

/ NORTH AFRICA/ MIDDLE EAST

**OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2009**



/ REGIONAL ANALYSIS NORTH AFRICA / MIDDLE EAST

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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The entry into force in March 2008 of the Arab Charter on Human Rights, binding the States of North Africa and the Middle East that ratified it, contrasts with the persistent human rights violations and the many obstacles to the defence of human rights noted in this region in 2008. This text, in spite of some weak points, includes provisions that may help to advance the recognition of human rights and fundamental freedoms in the region and in addition provides for the creation of an Arab Human Rights Committee responsible for monitoring application of the Charter and whose work was due to begin in the first half of 2009. Nonetheless, apart from the fact that, at the end of 2008, only 27 of the Member States of the League of Arab States had ratified the Arab Charter on Human Rights¹, several provisions remain not consistent with international human rights standards and instruments. As an example, the Charter stipulates that national legislation may take precedence over the provisions of the text, notably for security reasons. This provision, which calls into question the principle of the legal superiority of international and regional instruments over national legislation, risks restricting implementation of the Charter, especially in countries where massive human rights violations under the pretext of national security are witnessed.

Human rights defenders were not spared in the persistent and resurgent internal conflicts in certain countries of the region: they were subjected to assassinations (*Iraq*), arbitrary detentions (*Yemen*) and obstacles to their freedom of movement (*Israel/Occupied Palestinian Territories*) throughout the year in these countries. The situation particularly deteriorated in the Occupied Palestinian Territories.

1./ These are: Algeria, Bahrain, Jordan, Libya, the Palestinian Authority, the United Arab Emirates and Yemen.

Several countries in the region – *Syria* since 1963, *Egypt* since 1981 and *Algeria* since 1992 – remained under a state of emergency. Inherent emergency legislation provided a legal framework for certain attacks on human rights, especially the right to a fair trial. Indeed, civilians, including human rights defenders, continued to be tried by special courts set up through emergency legislation (*Egypt, Syria*).

There was also widespread recourse to the law to restrict defenders' fields of activity and to criminalise their work or silence them. Several countries armed themselves with a legislative arsenal intended to restrict freedoms of peaceful assembly (*Algeria, Bahrain, Egypt*) and of association (*Bahrain, Egypt, Jordan, Kuwait, Syria*). Other countries, such as *Libya* and *Saudi Arabia*, still did not recognise or, as was the case with *Qatar, Oman* and the *United Arab Emirates*, continued to severely restrict the right to freedom of association. Arbitrary judicial proceedings against defenders were legion, on the basis of common law provisions (*Algeria, Morocco, Tunisia, Yemen*), emergency legislation (*Syria*) or anti-terrorism laws (*Bahrain*).

Added to this were smear campaigns (*Bahrain, Tunisia*), arbitrary arrests and routine obstacles to freedom of movement (*Bahrain, Israel/Occupied Palestinian Territories, Syria, Tunisia, Yemen*), physical attacks (*Tunisia*), torture (*Bahrain, Egypt*) and enforced disappearances (*Syria*). In certain of the region's countries, the almost systematic repression of any dissenting voice acted as a dissuasive to any attempt to embark on public human rights activities and put those who tried to do so in considerable danger (*Libya, Saudi Arabia*). The absence of any independent human rights organisations in most of the Gulf States, with the exception of *Bahrain* and *Kuwait*, additionally made it difficult to monitor human rights violations on a daily basis.

Violation of freedom of association

Despite being guaranteed in the Constitution of most of the region's countries (with the exception of *Israel, Libya, Saudi Arabia* and the *United Arab Emirates*), the right to freedom of association was often violated by legal provisions that require an association to obtain approval prior to its establishment. In States such as *Bahrain, Egypt, Libya* or *Syria*, the formation of an association is subject to obtaining administrative approval. In *Jordan*, the new Law on Associations adopted by Parliament on July 6, 2008 requires permission to form an association or

institution to be obtained from the relevant minister. In countries where the creation of an association appears *a priori* to be subjected solely to the principle of declaration, the administrative authorities' established practice, in particular the refusal to issue a registration receipt for filing, has made approval obligatory (*Algeria, Tunisia*). Associations that are not registered are deprived of the legal recognition needed to carry out their activities properly and their members are exposed to criminal prosecution and prison sentences of up to two years (*Jordan, Syria*). Nevertheless, the year 2008 also saw re-registration of one NGO and a trade union in Egypt, and registration of the Lebanese Centre for Human Rights (*Centre Libanais des droits de l'Homme - CLDH*) on February 22, 2008 in Lebanon².

Freedom of movement under control

As was the case for the whole of the Palestinian population, human rights defenders in the *Occupied Palestinian Territories* were victims of the isolation imposed by the Israeli authorities. The increased number of checkpoints on the West Bank and closures of the Gaza Strip made it extremely difficult and even routinely impossible for human rights defenders to move within and also to leave the Palestinian Territories and for defenders from the outside to enter the Territories. These obstacles directly affected the collection of information on the human rights situation in the Palestinian Territories. During the Israeli military operation at the end of 2008, the Israeli authorities completely sealed off access to the Gaza Strip.

In addition, many human rights defenders were prevented from leaving national territory to attend international conferences or for personal journeys (*Egypt, Tunisia*). The security services in some countries compiled a list of the names of defenders who were subject to a ban on leaving the country (*Bahrain, Israel/Occupied Palestinian Territories, Syria*). Communication of these lists to third-party countries with which security services cooperate meant that a check was kept on human rights defenders, who were prevented on an *ad hoc* basis from entering other States (*Bahrain* and the Member States of the Gulf Cooperation Council: *Bahrain, Kuwait, Oman, Qatar, Saudi Arabia* and the *United Arab Emirates*).

²/ The latter had filed an application on October 9, 2006.

Brutal repression of social movements

The year 2008 saw the emergence of several social protest movements. Their denunciation of the poverty, unemployment and social exclusion that specifically affect certain regions has undermined the image of “economic success” vaunted by certain of the region’s leaders and which they used to gloss over the human rights violations carried out under their regime. These movements were severely repressed by the authorities, which refused to recognise their economic and social nature (*Morocco, Tunisia*) or which tended to present them as threats to territorial integrity (*Yemen*). The use of force to disperse demonstrators was condemned on many occasions. The forces of order fired live ammunition at and killed several demonstrators (*Egypt, Tunisia, Yemen*). Hundreds of other protesters were arrested, arbitrarily detained or subject to unfair trial (*Bahrain, Egypt, Tunisia, Yemen*). Journalists, lawyers or NGO representatives who denounced violence committed by the forces of order or who investigated the fate of participants in these social movements did not escape acts of repression (*Tunisia, Yemen*).

Acts of intimidation against defenders of the rights of minorities

Different ethnic or religious groups remained victim of specific economic, political and social discrimination. Human rights defenders who denounced this situation were subjected to various forms of repression. In *Bahrain* and *Syria*, defenders of the rights of Kurd and Shi’a communities respectively were the targets of smear campaigns and abusive judicial proceedings. In *Israel*, members of associations working specifically for the rights of Arab Israelis were victims of harassment by the Israeli intelligence services, which threatened them with prosecution if they continued their activities.

Constant pressure on the media and journalists who denounce human rights violations

In most of the region’s States, the authorities targeted independent media and journalists because of their denunciation of human rights violations. In *Iraq*, journalists received death threats and some were murdered because of their criticisms of the corruption and nepotism within the political parties of Iraqi Kurdistan. In *Yemen*, journalists who covered the Saada war were given heavy prison sentences. Proceedings for defamation were also brought against journalists in the region, where press offences are liable to sentences of up to five years in prison

(*Morocco*). Several journalists, tried under the Criminal Code and not the Press Code, were given heavy sentences for “defamation” (*Algeria*), “collaborating with rebels” (*Yemen*) or “weakening the national sentiment” (*Syria*). In *Egypt* and *Tunisia*, various pressures were also exerted on several journalists denouncing human rights violations.

At the regional level, the authorities placed new restrictions on the regions’ satellite channels. On February 12, 2008, the Information Ministers of all the countries of the League of Arab States, with the exception of *Lebanon* and *Qatar*, adopted a document entitled “Principles for Organising Satellite Radio and TV Broadcasting in the Arab World”, which requires satellite channels “not to damage social harmony, national unity, public order or traditional values”. The provisions are expressed in vague terms and risk being used to justify suspension of the licence of any channel that is considered as being too critical and imprecise of the authorities, so constituting a new obstacle to freedom of expression.

Urgent Interventions issued by The Observatory in 2008 for countries of the region for which there is no Country Fact-sheet³

Country	Names of human rights defenders / NGOs	Violations	Intervention Reference	Date of Issuance
JORDAN		Obstacles to freedom of association	Press Release	January 11, 2008
LEBANON	Messrs. Ghassan Abdallah and Edward Kattoura	Death threats / Harassment	Urgent Appeal LBN 001/0608/ OBS 104	June 17, 2008
LEBANON	Mr. Muhammad Mugraby	Judicial harassment	Joint Press Release	December 4, 2008

³/ See the Compilation of cases in the CD-Rom attached to this report.

/ TESTIMONIAL

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ANWAR AL-BUNNI

Lawyer and founding member of the Association for Human Rights in Syria, sentenced in April 2007 to five years' imprisonment and currently held in Adra prison

I was born in 1959 into a modest family in the town of Hamah. For as long as I can remember, an interest in public affairs has been a part of my brothers' and sisters' lives, especially as important events took place in the 1970s. My elder brother was put in prison during a wave of arrests that was launched in 1977 and that continued into 1978, when two of my other brothers and my sister were affected. Then I found myself victim to police pressure and questioning and I was put in prison for several days. Then I visited police stations, prisons and detention centres over the next three years. That was when I decided to register at university to become a lawyer and defend my brothers and sisters and their companions, some of whom were my school friends. This conviction was strengthened during the events in Hamah at the end of the 1970s and in the early 1980s. I had personal experience of the 1981 events and the dramas that affected the town. I finished my law studies and joined the bar in 1986, at the time of a new wave of arrests, of which my brothers and my sister were again victims. I was put in prison for several days, tortured and subjected to police pressure, as well as persecution and threats due to the commitment of my brothers over several years.

After everything I saw and experienced, I decided to devote myself to defending human rights and I committed to legal activism as the best way to carry out my plan. I defended detainees, prisoners of opinion and human rights activists before the Supreme State Security Court at the beginning of the 1990s. As my experience and expertise in the human rights field grew, I became convinced that the essential foundations of these rights are made concrete with fair laws that respect them and justice that is honest, independent and neutral, and which protects them from attacks and oppression.

For a while I worked alongside journalists who shared my concerns and firmly believed in human rights principles. I founded the Syrian Research and Legal Studies Centre, to develop the study of laws that protect human rights, and I helped create the Centre for the Defence of Freedom of Journalists and the Press. I have also contributed to making known many cases of human rights violations in Syria, as well as cases of attacks on freedom of expression, torture and discrimination on the basis of political allegiance, and I have contributed to the provision of information on prisons and detainees.

I have also worked on several legal studies, including one on the publishing law and another study on domination and control mechanisms in Syrian law. Since the Constitution is the basis of the law and the Syrian Constitution suffers from a grave imbalance based on the monopolisation and centralisation of power and on discrimination on a partisan basis, I drew up a draft for a new Constitution for Syria, which I published in order to provoke debate. I then prepared a draft law on political parties and I am currently preparing draft laws on elections, publishing and justice.

The Centre's relationships with Syrian, Arab and international human rights organisations have been reinforced and we have been able to take part in several human rights workshops and research. And I was appointed Director of the Human Rights Training Centre, a centre that was one of several projects created by the European Commission to support civil society in Syria, and that was closed down by the Syrian authorities a few days after it opened its doors.

I think that the decision to arrest me was a result of all this work and the activities I was carrying out, and because of my denunciation of human rights violations, especially those that are legalised. And also because of the strong credibility that the Centre that I run has gained with local, Arab and world stakeholders and with all those interested in human rights.

The draft Constitution that I proposed also played a considerable part in the decision to arrest me. The authorities had sent me a letter at the end of 2005, after the text was published, to try to fabricate judicial proceedings against me. Since this attempt failed, I was physically attacked in the street by unknown persons.

I think that the direct cause of my arrest was my appointment as Director of the Human Rights Training Centre, a centre that was opened at the initiative of the European Commission in February 2006 and closed the following March, shortly before my arrest in May 2006. The pretext used for the arrest was that I was one of 250 Syrians who signed the Beirut-Damascus Declaration on Syrian-Lebanese relations, and that I had revealed the death of a detainee under torture. I was detained by the State Internal Security branch after being kidnapped in the street in front of my home. I was beaten at branch headquarters prior to appearing prior to the Public Prosecutor the next day, where I was accused of spreading “false information damaging to the morale of the nation”, and of “belonging to international organisations”, referring to the Human Rights Training Centre.

Once we were in prison my companions and I were separated from each other, each of us in a wing holding common law detainees: one amid murderers, another with paedophiles and prostitutes, I was with thieves and another was among swindlers. All of this to prevent us from communicating or meeting.

Some detainees were appointed to watch us constantly and to annoy and even threaten us. I was beaten up by one of the criminals, directly encouraged by the prison managers; he even tried unsuccessfully to kill me by pushing me from a five-metre height. The prison management also put pressure on the prisoners to make false accusations against us, and we were brought before the court again on new charges. We are at all kinds of risk in prison. We are permanently in a state of stress, on the alert and fearful of everything around us, at every moment.

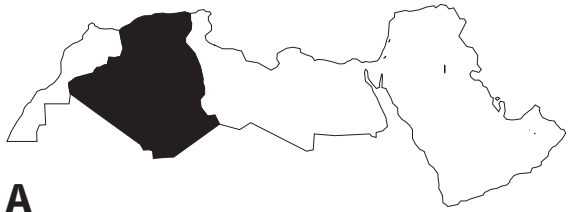
All visits by our family members are monitored and take place in the presence of a prison warden; the same for our lawyers' visits. It is forbidden to exchange documents with the latter, or to bring in books or belongings, or to receive visits by friends.

What we hope from those who are concerned about and act on behalf of human rights, is that the question of detainees remains one of their priorities and that they pressurise the Syrian authorities for their release. This question must remain present in public opinion and be constantly talked about and stressed at every world event and forum.

The Syrian authorities must be condemned for their practices, their violations of human rights and for their continued detention of political prisoners and prisoners of opinion. Furthermore, support for detainees must be demonstrated by honouring and constantly remembering them. Activists must also be supported and protected, especially human rights activists who are still free and whose work puts them in grave danger, threatening their life and the life of their family members, and their freedom. Their work must be made known and honoured, and the Syrian authorities must be warned not to harm them.

Perhaps the most important thing to do is to give us, as activists and as people, the possibility of legal recourse against those who violate human rights, and to give us the possibility of convicting them. Such recourse is likely on the one hand to curb violations, and on the other to stress the refusal of impunity.

We know that it is our country, our lives and our future that are at stake, and that it is our responsibility to work for their best interest. But the principles of freedom, justice, equality and human rights are universal principles recognised by the whole of the international community through the treaties and the Universal Declaration of Human Rights. It is the responsibility of the whole international community to protect populations and individuals from abuse and to put an end to this by binding, and even obliging, States to respect human rights so that all peoples may enjoy these rights.



/ ALGERIA

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Political context

On November 12, 2008, the National Popular Assembly and the National Council adopted a constitutional reform relating in particular to the abolition of the restriction of the number of presidential mandates. Such a reform, which paves the way for an unlimited number of mandates for the position of Head of State, gives rise to the concern that the principle of alternation of Government, which constitutes one of the guarantees of a democratic system, will not be respected.

Algeria has furthermore been under a state of emergency since 1992, maintaining a security climate in which human rights defenders regularly find themselves confronted with numerous measures that prevent them from carrying out their work properly.

Whilst its peers at the United Nations Human Rights Council examined Algeria under the Universal Periodic Review (UPR) mechanism, in 2008 the Algerian authorities continued not to cooperate with UN human rights protection mechanisms, despite being called on to do so during the UPR on several occasions. Requests for invitations made by several of the United Nations Special Procedures were still not given consideration. Similarly, the Algerian authorities are still opposed to the visit of the ACPHR Special Rapporteur on human rights defenders in Africa. Furthermore, the Algerian Government refused the inclusion in the final report of one of the recommendations made in the course of the UPR, encouraging it not to take criminal proceedings against those who “criticise the Government”.

A restrictive legislative framework for human rights activities

Obstacles to freedom of association

The right of association was still not guaranteed in Algeria. Indeed, Article 7 of Law No. 90-31 on Associations provides for a system of declaration for the creation of an association. However, the practice

established by the authorities makes approval an obligation that in effect deprives many associations of the legal recognition they need to do their job. Several human rights associations are still not able to file their registration application. This was notably the case for the associations SOS-Disappeared (*SOS-Disparu[e]s*) and Citizen Generations (*Génération citoyennes*), which, as at the end of 2008, had still not obtained legal recognition.

Adoption of a law making it possible to sanction defenders of migrants' rights

On June 25, 2008, the Algerian authorities adopted a law under which a new category of human rights defenders, those who give support to migrants, incurs punishment. As a matter of fact, Law No. 88-11 on “the Entry, Stay and Movement of Foreigners” provides for prison sentences of two to five years for any person who, “directly or indirectly facilitates or attempts to facilitate the entry, the movement, the stay or the illegal exit of a stranger” (Article 46). These sentences may be increased to up to 10 years in prison for persons who provide means of transport or telecommunication to illegal migrants.

Legislative obstacles to freedom of assembly and repression of peaceful rallies

Public assemblies and demonstrations are governed by Law No. 91-19 of December 2, 1991, which does not require an authorisation prior to holding a public meeting, but provides for a simple declaration to be made to the “Wali” (Governor) (Articles 4 and 5). However, the 1992 Decree establishing the state of emergency requires that associations that wish to organise a public assembly or demonstration should obtain authorisation from the Wali, as the Government authority responsible for maintaining public order. Granting of this authorisation is therefore at the Government’s discretion. In practice, the Algerian authorities systematically refused to authorise independent human rights associations to organise demonstrations or hold public meetings. In addition, a law dating from June 18, 2001, which is still in force today, forbids peaceful marches or any form of public demonstration in Algiers.

As a result, human rights defenders who organised public rallies despite the regulatory restrictions faced again in 2008 the reprisals of the authorities and the Algerian justice. On November 23, 2008, the authorities ordered a demonstration in front of the Ministry of Justice

organised by SOS-Disappeared to be broken up. When he wanted to approach the Ministry, Mr. **Hacène Ferhati**, a founding member of SOS-Disappeared, was forcibly detained by a group of police who threatened him and ordered him to leave the site, referring to the ban on rallies. He was then grabbed and dragged for several metres before being released. On March 26, 2008, the Constantine Court sentenced Ms. **Louisa Saker**, Secretary General of the Association of the Families of the Disappeared in Constantine (*Association des familles de disparus de Constantine* - AFDC), to a fine of 20,000 dinars (around 200 Euros) for “gathering crowds without weapons” because of her participation on September 20, 2004 in a peaceful rally in front of the temporary headquarters of the *ad hoc* Committee of the National Consultative Commission for the Promotion and Protection of Human Rights (*Commission nationale consultative pour la protection et la promotion des droits de l’Homme* - CNCPPDH). The Constantine Appeal Court confirmed this decision in a ruling made on November 19, 2008. Ms. Louisa Saker plans to appeal against this ruling.

Finally, whilst assemblies that are not open to the public do not require prior Government authorisation (Article 14 of Law No. 91-19), in 2008 the Algerian authorities put pressure on organisations not to host meetings that dealt with “political” matters in Algeria. For instance, the foundation that was due to host a debate on October 5, 2008, organised by the Algerian Human Rights Defence League (*Ligue algérienne pour la défense des droits de l’Homme* - LADDH) at the time of the commemoration of the events of October 5, 1988¹, had to withdraw as host for “reasons beyond its control”².

Legislative obstacles to freedom of association and repression of union members

Freedom of association was still not guaranteed in Algeria. Indeed, Law No. 90-14 on Unions only permits the formation of trade unions from the same professions, branches or sectors of activity. Unions of

1./ From October 4 to 12, 1988 (the date the state of siege was lifted), a general strike, which was called for October 5, 1988 to make social demands heard, turned into rioting that shook several Algerian towns. The demonstrations, during which public buildings were destroyed, were violently repressed, leading to 179 deaths according to official sources (over 400 deaths according to other sources).

2./ See LADDH.

Algerian workers such as the National Independent Union of Public Administration Personnel (*Syndicat national autonome des personnels de l'administration publique* - SNAPAP), or the National Union of Algerian Workers (*Syndicat national des travailleurs algériens* - SNATA), are consequently banned. In addition, the authorities refuse to register most autonomous unions, including those belonging to the same profession. This is especially the case for the Independent Union of Workers in Education and Training (*Syndicat autonome des travailleurs de l'éducation et de la formation* - SATEF), the Independent National Council of Secondary and Technical Education Professors (*Conseil national autonome des professeurs de l'enseignement secondaire et technique* - CNAPEST) or the Council of Secondary Schools of Algiers (*Conseil des lycées d'Alger* - CLA).

Union officials were also prevented from organising peaceful rallies. On April 15, 2008, members of the Independent Civil Service Inter-Union (*Intersyndicale autonome de la fonction publique* - IAFP) organised a rally on the “Grande Poste” square in Algiers to let the Government know about their disagreement with the wage review plan. The rally was quickly dispersed by anti-riot forces, which charged the demonstrators using their truncheons. Together with other people, Mr. **Nouar Larbi**, a CNAPEST member, was dragged along the street, arrested and then immediately released as a result of the pressure of his colleagues. Altogether ten people were arrested and questioned, before being released a few hours later.

Judicial and administrative harassment of human rights defenders fighting against impunity

In 2008, the ordinance voted in February 2006 on the implementation of the Charter for Peace and National Reconciliation (*Charte pour la paix et la réconciliation nationale*) remained in force, restricting the freedoms of action and expression of human rights defenders. This ordinance indeed provides for prison sentences of three to five years and fines for any individual who, “by speech, writing, or any other act, uses or exploits the wounds of the national tragedy to harm the institutions of the Democratic and Popular Republic of Algeria, to weaken the State, or to undermine the good reputation of its agents who honourably served it, or to tarnish the image of Algeria internationally”. The law therefore punishes a large part of the activities of human rights defenders, especially those relating to the fight against impunity and

the search for truth and justice carried out notably by the Collective of the Families of the Disappeared in Algeria (*Collectif des familles de disparus en Algérie* - CFDA) or the associations of families of disappeared persons and the associations of families of victims of terrorism. Although these provisions were never used, they contributed to the climate of self-censorship within civil society, especially in the media, and were a dissuasion against holding any critical debate on the conflict of the last decade.

In this context, judicial or administrative proceedings continued into 2008 against human rights defenders who combat impunity in order to intimidate them. For instance, on April 13, 2008, Mr. **Abderrahmane Amine Sidhoum**, a lawyer and member of the association SOS-Disappeared, was given a six months' suspended prison sentence and fined 20,000 dinars (around 200 Euros) by the Sidi M'hamed Court in Algiers, for having "discredited a court ruling" and for "insulting a constituent body of the State". He was accused of having referred to "an arbitrary ruling" against one of his clients made by the Algiers Criminal Court, although the court had not yet issued a verdict³. On November 26, 2008, the Algiers Court of Appeal confirmed the ruling. The General Prosecutor, who had called for a one-year prison sentence, appealed against this decision. As at the end of 2008, the court had still not issued a verdict. In addition, on May 17, 2008, Ms. **Cherifa Kheddar**, President of "Djazairouna", an association that defends the rights of victims of terrorism, was downgraded from her position as in charge at the Blida Prefecture, where she worked for 12 years, and on August 18, 2008 she received notice of eviction from her on-site accommodation. Furthermore she continued to be subject to acts of harassment by the security services of the Blida Territorial Research and Investigation Centre (*Centre territorial de recherche et d'investigation* - CTRI). These acts followed a workshop forum on transitional justice and the Charter for Peace and National Reconciliation, which was co-organised by "Somoud", Djazairouna, SOS-Disappeared and the CFDA in the Djazairouna office in Blida on April 10, 2008. This event brought together for the first time victims of terrorism and victims of enforced disappearances caused by the Algerian authorities.

3./ The Criminal Court pronounced its verdict in May 2005.

Proceedings for “defamation” and reprisals against journalists who fight against corruption and denounce human rights violations

The year 2008 saw an escalation in the sentencing of journalists for “defamation” and “insult to an institution and constituent body”. This judicial harassment has been facilitated since the adoption in 2001 of an amendment to the Criminal Code (the Dilem Amendment) making it a crime to insult and defame public institutions in the press. Several journalists were prosecuted after denouncing corruption in certain State institutions and other human rights violations. For instance, Mr. **Yasser Abdelhaï**, from the daily *Echourouk Al-Youmi*, was served a debt recovery notice by a bailiff for the payment before March 15, 2008 of four million dinars (around 40,000 Euros), the amount he had been sentenced to pay by the Jijel Court on March 3, 2008, after four trials. The journalist was prosecuted by the Jijel Wali for having criticised the management of public affairs by the Prefecture⁴. Furthermore, Mr. **Slim Sadki**, the *Al-Watan* correspondent in the town of El Tarf (in the north-east), was sentenced on November 30, 2008 to a fine of 20,000 dinars (around 200 Euros) for “defamation”, following a complaint filed by a senior civil servant after publishing two articles in January 2008 denouncing acts of corruption within the local Government Education Authority in the El Tarf wilaya (province)⁵. Finally, on October 28, 2008, Mr. **Hassan Bouras**, a journalist and member of LADDH, was sentenced by default by the Saida Appeal Court to two months in prison and a fine of 40,000 dinars (around 3,600 Euros) for “defamation” and “attacking a constituent body”. The trial followed a complaint filed by the Wali of Al-Baydah concerning a report published on April 24, 2006 by the newspaper *Al-Bilad*, in which the journalist had denounced corruption within the province⁶.

4./ See LADDH.

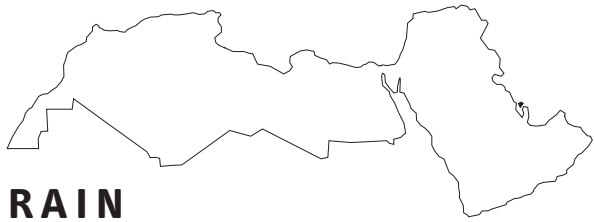
5./ The first article dealt with a teachers’ strike to protest against the withholding of salaries and the second with the dismissal of six young women who were employed and then dismissed a month later on the pretext that they were over-qualified. See *Al Watan* articles dated March 3, October 28 and November 30, 2008.

6./ See LADDH.

Urgent Interventions issued by The Observatory in 2008⁷

Names of human rights defenders	Violations	Intervention Reference	Date of Issuance
Ms. Louisa Saker	Judicial harassment	Urgent Appeal DZA 001/0108/OBS 003	January 10, 2008
Mr. Abderrahmane Amine Sidhoum	Judicial harassment	Joint Open Letter to the authorities	April 8, 2008
	Sentencing	Urgent Appeal DZA 001/0506/OBS 063.7	April 14, 2008
		Press Release	November 24, 2008
	Sentencing on appeal	Press Release	November 27, 2008
Mr. Nouar Larbi	Repression of a union demonstration	Press Release	April 22, 2008
Ms. Cherifa Kheddar	Abusive dismissal / Harassment	Urgent Appeal DZA 002/0508/OBS 089	May 22, 2008
		Urgent Appeal DZA 002/0508/OBS 089.1	September 19, 2008
Mr. Hacène Ferhati	Obstacles to freedom of peaceful assembly	Urgent Appeal DZA 003/1108/OBS 198	November 25, 2008

⁷/ See the Compilation of cases in the CD-Rom attached to this report.



/ BAHRAIN

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Political context

The review by the Human Rights Council member States of Bahrain's report during the Universal Periodic Review in April 2008 provided an opportunity for NGOs to launch a public debate on the situation of human rights in the country, particularly on the question of torture and cruel, inhuman and degrading treatment and the systematic discrimination faced by the Shia majority. Moreover, in May 2008, the Government launched an action plan in the presence of a representative of the United Nations High Commissioner for Human Rights in which the Minister of Foreign Affairs affirmed the determination of his country to establish a National Human Rights Institution (NHRI), which should begin its work in January 2009. However, since that announcement, several Bahraini human rights NGOs have repeatedly reminded the authorities of the necessity for this national institution to conform with the Paris Principles¹.

Furthermore, while the *Shura* Council (Upper House of Parliament) approved a bill abolishing criminal penalties for press offenses², the Government had still not submitted it to the National Assembly by the end of 2008. Press freedom thus remained largely threatened. For instance, on June 28 and 29, six journalists, of which three were working for the news organisation's political group *al-Wefaq* and three for the website *Arwaal.net*, were arrested by the police. Similarly, Mr. Abdullah Bu-Hassan, member of the National Democratic Action Society, was arrested on June 18, 2008 for "inciting hatred and insult against the

1./ Principles relating to the status and functioning of national institutions for the promotion and protection of human rights adopted by the UN General Assembly on March 14, 1994.

2./ See Amendment of Act No. 47 on the Press (2002), which removes most penalties of imprisonment against journalists, as well as censorship of national and foreign publications, under certain conditions. See Bahrain Centre for Human Rights (BCHR).

regime”, following an article in which he criticised the political decisions of the Government and denounced its discriminatory practices³.

New obstacles to freedom of expression may also arise following the publication on November 5, 2008 of a press release in which the Minister of the Interior called for the strict enforcement of Articles 134 and 134 bis of the Criminal Code against any person who “participates in meetings abroad or with international bodies to discuss the internal affairs of the Kingdom”⁴. This article stresses that “every citizen who participates abroad without governmental permission at a conference or seminar that discusses the political, economic and social situation in Bahrain, which may weaken the economic confidence in the country, its diplomatic relations or its prestige is liable to an imprisonment of a minimum of three months and a fine”⁵. These provisions, drafted in 1976 when Bahrain was under a state of emergency, are considered as liberty-killer by most human rights organisations, which are calling for the drafting of a new criminal code.

Administrative, legislative and judicial obstacles to freedom of association

Freedom of association remained not guaranteed insofar as Act No. 21 of 1989 regulating civil societies made necessary the prerequisite approval of any association, with the silence of the authorities signifying the rejection of that request. Therefore, several NGOs, such as the National Committee for the Unemployed and the Bahrain Youth Society for Human Rights (BYSHR)⁵, were still awaiting as of the end of 2008 for the Government’s response to their registration application. Similarly, the Bahrain Centre for Human Rights (BCHR), closed in September 2004, had still not been re-opened by the end of 2008. Without legal recognition, these NGOs are threatened with closure and their founders are threatened with reprisals. For instance, Mr. Mohammed Abdul Nabi Al-Maskati, President of BYSHR, incurs an imprisonment of six months and a fine of 500 Dinars (about 1,040 Euros) for “the activation of an unregistered organisation without prior notification of the registration statement”. He has waited since

3./ See BCHR.

4./ *Idem*.

5./ Both applications were filed in 2005.

2005 for registration permission from the Ministry of Social Affairs. The beginning of his trial was scheduled for January 15, 2009.

Administrative and judicial obstacles to freedom of peaceful assembly and reprisals against defenders taking part in demonstrations

Act No. 32 of 2006 regulating public gatherings provides for the mere prior notification of public rallies and meetings. However, taking into consideration the nature and purpose of the gathering, the law instructs the Director of Public Safety to determine whether the presence of police forces is necessary. In addition, the law prohibits organising a rally between sunset and sunrise and prohibits any speech or comment likely to affect public order or moral, without specifying the meaning of these two concepts. In September 2008, two decisions of the Civil Service Bureau (CSB) and the Ministry of the Interior reinforced these restrictions on the right to peaceful assembly by prohibiting students and governmental employees, subject to punishment, to participate in unauthorised rallies.

In 2008, unreported events or events held after sunset were violently repressed by the police, who assaulted demonstrators with tear gas and fire on them with rubber bullets. Several human rights defenders arrested at these gatherings were sentenced to heavy prison sentences. Thus, from December 21 to 28, 2007, sixty young militants were arrested by the special security forces following a demonstration on December 17, 2007 in Sanabis (west of Manama) calling for redress and reparation for victims of torture. They were accused of involvement in “unlawful gathering” and “theft and unauthorised possession of weapons and ammunition”. All those arrested denied the acts of violence and the possession of firearms. In addition, several human rights defenders denounced the continuing use of mistreatment during their detention. Several were detained in solitary confinement, hand-cuffed and blindfolded for long periods of time. Some complained of mistreatment or torture by the Criminal Investigation Bureau (CIB) to coerce them to confess⁶. On July 14, 2008, five of them, namely Messrs. **Hassan Abdalnabi** and **Maytham Bader Jassim al-Sheikh**, members of the Unemployed and Underpaid Committee (UUC), Mr. **Naji al-Fateel**,

6./ See BCHR and the Bahrain Human Rights Society (BHRS).

member of the BYSHR, Mr. **Mohammed Abdullah al-Sengais**, founder of the Committee to Combat High Prices (CCHP), and Mr. **Isa Al-Sarh**, member of the Amal Political Society, were condemned by the High Criminal Court of Bahrain to prison terms ranging from five to seven years. Appeal of this conviction was denied on December 28, 2008.

Legislative restrictions on trade union rights and acts of intimidation against trade unionists

According to Law No. 33 of 2002 on trade unions, a union acquires legal personality after the deposit of its statutes with the Ministry of Labour. However, according to an administrative resolution by the CSB, public sector employees are prohibited to form autonomous trade unions. The six existing public sector unions are therefore refused by authorities despite their recognition by the independent General Federation of Bahrain Trade Unions (GFBTU).

Moreover, it remained difficult for trade unionists to defend workers' rights without retaliation by their employers. For instance, several temporary work stoppages and interruption of salary payments were made against Ms. **Najiya Abdulghaffar** since her appointment as Vice-President of the postal union in 2003. On March 30, 2008, she was called before a committee of inquiry in order to force her to leave her post. These acts of intimidation occurred following a letter to the Minister of Social Affairs in 2003 and a statement to the press in July 2006 in which she denounced the poor working conditions for employees of the post office. Ms. Najiya Abdulghaffar filed a complaint against the decisions made against her. On December 30, 2008, the court ruled against her and confirmed the CSB decision. Similarly, Mr. **Abbas al-Omran**, a member of the workers' union of BAPCO Bahrain Petroleum Company and member of BCHR, was dismissed from his job in September 2008. In 2006, he had denounced corruption within the company. Since then, he had been harassed numerous times and was ordered not to communicate with the media until his dismissal⁷.

⁷/ See BCHR.

Smear campaigns and harassment of defenders who denounced discrimination against Shia people

In 2008, defamation campaigns were launched against defenders who denounced the discrimination faced by the Shia community. For instance, on October 16, 2008, MPs and journalists described Mr. **Nabeel Rajab**, BCHR President, Mr. **Al Abduljalil Alsingace**, Head of the human rights office at the political movement Haq for Civil Liberties and Democracy in Bahrain, and Ms. **Maryam Al-Khawaja**, former President of the International Association of Students in Economic and Business Sciences (IESEC), as “traitors” and “hostages of the United States”⁸. These charges were the result of their participation in a seminar in Washington on October 15, 2008 organised by thematic commissions of the U.S. Congress on “the impact of political reform on religious freedom in Bahrain”. Similarly, on December 28, 2008, staged confessions by alleged terrorist suspects were broadcast on Government-run *Bahrain satellite* channel, during which the names of several human rights defenders were mentioned as “instigators of acts of violence”⁹, including Mr. **Abdulhadi Al-Khawaja**, former President of the BCHR and Protection Coordinator at Front Line. Human rights defenders’ families were also subjected to acts of harassment. Thus, Mr. Nabeel Rajab’s wife was subjected to threats through postal service, electronic mail and telephone.

8./ On October 16, 2008, inflammatory articles written by members of the House of Representatives and writers and editors of local newspapers on the mentioned defenders were published in Bahraini newspapers *al-Watan*, *al-Ayam*, *Akhbar al-Khaleej*, *al-Waqt* and *al-Bilad*, as well as in the regional newspapers *al-Khaleej* and *Khaleej Times*. See BCHR.

9./ The uncovering of this alleged “terror plot” gave rise to judicial proceedings against 35 suspects including seven human rights defenders – Mr. **Abbass Al-Omran**, BCHR Administrative Board member, Mr. **Abduljalil Alsingace**, Mr. **Hasan Mushaima**, Secretary General of the Haq Movement of Civil Liberties and Democracy, Mr. **Mohamed Habib Al-Meqdad**, a Shia religious scholar, Mr. **Abdul-redha Hassan Al-Saffar**, a human rights defender well-known for his role in organising peaceful sit-ins in collaboration with the families of detainees and the Unemployed Committee, Mr. **Ali Mushaima**, a former leading member of the Unemployed Committee living in the United Kingdom as political refugee, and Mr. **Abdulraoof Al-Shayeb**, former President of the National Committee for Martyrs and Victims of Torture living in the United Kingdom as political refugee. Their trial started on February 23, 2009.

Restrictions on the freedom of movement of human rights defenders

In 2008, an increasing number of human rights defenders were restricted in their freedom of movement, both while leaving Bahrain or entering third countries. On December 2, 2008, Mr. **Abdulghani Al-Khanjar**, Spokesperson for the Bahraini National Committee for Martyrs and Victims of Torture, was prevented from entering Qatar while he was at the airport in Doha. The travel ban would be linked to the existence of a list of “political activists” drawn up by the Ministry of the Interior and transmitted to State members of the Gulf Cooperation Council (GCC) and other allies of Bahrain like Egypt and Jordan, in order to encourage them to refuse entry of persons engaged in defending human rights in Bahrain¹⁰. Though this list had been drawn up at the time Bahrain was under a state of emergency (1975-2002), it is still in force and is occasionally updated. Other human rights defenders like Mr. **Mohammed Majeed Aljeshi**, a lawyer working on some cases with BCHR, and Mr. Nabeel Rajab suffered restrictions to their freedom of movement in 2008. For instance, in August and December 2008, the latter was stopped at the airport and interrogated by the Jordanian security services while travelling to Amman¹¹.

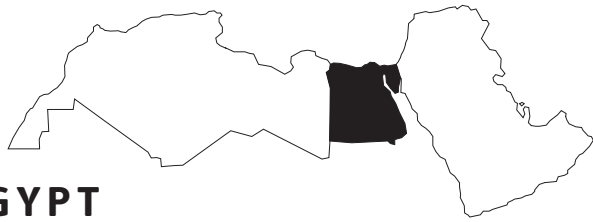
10./ See BCHR.

11./ *Idem*.

Urgent Interventions issued by The Observatory in 2008¹²

Names of human rights defenders	Violations	Intervention Reference	Date of Issuance
Messrs. Shaker Mohammed Abdul-Hussein Abdul-AL, Majid Salman Ibrahim Al-Haddad, Nader Ali Ahmad Al-Salatna, Maytham Bader Jassim Am-Sheikh, Hassan Abdelnabi Hassan, Abdullah Mohsen Abdulah Saleh, Ahmad Jaffar Mohammed Ali, Naji Al Fateel, Mohammed Abdullah Al Sengais and Ebrahim Mohamed Amin Al-Arab	Arbitrary detention / Torture and ill-treatment / Judicial proceedings	Open Letter to the authorities	January 9, 2008
		Press Release	January 18, 2008
		Urgent Appeal BHR 001/0208/ OBS 017	February 13, 2008
		Urgent Appeal BHR 001/0208/ OBS 017.1	February 28, 2008
		Press Release	April 23, 2008
Ms. Najiya Abdulghaffar	Harassment	Open Letter to the authorities	April 3, 2008
Mr. Nabeel Rajab, Dr. Abduljalil Al-Sengais and Ms. Maryam Al-Khawaja	Slandering campaign	Urgent Appeal BHR 002/1008/ OBS 171	October 28, 2008

12./ See the Compilation of cases in the CD-Rom attached to this report.



/ EGYPT

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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Political context

As the April 8, 2008 municipal and local elections drew near, hundreds of potential candidates and activists were arbitrarily arrested, detained or subjected to restrictions imposed by the Egyptian authorities¹. Most of them were supporters of the Muslim Brotherhood, but they also included journalists or human rights defenders. The European Parliament denounced this repressive climate in a resolution condemning “the recent arrests and action against NGOs and human rights defenders [that] undermine the commitments entered into by the Egyptian Government concerning fundamental rights and freedoms”². This decision was denounced as interfering in Egyptian affairs³, and had no impact on the repression exercised against human rights defenders.

Furthermore, the State of Emergency Law that has been in force since 1981 was extended for another two years in May 2008. It was used more and more often to restrict the exercise of the right to peaceful assembly and to prosecute before special courts those who exercise this right. On April 6-7, 2008, the police put down brutally demonstrations organised in support of a labour movement of textile workers in Mahalla, north of Cairo, and dispersed violently the ensuing protests against rising food costs and corruption. The event turned into a confrontation between the demonstrators and the police. Two persons were killed by shots fired by the police, and about 258 persons were arrested, including several bloggers. Most were released without charge, but for 49 persons the judicial proceedings before special courts were still pending as of the end of 2008⁴. These courts, composed of military tribunals

1./ From January to April 2008, 650 supporters of the Muslim Brotherhood were arrested in Egypt. See the Egyptian Organisation for Human Rights (EOHR).

2./ See European Parliament Resolution P6_TA(2008)0023, January 17, 2008.

3./ See Statement by the Egyptian Foreign Minister, Mr. Ahmed Aboul Gheit, to the official press agency MENA, January 19, 2008.

4./ See EOHR.

judging civilians, flout the fundamental guarantees of a right to a fair trial and accept as evidence information obtained under torture.

In 2008, recourse to ill-treatment and torture remained widespread in Egypt. In particular, several videos broadcast by Egyptians on the Internet showed police officers torturing suspects.

2008 was also marked by attacks on freedom of expression. On September 28, the Editor-in-chief of the *al-Dustour* daily newspaper, Mr. Ibrahim Eissa, was sentenced by the Boulaq Court of Appeal, in Cairo, to two months' imprisonment for having written an article on President Mubarak's health. The President of the Republic pardoned him on October 6⁵. However, other journalists continued to be subjected to acts of intimidation. Thus, on October 26, 2008, Mr. Nader Gohar, owner of the Cairo News Company (CNC), was sentenced by the al-Agouza Criminal Court in Cairo to a fine of 150,000 Egyptian Pounds (about 21,185 Euros) for having broadcast footage of the above-mentioned demonstrations without a licence⁶.

Restrictions to the freedom of movement of human rights defenders

In 2008, the Egyptian authorities refused to authorise several human rights defenders to leave the territory, thereby preventing them from taking part in international conferences. For instance, in February 2008, Mr. **Hisham Bastawissi**, Vice-President of the Egyptian Court of Cassation, and Mr. **Ashraf al-Baroudy**, a judge sitting at the Alexandria Court of Appeal, were not authorised to leave the country to attend a conference on the independence of the judiciary in the Euro-Mediterranean region organised in Brussels from February 9 to 11. Again, in November, Mr. Ashraf al-Baroudy was not authorised to travel to Jordan to attend a seminar organised by FIDH on the independence of the High Judicial Councils. Furthermore, a veto from the Government that was issued in December 2007 prevented members of the Egyptian Initiative for Personal Rights (EIPR) from attending a meeting on AIDS organised at the UN General Assembly on June 10 and 11, 2008.

5./ *Idem.*

6./ *Idem.*

Reprisals against defenders fighting torture

This year, defenders denouncing the use of torture or ill-treatments were subjected to acts of intimidation, even of violence. For instance, on April 30, Dr. **Magda Adly**, a member of the Nadeem Centre for the Psychological Support and Rehabilitation of Victims of Violence, was attacked by a policeman armed with a knife in the Kafr El Dawwar Court, in the Beheira district. She had just attended a hearing during which she had exhibited bloodstained articles of clothing belonging to her clients, evidencing the physical violence to which they had been subjected to when they were arrested. Likewise, Mr. **Mohamed Bayoumi**, a lawyer at the Association for Human Rights and Legal Aid (AHRLA), an NGO providing legal assistance to victims of torture and asylum seekers, was subjected to acts of intimidation and harassment due to his defence of Ms. Awleel, a Sudanese refugee, who had been attacked and raped by two Egyptian police officers. In July 2008, one of the policemen offered Mr. Bayoumi money to withdraw the complaint against him. On August 2, family members of the policeman hit him in the leg in the street, and stole Ms. Awleel's file. On August 13, Mr. Bayoumi's family received a phone call at two o'clock in the morning informing him, erroneously, that Mr. Bayoumi had been shot dead in the street and that his body was in the hospital mortuary.

Acts of harassment against journalists denouncing human rights violations

In 2008, journalists who denounced human rights violations were also subjected to acts of harassment. For instance, on January 28, 2008, Ms. **Howayda Taha** was arrested while working on a report on the physical abuse and the social problems to which Egyptian agricultural workers were subjected. The police confiscated her recordings and questioned her for four hours before releasing her⁷. Similarly, on July 8, 2008, the Rahmánya police initiated judicial proceedings against the journalist **Kkamal Murad**. On June 17, he had been arrested while interviewing peasants at Exbat Mohram and photographing police officers beating up peasants to force them to sign leases with a local businessman in Rahmánya, in the Buhaira region in the Delta. Mr. Murad was accused of "assuming a false identity", "assaulting the police", "inciting to violence" and "defamation". He incurs from six months' to three years' imprison-

7/ *Idem*.

ment and, as of the end of 2008, the charges against him remained pending⁸.

Re-registration of human rights organisations

In 2008, the courts authorised the re-registration of two human rights organisations, thereby cancelling decrees by the Minister for Social Solidarity ordering them to be closed down. In March-April 2007, several decrees had indeed led to the closing down of the headquarters and the regional offices of the Centre for Trade Union and Workers Services (CTUWS), an organisation defending workers' rights. Likewise, on September 8, 2007, the Minister for Social Solidarity issued a decree ordering the closing down of AHRLA. However, on March 30 and October 26, 2008 respectively, the Cairo Administrative Court cancelled the decisions, on the grounds that they were contrary to the freedom of association recognised by the Egyptian Constitution. Nonetheless, as of the end of 2008, the decisions of the Administrative Court had not been implemented neither by the Ministry for Social Solidarity nor by the Governor of Cairo.

Urgent Interventions issued by The Observatory in 2008⁹

Names of human rights defenders / NGOs	Violations	Intervention Reference	Date of Issuance
Judges Hisham Bastawissi and Ashraf El-Baroudi	Obstacles to freedom of movement	Joint Open Letter to the authorities	February 7, 2008
Messrs. Kamal Abbas and Mohamed Helmy	Repeal of a sentencing	Urgent Appeal EGY 001/0407/OBS 035:3	March 4, 2008
Centre for Trade Union and Workers Services (CTUWS) and Association for Human Rights and Legal Aid (AHRLA)	Re-opening of a trade union / Obstacles to freedom of association	Joint Press Release	April 2, 2008
		Press Release	May 21, 2008
		Press Release	June 20, 2008

8./ *Idem*.

9./ See the Compilation of cases in the CD-Rom attached to this report.

Names of human rights defenders / NGOs	Violations	Intervention Reference	Date of Issuance
	Re-opening of an NGO	Joint Press Release	October 28, 2008
Ms. Magda Adly and Dr. Mona Hamed	Assault / Intimidation acts	Urgent Appeal EGY 001/0508/OBS 074	May 7, 2008
Egyptian Initiative for Personal Rights (EIPR)	Obstacles to freedom of association	Joint Press Release	June 13, 2008
Mr. Mohamed Bayoumi and Mr. Mohsen	Assault / Intimidation acts	Urgent Appeal EGY 002/0808/OBS 136	August 19, 2008
Mr. Nasser Amine and Mr. Hammad Wadi Sannd	Death threats	Urgent Appeal EGY 003/1008/OBS 170	October 27, 2008



/ ISRAEL/OCCUPIED PALESTINIAN TERRITORY

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2009

Political context

2008 in the Occupied Palestinian Territories (OPT) was marked by a serious humanitarian crisis caused by the blockade on Gaza. Indeed, while 80% of the population of the Gaza strip is dependant on humanitarian aid, the latter, which was suspended for many months when Hamas took power, is now limited by the restrictions imposed by the Israeli army. On June 19, 2008, an Egyptian-brokered truce was reached between Israel and Hamas. Although this enabled a trickle of goods and humanitarian aid to get through, the Israeli blockade had not been lifted by the end of 2008. On December 27, 2008, a week after the end of the truce, Israel launched massive aerial raids on the Gaza strip, killing 400 persons and injuring two thousand others. On the Israeli side, four persons were killed by rockets fired from the Gaza strip¹.

Freedom of movement was still seriously hampered in the OPT. The multiplication of checkpoints within the West Bank – a 62% increase over the last three years – prevented the Palestinians from accessing basic services². The activities of Israeli, Palestinian and international human rights defenders were deliberately hampered by the Israeli authorities, who restricted access to the West Bank, in particular to areas where the Palestinians were subjected to attacks by the settlers and to expropriation³. Entering or leaving Gaza was also seriously hindered by the checkpoints set up by the Israeli authorities. The Israeli authorities introduced

1./ As to January 1, 2009.

2./ In September 2008, OCHA counted a total of 634 permanent roadblocks and checkpoints and 85 flying checkpoints in the West Bank. See the Association for Civil Rights in Israel (ACRI), *Report on the human rights situation in Israel and the Occupied Territories*, 2008.

3./ See ACRI above-mentioned report.

a new system of permits, which makes it practically impossible for the Gaza Palestinians to go to the West Bank, and vice versa⁴.

Activities of civil society organisations in the Gaza strip, including human rights ones, were also hampered by the shortages of fuel and electricity supplies; a crisis that impacted all aspects of life of the Palestinian civilian population. The Israeli authorities sharply decreased the amounts of fuel allowed into the Gaza strip, including energy fuel required for the operation of the Gaza power plant, which provides at least 30% of the electricity supplies in the Gaza strip.

At the internal level, the fragmentation led to continued deterioration in the human rights situation. The rival Palestinian factions engaged in repression against their opponents, and this generally led to massive human rights abuses, such as arbitrary arrests and detentions, torture and ill-treatments, and extrajudicial executions. Those who opposed Fatah (the party of Mr. Mahmoud Abbas, President of the Palestinian Authority) in the West Bank, and those who opposed Hamas in the Gaza strip kept living in fear. The two rival factions continued to restrict the Palestinians' right to freedoms of expression and peaceful assembly. During the last months of 2008, Hamas security services and armed militia in the Gaza strip dispersed by force several demonstrations and other public gatherings organised by Fatah, while in the West Bank many of the Hamas supporters went underground for fear of being arrested by the Palestinian Authority or Israeli forces⁵.

By the end of 2008, Fatah and Hamas took yet more stubborn positions, especially following the failure of the Egyptian mediation to launch an internal dialogue. These tensions could well intensify following the announcement by the Palestinian President on November 23, 2008 of his intention to organise by decree presidential and parliamentary elections early in 2009, although nothing in the Palestinian Basic Law⁶ allows him to dissolve Parliament before the end of its

4./ See Palestinian Centre for Human Rights (PCHR).

5./ *Idem*.

6./ The Palestinian Basic Law is to function as a temporary constitution for the Palestinian Authority until the establishment of an independent State and a permanent constitution for Palestine can be achieved.

present term, in 2010. As for Hamas, it declared that it will no longer recognise Mr. Mahmoud Abbas as President after January, when his term of office expires.

Obstacles to the freedom of movement of human rights defenders

In 2008, as for most of the population, it remained impossible for Palestinian human rights defenders to go from Gaza to the West Bank. In addition to the multiplication of checkpoints in the West Bank in 2008, the freedom of movement of human rights defenders was significantly curtailed. For instance, since the second Intifada in September 2000, Mr. **Raji Sourani**, President of the Palestinian Centre for Human Rights – PCHR (Gaza), has been unable to go to the West Bank. Likewise, the Israeli military authorities have systematically forbidden Mr. **Shawan Jabarin**, Director General of the Palestinian NGO Al-Haq, to leave the territory, although he was invited to a number of international conferences in 2008. His request that the ban be lifted was rejected by the Supreme Court of Israel on July 7, 2008, on the grounds that “secret evidence” showed that Mr. Jabarin was an active member of a terrorist organisation. Similarly, Mr. **Yusuf Qawariq**, another Al-Haq staff member, was arrested on July 14, 2008 and detained for three hours by the Israeli forces as he was leaving Nablus via the Huwara checkpoint. His arrest was thought to be linked to his monitoring of human rights violations committed by the Israeli army. On September 2, 2008, the Israeli military authorities refused to grant an exit permit from Gaza to Messrs. **Issam Younis** and **Mahmoud Abu Rahma**, respectively Director and member of the al-Mezan Centre for Human Rights, Mr. **Raji Sourani** and Mr. **Iyad Nasr**, a member of the International Committee of the Red Cross (ICRC), who were to go to Brussels to attend meetings with their European counterparts. Over the year, the Israeli military authorities also refused to grant an exit permit from Gaza to the following staff members of the PCHR, who were to attend various human rights meetings and activities either in the West Bank or abroad: Mr. **Jaber Wishah**, Deputy Director; Mr. **Hamdi Shaqqura**, Director of Democratic Development Unit; Mr. **Iyad Alami**, Director of Legal Aid Unit; Ms. **Ibtissam Zaqqout**, Director of Field Work Unit; Ms. **Muna Shawa**, Director of Women’s Rights Unit; Messrs. **Ibrahim Sourani** and **Sameer Hassaniya**, lawyers; and Mr. **Rami Abu Sha’ban**, Accountant.

Several human rights defenders were also prevented in 2008 from going to the Gaza strip. Such was the case of members of Physicians for Human Rights-Israel (PHR), an organisation that strives for the respect of the right to health. For instance, on October 20 and 21, 2008, several PHR members and dozens of distinguished foreign visitors were prevented by the Israeli military authorities from reaching Gaza to take part in the Gaza Community Mental Health Programme's Fifth International Conference⁷.

Furthermore, Israeli authorities also hampered the freedom of movement of international observers mandated to monitor the human rights situation in the Palestinian territories. For instance, on December 14, 2008, the Israeli Minister for the Interior banned entry to the Palestinian territories to Mr. **Richard Falk**, UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967. He was deported on December 15, 2008 from the Tel Aviv Ben Gurion airport⁸.

Harassment of defenders reporting on the situation in Gaza and the West Bank

Harassment of human rights defenders increased in 2008 after the General Security Services (GSS) had declared on several occasions in 2007 that it was their duty to "counter the subversive activities of those who were liable to undermine the Jewish and democratic nature of the State of Israel, even when their activities were conducted with the help of instruments provided by democracy"⁹. This political line, supported by the Public Prosecutor, especially aimed at restricting the activities of defenders belonging to the Arab Israeli community. Following the declaration, GSS summoned for questioning journalists, human rights defenders and other activists, whose public activities were not considered "acceptable". Several of the persons interrogated were informed by the GSS that they were followed at all times, and threat-

7./ See PCHR.

8./ *Idem*. See also the United Nations High Commissioner for Human Rights' Press Statement, December 16, 2008.

9./ For more information, see ACRI above-mentioned report.

ened with prosecution if they continued their activities¹⁰. For instance, on May 15, 2008, Mr. **Salah Haj Yehia**, a PHR member and Director of the dispensaries managed by the organisation, was summoned by GSS members to the Taybeh police station. He was questioned on the association's activities, its budget, its donors, and on other members of the association. The questions also touched on the relations between PHR and Hamas representatives in the Gaza strip¹¹. In November, Mr. Salah Haj Yehia was again summoned to be interrogated by GSS members on his activities in Gaza.

Furthermore, on July 8, 2008, a military order issued by the Commandant of the Israeli Army in the West Bank ordered the closing down, for a period of two years, of the Nafha Association for the Defence of Prisoners and Human Rights. Nafha, an association registered with the Palestinian Authority in 2006, is one of the many NGOs that represent Palestinian detainees in Israeli courts. The Israeli military authorities accused it of "financing terrorist organisations". Nafha denied such allegations, pointing out that there was no evidence for such a claim. Furthermore, on July 16, 2008, the Israeli army made an incursion in Nablus into the private office of Mr. **Fares Abou al-Hassan**, a lawyer and Director of Nafha's legal department. The military broke into his apartment in the middle of the night and forced him to take them into his private office, where they confiscated several documents, files and computers¹².

Attacks on freedom of peaceful assembly

Law No. 12 on public gatherings of 1998 stipulates that public meetings and assemblies must be notified to the Director of the police or the Governor at least 48 hours before the date of the event. No authorisation is therefore necessary. Also, Article 2 of the same Law and Article 26(5) of the Palestinian Fundamental Law grant citizens the right to peaceful assembly. Nevertheless, several peaceful demonstrations were repressed in 2008. For instance, on September 6, 2008, the police brutally put down a demonstration organised in Gaza by the Islamic Union of Palestinian Teachers. The teachers were protesting

10./ See ACRI above-mentioned report.

11./ See PHR.

12./ See PCHR.

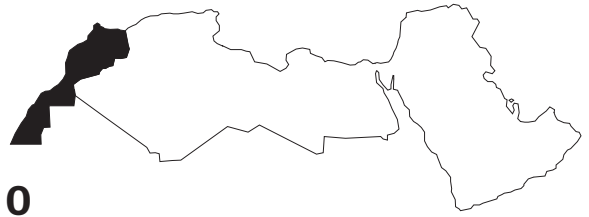
against the difficult working conditions faced by the educational sector, in particular since the conflict between Fatah and Hamas broke out. Eight teachers were arrested, before being released a few hours later. The police also prevented journalists from approaching the site of the demonstration. By way of justification, the Ministry of the Interior said that the organisers of the assembly had received no authorisation¹³.

Urgent Interventions issued by The Observatory in 2008¹⁴

Names of human rights defenders / NGOs	Violations	Intervention Reference	Date of Issuance
Mr. Shawan Jabarin	Obstacles to freedom of movement / Harassment	Joint Press Release	June 25, 2008
		Urgent Appeal ISR 001/0607/ OBS 069.1	July 16, 2008
Nafha Society for the Defence of Prisoners and Human Rights	Closing down of an NGO	Urgent Appeal ISR 001/0708/OBS 119	July 15, 2008
Mr. Yusuf Qawariq	Obstacles to freedom of movement / Harassment	Urgent Appeal ISR 002/0708/OBS 127	July 29, 2008
Messrs. Issam Younis, Mahmoud Abu Rahma, Raji Sourani and Iyad Nasr	Obstacles to freedom of movement	Joint Press Release	September 23, 2008
		Joint Open Letter to the authorities	September 29, 2008

13./ See the press releases issued by PCHR in 2008 for more information on the violations of the rights to freedoms of expression, peaceful assembly and association in the West Bank and the Gaza strip.

14./ See the Compilation of cases in the CD-Rom attached to this report.



/ MOROCCO AND WESTERN SAHARA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2009

Political context

In 2008, hopes that aroused in the promotion of human rights, in particular through the follow-up of recommendations issued by the Equity and Reconciliation Commission (*Instance équité et réconciliation* - IER), voluntary commitments and recommendations made under the Universal Periodic Review during the April 8, 2008 session¹, as well as the development of a National Action Plan for Human Rights, raised many questions both in Morocco and abroad. While a new stage should be reached soon with regards to the equality between men and women following the announcement, on the occasion of 60th anniversary of the Universal Declaration of Human Rights, of the lifting of reservations made in 1993 during ratification of the Convention on the Elimination of All Forms of Discrimination against Women, the implementation of other commitments was delayed. Recommendations issued by IER in terms of institutional reforms had still not been implemented as of late 2008. Little progress was also recorded towards the abolition of the death penalty, ratification of the Statute of the International Criminal Court, the criminalisation of arbitrary detention or the reform of the Higher Judicial Council (*Conseil supérieur de la magistrature*).

In addition, dozens of people, journalists, political activists and human rights defenders were prosecuted in 2008, and in some cases were sentenced to prison for having expressed their political views or taken part in public gatherings. In addition, under Article 179 of the Criminal Code and certain provisions of the Press Code, any “offence committed against the person of the King or heir to the Throne” or “attack against the monarchy” is punishable by sentences of up to five years’ imprisonment and heavy fines. On September 8, 2008, Mr.

1./ See United Nations Human Rights Council, *Report of the Working Group on the Universal Periodic Review on Morocco*, United Nations Document A/HRC/8/22, May 22, 2008.

Mohamed Erraji, a Moroccan blogger, was sentenced to two years in prison and fined 5,000 dirhams (about 453 Euros) for “lack of respect due to the King”. The conviction followed the publication of an article on the Moroccan website *Hespress.com*, entitled “King encourages the People towards charity”². Journalists were also prosecuted for “defamation” or “lack of respect due to the King”. For instance, Mr. Ahmed Reda Benchemsi, Director of the weekly newspapers *Nichan* and *Tel Quel*, has been subjected to judicial proceedings since Summer 2007 for “lack of respect due to the King” after publishing an editorial criticising a speech given by the Head of State on parliamentary elections in September 2007³.

Finally, the conflict in Western Sahara has remained unresolved since the failure of direct negotiations advocated by the United Nations Security Council Resolution dated April 30, 2007. The human rights situation in the region experienced no improvement in 2008. Authorities continued to suppress any form of challenge to the official position that Western Sahara is part of Morocco, the Government banned all peaceful demonstrations calling for the independence of Western Sahara, and security forces arbitrarily arrested many Saharawi demonstrators and suspected militants. They beat and tortured them, and forced them to sign incriminating statements, and this with complete impunity. Finally, in many cases, courts convicted and sentenced them to prison terms following unfair proceedings.

Obstacles to freedom of peaceful assembly and use of disproportionate force against demonstrators

While freedom of assembly is guaranteed by Dahir (Royal Decree) No. 1-58-377 of 1958 on Public Gatherings, the police, on several occasions in 2008, resorted to disproportionate use of force to disperse sit-ins or gatherings of people protesting for their rights to be respected. For instance, several sit-ins held in 2008 by the National Association of Unemployed Graduates (*Association nationale des diplômés chômeurs* -

2./ On September 18, 2008, the Agadir Court of Appeals cancelled his sentence due to procedural defect.

3./ See Reporters Without Borders (*Reporters sans frontières* - RSF) Press Release, September 4, 2008. On September 3, 2008, Mr. Ahmed Reda Benchemsi's trial was reported *sine die* by the Casablanca Court.

ANDCM) in front of the Parliament in Rabat were violently dispersed by the police, leaving many injured⁴. Similarly, on April 12, 2008, the police brutally repressed a sit-in against rising prices held in front of Parliament by the Joint Committees for the Fight Against the High Cost of Living and the Deterioration of Public Services (Coordinations de lutte contre la cherté de la vie et la dégradation des services publics)⁵. On May 14, 2008, an event organised by the National Union of Moroccan Students (*Union nationale des étudiants marocains* - UNEM) in Marrakech was violently repressed by the police⁶. Eighteen students were arrested. Several reported having been abused during interrogations⁷. On August 12, the Court of Appeals in Marrakech confirmed the conviction of seven of them⁸ to one year's imprisonment and a fine of 1,500 dirhams (about 136 Euros). Inmates in the Boulemdarez prison in Marrakech, they appealed the decision. As of the end of 2008, others remained also detained in the Boulemdarez prison and were awaiting trial⁹. On December 27 and 28, 2008, the police again brutally repressed two events organised by UNEM in Marrakech in solidarity with Gaza. Forty protesters were wounded, and ten were hospitalised¹⁰.

Acts of violence were also committed during the repression of a social movement in the city of Sidi Ifni, in south-western Morocco. On June 7, 2008, the police violently dispersed demonstrators who had blocked access to the port city of Sidi Ifni for one week in protest against the

4./ See Moroccan Association for Human Rights (*Association marocaine des droits humains* - AMDH) Press Release, May 6, 2008.

5./ See Moroccan Organisation for Human Rights (*Organisation marocaine des droits humains* - OMDH) Press Release, April 16, 2008.

6./ The protest was organised following the poisoning of twenty students in the Marrakech University Centre and resulted in protests calling for better working conditions, upgrading of university scholarships, etc.

7./ This case was made famous by the testimony of Ms. Zohra Boudkhour, the only woman arrested during the demonstration, a student and member of the UNEM, who denounced the abuse she suffered at the time of her arrest in a letter to her family. See AMDH Press Release, July 16, 2008.

8./ Messrs. Nasser Ahsain, Younes Al-Salami, Mohamed Al-Idrissi, Hisham Al-Idrissi, Hafiz Al-Hafezi, Radawan Al-Zibiri and Mansour Aghdir.

9./ Ms. Zohra Boudkhour and Messrs. Galal Al-Qitbi, Abdelallah Al-Rashidi, Alaa Al-Dirbali, Mohamed Gamili, Youssef Mashdoufi, Mohamed Al-Arabi Gadi, Youssef Al-Alawi, Khaled Mouftah, Mourad Al-Chouni and Ousman Al-Chouni.

10./ See AMDH.

socio-economic situation in the region and to demand the implementation of a development policy that had been promised for several years by local and national authorities. After the blockade was lifted, the police raided homes, causing property damage and inflicting beatings and insults to the inhabitants. Women suffered sexual violence and assault¹¹. The police arrested one hundred people, including Mr. **Ibrahim Bara**, Secretary General of the local committee for the Association for the Taxation of Financial Transactions for Aid to Citizens (*Association pour la taxation des transactions financières pour l'aide aux citoyennes et citoyens* - ATTAC) and a member of UNEM¹², and Mr. **Brahim Sabaalil**, Head of the branch of the Moroccan Centre for Human Rights (*Centre marocain pour les droits de l'Homme*) in Sidi Ifni. On August 26, 2008, Mr. Sabaalil was sentenced by the Court of Appeals in Salé to six months in jail and a fine of 1,000 dirhams (about 90 Euros) for "insulting public authorities by reporting fictitious crimes" after having reported "deaths, disappearances and rapes" in Sidi Ifni at a press conference held in Rabat on June 26¹³. He was also accused of "complicity" and "spreading false information" in connection with another trial involving Mr. Hassan Rachidi, Head of the *Al-Jazeera* Rabat office, following the broadcast of a news piece reporting several deaths in Sidi Ifni. On July 10, 2008, the Court of First Instance in Rabat sentenced them to a fine of 50,000 dirhams (about 4 Euros). As of late 2008, 22 people linked to the events in Sidi Ifni were still being held by Moroccan authorities, and nine had been provisionally released¹⁴.

Intimidation of defenders denouncing abuses perpetrated within the framework of the fight against terrorism

In 2008, several human rights defenders who denounced abuses perpetrated in the context of the fight against terrorism (enforced

11./ See OMDH Commission of Inquiry Report on the events of Sidi Ifni, July 1, 2008.

12./ He was arrested on June 18, 2008 after having taken refuge for eleven days in the mountains in the Sidi Ifni region.

13./ He was released on December 26, 2008 after serving his sentence.

14./ The Moroccan Government set up a Parliamentary Commission to investigate into the events of June 7, 2008 in Sidi Ifni. On December 17, the Commission submitted its report to the House of Representatives. The report refuted allegations of murder or rape committed by the police, but acknowledged property damages (broken doors), as well as the violence and insults by the police towards some inhabitants. The Moroccan Centre for Human Rights criticised the report which, according to it, ignored allegations of torture, attempted rape and sexual harassment.

disappearances, abductions, arrests without warrants, torture to extract confessions, etc.) were harassed by authorities because of their commitment in defending the rights of suspected terrorists. On July 24, 2008, the Rabat Court of Appeals, held *in camera*, imposed a reprimand for professional misconduct on Mr. **Taoufik Moussaïf Benhammou**, Attorney at the Rabat Bar, following his statements published on August 19, 2006 in the daily newspaper *Annahar Al Maghribia* about the terrorist network “Ansar Al Mahdi”, of which many members had been sentenced from two to 30 years in prison¹⁵. Mr. Moussaïf had questioned investigations conducted by security services and the judiciary on this issue by saying it was “fabricated from scratch”. Mr. Moussaïf was been summoned twice by security officers, who allegedly threatened him with reprisals if he did not “put an end to media coverage of cases involving Islamists”. The association Annassir for the Support of Islamist Prisoners (*Annassir pour le soutien des détenus islamistes*) was also subjected to acts of intimidation intended to hamper its activities and silence its claims. Most of the organisation’s sit-ins were repressed by the police, which sometimes used violence to disperse the detainees’ families, most of them being women. On May 27, 2008, the police violently dispersed a sit-in of the association held in front of the Oukacha prison in Casablanca. A mother and her child were hit by a security officer dressed in plain clothes. Mr. **Abderrahim Mohtad**, President of Annassir, was arrested and then released several hours later¹⁶. Furthermore, on October 30, 2008, a conference organised by Annassir and the British NGO “Reprieve” was cancelled by the police, which surrounded the place where the conference was to be held ; participants were forced to evacuate the room. The meeting was to focus on the situation of former Guantanamo detainees returned to Morocco¹⁷.

15./ The Court had been seized by the King’s Prosecutor, who had previously brought the case before the Rabat Bar Council, which had decided on October 3, 2006 to close the case, stating that Mr. Taoufik Moussaïf had not disseminated any information to be kept secret as part of an ongoing investigation. The Council also concluded that the newspaper articles had misrepresented the remarks made by Mr. Moussaïf.

16./ See Annassir.

17./ *Idem*.

Ongoing repression of human rights defenders in Western Sahara

In 2008, Saharawi human rights defenders continued to be subjected to harassment of all kinds. On April 28, 2008, Mr. **Ennaama Asfari**, Co-chairman of the Committee for the Respect of Freedoms and Human Rights in Western Sahara (*Comité pour le respect des libertés et des droits humains au Sahara occidental* - CORELSO), was sentenced to two months' imprisonment and a fine of 3,000 dirhams (about 272 Euros) for "violence against the authorities", "carrying a bladed weapon", and "drunk driving". Mr. Asfari, arrested on April 13, 2008 in Marrakech, was falsely accused of violence and drunk driving at the occasion of a car accident. He complained that he was only questioned about his political activities and suffered acts of ill-treatment and torture at the occasion of his arrest. On April 25, 2008, a delegation from Action by Christians for the Abolition of Torture (*Action des chrétiens pour l'abolition de la torture* - ACAT), which was investigating the situation of human rights in Western Sahara, was expelled by Moroccan authorities on the grounds that its members represented a risk to public order. On April 21, they had attended Mr. Asfari's trial. The latter was released on June 13, after serving his full sentence. On June 16, the Court of Appeal upheld the verdict and sentence¹⁸.

In 2008, members of the Saharawi Association of Victims of Grave Human Rights Violations Committed by the State of Morocco (*Association sahraouie des victimes de violations graves des droits de l'Homme commises par l'État marocain* - ASVDH), an association that is not recognised by the Moroccan authorities¹⁹, continued to be subjected to prosecution and to obstacles to their freedom of movement. On June 17, 2008, the police prevented relatives of Mr. **Brahim Sabbar**, ASVDH Secretary General, from visiting him at his home to congratulate him for his release after two years of detention. Some persons, including Mr. **Sidi Mohamed Dadach**, President of the Saharawi Committee for the Support of the Right to Self-determination (*Comité*

18./ See Saharawi Association of Victims of Grave Human Rights Violations Committed by the State of Morocco (ASVDH).

19./ Local authorities in Laayoun have always refused to acknowledge receipt of the application for registration of the ASVDH. On September 21, 2006, the Administrative Court of Agadir labelled the refusal to issue a receipt to the association an abuse of power. The authorities did not appeal this decision. However, as of late 2008 this decision had not yet been implemented.

sabraoui pour le soutien du droit à l'autodétermination), were physically assaulted by the police. Mr. Brahim Sabbar was then prevented from visiting Mr. **Embarek Hiji**, another ASVDH member, by security agents who surrounded Mr. Hiji's neighbourhood area and blocked people from approaching his home. On October 17, 2008, Mr. Brahim Sabbar was prevented by two police officers from visiting the neighbourhood, where Ms. **Elghalia Djimi**, Vice-President of the ASVDH, and Mr. Mohamed Dadach reside²⁰. Moreover, although he was sentenced on December 4, 2007 to two and a half years in prison for "arson", Mr. **Mohamed Talhil**, Chairman of ASVDH Boujdour section, was told by the prison administration that the Laayoun Court of Appeal had again sentenced him on November 11, 2008 to a three-month suspended sentence and a fine of 2,000 dirhams (about 181 Euros) for "defamation of a State official in the performance of his duty"²¹. As of late 2008, he was still detained in the Laayoun prison.

Furthermore, in 2008, Moroccan police broke up several demonstrations organised in the cities of Western Sahara to denounce human rights violations and claim the right of the Saharawi people to self-determination; they proceeded to arrest and intimidate some of the protesters. For example, on September 21, 2008, following a demonstration organised in Smara in the wake of a visit by the international NGO Front Line in the region to denounce human rights violations and claim the right of the Saharawi people to self-determination, Ms. **Engiya Boukhari**, a member of the Saharawi Committee for Human Rights in Smara (*Comité sabraoui pour la défense des droits humains à Smara*), was physically assaulted by security forces. A few days later, the social support she received as part of a national promotion program was frozen in retaliation for her participation in the event. Dozens of demonstrators were also arrested, including Mr. **Brahim Cheikhi**, a member of the Saharawi Committee for Human Rights in Smara, Mr. **Baali Hmaim** and Mr. **Ahamad Basir Sidi**, who were still subjected to judicial proceedings at the end of 2008. Mr. **Hamad Al-Nassiri**, Secretary General of the Commission for the Defence of Human Rights in Smara (*Commission pour la défense des droits de l'Homme à Smara*) and a member of the Moroccan Association for

20./ See ASVDH Press Release, October 17, 2008.

21./ See ASVDH Press Release, November 11, 2008.

Human Rights (*Association marocaine des droits humains - AMDH*), was also informed on October 3, 2008 that he was fired from his job at the municipality of Khouribga. His dismissal was linked to his participation in these events, as well as his meeting with Front Line in September 2008²². Mr. Al-Nassiri challenged his dismissal before the Administrative Court of Casablanca, which had not yet come to a decision as of the end of 2008.

Finally, police violence against Saharawi human rights defenders generally went unpunished. For example, the Prosecutor of the Laayoun Court of Appeal was asked to decide on a complaint filed in January 2008 by Mr. Dahla Rahmouni, member of ASVDH Executive Committee, and Mr. **Brahim al-Ansari**, member of the AMDH Laayoun section, in which they accused the police in Laayoun of having subjected them to acts of ill-treatment during their arrest in December 2007. However, on May 5, 2008, Moroccan authorities declared the investigation closed for “lack of evidence”, without calling in the two men to testify, and based solely on the defence’s statements²³.

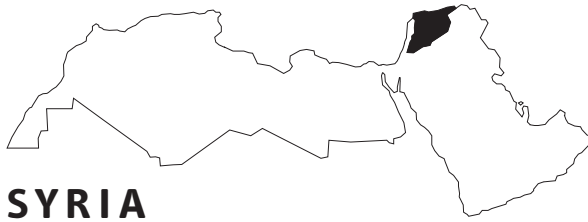
Urgent Interventions issued by the Observatory in 2008²⁴

Names of human rights defenders / NGOs	Violations	Intervention Reference	Date of Issuance
Moroccan Association for Human rights (AMDH), National Association of Unemployed Graduates in Morocco (ANDCM), Moroccan Labour Union (UMT), Attac Morocco and Moroccan Forum for Truth and Justice	Arbitrary detention / Obstacles to freedom of peaceful assembly	Joint Press Release	February 15, 2008
Messrs. Brahim Sabbar, Sidi Mohamed Dadach, Ahmed Sbai, Oum Alfadli Ali Ahmed Babou and Embarek Hiji	Harassment	Urgent Appeal MAR 002/0606/ OBS 079.2	June 23, 2008

22./ See Front Line Press Release, December 10, 2008.

23./ See ASVDH.

24./ See the Compilation of cases in the CD-Rom attached to this report.



/ SYRIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2009

Political context

2008 was marked by the resumption of dialogue between Syria and some western countries. Nonetheless, inside Syria, dialogue between the authorities and civil society remained at a standstill. In addition, the state of emergency decreed in 1963 remained in force. In particular, the provisions of the emergency law provide the security forces and administrative authorities with powers they subsequently use to restrict the activities of human rights defenders and violate freedom of peaceful assembly, which is nonetheless recognised by Article 39 of the Syrian Constitution. Indeed, any demonstration or gathering of more than five people requires prior authorisation from the Ministry of the Interior. The authorities always refuse to issue such permits and unauthorised public meetings were systematically repressed by the authorities¹.

In 2008, human rights defenders were again brought before military courts, which benefit from the laws under the state of emergency, in particular Decree No. 46 of 1966, which provides for the possibility of a ruling on cases involving civilians and whose procedures do not meet international standards for a fair trial. On September 30, 2008, the jurisdiction of these courts was expanded by Decree No. 69, which provides for the transfer to a military jurisdiction in the event of crimes of torture involving police or customs officers, as well as those involving members of internal or political security. This new legislation, by giving the general command of the army the sole power to prosecute members of security forces accused of crimes of torture, establishes a *de facto* impunity for these crimes².

1./ See Damascus Centre for Human Rights Studies (DCHRS) and National Organisation for Human Rights in Syria (NOHR-S).

2./ See Committees for the Defence of Democratic Freedoms and Human Rights (CDF).

Kurds in Syria, comprising about nine per cent of the population, continued to face severe discrimination because of their ethnicity. Thus, 200,000 Kurds were still denied Syrian citizenship, which is essential for the enjoyment of many rights (property rights, right to access to certain professions, etc.)³. Civil society activists who denounced the Kurdish situation were also particularly targeted by Government repression in 2008. Thus, Mr. Meshal Al-Tammo, Spokesman for the Kurdish Future Current (*Sepela Kurdi*), a non-authorized political party, was arrested in August 2008 and accused of “membership in an international organisation without Government permission”, “conspiracy”, “attack to trigger a civil war and factional fighting by arming the Syrians or encouraging them to arm themselves against each other or inciting to murder and looting” and “inciting sectarian strife”. If convicted, Mr. Al-Tammo incurs the death penalty⁴.

Furthermore, exercising the right to freedom of expression continued to be severely punished; blogger Tariq Bayasi and writer Firas Saad were thus sentenced to imprisonment⁵. In addition, more than 162 websites would have been blocked in 2008⁶.

In 2008, the practice of travel bans was further developed: from September 2008, expanded lists were drawn up and circulated by Syrian security services and, as of the end of 2008, more than 414 individuals would have been included in those lists⁷. For instance, Mr. Mohamed Malas, a film producer, was prevented from travelling to Paris in October 2008 as he was preparing a movie on Syrian children for *Al-Jazeera*.

Legislative obstacles to the right of association and refusal to register human rights organisations

Under Law No. 93 of July 8, 1958, the creation of an association is subject to authorisation. For several years, applications for registration of human rights organisations have been systematically denied

3./ See CDF and NOHR-S.

4./ See CDF and NOHR-S. No date for the trial had been scheduled yet as of the end of 2008. Mr. Al-Tammo is also a member of the Committee for the Revitalisation of Civil Society.

5./ See Reporters Without Borders (RSF) Press Releases, May 14 and April 9, 2008.

6./ See Syrian Centre for Media and Freedom of Expression (SCM).

7./ *Idem*.

or have received no reply. For instance, as of the end of 2008, the appeal lodged by the National Organisation for Human Rights in Syria (NOHR-S) on December 27, 2006 following the refusal of registration by the Ministry of Social Affairs remained pending in the administrative court, which postponed the case on several occasions⁸. Therefore, members of those human rights organisations were forced to operate illegally under the threat of being prosecuted under Article 71 of Law No. 93, under which any activity conducted under a non-registered association is liable to a fine and a sentence of three months' imprisonment or under Article 306 of the Criminal Code prohibiting the creation of unlawful organisations.

Conviction, ongoing arbitrary detention and harassment while in detention of dozens of human rights defenders for “weakening the national sentiment” and “inciting sectarian, racial or religious strife”

As of late 2008, dozens of human rights defenders remained detained in Syrian prisons for “weakening the national sentiment” by “issuing calls” or “spreading false or exaggerated information” (respectively Article 285 and 286 of the Syrian Criminal Code), jailed for the most part with ordinary criminal prisoners. Some were subjected to ill-treatments, while others were deprived of care. Moreover, Syrian authorities refused rights of ordinary criminal prisoners to human rights defenders. Indeed, Syrian law on penalties allots prisoners the right to request an amnesty after serving three quarters of their sentence. However, following a petition filed by the General Advocate of Public Prosecutions to Damascus, the Supreme Court, meeting in plenary on December 15, 2008, went back on its decision of November 2 to release Messrs. **Michel Kilo** and Mahmoud Issa. Both men were arrested in May 2006 and sentenced in May 2007 to three years in prison pursuant to Article 286 of the Criminal Code after having signed the Beirut-Damascus Declaration, which called on the Syrian and Lebanese Governments to normalise their relations. Likewise, Mr. **Anwar Al-Bunni**, a lawyer and founding member of the Association for Human Rights in Syria, who was also sentenced in April 2007 to five years' imprisonment for having signed the Beirut-Damascus Declaration, remained detained as of the end of 2008. While in detention, he was again brought before the

8./ The next hearing was scheduled for February 24, 2009.

Military Court of Damascus for “defamation of a public administration” following a note found in his cell in which he criticised the Minister of Social Affairs and Labour. On February 7, 2008, the Military Court abandoned the charge as the offence had already been charged in his previous trial.

The persons who were at the origin of the 2005 Damascus Declaration for National Democratic Change also remained detained in 2008⁹. On December 9, 2007, in response to a meeting organised by the National Council of the Damascus Declaration (NCDD), founded on December 1, 2007, the police arrested 40 activists in several towns in Syria. On October 29, 2008, twelve of those arrested, leaders of the movement, including three journalists – Mr. **Akram al-Bunni**, Mr. **Ali Abdallah**, and Mr. **Fayez Sara**, respectively the founding member and members of the Committee for the Revitalisation of Civil Society in Syria – and nine members of the NCDD – Mr. **Jaber Al-Shouf**, a member of the Committees for the Defence of Democratic Freedoms and Human Rights (CDF), Mr. **Mohammed Haj Darwish**, a member of the CDF and of the Association of Human Rights in Syria, Ms. **Fida al-Hurani**, Mr. **Ahmad Tohme**, Mr. **Walid al-Bunni**, also a member of the Association of Human Rights in Syria, Mr. **Yasser Tayser Aleiti**, Mr. **Riad Seif**, Mr. **Talal Abu Dan** and Mr. **Marwan al-Esh** – were convicted by the Assizes Court of Damascus to two and a half years’ imprisonment for “disseminating false or exaggerated information to weaken the spirit of the Nation”, “membership of a secret organisation aiming to destabilise the State” and “incitement to racial, religious or sectarian strife” (Articles 285-286 and 307 of the Criminal Code). The convicted appealed the decision in late December 2008 but no date had been set as of the end of 2008.

Further to the NCDD case, in 2008, the Syrian authorities have especially increased the use of Article 285 of the Criminal Code to arrest and convict several other human rights defenders. On April 22, 2008, Mr. **Ahmed Al-Haji Al-Khalaf**, a member of the Syrian branch of the Arab Organisation for Human Rights, was sentenced to five

9./ The Declaration is a text written by a large coalition of opposition activists and human rights defenders campaigning for political reform and the establishment of a democratic regime in Syria.

days' imprisonment by the Military Court of Raka for "defamation" and "an attack on the morale of the State" after publishing an article criticising the lack of transparency and democracy in the functioning of the Department of Education in Raka. Mr. Ahmed Al-Haji Al-Khalaf appealed this decision but the appeal had not been scheduled yet as of the end of 2008. The next day, Mr. **Kamal Al-Labwani**, who was serving a sentence of twelve years in prison for having defended the idea of peaceful reform in Syria, was sentenced under Article 285 by the Military Court of Damascus to three years of additional imprisonment for criticising the Syrian authorities in the presence of other inmates¹⁰. On June 29, 2008, the Military Court of Damascus condemned Mr. **Mohamed Bedia Dekalbab**, a member of the NOHR-S, to six months' imprisonment for "disseminating false or exaggerated information [...] likely to affect the prestige of the State" in response to an article criticising the lack of freedom of expression in Syria. He appealed the decision, but having served his sentence, he was released in September 2008¹¹. Mr. **Habib Saleh**, a writer, was also arrested on May 7, 2008 for publishing articles on the Internet, including on the site *Elaph.com*, censored in Syria, calling for the establishment of democracy. Accused of "weakening the national sentiment", "incitement to civil war" (Article 298) and "attacking the President of the Republic" (Articles 374 and 377), he faces three years to life imprisonment¹².

Attacks on freedom of movement of human rights defenders

In 2008, more than 102 travel bans would have been issued by the authorities against human rights defenders who were prevented from leaving Syria to attend regional or international workshops and seminars¹³. For instance, Mr. **Radif Mustafa**, President of the Kurdish Committee for Human Rights, was prevented from travelling to Paris to attend a seminar from May 19 to 23 by the Euro-Mediterranean Network for Human Rights (EMHRN)¹⁴. On June 8, 2008, Mr. **Mazen Darwish**, Chairman of the Syrian Centre for Media and Freedom of Expression (SCM) and member of the CDF, was unable to travel

10./ See CDF, DCHRS and NOHR-S.

11./ See CDF and NOHR-S.

12./ See NOHR-S. The next hearing for Mr. Saleh's trial was scheduled for January 20, 2009.

13./ See SCM.

14./ See SCM and DCHRS.

to Canada to attend the 29th Annual International Human Rights Training Programme. On November 2, 2008, Mr. **Ammar Qurabi**, President of the NOHR-S, was banned from travelling to a seminar on the United Nations system of human rights, to which he had been invited by the Geneva office of the Friedrich Ebert Foundation. In 2008, several CDF members, including Mr. **Ghazi Kaddour**, Dr. Niazi Habash and Mr. **Ala'edeen Biasi**, were also prevented from travelling on several occasions¹⁵.

Repression of defenders of economic, social and cultural rights

In 2008, defenders of economic, social and cultural rights were subjected to arbitrary arrests, such as Mr. **Jean Rassoul**, a member of the Tal Zivan branch of the Committee on Grain Trade, known for his commitment to the defence of workers in Qamishli governorate (north-east of Syria), who was arrested on February 26, 2008 by security officers, two days after he gave a speech at the annual evaluation meeting of the Committee, in which he called for the respect of the workers' rights. His family had no news of him until May 27, 2008, when he was released without charge. Several human rights defenders were also arrested during demonstrations calling for a greater respect of economic, social and cultural rights. For instance, on May 17, 2008, about twenty Syrians were arrested in the city of Der Elzor during a demonstration against the high cost of living. As of the end of 2008, these persons remained detained by the security forces without any judicial investigation having been opened against them¹⁶.

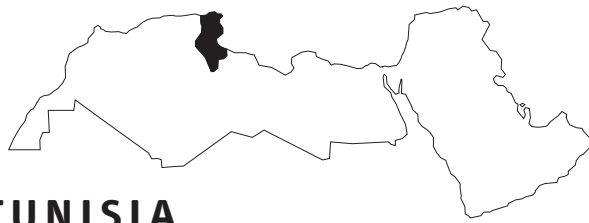
15./ See CDF.

16./ See DCHRS and NOHR-S.

Urgent Interventions issued by The Observatory in 2008¹⁷

Names of human rights defenders	Violations	Intervention Reference	Date of Issuance
Mr. Anwar Al-Bunni	Judicial harassment	Press Release	January 10, 2008
Messrs. Fayez Sarah, Mohammed Haj Darwish, Akram Al Bunni, Jaber Al Shoufie and Ali Al-Abdullah	Arbitrary detention	Urgent Appeal SYR 002/1207/OBS 169.1	January 11, 2008
	Arbitrary detention / Judicial harassment / Ill-treatment	Urgent Appeal SYR 002/1207/OBS 169.2	January 30, 2008
	Violation of the right to a fair trial	Joint Press Release	September 17, 2008
	Judicial harassment	Joint Press Release	October 28, 2008
Mr. Jean Rassoul	Forced disappearance	Urgent Appeal SYR 001/0208/OBS 028	February 28, 2008
Mr. Ahmed Al Haji Al Khalaf	Sentencing	Urgent Appeal SYR 002/0408/OBS 071	April 30, 2008
Mr. Mazen Darwish	Judicial and administrative harassment	Joint Press Release	June 17, 2008

^{17/} See the Compilation of cases in the CD-Rom attached to this report.



/ TUNISIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2009

Political context

In 2008, Tunisian Government policy was marked by preparation for important election dates in 2009. In this context, the authorities increased measures intended to weaken and marginalise the principal opposition figures through repression and media clampdown. Members of the political opposition, human rights defenders and journalists had to contend with surveillance or arbitrary bans on travelling, telephones cut off and increased acts of violence. Magistrates were not exempt from these actions. The judiciary system was widely used as a weapon of repression against any dissident voices.

The Tunisian “economic miracle” should not hide the inequalities and severe repression suffered not only by the anti-establishment elite but also, since 2008, by unemployed young people and workers who decided to make their voice heard. Indeed, this year, south-west Tunisia was the scene of unprecedented social protest. The first demonstrations to denounce corruption, poverty and unemployment were seen in January in the town of Redeyef, in mining basin of the Gafsa region and gradually extended to other towns in the basin. National and international protest support groups were rapidly formed. During the summer of 2008, the Tunisian authorities intensified their repression against the movement participants, protestors and support committee leaders. Three protestors died during the demonstrations in Redeyef. The Government’s repressive response to the claims made by the inhabitants of the mining basin was a new illustration of the democratic deficiency that poisons Tunisia. As at the end of 2008, the judicial enquiries announced by the Government to determine responsibility for these tragic events had still not been carried out and those responsible had not been troubled.

Finally, despite the commitments made to the UN Human Rights Council by the Tunisian authorities in the context of the Universal Periodic Review, and the recommendations made to them by the United

Nations Human Rights Committee in 2008, no progress was noted this year in terms of respect and promotion of human rights, with the exception of the ratification of the Optional Protocol to the United Nations Convention on the Elimination of All Forms of Discrimination against Women and the withdrawal of its declaration No. 1 and reservations No. 1 and No. 3 regarding the United Nations Convention on the Rights of the Child. Furthermore, the Tunisian Government did not keep its promises to issue an invitation to the UN Special Procedures.

Judicial harassment of human rights defenders and journalists who denounce human rights violations

Arbitrary judicial proceedings against defenders, including against journalists who denounced human rights violations continued during 2008. For instance, Mr. **Tarek Soussi**, a leading member of the International Association for the Support of Political Prisoners (*Association internationale de soutien aux prisonniers politiques - AISPP*), was arrested following the publication on August 25 of a press release on the arbitrary arrest and enforced disappearance of seven young men in Bizerte on August 22 and 23, 2008 and after his interview on the affair on the *Al Jazeera* news channel. He was released on September 25 but, as of the end of 2008, proceedings were ongoing for “spreading false information liable to disrupt public order”. The regime also continued attacks on the media and journalists. Mr. **Slim Boukhdir**, a correspondent of the London-based newspaper *Al Quds Al Arabi*, which regularly covers events relating to defenders, was sentenced at an appeal hearing on January 18, 2008 to one year’s imprisonment on false grounds¹. Furthermore, since October 2008, harassment has intensified against the on-line newspaper and radio station *Kalima* and its contributors. This has taken the form of the questioning and arrest of journalists, a smear campaign, destruction of the web server, a false claim for payment of tax arrears, etc. On October 27, 2008, Ms. **Neziha Rejiba**, Editor-in-chief of *Kalima*, who attributed responsibility for the attack on the *Kalima* server to the Tunisian authorities, was questioned by the Deputy Prosecutor at the Tunis Law Court following a complaint for “allegations contrary to the law”. As of the end of 2008 there had been no follow-up to this complaint. The Interior Ministry

1/ He allegedly refused to present his identity card to the police. He was released on July 21, 2008 but he has been refused a passport since 2003.

also banned distribution of the weekly newspaper *Mouwatinoun*, which had published the journalist's article.

Repression of the Gafsa social protest movement

In the Gafsa mining region, repression affected both the demonstrators and those who expressed their solidarity and condemned the wave of repression. Arrests that contravened legal procedure were made of over 200 people, including trade unionists and human rights defenders, and judicial proceedings were instituted against them. Most of those imprisoned were ill-treated and some were tortured. Extremely heavy sentences were pronounced at the end of the trials, which were marred by serious irregularities, notably the systematic refusal by the judges to investigate the defendants' allegations of torture. On December 11, 2008, the Gafsa Court of First Instance sentenced 33 of the 38 persons considered to be leaders of the movement, for "forming a criminal group with the aim of destroying public and private property" and "armed rebellion by more than ten people and assault on officials during the exercise of their duties" for between two years' suspended prison sentence to up to ten years' imprisonment, in particular for trade union members Messrs. **Adnane Hajji**, **Bechir Labidi** and **Taeïb Ben Othmane**. Mr. **Mohieddine Cherbib**, President of the Tunisian Federation of the Citizens of Two Shores (*Fédération tunisienne des citoyens des deux rives* - FTCR) and a member of the Committee for the Respect of Freedoms and Human Rights in Tunisia (*Comité pour le respect des libertés et des droits de l'Homme en Tunisie* - CRLDHT), was sentenced by default to two years' imprisonment because of his activities in France in support of the people of the Gafsa basin. Mr. **Fahem Boukaddous**, a journalist with the independent television channel *Al Hiwar Attounsi*, who covered the events, was also sentenced *in absentia* to six years in prison. His trial was characterised by the massive presence of security forces and the lack of any contradictory debate or the hearing of the defendants². The verdict led to further protests, which were also repressed by arrests, judicial proceedings and prison sentences³.

2./ At an appeal hearing, on February 3, 2009, the defendants were given from two years' suspended prison sentence to eight years in prison. The appeal trial was also marred by flagrant violations of the right to a fair trial.

3./ See National Support Committee for Inhabitants of the Gafsa Mining Basin Press Release, December 20, 2008.

Furthermore, Ms. **Zakia Dhifaoui**, a member of the Association for the Fight Against Torture in Tunisia (*Association de lutte contre la torture en Tunisie - ALTT*), the Kairouan branch of the Tunisian League for Human Rights (*Ligue tunisienne des droits de l'Homme en Tunisie - LTDH*) and the National Council for Freedoms in Tunisia (*Conseil national des libertés en Tunisie - CNLT*), was arrested without a warrant in Redeyef on July 27, 2008 after taking part in a peaceful march in support of the release of all the Gafsa detainees and at which Ms. Dhifaoui had been a speaker. On September 15, 2008, the Gafsa Appeal Court sentenced her to four and a half months in prison for “insubordination, disturbing public order, obstructing an official in the exercise of his duty, damaging other people’s property and attacking public morals”, ignoring the defendant’s allegations of torture and ill-treatment and in violation of several fundamental rules of the right to a fair trial. When she left prison, Ms. Dhifaoui was not reinstated to her job as a teacher. In parallel, several other defenders who supported the protest movement were not prosecuted for acts relating to the protest but were targeted and harassed by the authorities for other reasons. Messrs. **Othman Jmili** and **Ali Neffati**, AISPP members, together with Messrs. **Khaled Boujemaa** and **Faouzi Sadkaoui**, members of the association Equity and Freedom (*Équité et liberté*), were arrested on July 25, 2008 and, at an appeal hearing on October 28, 2008, were given a six months’ suspended prison sentence for “gathering on the public highway” and “attacking morality”. The authorities suspected them of having taken part in a peaceful rally in front of Bizerte town hall on July 25, in the company of political activists and human rights defenders, at the time of the anniversary of the Republic when slogans had been chanted in support of public liberties, against the high cost of living and against life presidency. Mr. **Mohamed Hedi Ben Saïd**, a member of the Bizerte branch of LTDH, was sentenced on September 4, 2008 for infringing the Highway Code, after he allegedly took part in the July 25 rally in front of Bizerte town hall. Finally, since March 2008, Mr. **Messaoud Romdhani**, President of the Kairouan branch of LTDH and Spokesperson for the National Support Committee for Inhabitants of the Gafsa Mining Basin (*Comité national de soutien à la population du bassin minier de Gafsa*), has suffered considerable police harassment. He was attacked by policemen on May 23 and since this date has been subject to a ban on residency in Tunis.

Restrictions on human rights defenders' freedom of movement

In 2008, several defenders continued to be routinely prevented from circulating freely within the country and even from leaving national territory. In particular, Mr. **Ali Ben Salem**, Chair of the Bizerte branch of LTDH and Vice-President of ALTT, remained banned from leaving the country. On June 18, 2008, the Algerian border police turned back Ms. **Sihem Bensedrine**, CNLT Spokesperson, and Mr. **Omar Mestiri**, Managing Editor of the *Kalima* web magazine, while they were crossing the Oum T Boul border post near Tabarka (north-west Tunisia) for a private visit to Algeria, without being given any reason. The border police at Tunis Carthage airport also prevented Ms. Bensedrine from leaving the country in August 2008. Similarly, on December 10, Mr. **Lotfi Hidouri**, News Desk Editor of the magazine *Kalima* and a member of the Observatory for the Freedom of the Press, Publishing and Creation (*Observatoire pour la liberté de la presse, d'édition et de création* - OLPEC), was arrested at Tunis Carthage airport while he was preparing to board for Lebanon, where he was due to take part in the Third Arab Press Forum in Beirut, using as a pretext a two-year old fine of 100 dinars, which he had quickly paid within the required period⁴.

Verbal and physical attacks on lawyers and human rights defenders who defend the rights of detainees

The Tunisian authorities' recourse to verbal or physical attacks, as well as tailing and almost permanent surveillance of defenders, continued in 2008, especially against lawyers and defenders who denounced prison detention conditions. On June 29, 2008, at Tunis Carthage airport, six plain-clothed policemen threatened Mr. **Anouar Kousri**, lawyer and Deputy President of LTDH, and Mr. **Samir Dilou**, lawyer and a member of AISPP, and used violence against them when they returned from Paris, where they had taken part in a press conference organised by Amnesty International for the publication of a report on human rights violations committed in the context of counter-terrorism in Tunisia, including against people detained in this connection. On February 13-18, 2008, while they were collecting the testimony of prisoners' families, Ms. **Fatma Ksila**, Secretary General of CRLDHT, and Ms.

4./ See OLPEC Press Release, December 12, 2008.

Samia Abbou, a member of ALTT, were subjected to verbal and physical attacks – insulting telephone messages, police cordons preventing them from reaching the families, tailings, beatings by police officers wearing plain clothes, confiscation of cash, a camera and a tape recorder.

Finally, lawyers working on sensitive cases, such as the Soliman or the Gafsa movement cases, were almost systematically attacked and prevented from meeting their clients in prison. As an example, Ms. **Radhia Nasraoui**, a lawyer, President of ALTT and a member of OMCT Assembly of Delegates, was regularly forbidden to meet her clients. For his part, Mr. **Abderrouf Ayadi**, a lawyer, former member of the Council of the Order of Lawyers and former CNLT Secretary General, was violently attacked by the Director of Mornagia prison on August 2, 2008, at the end of a visit to one of his clients.

Increased smear campaigns against human rights defenders

In 2008, smear campaigns against defenders multiplied. During the first quarter of 2008, Ms. **Souhayr Belhassen**, President of FIDH, Ms. Sihem Bensedrine, Ms. Radhia Nasraoui, Mr. **Kamel Jendoubi**, President of CRLDHT, Mr. Khemais Chammari, Co-founding member of the Euro-Mediterranean Foundation of Support to Human Rights Defenders (*Fondation euro-méditerranéenne de soutien des défenseurs des droits de l'homme* - FEMDH), Mr. **Mokhtar Trifi**, President of LTDH, Mr. **Khémis Ksila**, Secretary General of LTDH in exile, and Mr. **Ahmed Nejib Chebbi**, the lawyer of many defenders, were victims of a smear campaign by editorial staff of the pro-Government newspaper *Al-Hadath*. Throughout 2008, the newspaper notably published several libellous articles of an obscene nature against these defenders, accusing them of being “traitors in the hands of foreign interests”, or “henchmen” of the Western embassies. In December, a smear campaign was also launched against Ms. Sihem Bensedrine, and relayed by various Tunisian, Arab and European newspapers and Lebanese television channels.

Ongoing obstacles to freedom of association

In 2008, many independent human rights associations remained illegal, as was the case, for example, of CNLT, AISPP, ALTT, the Centre for the Independence of Justice and Lawyers (*Centre pour l'indépendance de la justice et des avocats* - CIJA), the Assembly for an International Development Alternative (*Rassemblement pour une*

alternative internationale de développement - RAID-Attac Tunisia) and OLPEC. In some cases the fate of certain organisations that are registered was no more enviable. LTDH continued to be prevented from carrying out its activities. As an example, on December 10, 2008, the police force prevented a reception from being held organised by LTDH to commemorate the 60th anniversary of the Universal Declaration of Human Rights. LTDH has been prevented from holding its congress since 2005. Finally, access to LTDH branch premises and its national headquarters remained blocked to everyone, with the exception of members of the Board Committee for the national headquarters. Similarly, harassment of former members of the Executive Board of the Association of Tunisian Magistrates (*Association des magistrats tunisiens* - AMT) elected in December 2004⁵ continued, notably on December 21, 2008, when they were forcibly prevented from attending the AMT congress⁶.

Urgent Interventions issued by The Observatory in 2008⁷

Names of human rights defenders / NGOs	Violations	Intervention Reference	Date of Issuance
Mr. Slim Boukhdir	Sentencing / Arbitrary detention / Ill-treatment	Press Release	February 1, 2008
	Conditional release	Urgent Appeal TUN 005/1207/OBS 170.1	July 23, 2008
Mr. Taoufik Ben Brik	Ban on residence	Press Release	February 1, 2008
Members of the General Union of Tunisian Students (<i>Union générale des étudiants tunisiens</i> - UGET)	Arbitrary arrests / Judicial proceedings	Press Release	February 1, 2008

5./ Since their election, several members have been victims of acts of intimidation aimed at punishing magistrates who decided to be involved in defending the independence of AMT and the promotion of institutional reforms to guarantee the independence of justice.

6./ See LTDH Press Release, December 22, 2008.

7./ See the Compilation of cases in the CD-Rom attached to this report.

Names of human rights defenders / NGOs	Violations	Intervention Reference	Date of Issuance
Ms. Fatma Ksila, Ms. Samia Abbou and Ms. Radhia Nasraoui	Attacks / Harassment	Urgent Appeal TUN 001/0208/OBS 019	February 20, 2008
Ms. Souhayr Belhassen, Ms. Sihem Bensedrine, Ms. Radhia Nasraoui, Messrs. Kamel Jendoubi, Khemais Chamhari, Mokhtar Trifi and Khémais Ksila	Defamation / Harassment	Urgent Appeal TUN 002/0308/OBS 031	March 4, 2008
Mr. Omar Mestiri and Ms. Sihem Bensedrine	Arrest / Attacks / Ill-treatment / Harassment	Urgent Appeal TUN 003/0308/OBS 032	March 4, 2008
	Refoulement at the border / Harassment	Urgent Appeal TUN 008/0608/OBS 107	June 20, 2008
	Acts of harassment / Ill-treatment	Urgent Appeal TUN 008/0608/OBS 107.1	August 21, 2008
Messrs. Adnane Hajji, Foued Khenaiissi, Taeïb Ben Othmane, Boujomâa Chraïti, Bechir Laabidi and Mohieddine Cherbib	Arbitrary arrests / Ill-treatment	Urgent Appeal TUN 004/0408/OBS 049	April 8, 2008
	Release / Arbitrary detention	Urgent Appeal TUN 004/0408/OBS 049.1	April 14, 2008
	Judicial harassment	Urgent Appeal TUN 004/0408/OBS 049.2	September 18, 2008
	Violation of the right to a fair trial	Press Release	December 13, 2008
Mr. Khemais Chamhari	Acts of harassment	Urgent Appeal TUN 005/0408/OBS 057	April 14, 2008
Mr. Taoufik Ben Brik and Ms. Radhia Nasraoui	Acts of harassment and intimidation	Urgent Appeal TUN 006/0408/OBS 069	April 29, 2008

Names of human rights defenders / NGOs	Violations	Intervention Reference	Date of Issuance
Ms. Radhia Nasraoui, Ms. Saida Garrach, Messrs. Abderraouf Ayadi, Ridha Reddaoui, Zouari, Mohamed Abbou, Mondher Cherni, Ayachi Hammami, Khaled Krichi and Chokri Belaid	Acts of harassment and intimidation / Attacks	Urgent Appeal TUN 001/0407/OBS 0373	May 22, 2008
	Attacks / Harassment	Urgent Appeal TUN 001/0407/OBS 0374	August 4, 2008
Messrs. Messaoud Romdhani and Naceur Laagili	Arbitrary arrest / Harassment	Urgent Appeal TUN 007/0508/OBS 091	May 28, 2008
Messrs. Anouar Kousri and Samir Dilou	Attacks / Ill-treatment / Harassment	Urgent Appeal TUN 009/0708/OBS 112	July 2, 2008
Ms. Zakia Dhifaoui	Arbitrary arrest / Judicial harassment	Press Release	July 31, 2008
	Sentencing	Press Release	August 19, 2008
	Sentencing on appeal	Press Release	September 16, 2008
	Conditional release	Press Release	November 7, 2008
Messrs. Othman Jmili, Faouzi Sadkaoui, Lotfi Hajji, Mohamed Ben Saïd and Ali Ben Salem	Arbitrary arrest / Harassment	Press Release	July 31, 2008
Mr. Tarek Soussi	Arbitrary detention / Ill-treatment	Urgent Appeal TUN 010/0908/OBS 147	September 5, 2008
	Judicial harassment / Provisional release	Urgent Appeal TUN 010/1008/OBS 158	October 1, 2008

Names of human rights defenders / NGOs	Violations	Intervention Reference	Date of Issuance
Ms. Naziha Rjiba	Arbitrary detention / Harassment	Urgent Appeal TUN 011/1008/OBS 169	October 22, 2008
	Judicial proceedings	Urgent Appeal TUN 011/1008/OBS 169.1	October 24, 2008
		Urgent Appeal TUN 011/1008/OBS 169.2	October 29, 2008



/ YEMEN

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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Political context

In Yemen, the political situation remained marked in 2008 by the armed conflict that opposed from June 2004 until August 2008 the authorities and the rebellion led by partisans of the Zaidi religious leader Hussain Badr Al-Din Al-Huthi in the region of Saada, in the north of the country. The conflict resulted in hundreds of deaths and tens of thousands of displaced persons since the start of the clashes¹. In addition, the authorities carried out numerous waves of arrests. Hundreds of rebels, some of their families and many people suspected of sympathising with the armed movement were arrested, essentially because they were Zaidi members. Arrests also comprised several political activists, journalists and human rights defenders who had condemned human rights violations, in particular the waves of arbitrary arrests carried out by the Yemeni authorities. For example, Mr. Mohamed Miftah, former Imam at the Sana'a Mosque and a member of the Al-Haqq political party, was arrested on May 21, 2008 and detained at a secret location until August 31, 2008, and released on September 7, 2008 without being brought before a judge². The President of Yemen, Mr. Ali Abdullah Saleh, indeed ordered in September the release of numerous prisoners arrested in relation to the Saada conflict. However, as of the end of 2008, 69 of them were still held in detention without having been tried³.

In 2008, the Yemeni authorities also faced large-scale social demonstrations in the south of the country. Since the end of the civil war

1./ In August 2008, official sources reported 90,000 internally displaced persons. However, the exact number of displaced persons varied according to the sources and the different periods of the conflict.

2./ As of the end of 2008, it had not been possible to obtain information regarding the charges against him. See Hewan Forum and Human Rights Watch Report, *Disappearances and Arbitrary Arrests in the Armed Conflict with Huthi Rebels in Yemen*, October 2008.

3./ See Front Line Press Release, December 15, 2008.

in 1994, many voices raised in the southern provinces to denounce, amongst others, the despoilment of previously nationalised lands and the discrimination against soldiers and civil servants in the south who had been forcibly retired after 1994⁴. The claims for an end to these discriminatory practises increasingly found echo in the southern population in the past few years. On January 13, 2008, tens of thousands of people gathered in Aden to support the demands made by the Committee of Retired Army Personnel. This demonstration and those that followed were violently repressed by the security forces, which fired live ammunition on demonstrators, killing seven people, including four on January 13, and wounding 75⁵. 860 people were also arrested, 20 of whom were still reported as missing as of the end of 2008⁶. Ninety people were deferred before the courts for “attacks on national unity” and 54 of them were given from one month’s suspended sentence to three years in prison⁷. As at the end of December 2008, hundreds of people were still held in different prisons in the country.

The Yemeni media were affected by the political and social tensions that shook the country during 2008. On March 14, 2008, the authorities banned distribution of the weekly newspaper *Al-Sabbah*, which was accused of covering demonstrations in the south of the country and in certain governorates in the north in a manner that was “detrimental to national unity”. The distribution of the monthly *Abwab*

4./ At the end of the war thousands of military personnel and civil servants of the former Democratic Republic of Yemen (south Yemen) were forcibly retired. Since then they have continued their demands to benefit from pensions identical to those of other military personnel or, for the younger ones, to be employed in other positions.

5./ See Yemeni Observatory for Human Rights (YOHR), *Report on the Right to Peaceful Assembly*, 2008.

6./ *Idem*.

7./ In particular, Mr. Yahia Ghaleb Al-Shuaibi, a lawyer and member of the Yemeni Socialist Party (YSP), who had taken part in demonstrations in the south of the country, was arrested during the night of March 31, 2008. He was held at a secret location for 15 days before being deferred before a judge. The President of the Republic granted him a pardon on September 11. Mr. Al-Shuaibi, together with two other members of YSP, was accused of having encouraged demonstrations that led to clashes with the forces of order. See Yemen Centre for Human Rights Studies (YCHRS) and National Organization for Defending Rights and Freedoms (Hood).

was also banned by the authorities⁸. On April 5, 2008, the Information Ministry cancelled the licence of the weekly newspaper *Al-Wasat*⁹. The authorities also blocked access for several months to websites such as *yemenportal.net* and *aleshteraki.net*, the press organs of the main opposition party¹⁰.

Obstacles to freedom of peaceful assembly and harassment of lawyers involved in defending protestors

In 2008, the authorities targeted some of the lawyers who defended persons arrested during the demonstrations that took place in the southern provinces. On May 17, 2008, Ms. **Afrae Al-Hariri**, a lawyer and Chair of the Women's Help and Protection Centre, was arrested in the company of Ms. Zahrae Saleh, Chair of the women's section of the League of Sons of Yemen political party (*Râbitat Abnâ' al-Yaman-Râ'y* - RAY), during a rally organised in solidarity with the protests in the southern provinces. She was detained for several hours before being transferred to a detention centre without a warrant. She was then released without charge. Two days later, Ms. Al-Hariri was arrested again by the security forces, who wrongly accused her of having driven off after accidentally knocking over a child. Proceedings were opened against her and were pending as of the end of 2008¹¹. In addition, on August 11, 2008, the security services arrested Mr. **Mohamed Ali Al-Saqqaf** at Sana'a airport while he and his family were preparing to board the plane for Dubai. This arrest was apparently due to the involvement of Mr. Al-Saqqaf in defending persons arrested during the social demonstrations. He was then detained for two days in the prison of the criminal investigation department in Sana'a before being

8./ See Sisters' Arab Forum for Human Rights (SAF) Press Release, March 14, 2008. The Information Ministry reproached the weekly *Al-Sabbah* for not respecting the legal procedure when it was created. The monthly *Abwab* (printed abroad) was seized at Sana'a airport. The cover of the magazine showing President Ali Abdullah Saleh was judged disrespectful of the presidential function.

9./ The weekly newspaper, considered one of the main opposition newspapers, was accused of having "undermined national unity, stirred up religious divisions and damaged relations with neighbouring countries" after it published articles that were critical of Saudi Arabia. On April 5, the Yemeni courts cancelled the ruling of the Justice Ministry. See Reporters Without Borders (*Reporters sans frontières* - RSF) Press Release, April 10, 2008.

10./ See RSF Press Releases, January 24 and March 24, 2008.

11./ See YOHR.

released on August 13, on the condition that he present himself to the authorities as soon as he was asked to do so¹².

Reprisals against defenders and journalists who denounce human rights violations

In 2008, several human rights defenders, including journalists, were attacked by the authorities for having denounced, sometimes in briefings or in articles, grave human rights violations, in particular those linked to the management of the armed conflict in the northern provinces and the repression of demonstrations in the south of the country. As an example, the authorities tried to intimidate Mr. **Ali Al-Dailami**, Executive Director of the Yemeni Organisation for the Defence of Democratic Rights and Freedoms: on May 22, 2008, the police surrounded his house but, as they did not find him, they arrested his brother Hassan and took him to a detention centre where they beat him. He was released the next day with the order to inform his brother that he should stop his human rights activities¹³. On June 9, 2008, Mr. **Abdulkarim Al-Khaiwani**, former Editor-in-chief of the newspaper *Al-Shoura*, was sentenced to six years in prison by the Sana'a State Security Court for "collaborating with the rebels" after the publication of articles condemning the repression linked to the Saada war. Furthermore, Mr. Al-Khaiwani, who suffers from diabetes and has a heart problem, was denied medical treatment throughout his detention period¹⁴. The President of the Republic pardoned him on September 25, 2008¹⁵. Similarly, Mr. **Luai Al-Moayad**, a member of the Yemeni Organisation for the Defence of Democratic Rights and Freedoms and Executive Director of the website *yemenhurr.net*, was arrested at his home on June 30, 2008 following the publication of information on the Saada conflict. He was held at a secret location for over two months before being released on September 12, 2008 without charge. As at the end of 2008, Messrs. **Nayef Hassan**, **Nabeel Subei** and **Mahmoud Taha**, three journalists from the weekly newspaper *Al-Shari'*, were still prosecuted by the Defence Ministry for "the dissemination and publication of information likely to undermine army morale" following

12./ *Idem*.

13./ See Hewar Forum.

14./ See YOHR, YCHRS and Hood.

15./ See RSF Press Release, September 25, 2008.

the publication of an article in June 2007 denouncing the regime's use of tribal combatants against Huthi rebels. They incur the death penalty¹⁶. Finally, on November 2, 2008, Mr. **Abd Al-Hafed Moejeb**, a correspondent for the daily newspaper *Al-Ayyam*, was arrested by the police force at a checkpoint at Ain Ali. The police searched his vehicle, scattered his belongings on the ground and hit him when he tried to make a phone call. They then took him to an unknown location where he was forced to sign blank documents. This arrest appeared to be linked to the work of Mr. Abd Al-Hafed Moejeb with *Al-Ayyam*, the daily newspaper with the largest distribution in the country, which became famous for its coverage of the demonstrations in the southern provinces¹⁷.

Attacks on human rights defenders' freedom of movement

In 2008, several defenders were prevented from leaving the national territory because of their human rights activities. On November 29, 2008, Sana'a airport national security agents prevented Mr. Abdulkarim Al-Khaiwani¹⁸ from going to Cairo where he was due to take part in a human rights conference organised on November 30 by the Egyptian National Human Rights Council and the Office of the UN High Commissioner for Human Rights. The authorities informed him that the ban was imposed at the request of the Sana'a airport passport department. Other people, notably Ms. Afrae Al-Hariri, were also prevented from taking the plane¹⁹.

16./ See SAF and RSF Press Releases, March 20 and November 26, 2008.

17./ See Hood.

18./ See above.

19./ See SAF Press Release, November 30, 2008.