independence of Qatar’s NHRC from the executive, as the latter controls its legal foundation, the appointment of its members, as well as its budget. In the absence of an elected legislative body in the country, it remains extremely difficult for the NHRC to be completely independent from the executive, which retains a monopoly over the creation of laws.

Finally, at the regional level, Qatar actively advocated for the end of Israel’s occupation of Palestine during the 16th Doha Forum in May 2016. Qatar’s Foreign Minister, Sheikh Mohammed bin Abdulrahman Al Thani, stated that, “achieving peace in the Middle East is directly linked to ending Israel’s occupation of all Arab territories”. It is noteworthy that Qatar’s relations with other Gulf Cooperation Council Member States have improved markedly since Qatar joined the Saudi-led military operation in Yemen in March 2015. On 11 July 2016, Qatar also signed a new security agreement with Oman, pertaining to issues such as terrorism, drug- and/or human trafficking, and cybercrime.

LACK OF CIVIL RIGHTS AND LIBERTIES, INCLUDING FREEDOM OF EXPRESSION

Alkarama remains concerned over the state of civil and political freedoms in the country, particularly with regard to infringements of the right to freedom of expression. Although article 47 of Qatar’s Constitution guarantees freedom of expression, the authorities have failed to exhibit any real commitment to safeguarding this fundamental human right.

On 15 March 2016, Qatari poet Mohamed Al Ajami was released by Emiri pardon after five years in detention. Mr Al Ajami was initially arrested in 2011. In 2013, he was sentenced to 15 years in prison for writing and reciting, in his home, a poem considered by the authorities as “inciting to overthrow the regime” and “insulting the Emir”.

Media freedom is also limited. On 30 November 2016, the Qatari authorities ordered Qatar’s two internet service providers, Vodafone and Ooredoo, to block the website of Doha News, one of Qatar’s most popular local news platforms, reporting online for the last six years on a mix of national news, expat issues, and local culture. The country’s pronounced dedication to freedom of expression and attempts to portray itself as a “centre for media freedom” are further jeopardised by Law No. 14 of 2014 on Combating Cybercrimes. The latter criminalises the spreading of “false news” on the Internet and provides for a maximum of three years in prison for anyone convicted of posting online content that “violates social values or principles” or “insults or slanders others”.

The Cybercrime Law indiscriminately violates the universal right to freedom of expression as its exceedingly broad provisions leave room for misinterpretation and abuse.

In order to guarantee civil liberties, including freedom of expression, the Qatari authorities should revise

its cybercrime law to bring it in line with international human rights standards. Additionally, Qatar should ratify the International Covenant on Civil and Political Rights, a core international human rights instrument, the implementation of which is monitored by the UN Human Rights Committee, a body of independent experts which can advise the authorities to make civil liberties a reality on the ground.

THE ISSUE OF CITIZENSHIP AND STATELESSNESS

The Qatari NHRC claims that there are currently between 300 and 400 stateless persons residing in Qatar. According to the United Nations High Commissioner for Refugees, however, this figure is, in fact, significantly higher, namely about 1,500. The stateless population in Qatar suffers an array of discriminatory measures due to the denial of their right to nationality.

While the government affords stateless residents access to basic education and healthcare, the latter face hurdles when pursuing higher education. They also have to renew their residency permit every two years at a high price, even though they are economically disadvantaged and face challenges in gaining employment and are denied the right to property. As stateless persons are only allowed a travel document, asserting their statelessness, their right to freedom of movement is also severely curtailed; while some countries may allow them to apply for and attain refugee status, many other countries will refuse them entry altogether. Lastly, Qatar requires its stateless community to obtain approval prior to getting married, whether that is to a Qatari citizen, a non-Qatari citizen or another stateless person. Similarly, prior to registering the birth of a child to a Qatari father and a stateless mother, the father must present documentation of his permission to marry the child's mother as part of the birth registration process.



The issue of statelessness in Qatar

Although the government provides a legal means for long-term residents to apply for citizenship, in practice, restrictions and an uneven application of the law often prevent stateless persons from acquiring this status. Indeed, the Nationality Law No. 38 of 2005 allows a maximum of 50 residents per year to be awarded citizenship after residing in the country for 25 consecutive years.

Such discrimination is illustrated by the case of the Bedouin Al Murrah tribe, in particular the Al Ghofran clan, which, in 1995, was accused of inciting and leading the rebellion on behalf of the Emir Khalifa bin Hamad al Thani, who had been deposed by his son. Many of the tribe's members were consequently detained and sentenced to heavy prison terms. Officials further decided to strip a large number of the Al Murrah tribe of their nationality. In 2004 alone, the Qatari Ministry of Interior revoked the citizenship of roughly 5,000 members of the tribe. They were evicted from their houses and were prevented from accessing services such as healthcare, education, water, and electricity. Qatar has since restored citizenship to approximately 2,000 of these individuals, but many of the Al Murrah tribe still remain stateless, while two have been detained for over 20 years.



INFRINGEMENTS ON THE RIGHT TO POLITICAL PARTICIPATION IN VIEW OF CONSULTATIVE COUNCIL ELECTIONS THAT ARE 10 YEARS OVERDUE

A constitutional monarchy, Qatar is headed by the Emir, who appoints the Prime Minister and cabinet, and whose family holds a monopoly on political power. As such, the government does not permit the existence of political parties. The formation of an elected Parliament, the Consultative Council (Majlis Al Shura), is enshrined in the Constitution. In principle, elections should be held for 30 of the 45 seats, each of which is to be held for a four-year term; the Emir is only authorised to appoint the remaining 15 members.

Yet, on 17 June 2016, Emir Sheikh Tamim bin Hamad Al Thani issued a decree extending the term of the Consultative Council for another three years, thereby postponing once more the legislative elections until

30 June 2019. Originally scheduled for 2006, the elections were postponed several times and are now ten years overdue. Although the Qatari Constitution provides that the Council be composed of 45 members, of which two thirds are elected by universal suffrage and one third appointed by the Emir, since 2006, it has been composed entirely of members appointed by the Emir.

In 1999, the first nonpartisan elections for the Central Municipal Council – a body comprising 29 members, designed to advise the Minister for Municipal Affairs – were held. The members of the Municipal Council serve four-year terms and have no executive powers; they merely play an advisory role. In the most recent Council elections, held in May 2015, 2 of the 29 seats were won by women, up from only one seat in the previous Council. Although turnout rose substantially from 43% of registered voters in 2011 to 70% in 2015, the actual number registered fell by 40% to a low of 21,735, out of roughly 150,000 eligible voters.

In practice, apart from individuals enrolled in the military or those working for the Ministry of Interior, all Qatari citizens over the age of 18 are eligible to vote. All in all, the political rights afforded to its citizens are limited to the election of advisory bodies, and in the case of the Consultative Council withheld for the last 10 years. Hence, to this day, Qatari citizens have not been granted any tangible political representation.



OUR RECOMMENDATIONS

- Amend the 2014 Cybercrime Law to ensure that it is in accordance with international human rights law;
- Guarantee the fundamental right to freedom of opinion and expression;
- Ratify the International Covenant on Civil and Political Rights and the Optional Protocol to the Convention against Torture;
- Naturalise all stateless residents to provide them with equal access to social and economic rights;
- Ensure the National Human Rights Committee's full compliance with the Paris Principles.



UPCOMING

- May/June 2017: Review of Qatar by the Committee on the Rights of the Child;
- 23 November 2017: one-year delay in the submission of Qatar's third periodic report to the Committee against Torture.

SAUDI ARABIA



WHAT IS RATIFIED

ICCPR ✗ UNCAT ✓ ICPPED ✗
OP ICCPR ✗ OPCAT ✗



OUR CONCERNS

- Absence of basic rights and freedoms and lack of legal safeguards;
- Systematic repression of human rights activists;
- Persistent practice of both arbitrary detention and torture, including against minors;
- Serious violations of the rights of the child.

ALKARAMA'S WORK ON SAUDI ARABIA FOR THIS YEAR

We submitted **65 communications** regarding **20 individual cases** to the following Mechanisms:

WGEID : 1 // WGAD : 17 // SRSUMX : 3 // SRT : 5 // SRFRDX : 12

SRIJL : 1 // SRHRD : 13 // SRFPAA : 12 // Others : 1

REPORTS PUBLISHED :

- Alkarama, Alternative report in view of the second periodic review of Saudi Arabia by the Committee against Torture, March 2016;
- Alkarama, #Kingdom_Of_Arbitrary_Detention: How Saudi Arabia Shuts Down Its Most Vocal Critics, Public Report, October 2016.



The Specialised Criminal Court in Saudi Arabia

As oil prices continued to plummet in 2016, the government had to think of ways to diversify its economy, finding alternatives to its heavy reliance on oil. In an effort to secure its prominent role in the region and beyond, it introduced “Vision 2030”, a plan to modernise the country by increasing non-oil revenues and raising private sector contributions in a bid to generate growth and jobs for its exceedingly young population. While some economists have called the vision “unrealistic” and merely another attempt by the Saudi authorities to appease its citizens. One thing that is clear, however, is that the envisioned change ignores the most important facet of human development; basic rights and freedoms.

On 2 January 2016, tensions with Iran reached a new high, when the Saudi authorities executed 47 individuals, the second largest mass execution in its history. Shia cleric, Sheikh Nimr Al Nimr, was among those executed. In protest, his followers took to the streets in the eastern province as well as in Iran, where the Saudi embassy was stormed and set on fire. This prompted the expulsion of Iranian diplomats from the Saudi Kingdom, as well as Saudi representatives from Iran, as a result of which all remaining diplomatic ties between the two countries were severed. Four of the 47 men executed in January were minors at the time of their offences, while others were mentally incapacitated. The vast majority of these victims was not afforded a fair trial. With a total of 154 executions in 2016, recourse to the death penalty in Saudi Arabia remains an issue of grave concern.

In March 2016, the new Law on Associations and Foundations officially entered into force. It is the first body of law of its kind to permit and regulate the establishment of civil society organisations (CSOs) in Saudi Arabia. The law comprises vaguely worded provisions to limit the registration of CSOs, including “violations of Islamic Sharia”, “contradictions to public morals”, and “breaches of national unity”. While CSOs can work in various fields upon authorisation by the Ministry of Labour and Social Development, including charitable or educational work, for example, the law precludes any mention of human rights or political activity. Further, the law prohibits foreign foundations and associations from establishing branches inside Saudi Arabia and subjects domestic CSOs to extensive government interference in internal affairs as they, for example, need to seek approval from the Ministry of Labour and Social Development to receive foreign funding.

Moreover, the intervention of the Saudi-led coalition in Yemen continued throughout 2016, while peace negotiations remained unsuccessful. According to the Office of the High Commissioner for Human Rights

(OHCHR), since the bombing began in March 2015, there has been an average of 13 civilian casualties a day. A report issued by the OHCHR in August 2016 revealed that at least 2.8 million Yemenis, including more than 400,000 families, have been internally displaced, while over 80% of the population is in dire need of humanitarian assistance. Simultaneously, Saudi Arabia participated in strikes against Islamic State strongholds in both Syria and Iraq.

On 28 October, despite its worrisome human rights record, Saudi Arabia was re-elected to serve as a member of the Human Rights Council for a third three-year term.

THE LACK OF FUNDAMENTAL LEGAL SAFEGUARDS

Governance in Saudi Arabia is based on the Sharia (Islamic law) as interpreted by the Council of Senior Scholars, the Kingdom's highest religious body. Saudi Arabia only has a Basic Law of Governance, which fails to solidify fundamental rights and freedoms. Moreover, the Kingdom does not have a Criminal Code, but instead leaves legal interpretation of existing legal texts to the discretion of judges. This gives enormous leeway to the Bureau of Investigation and Prosecution and, in practice, to the Ministry of Interior, to retroactively qualify acts as crimes. Testimonies gathered by Alkarama have shown that this lack of legal certainty has repeatedly led to victims being charged with vaguely defined crimes, such as "questioning the integrity of officials" or "breaking allegiance to the King".

Taking into consideration that the Saudi Code of Criminal Procedure contains no provisions to guarantee the right to challenge the lawfulness of detention, Alkarama continued to document cases in which detainees have been detained for months, if not years, before ever being brought before a judicial authority. One illustration of this phenomenon is the case of 32-year-old Salim Abdullah, who was arrested in December 2014, without an official arrest warrant or being informed about the charges held against him. He was subsequently detained incommunicado for six months and tortured in order to extract a confession. For the past two years he has neither been allowed access to a lawyer nor brought before a judicial authority. Sadly, a case like this is no isolated incident, but rather demonstrates a pattern of violations enabled by the absence of necessary legal safeguards.

In addition, most prisoners of conscience and political detainees are put on trial before the Specialised Criminal Court (SCC), which was established in 2008 to try cases relating to terrorism and State security. This jurisdiction systematically violates fair trial guarantees; its judges are directly nominated by the Ministry of Interior, hearings are often held in secret, and victims are denied access to their criminal files, as well as sometimes barred from attending their own hearings. Lawyers defending cases before the SCC have been barred from entering the courtroom and are often pressured to resign from cases, if they do not become the subject of prosecution themselves, as they are considered to be "disloyal to the State".

HUMAN RIGHTS VIOLATIONS AGAINST MINORS

It is of grave concern that Saudi authorities have continued to blatantly violate fundamental rights of children on numerous occasions. Minors face systematic violations of due process and fair trial rights, including arbitrary arrest. Moreover, they can be tried for capital crimes and sentenced as adults if there are "physical signs of puberty", a determination that is left to the judges' discretion. Such cruelty towards children is exemplified by the case of Murtaja Algariras, who, at age 13, was arrested by Saudi police in September 2014. During the investigation, he was tortured to extract false confessions with regard to his participation in "illegal gatherings". More than two years after his arrest, Murtaja is yet to be charged and no date has been set for his trial.

On 7 October 2016, the UN Committee on the Rights of the Child published its Concluding Observations on the third and fourth periodic review of Saudi Arabia. The Committee expressed deep concern over the fact that in Saudi Arabia, children over 15 are tried as adults. As such, they continue to be sentenced to death and executed following "trials falling short of guarantees of due process and a fair trial". The Committee recalled with concern that out of the 47 persons executed on 2 January 2016, at least four were under the age of 18 when sentenced to death by the SCC.



Murtaja Algariras

Moreover, the country's human rights violations also extended to the neighbouring conflict in Yemen. According to the UN Secretary General's annual report, published on 2 June 2016, Saudi Arabia belonged on the "list of shame" for killing and injuring over 1,000 children as a result of Saudi-led aerial attacks in Yemen, including dozens of airstrikes on schools and hospitals. Yet, four days later, following pressure from the Saudi authorities, the UN Secretary General decided to remove the Saudi-led Coalition from the "list of shame", "pending the conclusions of [a] joint review" of the cases and numbers included in the assessment.



TORTURE, A PERSISTANT PRACTICE IN THE ABSENCE OF LEGAL PROTECTION

This year, Alkarama contributed to the review of Saudi Arabia by the Committee against Torture (CAT) in April with the submission of a list of issues and a shadow report. The review sought to evaluate the country's compliance with the provisions enshrined in the Convention against Torture. As such, Alkarama's contribution was based on the documentation of numerous cases of torture, as well as on an analysis of Saudi domestic legislation and the State's second periodic report, which was submitted with a five-year delay.

In its Concluding Observations of May 2016, the Committee echoed Alkarama's concerns and urged Saudi Arabia to carry out prompt, impartial, and effective investigations into allegations of torture and to prosecute perpetrators in accordance with the gravity of their acts. Moreover, emphasis was put on the need to integrate a definition of torture in its criminal legislation, guaranteeing its absolute prohibition and criminalisation.

Alkarama remains especially alarmed about the absence of legal safeguards from the onset of an arrest, which plays a central role in creating an environment conducive to torture. The recurrent denial of access to legal counsel, medical care, and the use of *incommunicado* detention increase the likelihood of torture. This was the case with Mounir Aal Adam, who was sentenced to death on 1 June 2016, after a severely flawed trial and the admission into evidence of confessions made under torture. Aged 19 at the time, Mounir was arrested without a warrant and was not informed of the charges against him. He was held in solitary confinement for a period of four months, during which he was deprived of food and sleep and was heavily beaten and electrocuted, forcing him to confess to his alleged participation in anti-government demonstrations. He was held in pre-trial detention for nearly three years and was denied access to a lawyer throughout his interrogation and for most of the trial hearings.

Given the severity of the situation and the fact that torture and other cruel, inhuman or degrading treatment or punishment remains a persistent practice in Saudi Arabia, Alkarama launched its monitoring programme for the implementation of the CAT recommendations, alongside national civil society. The programme will run for the next four years and Alkarama will submit follow-up reports to the experts of the Committee.



OUR RECOMMENDATIONS

- Adopt a Criminal Code and apply juvenile criminal law for all persons under the age of 18;
- Ensure respect for the rights to the freedom of opinion and expression, and of association and peaceful assembly;
- Put an end to the practice of arbitrary detention and torture;
- Ensure independent investigation into all cases of torture and ill-treatment and guarantee the right to an effective remedy;
- Amend domestic law to ensure that it is in conformity with the State's obligations under the Convention against Torture.



UPCOMING

- January 2017: Country visit of the Special Rapporteur on extreme poverty and human rights;
- 13 May 2017: Submission of Saudi Arabia's follow-up report to the Committee against Torture.

SUDAN



WHAT IS RATIFIED

ICCPR ✓ CAT ✗ ICPPED ✗
OP ICCPR ✗ OPCAT ✗



OUR CONCERNS

- Systematic use of torture and other cruel, inhuman or degrading treatment;
- Excessive use of force, summary executions, enforced disappearances, and arbitrary arrests of journalists, political opponents, and human rights activists, including students;
- Restrictions on and repression of the rights to freedom of expression, association and peaceful assembly;
- Non-compliance with international standards relating to fair trial guarantees;
- Impunity for perpetrators of serious human rights violations.

ALKARAMA'S WORK ON SUDAN FOR THIS YEAR

We submitted **36 communications** regarding **13 individual cases** to the following Mechanisms:

WGEID : 3 // WGAD : 5 // SRSUMX : 1 // SRT : 10 //

SRFRDX : 7 // SRIJL : 1 // SRFPAA : 9

In 2016, the human rights situation in Sudan continued to deteriorate despite the efforts to resolve the ongoing conflict between the Sudanese government and oppositional factions, which took place throughout the year, sponsored primarily by the African Union. In August 2016, a coalition composed of members of the opposition and certain rebel groups met with representatives of the Sudanese government in Addis Ababa, as a result of which a “roadmap agreement” was signed to assist the parties to the conflict in reaching a comprehensive peace agreement, a cessation of hostilities, and to allow access for affected areas to receive humanitarian assistance. The agreement also proposed a comprehensive resolution to the conflict in the Darfur, South Kordofan, and Blue Nile States. This, however, collapsed within days due to a lack of agreement between the parties on their respective requests.

Furthermore, State repression of political opponents and peaceful demonstrators continued unabated. In April 2016, following the killing of a student by the National Intelligence and Security Services (NISS) during a peaceful university march, a wave of protests shook university campuses across the country, including in Khartoum, North Kordofan, and South Darfur. The same security services responded to these protests with tremendous violence, firing at protesters, conducting arbitrary arrests, as well as killing and wounding several others in April and May 2016.

Similarly, in December 2016, the Sudanese government’s choice to raise the prices of fuel and electricity resulted in a call to civil disobedience. Citizens and workers began boycotting schools and work to protest against subsidy cuts and the inflation. The government responded with the arbitrary arrests and detentions of members of syndicates and political opponents, most of whom it accused of “calling for protests and strikes”.

ARBITRARY ARRESTS, SECRET DETENTION AND TORTURE OF POLITICAL OPPONENTS AND PEACEFUL DEMONSTRATIONS

All throughout 2016, members of the NISS carried out arbitrary arrests of political opponents, students, peaceful demonstrators, and journalists, all of whom were secretly detained for long periods of time. Victims of such abuses are usually arrested without any warrant, held in secret detention for extended periods, and then tortured to extract self-incriminating confessions, which will be used by the authorities to charge them and formalise their detention.

This was the case when, in April 2016, Sudanese students engaged in peaceful demonstrations on university campuses to protest the renting of university buildings for tourist purposes. NISS agents, using excessive force, met the demonstrations with swift and brutal action, arbitrarily arresting, secretly detaining, and torturing hundreds of students as a result.

Similarly, Alkarama reported the case of Mohamed Faroug Suliman Mahmoud and Murtada Ibrahim



Students demonstrating at the University of Khartoum

Idriss Habani, two senior members of Sudanese opposition parties, who joined the university students in peaceful demonstrations, and were consequently arrested by NISS agents without a warrant, forcibly disappeared, and secretly detained for over a month before being released.

The NISS crackdown on university campuses constitutes only one of the many human rights violations committed by the Sudanese authorities in contravention of the fundamental rights to freedoms of expression, of association and of peacefully assembly. Torture remains a widespread and systematic practice, favoured not only by Sudan's non-ratification of the Convention against Torture, but also by the extremely vague definition of torture under Sudanese criminal law which facilitates continuous abuses.

EXCESSIVE USE OF FORCE BY SECURITY FORCES AND SUMMARY EXECUTIONS

This year again, summary killings, often as a result of the excessive use of force by State agents, have proven to be a major cause for concern in Sudan. As such, it is common for security services, in particular the NISS forces, to abduct, arbitrarily arrest, detain, as well as torture members of the opposition, students, journalists, and human rights defenders. Moreover, security services have regularly resorted to an excessive use of force against young peaceful demonstrators; seen as a threat to the regime and the political status quo, in that they are not afraid to ask for social and political reforms and democratic changes.

This is, for instance, the case of Abubakr Hassan Taha, a young Sudanese student at the Kordofan University, who participated in a peaceful march on 19 April 2016, organised to submit to the local student's union a list of pro-opposition candidates for the union elections, which were scheduled the same day. In the midst of the protests, members of the NISS entered the university campus and fired live bullets at the students, killing Mr Taha and wounding many others. No investigations have been initiated as a result of these acts and the perpetrators are yet to be prosecuted. Impunity of this kind is perpetuated by the 2010 National Security Act, which provides NISS agents with immunity from prosecution, unless it is explicitly revoked by a direct supervisor; an unlikely reality.



DEEP CONCERN EXPRESSED DURING SECOND UNIVERSAL PERIODIC REVIEW

On 4 May 2016, Sudan's human rights record was reviewed during the second cycle of the Universal Periodic Review (UPR), during which UN Member States made comments and recommendations, which, in turn, the Sudanese authorities can choose to either accept or reject.

Alkarama participated in the review by providing a shadow report on the current human rights situation in the country and evaluating the implementation of recommendations made during the first cycle in 2011. The second UPR cycle not only showed that most of the previously accepted recommendations had not been implemented, but also casts serious doubt as to the Sudanese government's genuine commitment to uphold human rights.

During the review, both civil society actors and UN Member States criticised the Sudanese authorities for having failed to amend the country's constitutional and legislative frameworks and to cooperate with the UN human rights mechanisms, notably by dismissing requests for country visits from the Special Procedures. Member States also denounced the restriction on political pluralism and freedom of expression, as well as the practice of arbitrary detention and summary executions. Moreover, Member States condemned the widespread use of torture and the impunity of NISS agents who remain immune from prosecution. Strong concerns were also raised on the use of military tribunals to prosecute civilians for acts which fall under freedom of opinion and expression as well as freedom of peaceful assembly and association.

In the framework of the second UPR review, despite Sudan's declared commitment to implement legal reforms in the country, the State merely agreed to "consider" the ratification of several core human rights instruments, including the Convention against Torture and the International Convention for the Protection of All Persons from Enforced Disappearance. Likewise, the authorities rejected several recommendations geared towards the revision of national laws that have an impact on human rights violations, such as the

2010 National Security Act, which grants security forces expansive powers to arrest and detain individuals without any judicial oversight. While, on the one hand, Sudan declared its “openness to collaborate with the UN human rights mechanisms”, on the other hand, it rejected multiple recommendations to respond positively to all requests for country visits by the UN Special Procedures. Sudan made other self-contradictory statements during the review, such as declaring its commitment to grant a safe environment for journalists, political opponents, and human rights defenders, after having barred local civil society from traveling to Geneva to attend the UPR session.

In light of Alkarama’s report and in addition to the outcome of the UPR review, recommendations were made to amend existing domestic laws, ratify and implement international law treaties, as well as put an end to practices that violate basic human rights. Simultaneously, Sudan was advised to cooperate constructively with the UN Special Procedures.



OUR RECOMMENDATIONS

- Ratify the UN Convention Against Torture and adopt domestic legislation on torture that is consistent with international norms;
- Cease the harassment of and crackdowns on journalists, human rights defenders, and other political opponents;
- Guarantee the right to freedom of expression, association and peaceful assembly;
- Abolish the jurisdiction of military courts to try civilians and respect all fair trial guarantees;
- Combat impunity by prosecuting the perpetrators of serious human rights violations and repeal the *de jure* immunity enjoyed by NISS and members of the armed forces.



UPCOMING

- 31 July 2017: Submission of Sudan’s fifth periodic report to the Human Rights Committee.



WHAT IS RATIFIED

ICCPR ✓

CAT ✓

ICPPED ✗

OP ICCPR ✗

OPCAT ✗



OUR CONCERNS

- Devastating effects of the armed conflict, in particular on the civilian population;
- Systematic and widespread practice of enforced disappearance;
- Widespread and systematic practice of torture and deaths in custody;
- Impunity of perpetrators of war crimes and crimes against humanity.

ALKARAMA'S WORK ON SYRIA FOR THIS YEAR

We submitted **68 communications** regarding **66 individual cases** to the following Mechanisms:

WGEID : 61 // SRSUMX : 1 // SRT : 2 // Others : 4

REPORTS PUBLISHED :

- Alkarama, Universal Periodic Review of Syria – Submission to Stakeholders' Summary, March 2016.

In March 2016, Syria entered its sixth year of armed conflict. The UN Special Envoy for Syria, Staffan de Mistura, estimated the death toll at 400,000, almost double what it was estimated to be two years ago. At the end of the year, the Office of the High Commissioner for Refugees announced that over 4.8 million people had fled Syria since 2011, seeking safety in neighbouring countries, particularly in Lebanon, Jordan, Iraq, and Turkey, as well as in Europe and Canada. Millions more, who continue to bear the brunt of this violent conflict, are displaced inside the country.

The conflict escalated at an alarming rate due to the interference and intervention of foreign actors, as well as the widespread clashes between governmental forces, various armed opposition groups, and the Islamic State (IS). Over the past year, Russian airstrikes have intensified, indiscriminately bombing civilian areas, while the Syrian army and foreign militias, including those originating from Iran and Lebanon, have committed massacres, extrajudicial executions, enforced disappearances, and systematic torture. Rebel groups similarly continued to commit serious violations of both international humanitarian law and human rights.

Although the UN Security Council has directly – and repeatedly – accused Russia and the Syrian government of war crimes, the latter have thus far gone unpunished. On 15 December 2016, the Syrian army took control of Aleppo, including the eastern part of the city, which was almost entirely destroyed as a result of an intensive bombing campaign by Russian aircrafts. Four days later, the UN Security Council unanimously adopted Resolution 2328, demanding “complete, immediate, unconditional, safe and unhindered access” to monitor evacuations from the eastern district of Aleppo remained blocked. While the international talks held in Geneva on 1 February 2016 raised prospects for peace, the “cessation of hostilities” accord, adopted unanimously in UN Security Council (UNSC) Resolution 2268 on 26 February, broke down on 19 September 2016. Since then, the UNSC’s attempts to adopt resolutions for a ceasefire in Syria have failed repeatedly on account of Russia’s veto, despite the pressing humanitarian situation. International talks on Syria remain deadlocked as the parties fail to reach agreement on, among others, the fate of President Bashar Al Assad.

MASS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW

In 2016, international humanitarian law continued to be blatantly violated in Syria. Governmental forces and affiliated militias supported by Russia conducted indiscriminate attacks on densely populated areas, causing thousands of civilian deaths. The authorities made use of chemical weapons, barrel bombs, clus-



Civilians fleeing Aleppo

ter munitions, as well as weapons whose effects are of an indiscriminate nature and the use of which is thus prohibited under international humanitarian law and by UN Security Council Resolution 2139 (2014). These attacks against civilians have been expressly qualified as war crimes by the UN Security Council.

On 25 June 2016, the authorities launched the “battle of Aleppo” in an attempt to take back control of the eastern part of the city. On 18 October, the Syrian army besieged Eastern Aleppo as Russian jets launched a fierce aerial bombardment of the area. Consequently, the city’s two largest hospitals were destroyed; killing dozens and leaving thousands of civilians without access to necessary medical care. UN Secretary General Ban Ki-Moon has denounced the airstrikes targeting hospitals and other healthcare facilities as “war crimes”.

On 15 November 2016, while more than 250,000 civilians remained trapped in the besieged city, with dwindling food supplies and extremely limited medical care, Russia announced a major offensive on Eastern Aleppo. As a result, in the last week of November, tens of thousands tried to escape the city, which, according to Stephen O’Brien, the UN Under-Secretary-General for Humanitarian Affairs, has become “a giant graveyard”.

Furthermore, hospitals and healthcare facilities under the control of opposition forces have systematically formed the object of direct attacks by governmental forces, particularly following the government’s decision to declare “illegal” any healthcare facility providing medical care in the areas controlled by opposition forces. The situation has deteriorated rapidly since the authorities have continued to prevent the passage of all humanitarian aid, despite their commitments to do otherwise.

ENFORCED DISAPPEARANCES: A TOOL OF TERROR

The systematic practice of enforced disappearance constitutes, without a doubt, a crime against humanity within the meaning of the Rome Statute. In 2016, figures have continued to rise steadily, reaching tens of thousands of victims. The practice forms a tool of repression, which targets not only political activists, human rights defenders, and members of humanitarian organisations, but also ordinary citizens.

Most victims are apprehended at military checkpoints or during waves of arrests conducted by State security services or militias, without any warrant or justification as to the reasons for their arrest. Following their arrest, victims of enforced disappearances are taken to secret detention facilities where they are severely tortured and, in some instances, summarily executed. The systematic resort to this practice creates a climate of terror, as a result of which families of the victims are afraid to denounce the disappearance in fear of being subjected to a similar fate. In the rare cases in which families can refer to local authorities, they are faced with the latter’s systematic denial of any knowledge of or involvement in these disappearances.

In 2016, Alkarama and Human Rights Guardians submitted approximately 60 cases to the UN Working Group on Enforced Disappearances (WGEID), despite the increasing difficulties faced by lawyers, activists, and the families of victims when documenting cases on the ground. As of August 2016, there were approximately 190 cases still outstanding before the WGEID. Alarming, these cases represent only the tip of the iceberg, with tens of thousands of families remaining without any news on the fate and whereabouts of relatives who were arrested or abducted by governmental security forces or foreign militias. Alkarama has also raised several cases of enforced disappearances committed by other armed groups, including IS, the Al Nusra Front, and the Kurdish People’s Protection Units, to the Independent International Commission of Inquiry.

THE SYSTEMATIC PRACTICE OF TORTURE AND DEATHS IN CUSTODY

In 2016, torture remained a generalised and systematic practice, committed by both government security services and State-sponsored militias in all official detention centres, as well as in places of secret detention. Torture and other cruel, inhuman or degrading treatment are perpetrated against all detainees without exceptions. This includes individuals suspected of having participated in demonstrations, supporting the opposition, or being members of armed groups, as well as journalists, human rights defenders, defectors of the security forces, women and children. The practice of torture is encouraged by a lack of political will to address the issue; conducted under the direct orders of the authorities, it is part of the State’s policy to

instil fear, to intimidate and terrorise the civilian population.

Several cases documented by Alkarama in 2016 attest to the recurrent and pervasive use of torture in Syrian prisons, as well as in the regime's multiple secret detention centres. The frequency, duration, and gravity of the ill-treatment – perpetrated by all branches of the security services – have led to thousands of deaths in custody. On 1 August 2016, Alkarama referred the case of Ahmad Hassoun, a 19-year-old Syrian activist who died in captivity after having been severely tortured, to the UN Special Rapporteur on extrajudicial executions. As is often the case, Ahmad's father was ordered to sign a document stating that his son had died "because of a heart attack" and was never able to collect his son's death certificate. As highlighted in a report of the Syrian Commission of Inquiry "Out of sight, out of mind", published in February 2016, thousands of individuals have been beaten to death or have died as a result of severe injuries sustained during torture. Others have died because of general prison conditions and a denial of access to medical care.



SYRIA RECEIVES 231 RECOMMENDATIONS DURING ITS UNIVERSAL PERIODIC REVIEW

2016 saw the review Syria by the Human Rights Council (HRC) in the framework of its second Universal Periodic Review (UPR). The UPR consists in a review of the human rights record of all UN Member States by the HRC in four-year cycles and takes place through an interactive discussion with other UN Member States. NGOs can submit information, which may be referred to by any of the States taking part in the review.

On 4 November 2016, the Working Group on the UPR adopted a preliminary report containing the recommendations made to Syria by UN Member States during the review, which took place on 31 October 2016. A large majority of States expressed their concerns over the gross violations of international humanitarian law and human rights, the widespread practice of torture, arbitrary detentions and enforced disappearances, attacks against civilians and civilian objects, including hospitals, and the lack of cooperation with the UN, citing in particular the Independent International Commission of Inquiry. Alkarama previously raised all these issues in a report submitted to the HRC ahead of Syria's review in March 2016.

Syria was further recommended to "take immediate measures to cease indiscriminate attacks against civilians, hospitals, their personnel and humanitarian convoys", to "ensure full and unhindered humanitarian access including in all besieged areas", and to "redouble its efforts towards reaching a political settlement to the crisis in Syria through a comprehensive dialogue with all parties".

Overall, Syria received 231 recommendations from UN Member States, which the country will have to consider before March 2017, when it must inform the Human Rights Council of whether these are accepted or rejected.



OUR RECOMMENDATIONS

- Put an end to gross and systematic violations of international humanitarian law and human rights and fight against the impunity of perpetrators;
- Take all necessary measures to protect civilians and civilian objects in accordance with the principles of international law;
- Put an end to the repression of journalists, human rights defenders, and humanitarian actors, and ensure their basic human rights are respected and protected.



UPCOMING

- March 2017: Adoption of the UPR outcome document.



WHAT IS RATIFIED

ICCPR ✓

CAT ✓

ICPPED ✓

OP ICCPR ✓

OPCAT ✓



OUR CONCERNS

- Violations of procedural guarantees and of fundamental rights under the pretext of the fight against terrorism;
- Undue restrictions on the right to freedom of peaceful assembly and association under the state of emergency;
- Persistent practice of torture and other cruel, inhumane or degrading treatment or punishment in detention;
- Executive interference in judicial processes and impunity of State security agents for past and recent abuses.

ALKARAMA'S WORK ON TUNISIA FOR THIS YEAR

REPORTS PUBLISHED :

- Alkarama, Universal Periodic Review of Tunisia – Submission to Stakeholders' Summary, September 2016;
- Alkarama, Alternative report in view of the third periodic review of Tunisia by the Committee against Torture, March 2016;
- Alkarama, Alternative report in view of the initial review of Tunisia by the Committee on Enforced Disappearances, February 2016.

Tunisia has been experiencing a transition period since 2012. The transitional justice process, however, failed to include any security sector reform, while the judiciary continues to experience interference from the executive branch. As a result of these shortcomings, Tunisia has seen the resurgence of past practices such as arbitrary detention, torture, and police violence, especially under the pretext of the fight against terrorism.

In October 2016, President Beji Caïd Essebsi once again extended the state of emergency, which came into force on 24 November 2015 and has been prolonged several times since, for a further three-month period. As a result, the Ministry of Interior is still able to restrict the right to free movement, to suspend all strikes and demonstrations, to prohibit and disperse all peaceful gatherings that it considers a threat to public order, and to pronounce the arrest of any person whose activity is considered dangerous to public security and order. That same month, the new Tunisian government took office under the lead of the new Prime Minister Youssef Chahed, member of the Nidaa Tounes Party, which won the legislative and presidential elections in late 2014.

On 17 November 2016, the Truth and Dignity Commission, established in 2014 to investigate human rights violations in the country since 1955, held its first public hearings in Tunis. For the first time since the revolution, victims of the dictatorship publicly shared their testimonies. Following these hearings, former President Zine El Abidine Ben Ali acknowledged in a public statement that “errors, abuses and violations” had been committed during his presidency. **HUMAN RIGHTS VIOLATIONS COMMITTED IN THE FIGHT AGAINST TERRORISM**

After terrorist attacks shook the country in 2015, additional measures were taken to counter terrorism, which further restricted fundamental rights and freedoms. While the government announced the arrest of several thousands of “suspects” in 2015, this year, hundreds of individuals were put under house arrest, while travel bans were imposed on more than 15,000 individuals considered as “potential terrorists”. Violent police interventions and night raids have become more prevalent; over the span of a few months, entire neighbourhoods were sealed off, mass searches were conducted arbitrarily, without due process, and there was regular resort to excessive force.

Despite numerous reports of systematic abuses committed by the security forces, as well as the lack of independent and impartial investigations or accountability, on 24 July 2015, the Assembly of People’s Representatives – the Tunisian Parliament – passed a new Anti-Terrorism Law giving more power to law enforcement agents. In addition to the broad and imprecise definition of terrorism, which opens the way for abusive arrests, the duration of police custody without a charge can now be extended up to 15 days,



Public Hearing before the Truth and Dignity Commission

while international standards limit it to 48 hours. Under the 2015 Law, suspects are not granted access to a lawyer for the whole custody period, which has resulted in a systematic practice of *incommunicado* and secret detention of terrorist suspects.

In June 2016, the Criminal Procedure Code was revised, introducing the right of individuals suspected of terrorism to have access to a lawyer while in custody, despite maintaining its lengthy period of 15 days. Moreover, this right remains limited as they are only allowed to meet their lawyer after 48 hours of police custody and for a maximum of 30 minutes. In practice, the use of *incommunicado* detention and torture of terrorist suspects to extract confession continues and coerced self-incriminating statements are routinely admitted and relied upon in trial. Despite the numerous allegations of torture raised by victims before domestic courts, not a single decision to annul coerced confessions has been reported to date, thus leaving numerous individuals arbitrarily detained following unfair trials.

THE FRAGILITY OF HUMAN RIGHTS PROTECTION AND THE RULE OF LAW IN THE POST-REVOLUTIONARY CONTEXT

The political, economic, and security challenges that Tunisia has been experiencing since the revolution are affecting the general situation of human rights and the rule of law. This observation forms the core of the report submitted to the Human Rights Council by Alkarama in September 2016. As such, it analyses the situation of human rights in Tunisia and makes 16 recommendations to the authorities, in anticipation of its Universal Periodic Review in May 2017.

In its report, Alkarama raised the abovementioned issues posed by the country's security and counterterrorism policy, all the more pressing since the state of emergency is being extended in total disregard of the principles of necessity and proportionality. The prolongation of the state of emergency for the past two years is adversely affecting fundamental rights, most notably the right to peaceful assembly and association. The authorities regularly invoke the state of emergency decree to justify the prohibition of peaceful gatherings; the excessive use of force by the police to disperse demonstrations is no longer a thing of the past.

In this context, Alkarama also highlighted a worrisome resurgence of executive interference in judicial processes, which constitutes a recurring obstacle to the investigation and prosecution of State agents, against whom victims have made allegations of torture or other abuses. It is all the more concerning that the reform of the custody system implemented in June 2016 failed to ensure that the fundamental rights of detainees are effectively respected by security forces. If on the one hand the new Criminal Procedure Code limits the duration of police custody to 48 hours in criminal cases and allows detainees to have access to a lawyer from the onset of their arrest, on the other hand, medical examinations are not automatically carried out to prevent abuses and the right to challenge one's detention is still not guaranteed.

Lastly, Alkarama stressed that the impunity of security forces remains a crucial issue for both past and present abuses. In this regard, it underlined the lack of resources and time granted to the Truth and Dignity Commission, preventing it from delivering any truth telling or ensuring comprehensive documentation of abuses. To date, none of the cases of serious violations committed by the former regime has been transferred to the specialised courts created to take appropriate legal action. Alkarama shared its fear that this lack of investigation and accountability, coupled with the lack of a genuine security sector reform, has fostered a climate of impunity and facilitated the return and recurrence of past practices.

In 2016, Tunisia was reviewed by two Treaty Bodies: the Committee on Enforced Disappearances (CED)



TUNISIA REVIEWED BY UN TREATY BODIES FOR THE FIRST TIME SINCE THE REVOLUTION

for the first time in its history, and the Committee against Torture (CAT) for the first time since the revolution. The two bodies raised different but crosscutting concerns and highlighted the need to address past violations through investigations and prosecutions, as well as the need to take measures to avoid their repetition.

On 7 and 8 March 2016, the CED reviewed Tunisia's initial report to the Committee and echoed the concerns

expressed by Alkarama in its shadow report. The experts called on the authorities to fully investigate cases of enforced disappearances that occurred before the revolution and to prosecute those responsible. As a guarantee of non-repetition, the Tunisian authorities were invited to review their legislation in order to separately criminalise the crime of enforced disappearance and to ensure that all individuals arrested are allowed to contact their families and lawyers from the onset of the arrest, including in counterterrorism cases. Indeed, while State representatives posited that there had been no cases of enforced disappearance since the revolution, the CED members recalled, based on information submitted by Alkarama, that the practice of secret detention even for short periods of time amounts to a crime of this nature.

On 9 June 2016, the CAT issued its Concluding Observations following the review of Tunisia, to which Alkarama contributed by submitting a shadow report and by sharing its key concerns with the experts during a private briefing with NGOs prior to the review.

The Committee expressed concern over the lack of investigation into allegations of torture and over the interference of the executive in such cases, jeopardising the independence necessary to prosecute law enforcement agents. It also expressed concern over acts of reprisals faced by victims and their families who reported cases of torture and ill-treatment.

While the UN experts welcomed the reform of the Code of Criminal Procedure, they expressed serious concern over the fact that suspects cannot challenge the lawfulness of their detention. They also called on the authorities to ensure that arrested individuals are listed in an accessible common registry from the onset of the arrest and, in order to avoid unacknowledged detentions, that such a registry must automatically include key information such as the exact moment of the arrest and the place of detention.

While recognising the difficulties faced by Tunisia in the current security context, the UN experts recommended that the State amend its Anti-Terrorism Law and strictly define acts of terrorism, reduce the duration of authorised police custody without charge, and eliminate all forms of *incommunicado* detention.



OUR RECOMMENDATIONS

- Amend the Anti-terrorism Law No. 22/2015 and ensure its compliance with international human rights standards;
- Ensure respect for the principles of proportionality and necessity in the renewal of the state of emergency and in the implementation of derogatory measures as well as ensure they are not discriminatory;
- Ensure the independence of the judiciary by protecting it from any executive interference;
- Provide the Truth and Dignity Commission with appropriate means and time to document violations committed under the former regime and prosecute those responsible for past human rights violations;
- Carry out an effective security sector reform and put an end to the impunity of State agents.



UPCOMING

- 18 March 2017: Submission of Tunisia's follow-up report to the Committee on Enforced Disappearances;
- 31 March 2017: Five-year delay in the submission of Tunisia's sixth periodic report to the Human Rights Committee;
- 2 May 2017: Third Universal Periodic Review of Tunisia before the Human Rights Council;
- 13 May 2017: Submission of Tunisia's follow-up report to the Committee against Torture.



WHAT IS RATIFIED

ICCPR ✗ CAT ✓ ICPPED ✗
OP ICCPR ✗ OPCAT ✗



OUR CONCERNS

- Prolonged periods of *incommunicado* detention and systematic practice of torture;
- Reprisals against human rights defenders and systematic repression of political opponents and dissent;
- Lack of judicial control over the State Security Forces and impunity of those responsible for serious violations of human rights;
- Restrictive laws, such as the anti-terrorism and cybercrime laws, curbing fundamental rights and freedoms;
- Amendments to the Penal Code authorising further violations of fundamental rights and freedoms.

ALKARAMA'S WORK ON THE UAE FOR THIS YEAR

We submitted **10 communications** regarding **3 individual cases** to the following Mechanisms:

WGEID : 1 // WGAD : 1 // SRSUMX : 2 // SRT : 2 // Others : 4



Federal Supreme Court of the UAE

In 2016, Alkarama continued to document violations of fundamental rights and freedoms in the United Arab Emirates (UAE), including cases of arbitrary detention and torture, as well as violations of the freedoms of expression, peaceful assembly, association, and movement. Simultaneously, the UAE demonstrated an unwillingness to cooperate with the UN human rights mechanisms, either by not responding to letters of allegations or by refusing to provide any substantive information, especially in cases of disappearances, in relation to which they repeatedly failed to disclose information on the fate and whereabouts of the victims.

However, despite of its human rights record, the UAE will be a member of the Human Rights Council until at least 2018. In June 2016, to signify the country's "commitment to the UN" with its donation of 22 million US dollars, a new "Emirati conference room" was inaugurated at the Palais de Nations in Geneva.

Human rights defenders have continued to face repression, with the authorities regularly employing intelligent spyware and revoking nationality. Indeed, spyware purchased by the government to allegedly combat crime and terrorism, are in fact used to gather intelligence on its citizens and to stifle any dissent. Pegasus, the software that was used against human rights defender Ahmed Mansoor, allows its operator to record phone calls and intercept text messages, including those on encrypted applications, such as Viber and WhatsApp. It can also copy contacts and read emails, as well as track movements and turn on the phone's camera or microphone. Invoices from the Hacking Team spyware – that was also used to survey Ahmed Mansoor – were leaked in July 2015, indicating that the UAE were its second-biggest customers in 2015, paying them more than 634,500 US dollars to use spyware on around 1,100 people.

This year, much like its neighbouring Gulf countries, the UAE increasingly relied upon the deprivation of nationality under the pretext of "national security"; an ultimate tool to suppress dissenting voices, in clear violation of article 15 of the Universal Declaration of Human Rights, which provides that no one shall be arbitrarily deprived of nationality.

Lastly, in 2016, the country's foreign policy continued to be marked by its support for the international coalition against the Islamic State, and its military role in the Saudi-led coalition against the Houthis in Yemen. The UAE are also taking part in an international operation – involving British, French, and US forces – in support of Libyan General Khalifa Haftar against rival militia groups in eastern Libya.

VIOLATIONS OF THE RIGHT TO FREEDOM OF EXPRESSION

In 2016, Alkarama continued to document cases of individuals being prosecuted for exercising their fundamental right to freedom of expression and opinion, demonstrating the government's heightened crack-down on those critical of its policies, primarily activists and reformists. This included politically motivated prosecutions and unfair trials, the use of travel bans, and even revoking several individuals' citizenship.

The case of Jordanian journalist Taysir Hasan Mahmoud Salman, who was called to the Criminal Investigation Department of Abu Dhabi in December 2015, serves as one such example. Upon his arrival at their premises, Mr Salman was arrested by members of the State Security Forces (Amn Al Dawla) and taken to an unknown location. He was detained *incommunicado* for over two months. Finally, on 18 February 2016, he was allowed to contact his family to inform them that he was detained at the Al Wathba prison in Abu Dhabi. His detention is believed to have been a direct result of a Facebook post he published in 2014, before moving to the UAE, in which he criticised the country's support for Egypt's actions in Gaza; forming the primary focus of his interrogation. To this day, he has not been officially charged or allowed access to legal counsel, and more than a year since his arrest, no date has been set for a trial.

Another prominent case is that of Naser Bin Ghait, an academic and reformist, who was arrested by State Security Forces on 18 August 2015. After being disappeared for nearly eight months, he was presented to the State Security Chamber of the Federal Supreme Court in Abu Dhabi on 4 April 2016. Dr Bin Ghaith has been accused of "cooperating with the Ummah party" and "publishing academic articles critical of governmental policies", acts perceived by the authorities as "instigating the public opinion against the State", "undermining national unity", and "provoking civil and political unrest". As the Ummah party was categorised by the UAE as a terrorist entity, Dr Bin Ghaith is being tried based on the Federal Law No. 7 of 2014 on Combating Terrorism Offences. He is also being charged under articles 26-28 of the Federal Law No. 5 of 2012 on Combating Cybercrimes, for voicing his opinion online and through social media, and could receive a sentence of up to 15 years in prison.



Indeed, the anti-terrorism law provides an extremely broad and vague definition of terrorism and continues to serve as the legal basis upon which peaceful political opponents are prosecuted. The laws on counterterrorism and cybercrime continue to be the preferred tools of repression against political opponents, bloggers, and anyone voicing an opinion that is not in line with that of the authorities.

SYSTEMATIC USE OF INCOMMUNICADO DETENTION TO SILENCE DISSENT

The practice of prolonged *incommunicado* detention continues to be prevalent and is used as an oppressive strategy by the State security apparatus to spread fear and silence dissidents, reformists, and human rights activists, as well as lawyers who represent victims of these offences. Every instance of secret detention amounts to an enforced disappearance and is, by its very nature, a form of *incommunicado* detention, as specified in the Convention for the Protection of All Persons from Enforced Disappearance.

The use of prolonged *incommunicado* detention is commonly applied by the Emirati State Security Services, which operate under the control of the Ministry of Interior and report directly to the President of the Federation. The State Security Services are not subjected to any independent judicial control and have their own secret detention facilities. Moreover, trials before the State Security Court, an exceptional justice system responsible for prosecuting the accused at first and last instance, are characterised by gross violations of fundamental human rights.

Alkarama has most commonly witnessed the use of *incommunicado* detention during the investigation stage. As such, the practice is used for the purposes of interrogation and the extraction of incriminating confessions under torture. Detention without access to the outside world is not only conducive to the practice of torture, but can itself amount to torture or other cruel, inhuman or degrading treatment. This is illustrated by cases of both Taysir Salman and Dr Naser bin Ghaith, who were disappeared for three and eight months respectively, and both reported that they had been tortured during their interrogation for the purpose of extracting false confessions.



AMENDMENTS TO THE PENAL CODE PUT BASIC RIGHTS AND FREEDOMS AT RISK

On 18 September 2016, the Emirati President issued Decree Law No. 7 of 2016, amending the UAE Penal Code. The decree, which amends 132 existing articles and introduces 34 new articles, endangers basic rights, including the right to life and the right to freedom of opinion and expression, as well as the right to freedom of peaceful assembly and association.

One of the most concerning aspects of this new law is that it extends the application of the death penalty to a wide range of crimes. The Special Rapporteur on extrajudicial, summary or arbitrary executions advocates that, if at all, the death penalty should solely apply to cases concerning “the most serious crimes” for which it “can be shown that there was an intention to kill which resulted in the loss of life”. Yet, article 175 of the new Penal Code provides for the capital punishment of anyone who makes an attempt on the life of the UAE President, irrespective of whether the crime is in fact carried out or not.

The new law also places severe restrictions on the right to freedom of peaceful assembly and association. Among others, the establishment or joining of “organisations” aimed at “overthrowing the government” or otherwise “disrupting State Security” may be punished with the death penalty. According to the new law, anyone who “insults the President of the UAE” or “insults, mocks, harms the reputation, prestige or statute of the State, its flag, its emblem, its symbols or any of its institutions”, may be punished with 15 to 25 or 10 to 25 years in prison, respectively. Such provisions are detrimental to the right to peaceful criticism and violate the right of individuals to voice their opinion about the government and its policies.

Finally, article 201 bis (7) of the amended Penal Code stipulates that a person found guilty of crimes that endanger “State security” should be removed from the territory of the State after their sentence has been served. In many ways, this resembles a revocation of nationality, whereby an individual considered undesirable by the State is stripped of all his/her political and civil rights.

All in all, the broad and vaguely defined provisions of the new Penal Code enable – and arguably encourage – violations of some of the most basic human rights. The amendments restricting fundamental freedoms must be revised and replaced with precise and clearly defined limitations that do not strip these freedoms of their essence.



OUR RECOMMENDATIONS

- Put an end to the practice of torture by implementing the Convention against Torture and submitting its initial report to the Committee against Torture;
- Put an end to the practice of enforced disappearance and *incommunicado* detention;
- Release all prisoners of conscience arbitrarily detained;
- Repeal or amend the anti-terrorism and cybercrime laws;
- Place the State Security Services under the control of an independent judicial authority;
- Ratify the International Covenant on Civil and Political Rights and the International Convention for the Protection of all Persons against Enforced Disappearance.



UPCOMING

- June 2017: Submission of Alkarama’s report to the Human Rights Council in view of the UAE’s third Universal Periodic Review in January 2018;
- 19 August 2017: Four-year delay in the submission of the UAE’s initial report to the Committee against Torture.



WHAT IS RATIFIED

ICCPR ✓

CAT ✓

ICPPED ✗

OP ICCPR ✗

OPCAT ✗



OUR CONCERNS

- High number of civilian casualties as a result of the indiscriminate airstrikes and continued fighting on both sides;
- Massive internal displacement;
- Shortage of medical supplies and foodstuffs, leading to the outbreak of diseases and famine;
- Widespread practice of enforced disappearance and *incommunicado* detention;
- Arbitrary detentions and resort to torture and other cruel, inhuman or degrading treatment.

ALKARAMA'S WORK ON YEMEN FOR THIS YEAR

We submitted **3 communications** regarding **3 individual cases** to the following Mechanisms:

WGEID : 3

In August 2016, the UN confirmed that since the start of the Yemeni conflict in 2014, more than 10,000 people had lost their lives. This year saw the continuation of hostilities, with violent ground battles between the different factions and relentless airstrikes conducted by the Saudi-led coalition, which repeatedly targeted civilian areas. Indeed, massive civilian casualties were recorded this year and the destruction of civilian infrastructure, paired with restrictions on the import of food and fuel, has entrenched a severe humanitarian emergency. UN figures show that around three million people are now internally displaced within Yemen; an estimated seven million Yemenis are food insecure, with 370,000 children under the age of five at risk of starving to death. The humanitarian crisis is further exacerbated by the fact that the healthcare sector has been severely hindered, with the most facilities functioning only partly, if at all, as a result of airstrikes, among other factors.

In April 2016, UN brokered negotiations to reach a peace agreement took place in Kuwait, but collapsed as the Houthi-Saleh coalition rejected the proposal. In October, another peace plan was proposed by UN envoy, Ismail Ould Cheikh Ahmed, which was in turn rejected by the Hadi government. The plan is rumoured to have side-lined President Hadi and suggested the establishment of a new government composed of less divisive figures, including representatives of the Houthi-Saleh coalition.

HEAVY CIVILIAN TOLL DUE TO INDISCRIMINATE AIRSTRIKE

The Saudi-led coalition airstrikes in support of the Hadi government continued in Yemen throughout 2016, significantly increasing the number of civilian casualties. Many of the coalition's airstrikes were found to be indiscriminate, increasing the number of civilian casualties significantly.

In August 2016, and in defiance of international humanitarian law, the coalition hit a Doctors Without Borders (MSF) hospital. In less than a year, MSF facilities have been struck on four separate occasions; the last strike in August prompted the organisation's withdrawal from northern Yemen, due to its "loss of confidence in the Saudi-led coalition to prevent such fatal attacks". MSF medical facilities were hit despite the fact that the organisation has systematically shared the GPS coordinates of hospitals in which it operates with all parties involved. The partial MSF withdrawal is catastrophic for Yemen, given the fact that its own healthcare infrastructure has become increasingly ineffective, with very few facilities still in operation.

During the same month, the Saudi-led coalition also targeted a school in northern Yemen, where children were sitting their exams. The airstrike killed 10 children and injured 28 more, all of whom were between 5 and 15 years old. Indeed, earlier in June, the UN Secretary General (UNSG) stated that there had been



A Doctors Without Borders (MSF) hospital in Yemen hit by a Saudi airstrike

1,953 child casualties in 2016, 60% of which could be attributed to the Saudi-led coalition. In the UNSG annual report, the Saudi-led coalition was placed on a blacklist for killing and maiming children and for its attacks on schools and hospitals in Yemen. Airstrikes targeting the civilian populations, as well as civilian objects such as “medical units” and “buildings dedicated to education”, are considered serious violations of international humanitarian law, much of which has attained the status of customary international law. If it were found that these targets were struck deliberately, the airstrikes would amount to war crimes. Indiscriminate attacks can also amount to war crimes if the “incidental” civilian deaths were excessive in comparison with the anticipated military advantage sought. In any event, the aforementioned airstrikes must be independently investigated and the perpetrators brought to justice.

In March 2016, the United Nations High Commissioner for Human Rights (OHCHR) stressed that his office was “possibly looking at the commission of international crimes by members of the Coalition” and reminded the coalition of its obligation “to distinguish at all times between military targets and civilians”. The OHCHR further called on Saudi-led coalition forces to “take effective actions to prevent the recurrence of such incidents, and to publish transparent, independent investigations into those that have already occurred”.

CONTINUATION OF THE PRACTICE OF ENFORCED DISAPPEARANCES

The practice of enforced disappearance, an issue that has plagued Yemen since the 1970s, made a forceful return since the start of the hostilities. All parties have resorted to this tool as a weapon of repression and have targeted activists and journalists, in particular. Alkarama recalls that in the context of Yemen, the systematic practice of enforced disappearance may amount to a crime against humanity under the Rome Statute.

To this day, large numbers of people continue to be forcibly disappeared. Rachid Al Daifi, a student arrested in 2012 for his alleged participation in anti-government protests, is one such example; Amine Al Chafaq, a human rights defender arrested in October 2015 along with 28 other activists and journalists for planning a march to urge the authorities to provide drinking water to the besieged city of Taiz, is another. Yet, 2016 also saw the Houthi-Saleh coalition releasing a number of victims of enforced disappearance, including several cases which had been documented by Alkarama. For instance, May 2016 saw the release of Abdulrahman Al Buriahi, a political activist who had previously been subjected to reprisals and who was abducted in January 2016 along with his son, who was released a month after the arrest. Abdulrab Al Humaiqani, a prominent human rights defender, was also released in May, after almost a year of secret detention, during which he was subjected to torture.

However, the victims of enforced disappearances committed by the Houthi-Saleh coalition are left without any recourse given that the UN Working Group on Enforced or Involuntary Disappearances (WGEID) does not consider cases committed by non-state actors. Given the context and the international legal regime applicable during armed conflict, however, Alkarama believes that these cases do, in fact, fall within the mandate of the WGEID and that the Houthi-Saleh coalition must be held accountable for its crimes. Indeed, the Houthi-Saleh coalition controls large portions of the territory, including the capital Sana’a. It also controls the institutions within these territories, where they have declared themselves to be the legitimate government. Fur-



Former president Saleh now ally of Houthi militia

thermore, given the organisation, structure, and hierarchy, of this party to the conflict, the Houthi-Saleh coalition is considered an armed group under the Second Additional Protocol to the Geneva Convention and has obligations under both international humanitarian law and international human rights law. In fact, both legal regimes strictly prohibit the practice of enforced disappearances, and the prohibition is considered a peremptory norm of international law and thus must be respect by all parties to the conflict.



NECESSITY OF ESTABLISHING AN INTERNATIONAL COMMISSION OF INQUIRY

In September 2015, President Abd Rabbu Mansour Hadi appointed the National Commission of Inquiry – for a period of one year – to “investigate alleged human rights violations in Yemen” perpetrated since the conflict began. In October 2015, the Human Rights Council adopted Resolution 30/18, drafted by Saudi Arabia, which endorsed the Yemeni National Commission of Inquiry. While a counter-resolution establishing an International Commission of Inquiry had been proposed, the governments backing it withdrew their submission for a more “consensual approach”.

In September 2016, a year after the establishment of the National Commission of Inquiry, the latter released its preliminary report in a press conference held at the Yemeni embassy in Riyadh. The document, which allegedly records more than 9,000 cases, cannot be found on the Commission’s website, however. Moreover, the fact that the report was presented in a country that is a party to the conflict is worrisome and reinforces concerns over a lack of impartiality, as the Commission is composed solely of Yemeni nationals that were appointed by one party to the conflict, namely Saudi-backed President Hadi.

At the same time, the OHCHR issued a report to the Human Rights Council in which it concluded that, having received no information on their methodology, the results of the investigations, or the progress made in conducting impartial investigations, the National Commission was “unable to implement its mandate in accordance with international standards”. In light of the foregoing, the OHCHR called for the establishment of an International Commission of Inquiry. Furthermore, the report explains that territorial divisions and political cleavages within the Yemeni population hindered the Commission’s ability to secure the cooperation of all parties and thus access to all parts of the territory.

Alkarama echoes the OHCHR’s call for the establishment of an independent and impartial International Commission of Inquiry, capable of effectively investigating all alleged violations of international humanitarian law and human rights committed by all parties to the conflict.



OUR RECOMMENDATIONS

- Ensure respect for the principles of international humanitarian law and international human rights law by all parties to the conflict;
- Take effective steps to bring an end to the practice of enforced disappearance and *incommunicado* detention;
- Take effective measures to end the practice of torture and other cruel, inhuman or degrading treatment;
- Establish an International Independent Commission of Inquiry to investigate violations of international humanitarian law and human rights by all parties.



UPCOMING

- Renewed rounds of peace talks headed by UN envoy, Ould Cheikh Ahmed.

PUBLIC REPORTS

- Algeria: *“Like a fire that never dies” – the denial of the right to truth and justice for the families of the disappeared*, August 2016
- Saudi Arabia: *#Kingdom_Of_Arbitrary_Detention: How Saudi Arabia Shuts Down Its Most Vocal Critics*, October 2016

UN MECHANISMS

UNIVERSAL PERIODIC REVIEW

- *Universal Periodic Review of Syria – Submission to Stakeholders’ Summary*, March 2016
- *Universal Periodic Review of Algeria – Submission to Stakeholders’ Summary*, September 2016
- *Universal Periodic Review of Bahrain – Submission to Stakeholders’ Summary*, September 2016
- *Universal Periodic Review of Morocco – Submission to Stakeholders’ Summary*, September 2016
- *Universal Periodic Review of Tunisia – Submission to Stakeholders’ Summary*, September 2016

HUMAN RIGHTS COMMITTEE

- Alkarama, *Alternative report in view of the third periodic review of Kuwait by the Human Rights Committee*, May 2016
- Alkarama, *Alternative report in view of the sixth periodic review of Morocco by the Human Rights Committee*, September 2016

COMMITTEE AGAINST TORTURE

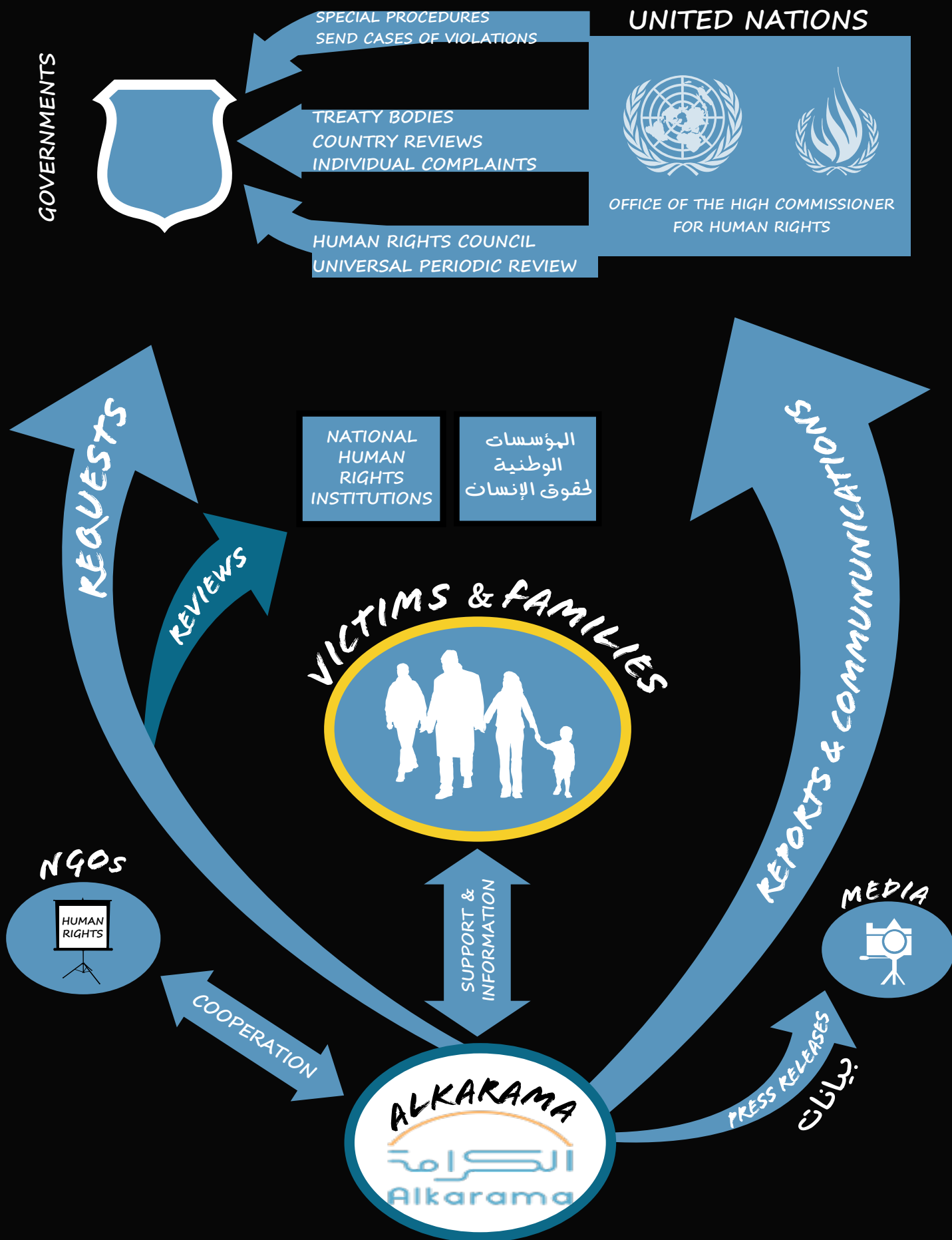
- *Alternative report in view of the second periodic review of Saudi Arabia by the Committee against Torture*, March 2016
- *Alternative report in view of the third periodic review of Tunisia by the Committee against Torture*, March 2016
- *Alternative report in view of the third periodic review of Kuwait by the Committee against Torture*, July 2016

COMMITTEE ON ENFORCED DISAPPEARANCES

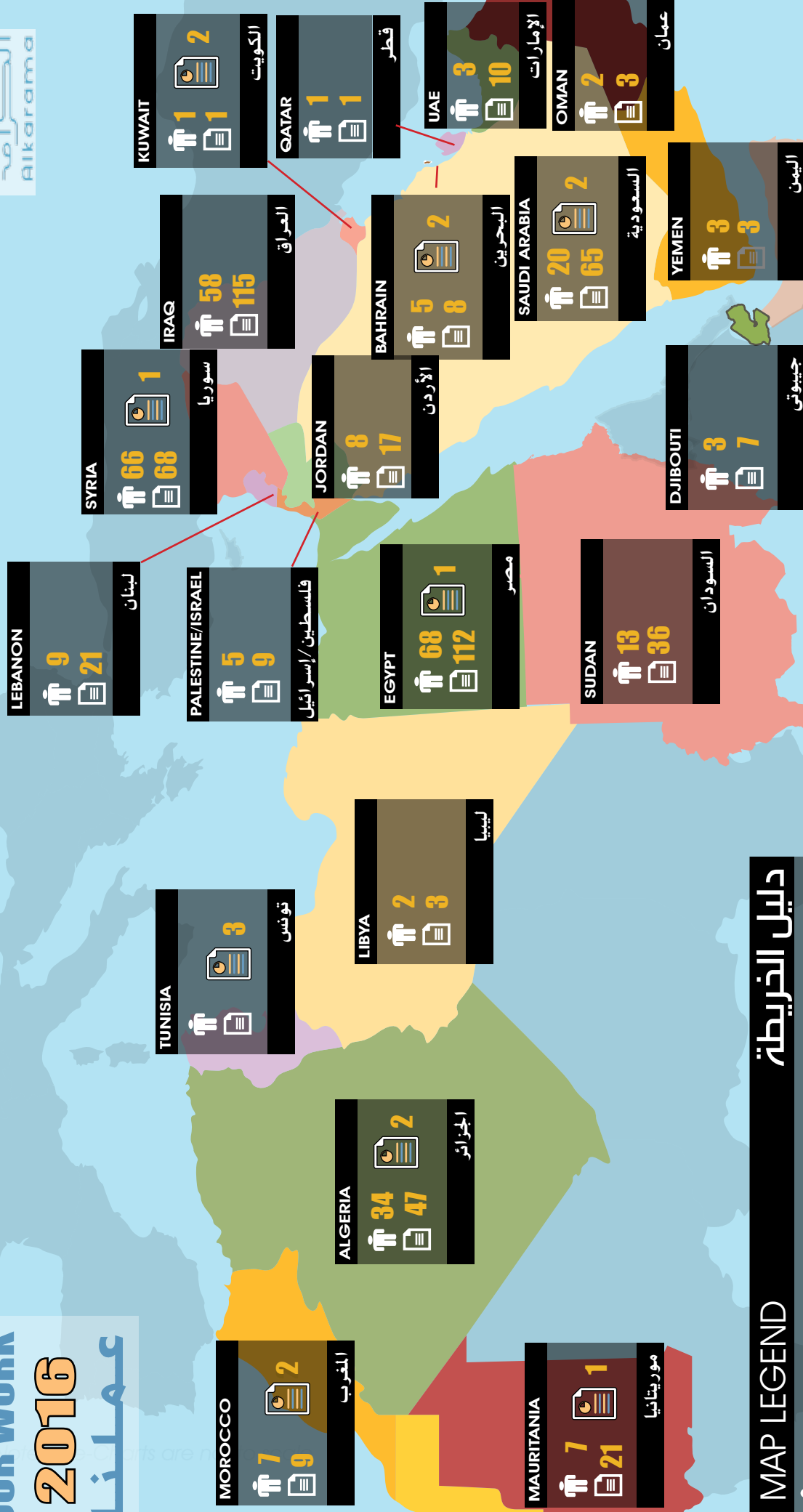
- *Alternative report in view of the initial review of Tunisia by the Committee on Enforced Disappearances*, February 2016

NATIONAL HUMAN RIGHTS INSTITUTIONS

- *Submission in view of the review of Bahrain’s National Institution for Human Rights by the Global Alliance of NHRIs*, January 2016
- *Submission in view of the review of Egypt’s National Council for Human Rights by the Global Alliance of NHRIs*, June 2016
- *Submission in view of the review of Mauritania’s National Human Rights Commission by the Global Alliance of NHRIs*, July 2016



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



دليل الخريطة

of victims
الحالات الفدية

of reports
عدد التقارير

of communications

عدد المذكرات

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

مذكرة 556 قدمت الكرامة 2016 خلال عام 315 بشأن حالة فردية 556 communications During 2016 Akarama submitted 315 individual victims regarding

During 2016 **556** **Alkarama submitted** **communications**

regarding **315** individual victims

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