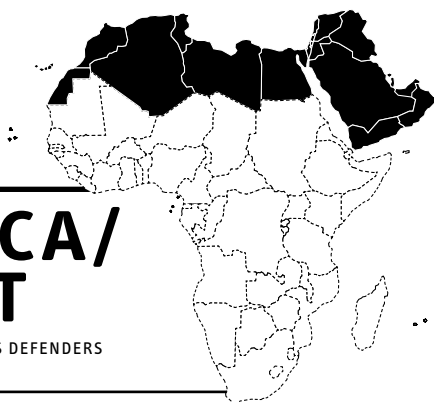

NORTH AFRICA/ MIDDLE EAST

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2011



REGIONAL ANALYSIS NORTH AFRICA AND MIDDLE EAST

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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A broad popular social protest movement calling for greater freedom and justice has shaken several countries in North Africa and Middle East since December 2010. Sparked by the immolation of a young unemployed Tunisian who was facing economic problems and social injustice, the revolt of the Tunisian people found echo in neighbouring countries that were also subjected to corruption, social injustice and repression. The scale and consequences of these movements varied according to the country. In *Tunisia* and *Egypt*, they forced leaders out of power after decades of despotism and flagrant violations of fundamental freedoms. In *Algeria*, *Jordan*, *Morocco* and *Oman*, Heads of State committed to the path of reform, promising a broad review of the Constitution. In the *Occupied Palestinian Territory (OPT)*, the authorities announced the organisation of presidential and parliamentary elections in the coming months. In *Iraq*, the authorities took a series of measures to combat nepotism and corruption, the principal demand of the demonstrators. Other regimes, on the contrary, responded to the protest movement with violent repression of demonstrations (*Bahrain*, *Libya*, *Syria*, *Yemen*). The authors of these serious human rights violations remained unpunished despite statements by some Governments announcing the creation of commissions to investigate the violence that occurred during demonstrations (*Syria*). In *Egypt* and *Tunisia*, former Presidents Hosni Mubarak and Ben Ali, the Egyptian former Minister of Interior and several members of the Ben Ali family are the subject of an investigation into the bloody repression of the demonstrations that took place at the beginning of 2011¹.

Furthermore, while the lifting of the state of emergency in *Algeria* and in *Syria* did not put an end to the evident human rights violations, the human rights situation in most of the countries in the region remained worrying: arbitrary arrests and detentions (*Bahrain*, *Syria*), practice of

1/ In Tunisia, a National Commission to Establish the Facts Regarding the Abuses Committed During the Repression in December 2010 - January 2011 (*Commission nationale d'établissement des faits sur les abus commis au cours de la répression de décembre 2010 - janvier 2011*) was also set up.

ill-treatment and torture (*Bahrain, Egypt, Saudi Arabia, Syria, Tunisia*) or recourse to special courts (*Bahrain, Egypt, Syria*).

In addition, although during the protest movements the media especially Internet notably via social networks such as *Facebook* or *Twitter* became established as real tools for social mobilisation, the authorities soon tried to block access to Internet and to cut off mobile telephones with the aim of containing the movements (*Egypt, Syria, Tunisia*). Similarly, the authorities censored satellite TV channels, especially the *al-Jazeera* news channel, which plays an important role in broadcasting Arab opinion across borders (*Bahrain, Egypt, Kuwait, Morocco, OPT, Syria, Yemen*). Some journalists also died while they were covering the protest movements (*Bahrain, Egypt, Iraq, Libya, Yemen*).

At a regional level, the Gulf Cooperation Council (GCC) said in July 2010 it was ready to initiate a regional human rights commission to improve the situation in its member States². Made up of independent and impartial experts, this commission would be responsible for accurate auditing of human rights affairs in the region³. However, as of the end of April 2011, there was no notable progress in setting up such a commission. Furthermore, on March 14, 2011, GCC sent armed troops to repress the people's protest movement in *Bahrain*. As to the League of Arab States, it did not react to any situation in the region, with the exception of *Libya*. In addition, the Arab Commission for Human Rights is still not fully operational and as of the end of April 2011, it had not reacted to any of the referrals made by the human rights organisations.

In 2010-2011, notwithstanding the overthrow of the dictatorial regimes in *Tunisia* and *Egypt*, the situation of human rights defenders remained worrying in most of the countries in the region. They were indeed again the target of numerous attacks on their freedoms of expression, association and peaceful assembly. They were also victims of defamation campaigns, arbitrary detention, judicial harassment and threats.

Repression of peaceful assemblies

In several countries of the region, when peaceful rallies gave rise to violent repression from the part of the authorities, with the security forces firing live bullets at the unarmed demonstrators, defenders who documented the human rights violations committed by the security forces during this repression were not spared (*Bahrain, Egypt, Syria, Tunisia*,

2/ The GCC is made up of Bahrain, Kuwait, Oman, Saudi Arabia and the United Arab Emirates.

3/ See Human Rights First Society, Saudi Arabia (HRFS) 2010 Report, *Unholy Trespass*, December 2010.

Yemen). Similarly, the authorities took reprisals against defenders who organised rallies on human rights issues (*Algeria, Egypt, Iraq, Israel and OPT, Morocco and Western Sahara, Saudi Arabia, Syria, Tunisia, Yemen*). In *Iraq*, demonstrations that spread to towns in Kurdistan after February 17, 2011, calling for an end to corruption, were brutally repressed by militia affiliated to the Kurdistan regional Government⁴. In addition, a variety of legislations continued to restrict freedom of assembly in *Algeria, Bahrain* and *Yemen* and, in *Egypt*, the adoption in April 2011 of a law outlawing demonstrations and strikes, constituted a new attack on the exercise of the right to peaceful assembly.

Continued recourse to repressive legislation to hinder freedom of association

In *Saudi Arabia* and *Libya*, where systematic repression continued, it was again impossible for the independent and organised human rights movements to openly form⁵. In other countries (*Jordan, Kuwait, Oman, Qatar, United Arab Emirates*), although there seemed to be few direct attacks on human rights defenders, in reality the methods used by the authorities of these countries were less visible and targeted less defenders than the legal framework in which they operate.

Furthermore, in many countries, repressive legislation remained in force or was adopted to hinder human rights activities. In *Algeria* and *Syria*, the “perpetual” state of emergency and its repressive framework remained in force in 2010 before being lifted in February and April 2011 respectively. Nevertheless, lifting the state of emergency did not put an end to the massive repression of defenders in *Syria*, had not yet introduced fundamental changes in *Algeria*, and raised the question of the continuing repressive framework in ordinary legislation. In *Egypt*, the Military Council committed to lift the state of emergency in place since 1967 only “when circumstances permit”. In addition, in the name of national security, in March 2011, *Bahrain* and *Yemen* adopted special emergency legislation to impose a state of emergency with the intention of stifling the activities of civil society organisations. In several countries of the region (*Bahrain, Egypt, Libya, Syria*), the right to freedom of association continued to be

4/ See Amnesty International Press Releases, February 21 and April 19, 2011.

5/ Furthermore, in November 2010, under the United Nations Human Rights Council’s Universal Periodic Review mechanism, the Libyan authorities rejected recommendations calling on the country to abolish capital punishment for crimes relating to freedoms of expression and association, and to put an end to the special courts before which civilians, including human right defenders, are tried, and to accede to the International Convention for the Protection of All Persons from Enforced Disappearance. See United Nations Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Libyan Arab Jamahiriya*, United Nations Document A/HRC/16/15, January 4, 2011.

flouted by legal provisions that subject the establishment of an association to a system of consent. In *Algeria* and *Morocco*, although an association is registered by declaration, in practise the administrative authorities refuse to issue a receipt attesting to the act of declaration. In *Israel*, several draft laws were adopted or were in the course of being adopted, aiming at restricting the field of action and delegitimise the work of defenders and Israeli civil society organisations working in *Israel and the OPT*. Finally, in *Libya*, several legislative provisions continued to criminalise the exercise of the right to freedoms of expression, association and assembly. Indeed, Law No. 71 of 1972 and Article 206 of the Criminal Code provide for capital punishment for forming groups banned by law including associations, on the basis of a political ideology contrary to the principles of the 1969 revolution. Furthermore, Article 178 of the same Code makes it a crime to issue information when it is considered to harm the reputation of *Libya* abroad.

On the other hand, in *Iraq*, Parliament voted a new law in favour of freedom of association on January 25, 2010⁶. This legislation came into force on March 2, 2011 and provides for a system of declaration for creating an association, and permits non-governmental organisations to receive funding from abroad and to join forces with international organisations without prior Government approval⁷. In *Tunisia*, since the transitional Government was set up, considerable progress was noted relating to the freedom of human rights defenders to organise and to work.

Acts of intimidation against defenders of the rights of refugees and minorities

Human rights defenders who denounced the discrimination of which refugee populations and various ethnic or religious groups were victims of were subjected to various forms of repression. In *Lebanon*, two members of the Palestinian Human Rights Organisation (PHRO) were victims of acts of intimidation because of their commitment on behalf of the rights of Palestinian refugees in *Lebanon*. On October 9, 2010, Mr. **Ghassan Abdallah**, PHRO General Director, was threatened with torture by a intelligence services unit of the army, who interrogated him in particular about a seminar organised by PHRO on the policy of access to the Nahr al-Bared Palestinian refugee camp. On November 27, 2010, Mr. **Hatem Moqdadi**, PHRO Coordinator at the camp, was arrested by the intelligence services unit in the Nahr al-Bared camp, before being released without charge on December 1. Furthermore, in *Algeria*, *Bahrain*, *Saudi*

6/ Law No. 12 of 2010 called the "Law on Non-Government Organisations".

7/ See Arab Human Rights Defenders Union, Iraqi branch, Press Release, January 26, 2010.

Arabia and *Syria*, arbitrary arrests and abusive judicial proceedings targeted people who defend, respectively, the rights of Ibadi, Shia Muslim and Kurdish communities. In *Israel*, a defender who denounced restrictions on the political freedom of Arab citizens in Israel was the target of reprisals by the authorities.

Harassment of defenders who fight against torture

In 2010–2011, defenders who denounced the use of torture or ill-treatment were subjected to acts of intimidation. In *Bahrain*, some human rights defenders were victims of a defamation campaign, whilst others were sentenced to imprisonment for participating in a report condemning the use of torture in the country. In *Lebanon*, Ms. **Marie Daunay** and Mr. **Wadih al-Asmar**, members of the Lebanese Centre for Human Rights (*Centre libanais des droits humains* - CLDH), were the subject of a complaint filed in March 2011 by the President of Parliament, alleging that the report published by the organisation in February 2011, entitled *Arbitrary detention and torture: the Bitter Reality of Lebanon*, contained “false accusations” and constituted “an incitement to religious hatred”.

Reprisals against journalists who denounce human rights violations and corruption

In 2010–2011, journalists who denounced human rights violations or corruption were the target of reprisals: assassinations (*Iraq*), threats, physical violence (*Tunisia, Yemen*), arbitrary arrests and judicial harassment (*Bahrain, Egypt, Morocco, Syria, Tunisia, Yemen*). In *Iraq*, on May 4, 2010, Mr. **Sardasht Osman**, a Kurdish journalist who published articles on the corruption of the political system in Iraqi Kurdistan in many online newspapers and Internet websites, was abducted at the entrance to Erbil University. His body was found two days later with two bullets in his head⁸.

The precarious situation of defenders in conflict zones

In countries affected by armed conflicts, widespread human rights violations did not spare human rights defenders, who were victims of arbitrary arrests, detention without trial, unfair trials and attacks (*Iraq, Israel and the OPT, Libya, Yemen*). In addition, in *Iraq* and *Libya*, analysis of the situation of human rights defenders remained very sensitive due to the serious security situation. In *Yemen*, defenders who condemned the serious violations of human rights and international humanitarian law committed by the authorities, especially during the repression that increased after the February 11, 2010 ceasefire agreement with the Huthi rebels in the north

of the country, were victims of arbitrary arrest and detention. In *Israel* and the *OPT*, the increased number of checkpoints in the West Bank, the continuing blockade of Gaza and the construction of a separation wall, made it extremely difficult for human rights defenders to travel and hindered their work. In addition, draft laws threatened to hamper defenders who denounce the serious violations of human rights and international humanitarian law committed by the Israeli army. In *Iraq*, on October 26, 2010, members of the Iraqi army entered the house of Mr. **Ayad Muayyad Salih**, a member of the Iraqi Institute for Development, a human rights NGO for which Mr. Salih documents and denounces violations committed by the army. In his absence, army members arrested his father and his brother without a warrant and held them incommunicado for 35 days, before releasing them on November 29, 2010⁹. Furthermore, in *Morocco and Western Sahara*, the authorities continued to exploit the conflict by restricting the activities of Saharawi human rights defenders, who once again were subjected to acts of intimidation.

Urgent Interventions issued by The Observatory from January 2010 to April 2011 of in the region for which there is no country fact-sheet

COUNTRY	Names	Violations / Follow-up	Reference	Date of Issuance
LEBANON	Mr. Nizar Saghieh	Harassment	Joint Press Release	March 8, 2010
LEBANON	Mr. Ghassan Abdallah	Threats	Joint Press Release	October 13, 2010
LEBANON	Messrs. Hatem Moqdadi, Hani El-Aaraj and Ghassan Abdallah	Incommunicado detention / Release / Harassment	Urgent Appeal LBN 001/1210/OBS 141	December 2, 2010
LEBANON	Lebanese Human Rights Centre (CLDH)	Judicial harassment	Urgent Appeal LBN 001/0311/OBS 036	March 16, 2011
LEBANON	CLDH / Ms. Marie Daunay and Mr. Wadih al-Asmar		Joint Press Release	March 24, 2011

9 / See United Nations Human Rights Council, *Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya - Addendum - Summary of cases transmitted to Governments and replies received*, United Nations Document A/HRC/16/44/Add.1, 28 February 2011.

ALGERIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2011

While the authorities tried in 2010 to further restrict the freedoms of the civil society, including by intensifying the repression of peaceful assemblies and obstructing meetings, in 2011 they lifted the state of emergency that had been in force for nineteen years for fear of an increase in social protest movements. Despite this progress, many laws that violate freedoms of association and peaceful assembly, as well as administrative practices and harassment by the police and the judiciary, continued to hamper the activities of human rights defenders.

Political context

On February 23, 2011, the state of emergency – in force in Algeria for nineteen years – was lifted by an order published in the Official Journal¹. The decision came following the intensification of social protests that started on January 5, 2011 and left hundreds of wounded people amongst protesters and security forces². Triggered by the announcement in early January of a drastic increase in the price of essential commodities, this grassroots movement echoed the uprisings for democracy and freedom that marked the Arab region in early 2011. However, the end of the emergency rule did not lead to the democratisation of political life or progress with respect to fundamental freedoms. Thus, on February 3, 2011, the Head of State instructed his Government to develop “appropriate texts that will allow the State to keep fighting terrorism until its completion, with the same efficiency, and according to the law”³. The announcement raised fears of the adoption of emergency legislation that would restrict fundamental freedoms and rights. Ordinance No. 11.02, adopted on the same day that the one on the lifting of the emergency rule, legalised the “safe house arrest” in incommunicado detention, of people suspected of terrorism or subversive acts.

In addition, 2010 saw no improvement in terms of respect for human rights, with the authorities stepping up measures to further restrict the

1/ See Ordinance No. 11.01 of February 23, 2011, ending the state of emergency legislation by repealing Decree No. 93.02 of February 6, 1993 extending the duration of the state of emergency declared by Decree Presidential Decree No. 92.44 of February 9, 1992.

2/ See FIDH, the Algerian League for the Defence of Human Rights (*Ligue algérienne pour la défense des droits de l'Homme* - LADDH) and the Collective of Families of the Disappeared in Algeria (*Collectif des familles de disparus en Algérie* - CFDA) Joint Press Release, January 9, 2011.

3/ See LADDH Press Release, February 18, 2011.

freedoms of civil society and reinforcing repression. The right to freedom of expression also continued to be sanctioned in Algeria⁴. Thus, the website of *Radio Kalima-Algérie*, the only alternative private news radio in Algeria, as well as its satellite broadcasts, have been blocked since March 17 and 18, 2010 respectively⁵. The crackdown also targeted foreign journalists⁶.

Socio-economic development also deteriorated in the country, marked by chronic housing and education crises, and endemic corruption⁷. On May 6, 2010, the UN Committee on Economic, Social and Cultural Rights issued its Concluding Observations after examining Algeria's application of the International Covenant on Economic, Social and Cultural Rights. The Committee was very concerned by the failure of social dialogue and violations of trade union freedoms, as well as the "administrative, police and judicial interference" vis-à-vis trade unions independent of the public sector. The Committee also noted the non-compliance of the National Consultative Commission for the Promotion and Protection of Human Rights (*Commission nationale consultative de promotion et de protection des droits de l'Homme - CNCPPDH*) with the Paris Principles of independence, transparency and cooperation with members of civil society⁸.

A legislative framework unfavourable to human rights activities

Freedom of assembly and of public protest is still not fully guaranteed in Algeria. Indeed, while the Decree No. 92.44 of February 9, 1992 declaring a state of emergency was repealed⁹, the Act No. 91.19 of December 2, 1991 on Public Meetings and Demonstrations remains in force, as does the decision of the Government Council of June 18, 2001, which prohibits peaceful marches and other forms of public demonstrations in Algiers. Act No. 91.19 provides that, for public meetings, organisers must file a simple

4 / See Statement by the United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Mr. Frank La Rue, following his visit to Algeria from April 10 to 17, 2011, April 19, 2011.

5 / See Reporters Without Borders, (*Reporters sans frontières - RSF*) Press Release, March 19, 2010.

6 / For example, on September 18, 2010, two Moroccan journalists of the weekly *Assahrae al-Ousbouiya*, a newspaper favourable to Western Sahara joining Morocco, were arrested by the Algerian military authorities upon arrival in Tindouf (southern Algeria), before being deported on September 22 to Morocco. See RSF Press Releases, September 21 and 22, 2010.

7 / See FIDH, LADDH and CFDA Joint Report, *La Mal-vie: rapport sur la situation des droits économiques, sociaux et culturels en Algérie*, May 2010.

8 / See United Nations Committee on Economic, Social and Cultural Rights, *Concluding Observations of the Committee on Economic, Social and Cultural Rights*, UN Document E/C.12/DZA/CO/4, June 7, 2010.

9 / Decree No. 92-44 of February 9, 1992 empowered the Minister of Interior and Local Government and the Wali with territorial jurisdiction to direct, by order, the temporary closure of venues of all kinds and prohibit any demonstration likely to disturb public order and tranquillity.

declaration to the Wali¹⁰, who must give a receipt. However, in practice, this receipt is very rarely granted. Organisers of public protests must apply for permission from the authorities. Furthermore, Act No. 91.19, as envisaged in the decree declaring a state of emergency, also allows the authorities to ban any meeting that could risk disturbing public order. The authorities regularly prohibited public demonstrations¹¹ and public meetings were rarely allowed, especially when the organisers were human rights organisations. Thus, on the evening of March 24, 2010, the management of regulatory and general affairs of the “wilaya” of Algiers did not authorise the Algerian League for the Defence of Human Rights (*Ligue algérienne pour la défense des droits de l’Homme* - LADDH) to hold its third congress the following two days at the centre of the Zeralda construction material craftsmen society, while the organisation had filed a declaration with the wilaya of Algiers on February 28, 2010. Moreover, following the lifting of the emergency rule, many representatives of the national authorities stated that public marches remained banned in Algiers¹², and President Bouteflika announced that no march would be tolerated in Algiers but that if some people wanted to meet, they could do so in public rooms¹³. In 2011, the National Coordination for Change and Democracy-Barakat (*Coordination nationale pour le changement et la démocratie* - CNCD-Barakat) organised several meetings in Algiers and Oran that were not prohibited¹⁴. Nevertheless, on April 23, 2011, despite a written and signed booking for a room, the Mostaganem authorities refused to hand over the receipt to the organisers of the CNCD Oran on the pretext that the room was not available, and the meeting was therefore not held as planned in the reserved room¹⁵.

Moreover, the Ordinance passed in February 2006 on the implementation of the Charter for Peace and National Reconciliation remains in force, restricting the freedom of expression and action of human rights defenders.

10 / Chief of the administrative districts called wilayas in Algeria.

11 / See *infra*.

12 / See notably Mr. Daho Ould Kablia, Minister of the Interior, on national radio *Chaîne III* on February 24, 2011. See also LADDH Press Release, March 3, 2011.

13 / See *el Watan* Article, February 3, 2011. According to the newspaper, Mr. Bouteflika said on the ban on public marches in Algiers that: “Moreover, Algiers has several public rooms of various capacities, which are freely available to any party or association by legal demand to hear his point of view”.

14 / The CNCD was created on January 22, 2011 by human rights organisations, independent trade unions, student organisations and youth and political parties, to demand the lifting of emergency rule, the release of people arrested during peaceful demonstrations or for crimes of opinion, and for transparency in politics and media. It then split into two distinct groups on February 22, one involving political parties and some civil society organisations (the CNCD) and the other unions, human rights organisations and other civil society organisations (the CNCD-Barakat). See LADDH.

Although these provisions were never implemented, they contribute to the climate of self-censorship in the society, particularly in the media, and discourage critical debate on the conflict of the last decade. This Ordinance provides penalties from three to five years in prison and fines anyone who “by his declarations, writings or any other acts, uses or exploits the wounds of the national tragedy to harm the institutions of the Algerian Democratic People’s Republic, harm the reputation of its agents who honourably served, or tarnish the image of Algeria internationally”. The law penalises a large part of the work of human rights defenders, and in particular the activities related to the fight against impunity and the search for truth and justice.

Similarly, the Algerian authorities continued to prevent human rights organisations from obtaining legal recognition, such as SOS-Disappeared (*SOS Disparu(es)*), which, despite numerous attempts over many years, has never managed to register a request. Other organisations, like the Mich’al Association of the Children of the Disappeared from Jijel (*Association Mich’al des enfants de disparus de Jijel - AMEDJ*), have still not received a receipt from the local authorities¹⁶.

Ongoing repression of peaceful demonstrations

Defenders organising public gatherings dealing with human rights issues continued to be the subject of consistent retribution from Algerian authorities. For example, on May 3, 2010, a large police force dispersed a peaceful rally at the premises of national television in Algiers to mark the World Day for Press Freedom by demanding the right to freedom of expression in Algeria and denouncing censorship. Four of the organisers, Messrs. **Mustapha Benfodil**, **Adlene Meddi** and **Saïd Khatibi**, leaders of the group “Bezzzeff” (“It is too much”), which denounces the attacks on freedoms in Algeria, as well as Mr. **Hakim Addad**, Secretary General of the Rally for Action and Youth (*Rassemblement action et jeunesse - RAJ*)¹⁷, were arrested by the police for “unauthorised gathering”. During their detention, they were subjected to a three-hour examination about the rally before being released without charge. On May 26, 2010, the police also used excessive force during a peaceful march organised by the Coordination of the Arouchs, Dairas and Municipalities (*Coordination des*

16 / This document establishes the legal recognition of an association and allows the continuation of its activities. See Act No. 90.31 on Associations.

17 / RAJ aims at raising the awareness and the mobilisation of the youth to social problems and the promotion of cultural and human rights activities.

arouchs, daïras et communes - CADC)¹⁸ of Tizi-Ouzou. The march was organised to commemorate the events of the Algerian Black Spring¹⁹, to denounce the impunity enjoyed by the responsible for abuses and to demand compliance with the commitments of the State under agreements negotiated in 2005, mainly on the State's responsibilities generated by this crisis. A dozen people were injured, including people over the age of sixty. Moreover, the authorities banned for "reasons of public order", rallies organised in February 2011 by the CNCD. On February 11, 2011, on the eve of one of these rallies, the Algerian authorities also brought in for questioning Messrs. **Kateb Said, Akrem el-Kebir, Ait Tayab Hassan, Bouha Yacine** and Ms. **Chouicha Sihem**, members of the LADDH section in Oran, while they were distributing leaflets calling for the march. They were released two hours later without charge. Over 300 people were also arrested during the march of February 12, including Mr. **Mouloud Boumghar**, member of the Collective of Families of the Disappeared in Algeria (*Collectif des familles de disparus en Algérie - CFDA*), Ms. **Chérifa Kheddar**, President of the organisation of victims of terrorism "Djazairouna", Mr. **Achour Idir**, Secretary General of the Council of High Schools in Algeria (*Conseil des lycées d'Algérie - CLA*), and Mr. **Salem Sadali**, Secretary General of the Independent Union of Technical Education and Training (*Syndicat autonome du technique, de l'enseignement et de la formation - SATEF*), before being released without charge. Moreover, on February 19, the police violently dispersed the second national day of action organised by the CNCD, striking protesters gathered at the May 1st Place in Algiers. Mr. **Ali Yahia Abdenour**, Honorary President of the LADDH, was mistreated and Mr. **Rachid Malaoui**, Chairman of the National Independent Union of Public Administration Personnel (*Syndicat national autonome des personnels de l'administration publique - SNAPAP*), was injured. Anti-demonstrators also attacked the demonstrators. Mr. **Abdelmoumène Khelil**, Secretary General of the LADDH, was threatened with violence in front of the police, who did not intervene²⁰.

Continued repression of defenders of economic and social rights

Defenders of economic and social rights were also victims of multiple acts of intimidation. Unionists in particular continued to be harassed by the authorities. For example, on May 12, 2010, the administrative authorities

18/ The CADC is an assembly of representatives in traditional Kabyle village committees and district committees, created following the events of the Black Spring of April 2001. It organises and oversees protests. The daïra is a subdivision of a wilaya in Algeria territorial administration, and the Aruch is a traditional form of democratic assembly in Kabylia.

19/ In April 2001, following the death of a young Kabyle in the local gendarmerie Béni Doualades, riots erupted and were violently repressed by police forces in Algeria.

20/ See LADDH Press Release, February 19, 2011.

closed down and sealed the premises of the House of Unions (*Maison des syndicats*) in Algiers, which is held on a regular basis by SNAPAP, on the pretext of “disturbing public order” and “transforming the premises into a meeting place for girls and young men from different regions of the country”. The decision came on the eve of the Maghreb Union Forum (*Forum syndical maghrébin*) on May 14 and 15, at the House of Unions. Since then, the House was re-opened. Moreover, on October 24, 2010, the administrative authorities refused to renew the passport of Mr. **Mourad Tchiko**, a SNAPAP member who had denounced mismanagement and corruption in the public service, on the pretext of the existence of a case against him in court. This refusal, issued verbally without written notification, would be linked to his union activities²¹. In addition, on February 24, 2011, Mr. Tchiko was arrested by the police outside the National School of Public Works (*Ecole nationale supérieure des travaux publics* - ENSTP) in Kouba, Algiers, where he had gone to support five ENSTP workers who had organised a hunger strike for four days in protest against their working conditions. He was taken to the local security sector of daïra Kouba, before being released without charge several hours later²². In 2010, Mr. **Yacine Zaid**, Secretary General of the local branch of the General Union of Algerian Workers (*Union générale des travailleurs algériens* - UGTA) with Euresst Support Services (ESS), a subsidiary of Compass Group, continued to face legal harassment for having created this union section with the purpose of defending the interests of employees in the company. On December 29, 2010, the Court of Hassi Messaoud condemned him *in absentia* to a three-month imprisonment and a fine of 100,000 dinars (around 1,000 euros) for “defamation,” following an article published on June 12, 2009 in the *el-Watan* newspaper, which focused on trade union rights violations in Algeria. Mr. Zaid was not summoned to the hearing. As of April 2011, he was still free and still awaiting notification of the verdict to appeal. On February 22, 2011, Mr. **Riad Laamri**, a member of the National Committee for the Defence of the Rights of the Unemployed (*Comité national pour la défense des droits des chômeurs*) and of the LADDH, was beaten by the police and arrested during a peaceful rally outside the labour office in the Skikda wilaya for denouncing the situation of unemployed people and defending their rights. He was also verbally abused at the police station before being released two hours later without charge²³. On March 16, 2011, the authorities also arrested Ms. **Dalila Touat**, representative of the National Committee for the

21/ Mr. Tchiko has also been suspended from his job since December 18, 2004 for his union activities. See LADDH Press Release, November 28, 2010.

22/ See LADDH Press Release, February 24, 2011.

23/ See LADDH Press Release, February 22, 2011.

Defence of the Rights of the Unemployed in the Mostaganem wilaya, western Algeria, following her distribution on March 14, 2011 of leaflets calling for the organisation of a peaceful rally on March 20 in Algiers, to call for the respect of the rights of unemployed people. After being held in custody for 24 hours, she was released with a summons to appear in court on April 28, 2011, under the charge of “incitement to an unarmed gathering”, punishable by one year in prison. On the same day, Ms. Delilah Touat was acquitted²⁴.

Students were also targeted by the authorities. On February 20, 2011, students from several schools and universities in Algeria, holding daily peaceful rallies outside the Ministry of Higher Education to demand improvements in their conditions of study and the broadening of the perspective of employment, were attacked by riot police. More than twenty students were injured. The next day, they continued their rally surrounded by a large police force²⁵.

Constant intimidation and harassment against associations of families of the disappeared

Associations of families of victims of enforced disappearances during the conflict that devastated Algeria in the 1990s, continued to face intimidation from the authorities. Thus, on February 4, 2010, two police brigades in Bab Djedid appeared at the premises of SOS-Disappeared to verify whether the association had a license to carry out its activities in Algeria. They returned on February 9, 2010 to interview its President, Ms. **Fatima Yous**, about the activities of the association. The latter refused to answer questions from the brigade until an official mandate was presented. In addition, several of these associations have still no legal recognition²⁶.

Furthermore, the rallies organised by the families of disappeared to claim their rights to truth and justice regarding the fate of their relatives, were regularly banned and/or repressed by the security forces. Thus, on March 8, 2010, at the call of SOS-Disappeared and on the occasion of International Day of Women’s Rights, families of the disappeared tried to gather outside the Department of Justice. The police then intervened, dispersing the families by using excessive force, physically and verbally abusing some demonstrators. Similarly, in the morning of August 4, 2010, police and gendarmes, deployed in large numbers, closed off all access roads to Addis Ababa square in Algiers, where the CNCPPDH is located, to

24 / See LADDH.

25 / See LADDH Press Release, February 21, 2011.

26 / See *supra*.

prevent the mothers of the disappeared from peacefully gathering, as they do every Wednesday since August 2, 1998. The mothers tried to access their gathering place for nearly two hours, but were violently pushed back by the police. The following week, on August 11, 2010, the security forces used disproportionate violence to disperse about forty relatives of missing people who had come to demonstrate outside the CNCPPDH. The officials gave no official reason for banning the families' rallies, but merely declared that the order to disperse the gathering by any means "came from above". Several demonstrators were pushed and beaten, including Ms. **Nassera Dutour**, Spokeswoman of the CFDA and member of OMCT General Assembly. Ms. **Fatma Lakehel** and Mr. **Hassan Ferhati**, members of SOS-Disappeared, lost consciousness in the wake of the violence and had to be transferred to hospital. The police also arrested four demonstrators, including Mr. **Sliman Hamitouche**, a member of SOS-Disappeared, an 82 year-old father of a disappeared person, Mr. **Millif**, and two young members of the LADDH. They were released several hours later without charge. Since then, the families of the disappeared have tried in vain to reclaim the space that had been appropriated to them for twelve years to claim their rights to truth and justice, but they are still impeded by the security forces. On August 30, 2010, to mark the International Day of the Missing, SOS-Disappeared organised a large rally outside the main post office (*Grande Poste*) in Algiers. One of the representatives of SNAPAP, who had come to support the families, was the first to be arrested after being beaten because he had chanted slogans. In all, nine people were taken to the Cavaignac police station in Algiers, where they were interrogated for several hours before being released without charge²⁷.

Continued judicial harassment against one defender of the rights of religious minorities

Defender of the rights of the Ibadite religious minority²⁸, Mr. **Kamel Eddine Fekhar**, LADDH activist and one of the initiators of the appeal to the formalisation of the Ibadite ritual in Algeria, was also subject to harassment in court because of his activities for the recognition of the rights of Mozabite citizens. Prosecuted and wrongly accused of "destruction of public property and arson of a police car"²⁹, he appeared again on February 10, 2011 before the Criminal Court of Ghardaia, which has not decided his case as of April 2011. His trial was postponed to October 2011, during the next criminal session.

27 / See SOS-Disappeared Press Release, August 30, 2010.

28 / Ibadism is a form of Islam distinct from the Sunni and Shia.

29 / The incidents allegedly occurred in January 2009 during riots that rocked the city of Berriane in the wilaya of Ghardaia.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Name	Violations / Follow-up	Reference	Date of Issuance
SOS-Disappeared / Ms. Fatima Yous	Obstacles to freedom of association / Intimidation	Urgent Appeal DZA 001/0210/OBS 016	February 12, 2010
	Obstacles to freedom of peaceful assembly	Urgent Appeal DZA 002/0310/OBS 036	March 12, 2010
Messrs. Mustapha Benfodil, Adlane Meddi, Saïd Khatibi and Hakim Addad	Obstacles to freedom of peaceful assembly	Urgent Appeal DZA 003/0510/OBS 055	May 6, 2010
House of Unions	Obstacles to freedom of association	Joint Press Release	May 14, 2010
Coordination of the Arouchs, daïras and municipalities (CADC)	Obstacles to freedom of peaceful assembly	Urgent Appeal DZA 004/0610/OBS 071	June 3, 2010
Families of the disappeared	Obstacles to freedom of peaceful assembly	Urgent Appeal DZA 005/0810/OBS 097	August 6, 2010
Families of the disappeared	Obstacles to freedom of peaceful assembly	Press Release	August 13, 2010
Messrs. Kateb Saïd, Akrem el Kebir, Ait Tayab Hassan and Bouha Yacine and Ms. Chouicha Sihem	Acts of intimidation / Obstacles to freedom of peaceful assembly	Urgent Appeal DZA 001/0211/OBS 017	February 11, 2011

BAHRAIN

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2011

In 2010-2011, several human rights defenders were arrested and prosecuted under the Anti-Terrorist Law or were the target of defamation campaigns. In addition, while several NGOs still did not obtain legal recognition, other defenders labour and unions were subject to obstacles to their freedom of association during the repression of a peaceful protest movement in 2011. Moreover, men and women who denounced human rights violations committed during the repression of this movement were subjected to arbitrary arrests, threats and acts of intimidation and even acts of torture that led to the death of one of them in custody.

Political context

In the run-up to the municipal and parliamentary elections on October 23, 2010, the authorities carried out a vast repression movement that began on August 13, 2010, based on the anti-terrorist legislation, targeting the opposition and leading to the arrest of nearly 300 citizens, including 76 children. The persons arrested were also allegedly victims of torture and ill-treatment¹.

This repressive climate intensified from February 14, 2011, when the security forces brutally repressed the peaceful rallies that erupted throughout the country, calling for political reforms, the release of all political prisoners, fair distribution of wealth and an end to torture. The police used tear gas, live and rubber bullets, causing several deaths and hundreds of injured². On February 23, 2011, King of Bahrain Hamad ben Issa al-Khalifa ordered the release of about 250 political prisoners, including many human rights defenders, and carried out a government reshuffle. However, these measures did not stop the demonstrations, which continued to be brutally repressed by the army from March 14, with the support of troops from Saudi Arabia and the Emirates³. On March 15, a three-month country-wide state of

1/ See Bahrain Centre for Human Rights (BCHR) Report, *Children in Bahrain, victims of physical and sexual abuse, abduction, arbitrary detention and unfair trial*, November 20, 2010.

2/ See BCHR.

3/ Between February 14 and May 2, 2011, 31 demonstrators died. See BCHR. The doctors who were at the main rally site in Manama to help the wounded were also targeted on several occasions by the security forces. The latter also took control of the main hospital, preventing help from getting through to wounded demonstrators. See BCHR Press Releases, February 25 and March 16, 2011, and Physicians for Human Rights (PHR) Report, *Do No Harm: A Call for Bahrain to End Systematic Attacks on Doctors and Patients*, April 22, 2011.

emergency was decreed and on March 17, 2011, the police arrested eight of the principal political opponents without a warrant⁴. Altogether, over 900 people were arrested for being suspect of having supported, organised or taken part in the protest movement, or denounced the human rights violations committed by the authorities⁵. These demonstrators were tried by the National Security Court created under the law establishing the state of emergency and presided over by a military judge, with no respect for guarantees of a fair trial⁶. Several demonstrators remained also disappeared as of the end of April 2011. Furthermore, a huge wave of job lay-offs would have affected over 2,000 workers in reprisal for their presumed participation in the protest movement⁷.

In this context, freedom of expression deteriorated considerably. In particular, several websites that published political news or information on the human rights situation, were blocked from August 13, 2010⁸. On September 19, the Ministry of Information also censored the publication of two opposition group newsletters, on the grounds that they were not “in accordance with the procedures and laws governing publications and the press”⁹. The Ministry used the same reasons to suspend the activities of the *al-Jazeera* channel on May 18, 2010 after the broadcast on May 17, 2010 of a documentary about poverty in Bahrain¹⁰. Since the start of the protest movement, more than 68 journalists have been the target of acts of intimidation and harassment due to their coverage of the peaceful demonstrations¹¹. On March 28, 2011, the Military Prosecutor General published Decree No. 5 banning the publication of any information relating to investigations carried out by the military courts.

On April 23, 2010, the King of Bahrain set up the National Institution for Human Rights (NIHR) by royal decree. Several human rights NGOs

4 / See BCHR Press Release, March 18, 2011.

5 / As of the end of April 2011, only 94 of them were released and four died in detention, including two journalists and one blogger. Several were subjected to torture and ill-treatment. See BCHR Press Releases, April 12, 13 and 29, 2011.

6 / On April 28, 2011, during a hearing held in camera, the National Security Court sentenced four demonstrators to death penalty and three others to life imprisonment for the death of two policemen who were crushed by a vehicle during a demonstration in Manama on March 16, 2011. These sentences were based on confessions by the accused that had been obtained under torture. During their trial, the latter denied the accusations made against them. See BCHR Press Release, May 2, 2011.

7 / The General Federation of Bahrain Trade Unions (GFBTU), which represents sixty unions, noted 1,300 cases of dismissal only in the private sector, on the grounds of their participation in the demonstrations.

8 / See BCHR Press Release, 4 September 2010.

9 / See BCHR.

10 / See BCHR Press Release, May 23, 2010.

11 / See BCHR Press Release, May 3, 2011.

denounced the institution's lack of conformity with the "Paris Principles" of the United Nations, especially in view of the King's prerogative to name the members of the institution by royal decree¹². In September 2010, the President of NIHR resigned his post in protest against the latter's silence concerning the wave of arrests in August and September 2010¹³.

Reprisals against human rights defenders who documented the repression of peaceful rallies

Demonstrators and defenders who documented, denounced or bore witness to the repression of the peaceful demonstrations that took place from mid February to mid March 2011 throughout the country, were subjected to arbitrary arrests, threats and intimidation, and even acts of torture that caused the death of one of them. As an example, on April 9, 2011, Mr. **Zakariya Rashid Hassan**, a blogger and moderator of the al-Dair village forum, who denounced human rights violations against the inhabitants of the village, died in detention following his arrest on April 3, for "incitement to hatred", "spreading false information" and "attempting to overthrow the Government". His body bore traces of torture and ill-treatment¹⁴. In the middle of the night of the same day, agents of the security forces brutally arrested Mr. **Abdulahdi al-Khawaja**, former Middle East Region Coordinator for Frontline and former President of the Bahrain Centre for Human Rights (BCHR), and two of his sons-in-law. He was still being held incommunicado at the end of April 2011. Mr. **Nabeel Rajab**, President of BCHR and FIDH Deputy Secretary General, was also the target of acts of intimidation. On April 10, 2011, the Interior Ministry announced that the Military Prosecutor General was opening a judicial investigation against Mr. Rajab, who was accused of having published on April 9, 2011, so-called "faked" photos showing torture marks on the body of a victim. The investigation was still ongoing at the end of April 2011. On March 20, Mr. Rajab had already been arrested by masked policemen in the middle of the night, questioned, threatened and beaten, before being released a few hours later. During the night of April 15, 2011, Mr. **Mohammed Issa al-Tajer**, a lawyer representing several activists who were being prosecuted by the Military Prosecutor General because of their participation in the protest movement, was arrested at his home by around twenty members of the security forces. Some of them were masked. At the end of April 2011, Mr. Mohammed Issa al-Tajer was still being held incommunicado and the charges brought against him were still unknown.

12 / See Bahrain Youth Human Rights Society (BYHRS) Press Release, May 9, 2010.

13 / See *al-Wasat* and BCHR Press Release, September 7, 2010.

14 / The authorities put forward medical reasons for his death, but his body showed the traces of blows and injuries caused by torture. See BCHR Press Releases, April 12 and 13, 2011.

Union members and medical staff were also the target of arrests, threats and acts of intimidation because of their denunciation of the repression of the protest movement, or for helping injured victims. On March 29 and 30, 2011, five board members of the Bahrain Teachers' Society (BTS), Ms. **Jaleela al-Salman**, Mr. **Anwar Abdul-Aziz Akbar**, Mr. **Salah al-Bari**, Ms. **Afrah al-Asfour** and Ms. **Sana Abdul-Razak**, were arrested at their homes without a warrant by members of the security forces, for having called an indefinite strike on March 13, 2011 to protest against the brutal expulsion of demonstrators who had gathered on the same day near the commercial port of Bahrain. At the end of April 2011, they had still not appeared before a court and were still being detained incommunicado with no information concerning the charges brought against them. Similarly, Mr. **Abdul Ghaffar Abdullah Hussein**, one of the founders of the Bahrain Union Movement and President of the Bahrain Petroleum Company Union, was dismissed from his job on March 31, 2011 for having "called for workers to take part in the general strike". Furthermore, on April 6, 2011, the Ministry of Development and Social Affairs published a decree ordering the dissolution of the BTS and the board of the Bahrain Medical Society (BMS). The Ministry of Health also suspended 30 doctors and nurses, whose files were transmitted to an "investigating committee" set up by the Ministry, whose mandate is to investigate medical personnel who treated victims injured during the demonstrations. In addition, on April 4, 2011, Ms. **Rulla al-Saffar**, President of the Bahrain Nursing Society (BNS), who treated victims injured during the demonstrations, was summoned to the Adliya Criminal Investigation Department, where she was arrested by the security forces. As of the end of April 2011, she was still being held incommunicado.

Moreover, several human rights defenders were dismissed from their positions for their assumed participation in the demonstrations or for their human rights activities. For example, on April 17, 2011, Mr. **Abdulla Alderazi**, Secretary General of the Bahrain Human Rights Society (BHRS), received a letter from the University of Bahrain, informing him of his suspension from his position as a lecturer in the English department until final decision. As of April 2011, he remained without further news about this sanction¹⁵.

Recourse to anti-terrorist legislation to prosecute eleven human rights defenders

In August and September 2010, a wave of arrests carried out on the basis of anti-terrorist legislation, targeted several opponents including eleven human rights defenders¹⁶, accused of having “taken part in setting up a group that resorts to terrorism to achieve its objectives”, a charge punishable by life imprisonment (Article 6 of Law No. 58 of 2006 on Terrorism). They were also prosecuted for “incitement to overthrow the regime and the political system” and “incitement to hatred of the regime”, making them liable respectively to five and two years in prison. During the first trial hearing, which opened on October 28, 2010 before the Manama High Criminal Court, the defendants who were held incommunicado and deprived of access to their lawyers until their provisional release on February 23, 2011, complained of ill-treatment and torture during their interrogations. Faced with the Court’s refusal to order an investigation into the allegations of torture, the defence lawyers decided to withdraw from the case on December 9, 2010¹⁷. The Ministry of Justice and Islamic Affairs appointed new lawyers during the following hearings, from November 2010 to January 2011. After the defendants refused to be represented by the new team of lawyers, the latter also decided to withdraw from the case, in accordance with Article 20 of the Constitution, which stipulates that “every person accused of an offence must have a lawyer to defend him with his consent”. However, the Ministry of Justice and Islamic Affairs decided to defer 24 of these new lawyers before a disciplinary committee for their refusal to comply with Ministry orders. The lawyers risked sentences ranging from a verbal warning to being struck from the bar. On February 2, 2011, during a meeting between the Bar President and the King of Bahrain, the latter announced his decision to annul the disciplinary proceedings against the lawyers. Similarly, all the activists charged in the

16 / These were Mr. **Abduljalil al-Sengais**, in charge of the human rights unit of al-Haq, an unauthorised political organisation, who had just attended a seminar organised on August 5, 2010 at the House of Lords in the UK on human rights in Bahrain, Mr. **Abdulghani Ali Issa al-Khanjar**, Spokesperson for the National Committee of Martyrs and Victims of Torture (NCMVT), Mr. **Jaffar al-Hessabi**, an anti-torture activist, Mr. **Mohammed Saeed**, a BCHR member, Mr. **Ali Abdulemam**, a blogger and administrator of the online forum bahrainonline.org, Messrs. **Salman Najji** and **Hassan al-Haddad**, members of the National Committee for the Unemployed, Mr. **Suhail al-Shehabi**, an activist with the National Committee for the Unemployed and the Committee of the Relatives of Detainees, Messrs. **Ahmed Jawad al-Fardan** and **Ali Jawad al-Fardan**, members of the Committee of the Relatives of Karzakan Detainees, and Mr. **Abdul Hadi al-Saffar**, President of the Committee Against High Prices and an activist with the Committee of the Relatives of Detainees.

17 / Other reasons given were: arrest of the defendants without a warrant by members of the national security forces, their incommunicado detention for nearly two months, the defamation campaign against the defendants led by the media and Government representatives, and the impossibility for some lawyers to communicate with their clients.

“terrorist network” case, were released on February 23, 2011 following a ruling by the King. However, at the end of April 2011, the charges against them were still pending.

Continued obstacles to freedom of association

In 2010–2011, human rights organisations continued to be the target of harassment by the authorities. As an example, after several years of legal proceedings for “operating an unregistered association before a registration license was issued”, Mr. **Mohamed Abdul Nabi al-Maskati**, President of the Bahrain Youth Human Rights Society (BYHRS), was sentenced by the Bahrain Criminal Court to a fine of 500 dinars (around 950 euros) on May 6, 2010. In 2005, Mr. al-Maskati had requested approval from the Ministry of Development and Social Affairs to register the BYHRS and proceedings against him had been ongoing since 2007, while Law No. 21 of 1989 on Associations makes the prior approval a requirement for any association activity, with the authorities’ silence signifying that the request is rejected (Article 11). In 2010, other human rights organisations were obliged to carry out their activities without being registered, in particular the National Committee for the Unemployed and BCHR¹⁸.

Furthermore, the authorities also used the Law on Associations to control the activities of existing associations. On April 29, 2010, the BHRS received a letter from the Ministry of Development and Social Affairs, refusing authorisation to hold a workshop on the situation of political prisoners, which was due to be held from May 27 to 29, 2010, on the grounds that the workshop was in violation of Article 18 of the Law of 1989 banning associations from carrying out political activities. On September 8, 2010, the Ministry of Development and Social Affairs published a ministerial decree ordering the dissolution of the BHRS board, the dismissal of its Secretary General, and the appointment, under Article 23 of the same Law¹⁹, of an employee of the Ministry of Development and Social Affairs charged with administering BHRS affairs until a new board was elected²⁰. This ruling came after BHRS organised a press conference on August 28, 2010 denouncing the detention conditions of political prisoners arrested in mid-August and accused of belonging to a terrorist movement. On September 19, 2010, the members who had been

18/ The BCHR was dissolved in September 2004, following a ruling by the Ministry of Development and Social Affairs.

19/ This article allows the Minister of Social Affairs to appoint an interim director or a temporary board when an association commits irregularities that justify the decision, without these irregularities being specified and defined by the law.

20/ The BHRS was accused of irregularities, in particular the defence of one specific category of citizens at the expense of another. It was also charged with publishing statements by illegal bodies on its website.

dismissed from BHRS, started judicial proceedings against the Ministry of Development and Social Affairs. The case was brought before the Urgent Matters Commission to rule on the legality of the suspension ruling. As of the end of April 2011, no judgement had been pronounced. In addition, the authorities carried out the *de facto* closure of the BNS on March 23, 2010 and changed the association's door locks. On the same day, the BNS organised a reception in honour of the release on March 21 of Mr. **Ibrahim al-Dimistani**, the association's Secretary General. He had been arrested on March 17, 2010, together with Mr. **Abdul-Aziz Shabeeb**, a doctor at Salmaniya hospital, for having "hidden and lodged a fugitive", after treating a demonstrator who was severely injured during a demonstration in the village of Karzakan on March 14, 2010. As of the end of April 2011, BNS premises were still closed *de facto*.

Reprisals following the publication of an HRW report on torture

In 2010, the authorities took various reprisal and intimidation measures after the publication on February 8, 2010 by Human Rights Watch (HRW) of a report on the use of torture in Bahrain. A defamation campaign fed by the media and government representatives was launched against several human rights defenders, including Messrs. Nabeel Rajab, Mohamed al-Maskati and Abdulghani Ali Issa al-Khanjar, who were thanked in the report for their support in its preparation and production. On February 16, 2010, during a live radio broadcast on Bahrain public radio, they were accused of "relations with foreign Governments", of "committing acts of violence using Molotov cocktails" and inciting "young people to violence against the State"²¹. These accusations were repeated in the local electronic press, especially *The Gulf News*, *al-Watan News* and *Bahrain Voice*. In addition, in its editions of September 1 and 3, 2010, *al-Watan* published photos of Mr. Rajab and Mr. Abdulhadi al-Khawaja to illustrate an article on a local terrorist network. The article accused them of "publishing erroneous reports" intending to "tarnish the image of the country". Mr. Nabeel Rajab was accused in particular of belonging to a terrorist network in a press release jointly published on September 4, 2010 by the National Security and the Bahrain National News Agency. Furthermore, on March 28, 2010, Messrs. **Sadeq Jawad Ahmed al-Fardan**, a member of the National Committee for the Unemployed, **Sayed Omran Hameed Adnan Alaoui**, a member of the Committee Against Tax Deduction of One Percent, **Fadhel Abbas Mohamed Ashoor**, a member of the Committee Against High Prices, and **Habib Mohamed Habib Ashoor**, a member

21/ These accusations were made against them by Mr. Faisal Fulath, a member of the Shura Council, Mr. Adel al Mghwdah, a member of Parliament, and Mr. Mohammed al-Shooruqi, the programme facilitator.

of the Committee for the Release of Political Detainees, were sentenced in the last resort by the Court of Appeal to three years in prison for the “premeditated murder of a policeman”, the “attempted murder of two of his colleagues” and “rioting”, although the High Criminal Court had found them not guilty of the same charges on October 13, 2009²². This ruling was handed down after the publication of a report by HRW that included testimonies from the four defenders. Messrs. Adnan Alaoui, Habib Ashoor and Ahmed al-Fardan were again arrested respectively on April 4, June 29 and November 25, 2010. As of the end of April 2011, they were still being held by the Bahraini authorities and the police was still looking for Mr. Mohamed Ashoor.

Obstacles to human rights defenders’ freedom of movement

In 2010–2011, restrictions were placed on several human rights defenders’ freedom of movement. As an example, on September 18, 2010, Ms. **Laila Dashti**, a BYSHR member, was prevented from leaving the country to take part in a United Nations Human Rights Council session in Geneva (Switzerland). Similarly, on September 26, 2010, Mr. Abdulhadi al-Khawaja was prevented from taking a plane to Barcelona (Spain) where he was due to take part in a seminar on transitional justice. These decisions were made although there was no official ban preventing these two defenders from leaving the country²³. Additionally, after the state of emergency was introduced, dozens of defenders such as Mr. Nabeel Rajab were still banned from travelling at the end of April 2011.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Name	Violations / Follow-up	Reference	Date of Issuance
Messrs. Nabeel Rajab, Mohamed al-Maskati and Abdulghani Ali Issa al-Khanjar	Defamation campaign	Urgent Appeal BHR 001/0210/OBS 020	February 18, 2010
Bahrain Nursing Society (BNS) / Messrs. Ibrahim Al-Dimistani and Abdul-Aziz Shabeeb	Arbitrary closure / Arbitrary arrest / Release / Judicial harassment	Press Release	March 25, 2010

22/ They had been arrested by the Special Security Forces in April 2009 along with fifteen other activists, and prosecuted for “setting fire to a police vehicle”, after taking part in a peaceful demonstration on April 9, 2009 to denounce a wave of arrests in December 2007, of which several human rights defenders were the target. They were released on October 13, 2009 by the High Criminal Court after forensic evidence proved their innocence.

23/ They questioned the authorities as to whether such a measure existed.

Name	Violations / Follow-up	Reference	Date of Issuance
Messrs. Sadeq Jawad Ahmed al-Fardan, Sayed Omran Hameed Adnan, Fadhel Abbas Mohamed Ashoor and Habib Mohamed Habib Ashoor	Judicial harassment	Urgent Appeal BHR 002/0410/OBS 044	April 12, 2010
Bahrain Human Rights Society (BHRS)	Obstacles to freedom of association	Urgent Appeal BHR 003/0410/OBS 052	April 27, 2010
		Press Release	September 10, 2010
Mr. Abdul-Redha Mohammed	Obstacles to freedom of movement	Closed Letter to the authorities	June 10, 2010
Messrs. Abduljalil al-Sengais, Abdulghani Ali Issa al-Khanjar, Jaffar al-Hessabi and Mohammed Saeed	Arbitrary detention / Judicial harassment / Attacks on freedom of peaceful assembly	Urgent Appeal BHR 004/0810/OBS 101	August 18, 2010
	Ill-treatment / Arbitrary detention	Urgent Appeal BHR 004/0810/OBS 101.1	September 1, 2010
	Release	Urgent Appeal BHR 004/0810/OBS 101.2	March 1, 2011
Messrs. Nabeel Rajab, Abdulhadi al-Khawaja, Ali Abduleman, Suhail al-Shehabi, Ahmed Jawad al-Fardan, Ali Jawad al-Fardan, Salman Naji, Abdul Hadi al-Saffar, Hassan al-Haddad, Abduljalil al-Sengais, Abdulghani Ali Issa al-Khanjar, Jaffar al-Hessabi and Mohammed Saeed	Defamation campaign / Arbitrary arrests	Press Release	September 8, 2010
Messrs. Nabeel Rajab, Abdulhadi al-Khawaja and Ms. Laila Dashti	Obstacles to freedom of movement / Obstacles to freedom of association	Urgent Appeal BHR 005/0910/OBS 118	September 30, 2010
Messrs. Ali Abduleman, Suhail al-Shehabi, Ahmed Jawad al-Fardan, Ali Jawad al-Fardan, Salman Naji, Abdul Hadi al-Saffar, Hassan al-Haddad, Abduljalil al-Sengais, Abdulghani Ali Issa al-Khanjar, Jaffar al-Hessabi and Mohammed Saeed	Judicial harassment	Press Release	December 6, 2010
Mr. Nabeel Rajab	Harassment	Urgent Appeal BHR 006/1210/OBS 142	December 6, 2010

Name	Violations / Follow-up	Reference	Date of Issuance
Messrs. Ali Ahmed al-Oraibi, Loay Abdul Ghani Qarooni, Timor Abdullah Karimi, Ali Abdullah Al Ayoubi, Mohamed Ali Alwatani, Mohamed Eid al-Husseini, Ibrahim Saleh Ibrahim, Abdul Aziz Abdullah al Ayoubi, Ibrahim Issa Ramadan, Hassan Abbas Haider, Hussein Jaafar Alnhash, Hussein Mohsen Hussein, Mahmoud Hassan Bash, Ziad Reuven, Nouf Mohammed Yousif, Abdulhadi Ali, Saleh Abdel Karim al-Marzouq, Abdulali Hamza al-Asfour, Mohammad Ali Mirbati and Ahmed Jassim Abdullah and Ms. Shahnaz Ali Abdullah, Ms. Nabila Sayad Alawi Majeed, Ms. Mona Mohammed Salim and Ms. Layla Jassim al-Jawad	Administrative harassment	Urgent Appeal BHR 001/0111/OBS 007	January 24, 2011
	Proceedings abandoned	Urgent Appeal BHR 001/0111/OBS 0071	March 2, 2011
Messrs. Abdulhadi al-Khawaja and Nabeel Rajab	Sentencing / Judicial proceedings	Press Release	April 11, 2011
Ms. Jaleela al-Salman, Mr. Anwar Abdul-Aziz Akbar, Ms. Salah al-Bari, Ms. Afrah al-Asfour, Ms. Sana Abdul-Razak, Mr. Mahdi Abu-Deeb, Ms. Rulla al-Saffar, Mr. Nabeel Tamman and Mr. Abdul Ghaffar Abdullah Hussein	Arbitrary arrests / Incommunicado detention	Urgent Appeal BHR 002/0411/OBS 061	April 14, 2011
Messrs. Mohamed Issa al-Tajer and Abdulhadi al-Khawaja	Arbitrary detention	Urgent Appeal BHR 003/0411/OBS 065	April 16, 2011
Mr. Abdulhadi al-Khawaja	Arbitrary and incommunicado detention	Urgent Appeal BHR 004/0411/OBS 070	April 21, 2011

EGYPT

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2011

In 2010-2011, activists, lawyers, journalists and bloggers who documented or denounced electoral irregularities, the suppression of protests, the malfunction of justice or law enforcement abuses, were victims of acts of violence, arbitrary detention and judicial harassment. Restrictions on freedoms of association, expression and peaceful assembly also continued to severely hamper the work of human rights defenders.

Political context

After three decades in power, Egyptian President Hosni Mubarak was forced to step down on February 11, 2011, yielding to an unprecedented wave of protests that began on January 25, 2011, during which thousands of demonstrators denounced poverty and corruption, and demanded democratic reforms and the President's departure. The demonstrations occurred despite the state of emergency in force¹ and a reiterated ban on protests by the authorities. Beyond the violent suppression of the demonstrations by the security forces, with 840 people officially reported killed and thousands wounded², the authorities also blocked access to telephone and Internet networks, preventing communications, notably via social networks such as *Twitter* and *Facebook*³. Many journalists were also beaten during the demonstrations.

On February 15, 2011, following Mr. Hosni Mubarak's departure, the Supreme Council of the Armed Forces ensuring the transition appointed a commission of lawyers to draft amendments to the Constitution, which were submitted to a referendum held on March 19, 2011. Approved by 77% of the votes, the amendments focused primarily on allowing independent candidates and the opposition to participate in elections, the introduction of judicial supervision of elections, and term limits for future Presidents of the Republic⁴.

1/ The state of emergency was extended for two years in May 2010. It was lifted by the Egyptian army on February 11, 2011.

2/ See website of the Ministry of Health, www.mohp.gov.eg.

3/ Social networks have been used to launch calls to demonstrate and to disseminate videos of the demonstrations. See Egyptian Organisation for Human Rights (EOHR) Press Release, January 26, 2011.

4/ Their approval has also paved the way for the organisation of parliamentary and presidential elections before 2012, which may promote the victory of parties already in place, including the Muslim Brotherhood, to the detriment of political parties born of a popular uprising.

The prospect of parliamentary elections in November 2010 also gave rise to various measures to weaken the opposition, in particular the muzzling of the press and media but also new restrictions imposed on October 11, 2010 by the national communications regulatory authorities on telephone and mobile phone companies, in order to control the messages sent by opposition groups and to limit any activity hostile to the Government⁵.

Before, during and following the “revolution” in Egypt, several serious human rights violations continued to be observed, despite the lifting of the state of emergency. Many challenges must still be met by the Egyptian authorities, notably with regards to removing the many restrictions on fundamental freedoms and putting an end to practices that are clearly contrary to human rights. Thus, arbitrary arrests and detention were still routinely practiced by the security forces, as well as acts of abuse and torture⁶. In violation of the basic guarantees of their right to a fair trial, civilians also continued to be tried and sentenced to prison by military tribunals for expressing their opposition to the Government on the Internet or through peaceful protests⁷.

Moreover, while the Egyptian authorities pledged on February 17, 2010 to amend their definition of torture to comply with international standards during a review of Egypt in the framework of the United Nations Human Rights Council’s Universal Periodic Review (UPR) mechanism, a number of recommendations relating to the protection of human rights were not adhered to by Egypt. These notably included recommendations urging Egypt to bring its legislation into line with its declared international commitments related to human rights, and to adopt legislation to better guarantee freedom of association for Egyptian NGOs to enable them to accept foreign funding without prior Government consent⁸.

Ongoing obstacles to the freedom of peaceful assembly

While the law limits to five the number of people who can attend a public meeting and authorises the police to ban or disperse demonstra-

5/ See EOHR Press Release, October 13, 2010.

6/ For example, a number of detainees died after being submitted to acts of torture during their interrogation by intelligence service agents. See EOHR. In addition, demonstrators asserted that the army subjected them to virginity tests. See Cairo Institute for Human Rights Studies (CIHRS).

7/ These tribunals are composed of military personnel and their decisions cannot be appealed before a higher independent tribunal.

8/ See United Nations Human Rights Council Report, *Report of the working group on the universal periodic review - Egypt*, United Nations Document A/HRC/14/17, March 26, 2010.

tions⁹, several peaceful rallies were again brutally dispersed by the police. For instance, on January 15, 2010, 33 human rights defenders were arrested upon arrival in Qena Governorate (south) where they had gone to support the families of victims of shootings in which seven Copts were killed during the Coptic Christmas, and to denounce the mass arrests and arbitrary detention by the authorities of persons suspected of having carried out the shootings. No arrest warrant was presented to these people, who were detained in the Qena security sector, unable to communicate with their lawyers. During their detention, they were accused of “violating the Constitution” and “constitution of a group of more than five people calling for demonstrations”. Mr. **Israa Abdel Fatah** and Mr. **Ahmed Badawy** also reported having suffered acts of violence by the police. On January 16, 2010, these human rights defenders were released without charge. Moreover, on April 6, 2010, members of the security services violently dispersed a demonstration in Cairo called by the “Chabab April 6” Movement¹⁰ to demand an end to emergency rule and the amendment of the electoral law. The demonstrators were surrounded by security forces who kicked and punched them, then beat them with truncheons. More than one hundred demonstrators were arrested and several among them, including women, were beaten by members of security services in civilian clothes. The protesters were released without charge few days after their arrest¹¹.

However, the year 2010 was also marked by the release on July 13 and 18 respectively of Mr. **Mus’ad abu-Fajr** (real name **Mus’ad Suleiman Hassan Hussein**) and Mr. **Yehia Abu-Nusseir**, members of the *Wedna N’ish* (“We want to live”) movement for the Sinai Bedouins, who were detained under emergency laws, despite several court rulings ordering their release. They were accused of “incitation to demonstrate” and “rebellion against the authorities”, following demonstrations against the demolition of thousands of homes in the Sinai Peninsula¹².

The wave of demonstrations that began on January 25, 2011 was also violently repressed by the police, which used tear gas and rubber bullets to disperse the rallies and which fired live bullets at demonstrators. About 2,000 people were arrested by the police and taken to police stations and

9/ Public gatherings are governed by Law No. 10 of 1914 on Gatherings, Act No. 14 of 1923 on Meetings and Public Events as well as Law No. 162 of 1958 on the State of Emergency.

10/ The “Chabab April 6” Movement was born in April 2008 when thousands of textile workers mobilised in protests against their working conditions and the cost of living in Mahalla, in the Delta region.

11/ See Egyptian Initiative for Personal Rights (EIPR) Press Release, April 8, 2010.

12/ They were arrested on December 26, 2007 and detained since then in Borj el-Arab prison near Alexandria.

detention centres, where they suffered torture and ill-treatment. Almost all those held were released within days of their arrest. Moreover, human rights defenders who supported the protests were victims of reprisal action by the authorities. On February 3, 2011, thirty members of the Hisham Mubarak Law Centre (HMLC), the Egyptian Centre for Economic and Social Rights (ECESR), the Front to Defend Egypt Protestors, a committee established to provide legal, humanitarian and moral support to protesters, Human Rights Watch and Amnesty International, were arrested by the military police and detained for more than 24 hours in an undisclosed location, where police officers – sometimes making use of ill-treatments – ordered them to stop supporting the demonstrators. Among those arrested were the lawyers Messrs. **Ahmed Seif al-Islam Hamad**, **Mohsen Besheer** and **Mostafa al-Hassan**, as well as Ms. **Mona al-Masry**, Mr. **Daniel Williams**, Ms. **Fatma Abed**, Mr. **Saeed Hadadi**, Mr. **Khaled Ali**, Mr. **Mohamed al-Taher**, Ms. **Shahenda Abushadi**, Ms. **Nadine Abushadi** and Ms. **Nada Sadek**. Mr. **Amr Saleh**, a researcher of the Cairo Institute for Human Rights Studies (CIHRS), was also arrested by unidentified agents. Moreover, the HMLC and ECESR premises were searched by the military police who confiscated their equipment and the mobile phones of their members. All those arrested were released without charge between February 4 and 6, 2011.

The success of the “revolution” of January 2011 did not remove the obstacles to freedom of peaceful assembly. Indeed, a new law that came into force on April 12, 2011 makes peaceful demonstrations and strikes illegal. Law No. 34 of 2011 provides a prison sentence and a fine up to 50,000 Egyptian pounds (about 5,700 euros) for any person who participates or encourages others to take part in a sit-in or in any other activity that prevents, delays or disturbs the work of institutions and public authorities”. Formulated in vague terms, the provisions of this law risk to be used against trade-unionists or demonstrators exercising their right to strike or peaceful assembly¹³.

Intimidation and judicial harassment of human rights defenders who exercised their right to freedom of expression

In 2010-2011, several libel suits were brought against human rights activists who peacefully exercised their right to freedom of expression. In 2010 for instance, the Court of Khalifa in Cairo continued to examine the cases of Mr. **Gamal Eid**, Director of the Arab Network for Human Rights Information (ANHRI), Mr. **Ahmed Seif al-Islam Hamad**, Founder

of HLMC, and Mr. **Amr Gharbeia**, a blogger and member of Amnesty International, charged with “defamation”, “use of threats” and “abusive use of communication tools”. Mr. Gamal Eid and Mr. Ahmed Seif al-Islam Hamad were prosecuted by a judge following a joint statement by ANHRI and HLMC on February 11, 2007, accusing the judge of plagiarism. Mr. Amr Gharbeia was prosecuted for allegedly making defamatory statements against the same judge on his blog. At the hearing on September 18, 2010, the two civil parties agreed to a conciliatory procedure, which put an end to the criminal proceedings against the three defendants. In another instance, on March 19, 2011, Ms. **Ragia Omran**, a lawyer, was arrested with her sister and an American journalist at the Court of First Instance in Bab al-Khaliq in the south of Cairo while she was monitoring the conduct of the referendum on constitutional amendments. The two sisters were taken to the Cairo security headquarters where they were questioned about their involvement in the revolutionary movement and their relationship with the United States. Their identity cards and personal belongings were confiscated and information contained in their phones and agendas, was examined. They were charged with monitoring the referendum without authorisation, despite the fact that Ms. Ragia Omran had received official permission from the High Judicial Committee responsible for overseeing the vote. Ms. Omran was also charged with “insulting an army officer”. The American journalist was briefly questioned and then released in the evening, while Ms. Ragia Omran and her sister were not released until the next day. In late April 2011, Ms. Ragia Omran was still charged with “insulting a military officer”.

In 2010, several journalists who denounced violations of human rights were also victims of arrests and judicial harassment. Mr. **Ahmed Mostafa**, a blogger, was arrested on February 17, 2010 by intelligence service agents and prosecuted before the Cairo Military Tribunal for allegedly having “put military secrets online”, “published false information about the army” and “insulted the recruiters at a military academy”, offences punishable by a sentence of nine and a half years of imprisonment. These charges were made following an article published on February 15, 2009 on his blog on which he denounced nepotism within the armed forces. He was acquitted and released on March 7, 2010 after agreeing to withdraw the article from his blog¹⁴. In another case, Mr. **Youssef Shaaban**, a correspondent of the online daily *al-Badil*, was arrested on November 20, 2010 in Alexandria while he was covering a demonstration by residents of Abu Sulaiman district, protesting against their expulsion. He was arrested while he was

14 / See ANHRI Press Release, March 7, 2010.

taking pictures of a police officer beating demonstrators. He was released without charge on November 29, 2010 by order of the Attorney General¹⁵.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Name	Violations / Follow-up	Reference	Date of Issuance
Messrs. Wael Abbas, Mostapha al-Nagar, Sameer Awad Bassem, Fathy Mohammed Bassem, Sharif Abdel, Aziz Mahmoud, Mahmoud Mohammed Khalid, Nasser Abdel Hamid, Roaa Ibrahim, Ahmed Badawy Abdel Meguid, Ahmed Abu Zekry, Talaat al-Sawy, Ahmed Mahmoud Mustafa, Ismail Sayyid Omar, Ahmed Fathy Mohamed, Hossam Saber Ali, Hanan Ismail, Hamada Abdel Fatah, Gamal Fareed, Mohamed Khalaf Mohamed, Al-Hosseiny Sayed Ahmed, Mohamed Hamdy Hassan, Mohamed Abdallah Mohamed, Heshmat Abdallah Mohamed, Ismail Eleskandarani and Tareq Sabry Abdallah, Ms. Nadia al-Zeiny Barouni, Ms. Amira al-Tahawi, Ms. Baula Abdo Ameen, Ms. Mona Fouad Ahmed, Ms. Israa Abdel Fatah, Ms. Marianne Nagy Hanna, Ms. Shahinaz Abdelsalam and Salma Akal	Incommunicado detention / Release / Ill-treatment	Urgent Appeal EGY 001/0110/OBS 009	January 20, 2010
Human rights NGOs	Obstacles to freedom of association	Urgent Appeal EGY 001/0111/OBS 009	January 27, 2011
Messrs. Ahmed Seif el-Islam, Mohamed el-Taher and Khaled Ali, Ms. Mona el-Masry and Ms. Nada Sadek	Incommunicado detention	Joint Press Release	February 3, 2011
Messrs. Ahmed Seif el-Islam, Mohsen Besheer, Mostafa el Hassan, Daniel Williams, Saeed Hadadi, Khaled Ali, Mohamed el-Taher and Amr Sallah, Ms. Shahenda Abushadi, Ms. Nadine Abushadi, Ms. Nada Sadek, Ms. Mona el-Masry and Ms. Fatma Abed	Ongoing detention	Press Release	February 4, 2011
	Release	Press Release	February 7, 2011
Ms. Ragia Omran	Arrest / Release	Press Release	March 28, 2011

ISRAEL / OCCUPIED PALESTINIAN TERRITORY

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2011

Generally speaking, in 2010-2011, the work conditions of Israeli defenders remained more favourable than those of the defenders from the Occupied Palestinian Territory (OPT) or from other countries in the region. However, attacks to delegitimise or intimidate NGOs and Israeli human rights defenders intensified, either through media smear campaigns or legislative attempts to restrict their scope of action, particularly following their denunciation of the international crimes committed during the operation “Cast Lead”. In general, Palestinian, Israeli and foreign defenders continued to face numerous obstacles to their freedom of movement. Defenders of the Arab minority in Israel or those who denounced the construction of the separation wall and the forced evictions in the West Bank and Israel, were subjected to judicial harassment. Moreover, several meetings on human rights were banned in the Gaza Strip.

Political context

One year after the United Nations fact-finding mission on the 2009 military operations in the Gaza Strip (“Goldstone Mission”) concluded that Israeli forces and Palestinian armed groups had committed war crimes or even crimes against humanity¹, neither the Israeli authorities nor the Hamas Government had conducted exhaustive and independent inquiries in conformity with the international norms on the grave breaches of international law allegedly perpetrated during the operation “Cast Lead”². Furthermore, the Israeli authorities had not conducted an independent

1/ Crimes committed during operation “Cast Lead”, a large-scale Israeli army offensive in the Gaza Strip from December 27, 2008 to January 19, 2009, in which 1,419 Palestinians were killed and 5,300 others were wounded.

2/ The authorities have neither investigated alleged cases of illegal acts nor examined the alleged responsibility of senior decision-makers. By the end of 2010, only three soldiers had been put on trial, one accused of stealing a credit card and the two others of having used a child as a human shield. The Committee of Independent Experts tasked with evaluating all the judicial as well as any other procedures engaged in with internal jurisdictions, both by the Israeli Government and the Palestinian authorities, in the framework of the follow-up to the Goldstone Report, presented its report to the United Nations Human Rights Council on September 27, 2010. In particular, the report denounced the lack of independence and impartiality in the investigations conducted by the two parties. See Human Rights Council, *Report of the Committee of independent experts in international humanitarian and human rights laws to monitor and assess any domestic legal or other proceedings undertaken by both the Government of Israel and the Palestinian side in light of GA resolution 64/254 including the independence, effectiveness, genuineness of these investigations and their conformity with international standards*, United Nations Document A/HRC/15/50, September 23, 2010.

and impartial inquiry into the military attack launched on May 31, 2010 against a humanitarian flotilla off the coast of the Gaza Strip, which caused the death of nine people³.

While a right-wing coalition Government is in power in Israel since early 2009, the climate in which operate those who criticise the Government policy, particularly relating to defence and homeland security, including opposition members, journalists and human rights defenders, became more tense in Israel in 2010–2011. Political parties and other right-wing organisations also increasingly questioned the scope of the freedom of expression, especially by their speech calling for action against those who criticise the policy of Israel⁴. In the OPT, civil society also continued to face difficulties, particularly because of the humanitarian situation in Gaza. The ban on the vast majority of exports and imports has kept Gaza's population in poverty and reliant on humanitarian organisations⁵. In addition, because of restrictions on the movement of people, it has become extremely difficult for Palestinians to leave Gaza, even for medical care⁶.

In the OPT, the rivalry between the Hamas Government in the Gaza Strip and the Palestinian Authority in the West Bank resulted in further human rights violations. As of the end of 2010, according to reports, nearly 400 people suspected of supporting Hamas or Islamic Jihad continued to be held in arbitrary detention in the West Bank by Palestinian security services, while dozens of Fatah members, the party of the Palestinian Authority President, had been arrested by the Hamas security forces⁷. Journalists also continued to bear the brunt of political tensions between

3/ In June 2010, the Government approved the creation of a commission composed of three Israeli members, backed up by two international observers, tasked with examining the military action against the humanitarian flotilla transporting humanitarian aid to the Gaza Strip, subjected to an Israeli blockade since 2007 in violation of international law. However, the commission is not mandated to hold talks with members of the Israeli who planned and participated in the military raid, with the exception of the chief-of-staff. The commission submitted its preliminary report on January 23, 2011, which asserted that the intervention of the Israeli soldiers was legal and in conformity with international law.

4/ In addition, a survey conducted in January 2011 showed that 52% of Israeli Jews would support restrictions on freedom of expression in the media if the articles tarnish the image of the country, while 64% would accept restrictions in situation of threat against national security.

5/ 80% of Gaza families live with one dollar a day; unemployment stands at 40% ; and four Gaza residents in five rely on humanitarian aid to survive.

6/ In October 2010, there were 99 checkpoints in the West Bank, 62 of them located inside the territory and 37 on the border with Israel. The number of flying checkpoints varies from one moment to the next. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) estimated that between April 2009 and March 2010, there were on average 310 flying checkpoints at any one time. See OCHA Report, *Circulation in and Access to the West Bank*, June 2010.

7/ See PCHR Press Releases, July 4 and October 11, 2010.

the two factions⁸. The situation improved slightly with the announcement on April 27, 2011 by representatives of Fatah and Hamas assembled in Cairo that they had agreed to form a transitional government with a view to holding presidential and legislative elections in April 2012.

On April 15, 2010, Hamas carried out its first executions in five years. Those executed were two Fatah men convicted in 2009 by military courts in Gaza of “collaboration” with the Israeli army and “participation in a murder”⁹.

Multiplication of smear campaigns and legislative initiatives to restrict or criminalise human rights activities in Israel

In 2010-2011, several Israeli politicians, including members of the Government and the Parliament, with the support of civil society organisations close to far-right wing such as the NGO Monitor, the Israel Academia Monitor and “Im Tirtzu – The Second Zionist Revolution”, whose main activity is to criticise other NGOs, stepped up their criticism and smear campaigns against human rights NGOs in Israel that had denounced Israeli policy, notably human rights violations committed in the OPT or against Israeli Arabs. Thus, on April 16, 2010, the Israeli far-right nationalist movement “Im Tirtzu” issued a report accusing a dozen human rights organisations, including Adalah, the Legal Centre for Arab Minority in Israel, the Public Committee Against Torture in Israel (PCATI) and the Palestinian Centre for Human Rights in Gaza (PCHR), of initiating or supporting legal actions against Israeli officials for serious violations of international law before foreign courts. Mr. **Hassan Jabareen**, Director General of “Adalah”, was particularly targeted in this report for expressing a legal opinion on the lack of domestic remedies for war victims in Gaza. Im Tirtzu also launched a poster campaign using defamatory slogans against Adalah and the New Israel Fund (NIF), an NGO that finances Israeli NGOs. On January 10, 2011, Israeli Foreign Minister Avigdor Lieberman accused the Union of Arab Community-Based Associations, New Profile, Adalah, Physicians for Human Rights - Israel, the PCATI and other NGOs, of supporting terrorism and trying to weaken the Israeli Defence Forces (IDF) and their efforts to protect the citizens of Israel, in collaboration with the Goldstone Committee¹⁰. Right-wing groups also conducted a smear campaign against

8/ See PCHR Press Release, November 11, 2010.

9/ These executions were carried out in violation of Palestinian law, which stipulates that death sentences may only be implemented after being ratified by the Palestinian Authority President. See PCHR Press Release, April 15, 2010.

10/ See Adalah.

a number of NGOs that have sought to shed light and bring to justice those responsible for violations of international law committed by the IDF during the operation “Cast Lead”.

In this context, several draft laws that seek to intimidate and stifle civil society organisations were discussed or adopted by the Knesset. Thus, on February 21, 2011, the Knesset passed a law that aims to restrict funding from abroad for Israeli NGOs¹¹. Indeed, the new legislation stipulates that in all their public statements and documents NGOs must state if they receive funds from a foreign political entity. In addition, NGOs must disclose on their website the identity of their donors and the destination of the funds they receive, and submit an annual report to the authorities with information on donations from foreign Governments. Failure to comply with this provision is punishable by fines and imprisonment¹². On January 5, 2011, the Knesset voted to establish a parliamentary commission to investigate the sources of funding for NGOs accused of carrying out activities designed to prosecute Israeli soldiers and officers abroad and that challenge the legitimacy of the Israeli army, as well as another commission to examine the role of foreign Governments and agencies in the financing of anti-State activities. Furthermore, another draft bill passed by the Knesset on March 7, 2011, sanctions organisations that denounce the Israeli occupation and that call for an end to settlements¹³. In addition, following the publication of the Goldstone Report, several bills were tabled in the Knesset to restrict the activities of civil society organisations, especially those that denounce massive violations of human rights committed by the Israeli State. In April 2010 for example, a group of nineteen Knesset members filed an amendment to the Associations Law aimed at eliminating the possibility to investigate and engage in legal proceedings for human rights violations committed by the State of Israel. The bill, entitled “Amendment - Exceptions to the Registration and the

11/ The bill was introduced in February 2010 after the organisation in December 2009 by the NGO Monitor, together with the Institute for Zionist Strategies, of a conference in the Knesset called “Foreign Government Funding for NGO Political Activity in Israel”.

12/ This concerns a draft law related to obligations of beneficiaries from aid from foreign political entities to provide information. In its original version, the draft law was more restrictive, ruling that any organisation “seeking to influence public opinion in Israel” would be considered as a “political organisation” rather than a charitable organisation. This would have obliged it to register at the registry for political parties, meaning it would lose the tax exemption status normally afforded to non-profit organisations. See Adalah Press Release, February 11, 2011.

13/ The provisions of this law include heavy fines for Israeli citizens or bodies that instigate or incite boycotts against Israeli organisations, citizens or products, both in Israel and the OPT. This could affect defenders who call for a boycott of Israeli products in protest against the impact of Israeli policies on human rights law and international humanitarian law. See the Association for Civil Rights in Israel (ACRI) Press Release, February 16, 2011.

Activities of an Association”, may prohibit the registration of any NGO or close down any existing NGO if “there are reasonable grounds to conclude that the association is providing information to foreign entities or is involved in legal proceedings abroad against senior Israeli Government officials or IDF officers, for war crimes”. Under this bill, an existing NGO may be dissolved if it is engaged in such activities. As of early 2011, the Government had not yet ruled on this project. In addition, on November 7, 2010, a bill aimed at suppressing activities detrimental to Israel as a Jewish and democratic State was discussed by the Ministerial Committee for Legislation, which decided to refer it to the Minister of Justice for review. This project authorises the registration bodies for associations and companies to close down an association or a company if their objectives and actions are considered to be detrimental to “the State of Israel as a Jewish and democratic State”. As of late April 2011, the draft bill had not yet been returned to the Knesset. In addition, in December 2010, a draft bill designed to punish people who assist illegal immigration was published by the Government. This draft law, which may hamper the activities of NGOs defending the rights of migrants and asylum seekers, had not yet been reviewed by the Knesset by late April 2011¹⁴.

Continued repression of human rights defenders who denounce the construction of the separation wall and forced evictions in the West Bank and Israel

In 2010-2011, the Israeli authorities continued to sanction defenders who peacefully expressed their opposition to the construction of the separation wall in the West Bank, notably by invoking more frequently Military Order No. 101 of May 27, 1967, which prohibits acts of incitement and hostile propaganda targeting Israel in the West Bank and punishes them by a prison term of up to ten years, against Palestinians who organise demonstrations denouncing the separation wall¹⁵. Thus, following their release on January 13, 2010 after being placed in administrative detention for several months by the Israeli army, Mr. **Jamal Juma**, Coordinator of the “Stop the Wall” Campaign, and Mr. **Mohammed Othman**, a volunteer for the Stop the Wall Campaign in the West Bank, had to undertake not to leave the West Bank and to report regularly to an Israeli police station, while the passport of the Coordinator of the same campaign, Mr. **Jamal Juma**, seized on the day of his arrest, remained retained by the Israeli authorities

14/ See ACRI.

15/ This order provides for a maximum sentence of ten years for persons accused of violating the law. See B'Tselem Report, *The right to demonstrate in the Occupied Territories*, July, 2010.

as of the end of April 2011, under Military Order No. 101¹⁶. Moreover, on January 11, 2010, Israel's Military Court of Appeal in Ofer extended the prison sentence imposed at trial against Mr. **Abdallah Abu Rahma**, a teacher and Coordinator of the Bil'in Popular Committee Against the Wall and Settlements, to sixteen months for "incitement to violence and participation in an unauthorised meeting"¹⁷. After being sentenced to twelve months' imprisonment by the Military Court on October 11, 2010, Mr. **Abu Rahma** was to have been released on November 18, 2010, but military prosecutors appealed against that release date and he was finally freed on March 14, 2011¹⁸. Mr. **Mohammad Khatib**, a member of the same committee and Secretary of the Bil'in village council, remained the target of reprisals in 2010. On August 4, 2010, he was prevented by the Israeli authorities from travelling to Jordan from where he was to fly to Europe in order to meet with international organisations to denounce the separation wall barrier, under Military Order No. 101. In addition, following his indictment in August 2009 for "inciting violence", his trial had not yet taken place as of the end of April 2011.

From January to December 2010, the Israeli police arrested more than 120 people who were protesting peacefully against the forced evictions of Palestinian citizens by the Israeli authorities, especially in the Palestinian neighbourhood of Sheikh Jarrah in East Jerusalem¹⁹. For example, on January 15, 2010, seventeen people, including Mr. **Hagai el-Ad**, Executive Director of the Association for Civil Rights in Israel (ACRI), were arrested at one of these gatherings. Those arrested were released without charge on January 16, 2010, by decision of the Court of Jerusalem, which ruled that the demonstrations were legal and required no prior administrative authorisation. On January 22, a week after that Court decision, 22 other demonstrators were arrested before being released without charge by the Israeli authorities.

Restrictions on freedom of movement aiming at hampering the activities of NGOs and human rights defenders in Israel and the West Bank

Obstacles to freedom of movement continued to hamper the work of local and foreign defenders of human rights, preventing them from

16 / Mr. Mohammed Othman was arrested on September 22, 2009 by Israeli soldiers on his return from Norway where he had met various Palestinian groups and Palestinian Government members to discuss the issue of the West Bank separation wall. Mr. Jamal Juma' was arrested on December 16, following a series of protest rallies against the construction of the separation wall.

17 / Mr. Abu Rahma was arrested by Israeli soldiers on the night of December 9 to 10, 2009 because of his participation in a peaceful rally against the separation wall in the village of Bil'in.

18 / See ACRI Press Release, March 14, 2011.

19 / See B'Tselem.

moving around in the framework of their activities. The almost total closure of the Gaza Strip, and the system of checkpoints, fixed or flying, the separation wall and the permit system in the West Bank constitute obstacles that prevent human right defenders from leaving the West Bank or the Gaza Strip, or travelling between them. These restrictions also prevented Palestinian and Israeli defenders from having contact and working together. However, in March 2010, the Israeli Interior Ministry waived application of a regulatory measure that had severely restricted work permits issued in the OPT to staff of international NGOs. Indeed, since the autumn of 2009, the Interior Ministry had stopped issuing work permits to foreign nationals working in most international NGOs, granting them only tourist visas that do not authorise them to work in the OPT, including East Jerusalem. Between 140 and 150 NGOs working among the Palestinian population were affected by this measure, which threatened to put an end to their activities.

In the West Bank, on March 28, 2010, Mr. **Shawan Jabarin**, Director General of the Palestinian NGO “Al-Haq”, was prevented from leaving the OPT to travel to Cairo to attend a regional conference on the protection of human rights organised by the Cairo Centre for Human Rights²⁰. Similarly, Mr. Jamal Juma’ is subject to a travel ban that prevented him from participating in multiple meetings on human rights to which he was invited, including the World Social Forum held in Porto Alegre in January 2010, or a conference on Palestine organised on February 27 and 28, 2010 by the School of Oriental and African Studies, University of London²¹.

In Israel, in 2010-2011, Mr. **Mordechai Vanunu**, an Israeli anti-nuclear activist, remained subjected to an administrative order preventing him from leaving the country and talking to foreign journalists²². Furthermore, on May 11, 2010, the Israeli Court of Justice sentenced him to three months in prison for having had contact with a foreigner. On May 23, 2010, he was sent to Ayalon prison in central Israel, where he was placed in solitary confinement. He was released on August 8, 2010.

20 / Since his appointment as Director General of Al-Haq in 2006, Mr. Jabarin has been subjected to a travel ban issued by the Israeli military authorities who claim that they are in possession of “secret evidence” proving that Mr. Jabarin is an “active member of a terrorist organisation”.

21 / See above.

22 / Since the release of Mr. Mordechai Vanunu in 2004, the Israeli authorities have placed him under police surveillance in application of a military order that is renewed every six months. The order also prohibits him from having any contact with foreigners and from leaving the country or having any communication with foreign embassies. All requests submitted by his lawyers to the Supreme Court of Justice to lift these restrictions have been turned down.

Obstacles to freedom of peaceful assembly in the Gaza Strip

In 2010-2011, the freedom of peaceful assembly deteriorated considerably in the Gaza Strip. Palestinian Law No. 12 of 1998 stipulates that public meetings and public gatherings must be notified with at least 48 hours notice to the Director of the police or the Governor. No permission is therefore required. However, on May 24, 2010, three public meetings organised by NGOs were banned on the grounds that they were not authorised. Thus, the Hamas Internal Security Agency prevented the Palestinian Independent Commission on Human Rights from organising a workshop in a hotel in Gaza to present its annual report on human rights. Similarly, the police broke up a public meeting on the same day by the Palestinian NGOs Network (PNGO) in a camp for children, set up in western Gaza by the United Nations Relief and Works Agency for the Palestinian Refugees, to protest against the attack on the camp by unknown assailants on May 23, 2010. PNGO, which had notified the Palestinian authorities about the organisation of this meeting, was informed of their refusal on the day of the gathering. Finally, on May 24, 2010, Palestinian police forces banned a public meeting that the General Union of Palestinian Women (GUPW) planned to hold in a hotel in the northern part of the Gaza Strip to commemorate the 62nd anniversary of the Nakba. The police accused the GUPW of not having the necessary authorisation, although GUPW members had in fact obtained prior permission from the Government authorities in the Gaza Strip to organise the event. Several peaceful demonstrations organised in the Gaza Strip were also repressed by the police. For example, on March 15, 2011, thousands of Palestinians gathered peacefully in Al-Katib square in Gaza to demand an end to political fragmentation between the West Bank and Gaza Strip. The demonstrators were first attacked by men in civilian clothes and then by members of security forces who insulted and beat them with sticks. Women and journalists were also violently attacked by security forces²³.

Harassment of defenders of the Arab minority in Israel

In 2010-2011, defenders who denounced the restrictions of political freedoms of Arab citizens in Israel were subjected to reprisals by the authorities. For example, on May 6, 2010, members of the Israeli Security Agency (ISA), accompanied by police officers, arrested Mr. **Ameer Makhoul**, Director General of Ittijah and Chairman of the Popular Committee for the Defence of Political Freedoms, as part of the High Follow-up Committee for the Arab Citizens of Israel. During

his arrest, his house was searched and his personal documents as well as his telephone, computer and camera were confiscated. The arrest came shortly after the Israeli Interior Minister had issued a two-month travel ban against him, on April 21. Mr. Makhoul was held incommunicado for twelve days, during which he was allegedly subjected to torture and ill-treatment to extract confessions, without access to legal counsel. On January 30, 2011, the Haifa District Court sentenced him to nine years in prison with an additional suspended sentence to one year of prison for “conspiracy to support the enemy”, “aggravated espionage”, and “contact with a foreign agent”²⁴. As of late April 2011, he was detained in Gilboa prison in southern Israel.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Name	Violations / Follow-up	Reference	Date of Issuance
Messrs. Jamal Juma' and Mohammad Othman	Arbitrary detention	Urgent Appeal ISR 002/1209/OBS 198.1	January 7, 2010
	Release	Press Release	January 15, 2010
Mr. Jamal Juma'	Obstacles to freedom of movement	Press Release	May 28, 2010
Mr. Hagai El-Ad	Obstacles to freedom of peaceful assembly	Press Release	January 22, 2010
	Obstacles to the freedom of association	Urgent Appeal ISR 001/0210/OBS 013	February 1, 2010
	Cancellation of a measure detrimental to the activities of human rights defenders	Urgent Appeal ISR 001/0210/OBS 013.1	March 11, 2010
	Obstacles to freedom of association	Joint Open Letter to the authorities	March 10, 2010
Mr. Shawan Jabarin	Obstacles to the freedom of movement	Urgent Appeal ISR 001/0607/OBS 069.3	April 12, 2010

24 / After having denied accusations against him for several months, on October 27, 2010, Mr. Makhoul accepted a plea bargain, pleading guilty to “conspiring to support an enemy,” “aggravated espionage” and “contact with a foreign agent”. In return, the prosecution dropped the charges for “assisting the enemy in wartime”, the most serious offence, punishable by a life sentence.

Name	Violations / Follow-up	Reference	Date of Issuance
Mr. Hassan Jabareen / Adalah, Public Committee Against Torture in Israel (PCATI), Palestinian Centre for Human Rights in Gaza (PCHR), Gisha, Bimkom, Physicians for Human Rights - Israel, HaMoked, B'Tselem, Association for Civil Rights in Israel (ACRI), Yesh Din, Machsom Watch, Social TV, Zochrot, Coalition of Women for Peace (CWP) and Rabbis for Human Rights	Defamation campaign	Press Release	April 27, 2010
	Obstacles to freedom of association	Joint Press Release	May 3, 2010
Mr. Ameer Makhoul	Arbitrary arrest / Obstacles to the freedom of movement	Urgent Appeal ISR 002/0510/OBS 058	May 10, 2010
	Secret detention	Press Release	May 12, 2010
	Arbitrary detention / Ill-treatment	Joint Press Release	May 19, 2010
		Press Release	June 4, 2010
Palestinian NGOs Network (PNGO), Palestinian Independent Commission on Human Rights (PICHR) and General Union of Palestinian Women (GUPW)	Obstacles to freedom of peaceful assembly	Urgent Appeal PAL 001/0510/OBS 068	May 28, 2010
	Obstacles to freedom of association	Open Letter to the authorities	January 13, 2011

MOROCCO / WESTERN SAHARA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2011

In 2010-2011, several associations remained deprived of legal status because of the refusal of the local authorities to issue the receipt confirming the delivery of their declaration of incorporation. In addition, several peaceful rallies organised for the defence of human rights were repressed and several supporters were arbitrarily detained for denouncing corruption and violations of human rights committed in Western Sahara.

Political context

In response to the protests that began on February 20, 2011 in cities across the country and inspired by movements in the region with similar claims and calling for constitutional reforms and the fight against corruption, King Mohamed VI promised a series of reforms to allow a “consolidation of the rule of law and institutions, expanding the scope of individual and collective freedoms and guarantees of their exercise, as well as strengthening human rights in all their dimensions, political, economic, social, cultural, environmental and developmental”. Thus, on March 3, 2011, the King appointed a new ombudsman at the national level and set up a National Council for Human Rights (NCHR)¹; on March 9, he announced the creation of an *ad hoc* committee to prepare a “comprehensive constitutional reform”²; on March 18, he appointed an inter-ministerial delegate for human rights responsible for the coordination of public policy in this area; and, on April 14, he granted amnesty to nearly 190 prisoners, including many political prisoners who had their sentences commuted or reduced. However, institutional reforms have been expected since the publication in 2005 of the final report of the Equity and Reconciliation Commission (*Instance équité et réconciliation* - IER) containing a series of recommendations to ensure compliance with the

1/ The creation of the NCHR ended the mandate of the Advisory Council on Human Rights (*Conseil consultatif des droits de l'Homme* - CCHR). Its competencies include the protection and promotion of human rights, including the implementation of the recommendations of the Equity and Reconciliation Commission (*Instance équité et réconciliation* - IER). It may, in particular, request the judiciary to open investigations into violations of human rights.

2/ On June 17, 2011, the King presented the constitutional reform, which includes expanding the powers of the Prime Minister and more guarantees of the independence of the Supreme Council of Magistracy.

rule of law and non-repetition of violations of human rights³. Five years later, no significant advance was registered in the implementation of these recommendations. The announcement by the Head of the State in December 2008, to lift the reservations to the ratification in 1993 of the Convention on the Elimination of All Forms of Discrimination Against Women, was not implemented.

In 2010, the freedom of the press continued to be restrained. Thus, the *Journal hebdomadaire* newspaper and the weekly Arabic-language *Nichane* had to close in January and October 2010, victims of a financial choking led by the authorities because of their often critical editorial position⁴. Moreover, on October 29, 2010, the Ministry of Communication announced the closure of the office of *al-Jazeera* and the withdrawal of accreditation of its journalists for having “breached journalistic ethics”, “seriously impaired the image of Morocco” and “manifestly harming its best interests, headed by the issue of territorial integrity”⁵. The proposed reform of the Press Code, initiated in 2007, also remained deadlocked because of a disagreement over the removal of press offenses between the Ministries of Communications and Justice on the one hand and representatives of the National Union of the Moroccan Press (*Syndicat national de la presse marocaine*) and the Moroccan Federation of Newspaper Publishers (*Fédération marocaine des éditeurs de journaux*) on the other. Keeping these offenses punishable by prison sentences continued to expose journalists, especially those who denounce violations of human rights, to prison terms or significant fines.

Moreover, the situation of human rights in Western Sahara did not improve in 2010-2011. In April 2010 and in 2011, the mandate of the United Nations Mission for a Referendum in Western Sahara (MINURSO) was extended for one year. During the adoption of the resolution 1979 dated April 28, 2011, the Security Council did not extend the mandate of MINURSO to the issue of human rights in Western Sahara, despite the demands of human rights organisations to set up a protection

3/ The IER was created in November 2003 at the initiative of King Mohammed VI to establish a record of violations of human rights from Morocco's independence (1955) to the death of King Hassan II (1999).

4/ They were mostly victims of an advertising boycott.

5/ The decision came just days after *al-Jazeera* journalists visited Laayoune to investigate the death of a young man. No proceedings were instituted against the network prior to the closure of its premises. See FIDH and Moroccan Organisation of Human Rights (*Organisation marocaine des droits de l'Homme* - OMDH) Joint Press Release, November 3, 2010 and Reporters Without Borders (RSF) Press Release,

mechanism⁶. The city of Laayoun was also shaken in November 2010 by violent clashes between security forces and Saharawi people, leading to the death of twelve policemen and two civilians⁷.

Continued obstacles to freedoms of association and peaceful assembly

Although freedom of association is established and governed by the Dahir (Royal Decree) No. 1.58.376 dated November 15, 1958, and amended in 2002 and 2006, several associations are deprived of a legal status. Thus, the National Association of Unemployed Graduates in Morocco (*Association nationale des diplômés chômeurs au Maroc* - ANDCM), the Group Against Racism and for Assisting and Defending Foreigners and Migrants (*Groupe antiraciste d'accompagnement et de défense des étrangers et des migrants* - GADEM), the Ennassir Association for the Support of Islamist Prisoners (*Association Ennassir pour le soutien des détenus islamistes*), the Amazigh Network for Citizenship (*Réseau amazigh pour la citoyenneté*) or the Saharawi Association of Victims of Grave Human Rights Violations Committed by the State of Morocco (*Association sahraouie des victimes de violations graves commises par l'Etat marocain* - ASVDH), were still not able to legally exist because they did not receive the receipt for the delivery of their founding documents to the local authorities.

Furthermore, although freedom of assembly is guaranteed by the Dahir No. 1.58.377 dated 1958, the authorities continued to repress peaceful gatherings organised for the defence of human rights. Thus, sit-ins and rallies organised by the ANDCM across Morocco continued to be regularly repressed by the authorities. For example, on November 17, 2010, during the Islamic Feast of Sacrifice (*eid al-adha*), the section of al-Hoceima of ANDCM tried to organise a peaceful march from the city centre in al-Hoceima to the wilaya to call for the respect of the right to work⁸. The police brutally attacked demonstrators from the beginning of

6 / Indeed, talks begun by the United Nations following the Moroccan initiative for negotiating an autonomy statute in the Sahara region, as presented to the UN in April 2007, have still not reached a conclusion.

7 / Two according to OMDH, three according to the Sahrawi Association of Victims of Gross Violations of Human Rights committed by the State of Morocco (*Association sahraouie des victimes des violations graves des droits de l'Homme commises par l'Etat du Maroc* - ASVDH). See ASVDH Press Release, November 13, 2010. The dismantling on November 8, 2010 by the Moroccan security forces of the Saharawi camp at Gdeim Izik, located a few kilometers from Laayoun, was responsible for these events. The camp was set up on October 10 by the Saharawi people to protest against the failure of socio-economic rights and the right to self-determination. The police also arrested hundreds of people. The majority of those arrested were subsequently released without charge against them but, in late April 2011, 26 Saharawi prisoners, including two women, were detained at the central prison of Laayoun. See ASVDH Press Releases, April 16 and 18, 2011.

8 / Administrative unit.

the gathering. Several people were injured and some had to be rushed to the hospital of the city⁹. Similarly, on February 26, 2011, police broke up with clubs a ANDCM sit-in calling for respect of the right to work in Taourirt, injuring several demonstrators¹⁰. Moreover, on February 21 and 22, 2011, members of the Moroccan Auxiliary Forces (*Forces auxiliaires marocaines* - FAM) and the Mobile Intervention Corps (*Corps mobile d'intervention* - CMI)¹¹ violently dispersed peaceful demonstrators gathered on the square in Bab el-Had in Rabat to support the requests for the political and socio-economic needs for a greater respect for human rights and a sit-in in solidarity with the Libyan people in front of the Embassy of Libya in Rabat. Several people were injured and twelve protesters were hospitalised, including Ms. **Khadija Riyadi**, President of the Moroccan Association for Human Rights (*Association marocaine des droits humains* - AMDH), and Messrs. **Abdel-ilah Benabdesselam**, AMDH Vice-President and a member of the OMCT General Assembly, **Abdelkhalek Benzekri** and **Mohamed Amri**, members of AMDH central office¹². In addition, on March 31, 2010, the Court of Appeals of Marrakech upheld the conviction of eleven student members of the National Union of Moroccan Students (*Union nationale des étudiants marocains* - UNEM) to terms ranging from two to four years in prison. Accused of “participation in an armed gathering” and “violence against officers in service”, they had been sentenced on July 9, 2009 in first instance for participating in a demonstration on May 14, 2008 demanding better work conditions. Nine of them were released in May 2010 after serving their sentences¹³.

Judicial harassment against defenders denouncing corruption

In 2010, several defenders fighting against corruption were subjected to judicial harassment. On March 8, 2010, Mr. **Mohamed Attaoui**, of the daily Arabic-language newspaper *al-Monataf* and President of the Association Future for Cedar and Sheep (*Association avenir pour le cèdre et le mouffon*), was arrested following the publication of several articles in which he denounced the smuggling of timber cedar by officials of rural municipalities in the region of Midelt, with the complicity of the police and the Office of National Water and Forests. His association also

9/ See ANDCM Press Release, November 18, 2010.

10/ See ANDCM Press Release, February 27, 2011.

11/ The FAM is a service of military order and rule, under the jurisdiction of the Interior Ministry. The CMI coordinates the FAM and consists of rapid response units.

12/ See AMDH.

13/ This included Ms. **Zohra Boudkhour** and Messrs. **Galal al-Qitbi**, **Abdelallah al-Rashidi**, **Alaa al-Dirbali**, **Mohamed Gamil**, **Youssef Mashdoufi**, **Mohamed al-Arabi Gadi**, **Youssef al-Alawi** and **Ousman al-Chouni**. Messrs. **Khalid Meftah** and **Mourad Chouini** remain in prison, the first having been sentenced to three

stood in March 2010 as plaintiff in a lawsuit against those responsible for trafficking. On March 22, 2010, he was sentenced to two years in prison by the Court of Midelt, ostensibly for having extorted the sum of 1,000 dirhams (about 90 euros). Mr. Attaoui, who was released on bail on April 15, 2010, appealed the decision but the trial was postponed several times. As of April 2011, the case was still ongoing¹⁴. Moreover, on April 14, 2011, Mr. **Chakib el-Khayari**, President of the Rif Association for Human Rights (*Association du Rif des droits de l'Homme* - ARDH) and member of the Federal Council of the World Amazigh Congress (*Congrès mondial amazigh* - CMA), was granted a royal amnesty and released. Mr. el-Khayari had been sentenced on appeal in November 2009 by the Court of Casablanca and sentenced to three years in prison and a fine of 750,000 dirhams (about 68,500 euros) for “insulting the Government”, after revealing to foreign sources information about senior civil servants involved in corruption and a network of drug trafficking in the Rif region. In addition, the authorities banned four times between December 9, 2010 and January 6, 2011 the Transparency-Morocco Association from holding a ceremony to award the “integrity prize” to Mr. el-Khayari and Mr. **Abderrehim Berrada**, a lawyer and founding member of Transparency Morocco, because of their fight against corruption¹⁵.

Obstacle to the freedom of movement of a human rights defender

In 2010, a Tunisian defender who was to visit Morocco was prevented from entering the territory. On September 30, 2010, Mr. **Kamel Jendoubi**, President of the Euro-Mediterranean Human Rights Network (EMHRN) and an executive board member of OMCT, was turned away from Moroccan territory upon debarking the plane from Paris, with no reason given by the Moroccan authorities. He was then forced to spend the night on the plane before leaving for Paris. Mr. Kamel Jendoubi went to Rabat to receive a tribute to his action for human rights at a ceremony organised by the Moroccan Organisation for Human Rights (*Organisation marocaine des droits de l'Homme* - OMDH).

14/ See articles published in *al-Monataf*, January 14 and February 16, 2010.

15/ Following a decision of the Administrative Tribunal of Rabat which set aside a judicial decision of the Wali of Rabat on the prohibition of the award ceremony, they were finally able to hold the ceremony in early May 2011. See AMDH.

Continued harassment of defenders denouncing human rights violations in Western Sahara

In 2010-2011, Sahrawi human rights defenders continued to be subjected to intimidation by the Moroccan authorities. Thus, on February 7, 2010, ten Moroccan police officers broke into the hotel room of Mr. **Hassan Duihi**, ASVDH member, to take him to the police station. Mr. Duihi was in the town of Tiznit, where he was accompanying, as a translator, two international observers delegated by the General Council of Spanish Lawyers (*Conseil général des avocats espagnols*) to the trial of ten young peaceful Saharawi activists defending the right to self-determination, which took place on February 8, 2010. He was released without charge on February 9, 2010. During his detention, the police interrogated him on the Sahara's proposal for autonomy and the Achahid Khat Movement¹⁶. On December 12, 2010, two plainclothes Moroccan police officers came to the house of Ms. **Djimi el-Ghalia**, Vice-President of the ASVDH, to prevent her from talking to two Spanish activists who had come from Madrid to meet her¹⁷. Moreover, the trial of seven human rights defenders from Western Sahara began in October 2010 before the Court of Casablanca. They were arrested on October 8, 2009 at the Mohamed V Airport in Casablanca as they were returning from a visit to the Saharawi refugee camps in south-western Algeria. Mr. **Ali Salem Tamek**, Vice-President of the Sahrawi Collective of Human Rights (*Collectif des défenseurs sahraouis des droits de l'Homme - CODESA*), Mr. **Brahim Dahane**, President of ASVDH, Mr. **Ahmad Anasiri**, Secretary General of the Saharawi Committee for the Defence of Human Rights in Smara (*Comité sahraoui pour la défense des droits humains à Smara*), a member of the coordinating council of ASVDH and CEO of AMDH in Smara, M. **Yahdih Ettarouzi**, member of the AMDH in Laayoun, Mr. **Saleh Lebayhi**, Chairman of the Forum for the Protection of Saharawi Children (*Forum pour la protection des enfants sahraouis*) and Head of the AMDH branch in Smara, Ms. **Degja Lachgar**, member of the ASVDH executive branch, and Mr. **Rachid Sghaer**, member of the Committee Against Torture in Dakhla, were accused of "attack on the country's internal security". During the first half of 2010, they were all granted bail by the judge of the Military Court in Rabat¹⁸, which then referred the case to the Ain Sebaâ Court of First Instance in Casablanca¹⁹. As of late April 2011, the exact charges

16/ Movement that supports the autonomy of the Moroccan Sahara.

17/ See ASVDH Press Release, December 12, 2010.

18/ Ms. Degja Lachgar was released on January 28, 2010, Messrs. Saleh Lebayhi, Rashid Sghaer and Yahdih Ettarouzi on May 18, 2010 and Messrs. Ali Salem Tamek, Brahim Dahane and Ahmad Anasiri on April 14, 2010.

19/ See Annual Report 2010 and ASVDH Press Releases, May 20 and September 23, 2010, and February 13 and April 16, 2011.

against the seven defenders were still unknown and no hearing had taken place. Mr. **Yahya Mohamed al-Hafed Aaza**, member of CODESA, was meanwhile still being held at the end of April 2011 in the prison of Ait Melloul, near Agadir. His health was of great concern and he required hospitalisation for several days in December 2010. In addition, visits were limited to people with the same name as him. Mr. Aaza was arrested in February 2008 for participating in peaceful demonstrations during which one policeman was killed.

Moreover, rallies organised by Sahrawi activists were often repressed by the Moroccan authorities. For example, on March 2, 2011, the police brutally dispersed a rally organised by Sahrawi activists in the city of Laayoun calling for the respect of their economic and social rights and denouncing the maritime fishing agreement between Morocco and the European Union. Without notice, the police attacked and beat demonstrators, leaving 25 people injured²⁰.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Name	Violations / Follow-up	Reference	Date of Issuance
Mr. Hassan Duihi	Arrest	Urgent Appeal MAR 001/0210/OBS 024	February 25, 2010
Mr. Kamel Jendoubi	Obstacles to the freedom of movement	Urgent Appeal MAR 002/1010/OBS 120	October 1, 2010

20 / See ASVDH Press Release, March 3, 2011.

SAUDI ARABIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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In 2010-2011, no human rights NGO managed to obtain legal status. Furthermore, human rights activities continued to be controlled by a vague and draconian legal framework, making human rights defenders vulnerable to arbitrary detention and unfair trials. In addition, peaceful assemblies were banned *de facto* by the authorities and repressed by the security forces. Finally, the Interior Ministry banned several human rights defenders from leaving the country.

Political context

In 2010-2011, the human rights situation in Saudi Arabia remained very worrying. In this absolute Islamic monarchy, the population cannot enjoy an area of freedom allowing the development of a civil society independent from the Government. Political parties and unions are banned and no independent human rights NGO was even registered. Demonstrations are prohibited and media are censored by the Ministry of Culture and Information. Saudi Arabia is not a signatory neither to the International Covenant on Civil and Political Rights nor to the International Covenant on Economic, Social and Cultural Rights. Since 2001, thousands of people have been arrested in the name of counter-terrorism, including people who have criticised the State without resorting to or advocating the use of violence¹. The rights of people who are arrested or prosecuted are regularly flouted and torture and ill-treatment while in custody or prison are frequently used. The rights of women and migrants are notoriously violated, as well as the freedom of religion.

The Shia and the Ismailian Muslims living in Saudi Arabia make up ten to fifteen per cent of the Saudi population. They are the target of denominational discrimination that deprives them of their fundamental rights such as the right to freedom of religion and belief, as well as certain civil rights such as the right to hold positions of responsibility in the public services. Shia Muslims are regularly targeted for organising collective prayer meetings or celebrating Shia festivals². In 2011, the authorities

1/ See Human Rights First Society, Saudi Arabia (HRFS) News Bulletin, April 9, 2011.

2/ The majority of Shia Muslims live in the eastern province of the country, in al-Ahsa province and the cities of Qatif, Dammam and Khobar. Shia Muslims are also in majority in the region of Najran, in the south of the Kingdom. In towns where Shia Muslims constitute less than 50% of the population, Shia mosques are, with a few exceptions, forcibly shut down. See HRFS 2010 Report, *Unholy Trespass*, December 2010.

also repressed Shia activists for demonstrating in the eastern part of the country to demand the Saudi Government to withdraw the troops sent to Bahrain, where they were directing a military force from the Gulf States with the aim of helping the Sunni monarchy in Bahrain to suppress a strong popular protest movement calling for political reforms, including more freedoms and the release of political prisoners detained since the 1990s³.

Finally, sanctions were still imposed on the right to freedom of expression in Saudi Arabia. On April 29, 2011, the Saudi authorities published a decree that imposed considerable restrictions on the freedom of the press. According to this text, media are forbidden to publish any material that contradicts the Sharia law, “serves foreign interests” or “undermines national security”. The terms of this decree, particularly vague and unclear, risk being used to justify censorship of any statement considered as critical of the authorities⁴.

An extremely restrictive legislative framework that prevents all human rights activities

In Saudi Arabia, human rights activities continued to be subjected to an extremely restrictive framework. Article 39 of the Saudi 1992 Basic Law of Government stipulates that “all acts that foster sedition or division or harm the state’s security and its public relations, shall be prohibited”. This vague definition permits criminalisation of the most basic rights such as the right to freedoms of expression, association or peaceful assembly. Furthermore, the absence of any written criminal code in Saudi Arabia strengthens the climate of insecurity in which human rights defenders are carrying out their work, insofar as there is no formal definition of what constitutes a crime, and no fixed punishment for a specific crime. In addition, Article 112 of the Code of Criminal Procedure allows the Minister of Interior to decide which offences and crimes are punishable by a prison sentence, without specifying its length. The executive power is therefore unlimited to punish any human rights activity.

In this context, no human rights NGO was registered. For example, the NGO Human Rights First Society, Saudi Arabia (HRFS) could never obtain a licence since its setting up in 2002. Similarly, the Saudi Civil and Political Rights Association (ACPRA), set up in 2009, could neither obtain a licence.

3/ See HRFS Press Release, March 23, 2011.

4/ See HRFS and Reporters Without Borders (RSF) Press Release, May 3, 2011.

Violation of the freedom of peaceful assembly and repression of demonstrators

In spite of the absence of an official text which bans public meetings, in practice they are not tolerated and the Saudi authorities ban *de facto* the organisation of peaceful assemblies in the country⁵. Several demonstrations inspired by the movements in other Arab countries were organised between February and April 2011 to call for democratisation of political life or to demand the release of prisoners held arbitrarily in Saudi prisons. These protests were brutally dispersed and over 160 demonstrators were injured or arrested⁶. For example, on March 9, 2011, a demonstration organised in the city of al-Qatif to demand democratic reforms was brutally dispersed by the security forces who fired off on demonstrators with live bullets. Two of them were injured⁷. On March 21, 2011, Mr. **Mohamed Saleh al-Bajadi**, one of the founders of ACPRA, was arrested at his home in the town of Buraidah by agents of the intelligence services from the Interior Ministry. Books, documents and laptop computers were confiscated at his home and his office. Mr. al-Bajadi had taken part in a protest the previous day in front of the Interior Ministry in Riyadh, to call for the release of persons held for years without being charged or tried. This demonstration had brought together dozens of men and women, mostly family members of detainees. Mr. al-Bajadi was held incommunicado for nearly three weeks, with no contact with his family or with a lawyer⁸. As of the end of April 2011, he was still being held by the intelligence services without being charged or tried⁹.

Arbitrary arrest of defenders of the rights of the Shia minority

In 2010-2011, several defenders who called for respect for the rights of the Shia minority were arrested and arbitrarily detained¹⁰. As an example, Mr. **Sheikh Mekhlef bin Dahham al-Shammari**, a writer and defender of minority rights, was arrested on June 15, 2010 and taken to the Khobar police station because of his stand in favour of the respect for the rights

5/ On March 5, 2011, the Interior Ministry issued an announcement confirming the ban on demonstrations in the Kingdom, according to which the security forces would take "all necessary measures" against those who attempt to disturb public order. On March 6, 2011, the Council of Superior Ulema (religious scholars) also recalled the ban on demonstrations in the country. On the same day, the Shura Council (a consultative council appointed by the King) stressed the importance of preserving the security of the Kingdom and ignoring misleading calls for the organisation of demonstrations, sit-ins and marches. See Amnesty International Press Release, March 25, 2011.

6/ See Press Release from HRFS, March 27, 2011 and Human Rights Watch (HRW), April 20, 2011.

7/ See HRFS Press Releases, March 10 and 11, 2011.

8/ He was able to telephone his wife for the first time on April 7, 2011.

9/ See HRFS Press Release, March 23, 2011.

10/ See HRFS 2010 Report, *Unholy Trespass*, December 2010 and HRW Report, *Looser Rein, Uncertain Gain*, September 27, 2010.

of the Shia minority. In July 2010, he was transferred to the Dammam prison. In April 2011, the Dammam Court rejected the initial charges of “annoying others” with his writings, used against him by the Public Prosecutor in his charge file. However, as of the end of April 2011, he was still being held at the Dammam prison¹¹. In addition, at the end of 2010, Mr. **Mounir Baqir al-Jessas**, a blogger, was still being held by the Saudi authorities for having denounced, in various articles published on Internet, the discrimination to which Shia Muslims are subjected to in Saudi Arabia. Mr. al-Jessas had been arrested on November 8, 2009 by the intelligence services, who had searched his home and confiscated two laptop computers and a camera. He was finally released on February 20, 2011, without charge¹². Also, on March 3 and 4, 2011, 24 people were arrested following demonstrations in the city of al-Qatif to protest against the continued detention of nine members of the Shia community who were arrested in 1996¹³. The persons arrested included Messrs. **Hussain al-Yousef** and **Hussain al-Alq**, who regularly publish articles on *www.rasid.com* to report on the arrests of members of the Shia community and on the discrimination they are victim of. The 24 men were released without charge on March 8, 2011, after guaranteeing in writing that they will not demonstrate any more¹⁴.

Obstacles to the freedom of movement of several human rights defenders

In 2010, the Saudi Interior Ministry banned several human rights defenders from leaving the country. For instance, on February 12 and March 2, 2010 respectively, the Saudi authorities informed Mr. **Fahd al-Orani**, a member of ACPRA, and Mr. Mohammed Saleh al-Bejadi that they were forbidden to travel as they were at Riyadh international airport. Similarly, in 2010 and 2011, Mr. **Abdullah al-Hamed** and Mr. **Mehna Mohammed al-Faleh**, members of the same organisation, were still forbidden to leave the country, under the ban in place since 2004. These human rights defenders were given no reason for these measures¹⁵.

11/ See HFRS 2010 Report, *Unholy Trespass*, December 2010.

12/ See HFRS Press Release, June 28, 2010.

13/ These men are suspected of being linked to an attack in 1996 against the Khobar Towers residential complex in the city of al-Khobar (Eastern Province), that caused the death of nineteen American servicemen and one Saudi.

14/ See HFRS Press Releases, March 3, 5 and 14, 2011.

15/ See ACPRA Press Releases, November 3 and December 15, 2010.

SYRIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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In 2010-2011, the work of human rights defenders encountered once more considerable obstacles. While the Ministry for Social Affairs systematically continued to refuse to register NGOs, the national security intelligence services remained central to the system of repression against defenders, who were notably victims by those services of arrest and arbitrary detention. They were also prosecuted before emergency courts under vague and draconian provisions, and sentenced to several years in prison. Although several defenders were released in response to the peaceful protest movement that started in March 2011, others were arrested or prosecuted as part of the extremely violent repression of this movement.

Political context

In March 2011, a peaceful protest movement began in Syria, following a civil society call to protest launched via social networks such as *Facebook* and *Twitter*. Inspired by the Arab revolutions in Egypt and Tunisia, this movement has since rallied tens of thousands of people in several Syrian cities calling for the respect of fundamental freedoms, the release of political prisoners and the end of the state of emergency that has been in force since 1963. Immediately, the Syrian authorities' response to the protest movement was extremely violent. The security forces fired off live bullets at unarmed civilians, resulting in the death of nearly 1,200 demonstrators as of the end of May 2011¹. Furthermore, the authorities had arrested nearly 11,000 people including journalists, lawyers, political activists and human rights defenders, as of the end of May 2011 because of their participation or their presumed support to the demonstrations. A number of them were reportedly victims of torture².

In the face of the growing protest movement, on several occasions President Bashar al-Assad announced concessions that were, however, never accompanied by a reduction of the level of repression against the

1/ There are no official figures on the number of people killed. See Joint Statement by the Committee for the Defence of Democratic Freedoms and Human Rights (CDF), the Kurdish Organisation for Defending Human Rights and Public Freedoms in Syria (DAD), the Arab Organisation for Human Rights in Syria (AOHRS), the Kurdish Committee for Human Rights in Syria (al-Rased), the National Organisation for Human Rights in Syria (NOHR-S), the Syrian Observatory for Human Rights (SOHR) and the Human Rights Organisation in Syria (MAF), May 27, 2011. The authorities even resorted to heavy artillery and used tanks to repress the protest movement in cities such as Deraa and Banyas.

protesters. On March 19, 2011, the official press agency *SANA* announced the release of political prisoners, greater freedom for the media and registration of political parties. After the protests increased, President al-Assad then decided to dissolve his Government. On April 21, *SANA* announced that the President had issued Decrees No. 161 on lifting the state of emergency, No. 53 on abolishing the Supreme State Security Court (SSSC) and No. 54 on the promulgation of a law to recognise the right to peaceful assembly. However, people considered that these declarations were insufficient and the repression of demonstrations continued to be increasingly bloody.

On April 29, 2011, following a special session on the crisis in Syria, the Human Rights Council of the United Nations adopted a resolution condemning the repression of the peaceful protest movement and mandating the High Commissioner for Human Rights to conduct an independent investigation into the serious violations committed at that time³. The Security Council also met to discuss the situation in Syria on several occasions but as of the end of April 2011, its members had still not agreed on a resolution.

Furthermore, in 2010-2011, the Syrian authorities continued to use the state of emergency law and the Criminal Code to repress and prevent the organisation of any form of opposition, targeting in particular political opponents, human rights defenders, bloggers and Kurd activists. Women and men who criticised the Government or called for reforms were regularly subjected to arbitrary arrest, imprisoned for long periods, and sentenced by the SSSC, the military or criminal courts during unfair trials. In addition, the Syrian regime still tolerated no political party other than the ruling Baath party.

While freedom of expression continued to be severely restricted in Syria, repression of journalists and censorship measures increased after the start of the protest movement in March 2011. The authorities tried to impose media silence regarding the demonstrations and police repression, by preventing journalists, including foreign ones, from gaining access to assembly locations, or by arresting them.

3/ See Human Rights Council Resolution on the Human Rights Situation in the Syrian Arab Republic, United Nations Document A/HRC/RES/5-16/1, April 29, 2011.

Finally, the security forces continued to make use of torture and ill-treatment. In its Concluding Observations on May 14, 2010⁴, the United Nations Committee Against Torture (CAT) condemned the regular use of such practices in detention centres by State agents. The Committee also expressed its concern regarding the Kurdish minority in Syria, who is deprived of Syrian nationality and who continues to be subjected to ethnic discrimination⁵.

Continued acts of harassment against lawyers who denounce human rights violations

In 2010-2011, lawyers who defend political prisoners and condemn human rights violations continued to be the target of harsh repression. Mr. **Muhannad al-Hassani**, lawyer, President of the human rights organisation “Sawasiyah” and winner of the 2010 Martin Ennals Award for Human Rights Defenders, was sentenced on June 23, 2010 by the Damascus Criminal Court to three years in prison for “weakening national sentiment” and “spreading false information likely to weaken the nation’s morale”, under Articles 285, 286 and 287 of the Criminal Code. His appeal was rejected on September 27, 2010. Mr. al-Hassani had been arrested in July 2009 for having monitored and condemned the unfair nature of the trial of political prisoners before the SSSC. On October 28, 2010, Mr. al-Hassani was attacked and beaten in his cell by another detainee, who insulted him and accused him of betraying the Nation. In spite of this incident, the prison authorities decided to keep Mr. al-Hassani in the same cell as his attacker⁶. Similarly, on July 4, 2010, the Damascus Military Criminal Court sentenced Mr. **Haitham al-Maleh**, a lawyer and former President of the Human Rights Association in Syria (HRAS), to three years in prison for “spreading false information likely to weaken the morale of the nation”. His appeal was rejected on October 19, 2010. Mr. al-Maleh, eighty years old, had been arrested in October 2009 after having publicly criticised the human rights situation and corruption within the State apparatus in Syria. On February 22, 2010, he appeared before a Damascus Military Judge on new charges for “offending the President” and “defamation of a government body”. These new charges, which were upheld by another prisoner, were abandoned the day after the hearing because of

4/ Concerned about poor conditions of detention and cases of forced disappearance, CAT invited the Syrian authorities to open an investigation into the riot that broke out in Sednaya military prison in July 2008 during which seventeen detainees were killed. The Syrian authorities had imposed total silence concerning the event, amongst other things refusing to draw up a list of the victims.

5/ See Committee Against Torture, *Concluding Observations of the Committee Against Torture on the Syrian Arab Republic*, United Nations Document CAT/C/SYR/CO/1, May 25, 2010.

6/ Mr. Muhannad al-Hassani was released on June 2, 2011 in application of Legislative Decree No. 61 dated May 30, 2011, which grants general amnesty for crimes committed before May 31, 2011.

a presidential amnesty for prisoners sentenced for minor offences. During his detention in Adra prison, Mr. al-Maleh was refused access to his own medication in spite of serious health problems. He was released on March 8, 2011 under a presidential pardon for prisoners over seventy years old.

Ongoing arbitrary detention of many human rights defenders

As of the end of April 2011, several defenders were still imprisoned because of their peaceful commitment in support to human rights. On March 11, 2010, the Damascus Appeal Court rejected the request of the human rights defenders who were responsible for the Damascus Declaration for the application of Article 172 of the Criminal Code, which provides for an amnesty to detainees who have served three quarters of their sentence. Messrs. **Akram al-Bunni, Fayez Sara, Jaber al-Shoufie, Mohammed Haj Darwish, Ahmad Tohma, Yasser Tayser Aleiti, Riad al-Seif, Marwan al-Esh, Ali Saleh al-Abdallah, Talal abu Dan** and Ms. **Fida al-Hurani** therefore remained in detention in Adra prison until their sentences were served⁷. They had been sentenced on October 29, 2008 to two and a half years in prison for “spreading false news likely to damage the morale of the nation”. They were all released between June and July 2010, with the exception of Mr. Ali Saleh al-Abdallah. The latter, who was due to be released on June 17, 2010, was brought before a military court on the same day and new charges were brought against him. The Syrian authorities accused him of having been in contact with the press from the prison to comment on the elections in Iran. On March 13, 2011, he was sentenced by the Damascus Military Criminal Court to three years in prison for “spreading false information likely to weaken the morale of the nation” and “disturbing relations between Syria and a foreign State” (Article 278 of the Criminal Code). As of April 2011, he was still held in Adra prison. Similarly, at the end of April 2011, Messrs. **Anwar al-Bunni**, a lawyer and founder member of HRAS, **Habib Saleh**, a writer, and **Kamal al-Labwani**, a member of the Committees for the Defence of Democratic Freedoms and Human Rights (CDF), were still being held in Adra prison⁸. Moreover, since June 2008, the family of Mr. **Nizar Ristnawi**, a founder member of the Arab Organisation for Human Rights in Syria (AOHRS) and a member of the CDF, held in Sednaya military prison and who was due to be released in April 2009, still had no news of him.

7/ They were involved in the National Council of the Damascus Declaration for National Democratic Change, a large activist opposition coalition for political reform and for the establishment of a democratic regime in Syria. On December 9, 2007, in response to a meeting organised at the initiative of the Damascus Declaration that ended with the creation of the National Council, the security forces arrested several activists.

8/ Mr. Anwar al-Bunni was released on May 23, 2011, other having served his sentence and Mr. Habib Saleh was released on May 10, 2011.

Continued harassment of defenders of the rights of the Kurdish minority

Human rights defenders who denounce the discrimination to which the Kurdish minority in Syria is subject, continued to be victims of arbitrary arrest and judicial harassment. As an example, on March 2, 2010, Mr. **Abdul Hafez Abdul Rahman** and Ms. **Nadira Abdu**, members of the Human Rights Organisation in Syria (MAF), which defends the rights of the Kurdish minority, were arrested at the home of Mr. Abdul Rahman in Aleppo. During their arrest, agents of the military intelligence services questioned them about MAF activities. Mr. Abdul Rahman's computer and reports produced by MAF were confiscated. Ms. Abdu was released without being charged on March 6. Placed under conditional release on September 1, Mr. Abdul Rahman was sentenced on September 29, 2010 by the Third Aleppo Military Court to one year in prison for belonging to a "secret organisation" (Article 288 of the Criminal Code)⁹. Mr. Abdul Rahman went into hiding and had to leave Syria at the end of 2010 to avoid being put in prison again. In addition, on November 7, 2010, the Aleppo Military Criminal Court sentenced in last resort Mr. **Mustapha Ismail**, a lawyer and Kurdish activist, to seven years in prison, a sentence which was subsequently reduced to two and a half years, for attempting to "partition part of Syrian territory in order to annex it to a foreign State" (Article 267 of the Criminal Code) and "disturb relations between Syria and a foreign State". Mr. Ismail had been arrested on December 12, 2009 after publishing several articles on the Internet denouncing the discrimination inflicted on Syrian Kurds. At the end of April 2011, he was still in detention in the prison of al-Musalmiya, near Aleppo¹⁰. Finally, in December 2010, the Order of Syrian Lawyers opened disciplinary proceedings against Mr. **Radif Mustafa**, a lawyer and President of the Kurdish Committee for Human Rights in Syria (al-Rased), accused of having flouted the profession's regulations by becoming the head of a "banned organisation", fomenting "acts against the Syrian Government" and publishing articles that "told lies" and "weakened national unity". Mr. Mustafa risked being permanently banned from practising his profession. On April 3, 2011, the Order of Lawyers acquitted Mr. Mustafa but issued a warning against him about his human rights activities.

9/ Indeed, the Syrian regime continues to refuse to register human rights NGOs and consequently, the members of organisations that are considered to be illegal are subject to criminal proceedings under Article 288 of the Criminal Code.

564 10/ Mr. Mustapha Ismail was released on June 2, 2011 under Legislative Decree No. 61 dated May 30, 2011.

Ongoing obstacles to freedom of movement

In 2010–2011, around one hundred human rights defenders were banned from leaving the country because of their human rights activities. As an example, in 2010 and 2011, Mr. **Danial Saoud**, President of the CDF, was again forbidden to leave the country, preventing him from taking part in numerous meetings on human rights to which he had been invited. In April 2010, he was stopped from travelling to Yerevan, in Armenia, to take part in the 37th FIDH Congress, of which his organisation is a member. In March 2011, he was also banned from leaving Syria to take part in a meeting of the Executive Committee of the Euro-Mediterranean Human Rights Network (EMHRN), of which he is a member. Similarly, the Syrian authorities prevented Mr. **Alla Aldin Byassi**, member of CDF Board of Directors, from travelling to various EMHRN meetings on immigration and the right of asylum that took place in Turkey in April 2010, in Morocco in September 2010 and in France in January 2011. Ms. **Malak Said Mahmoud**, a member of CDF Board of Directors, was stopped from going to Turkey in April and November 2010 to take part in conferences on women's rights. Meanwhile, Mr. **Hassan Ayo**, a CDF member, was prevented from leaving the country to attend a conference on women's rights, organised on April 8 and 9, 2011 in Madrid, Spain. Furthermore, on February 21, 2010, the Syrian authorities banned Mr. **Wadiah al-Asmar**, Secretary General of the Lebanese Centre for Human Rights Centre (*Centre libanais des droits de l'Homme* - CLDH) and a member of EMHRN Executive Committee, from returning to Syria, on the grounds that his name was on the list of "undesirable persons". Mr. al-Asmar has worked for several years on the question of forced disappearances of Lebanese in Syrian prisons.

Repression of peaceful assemblies and reprisals against human rights defenders

The authorities violently repressed activists who were suspected of having denounced or documented human rights violations committed by the security forces during the repression of the peaceful protest movement that has taken place since March 2011. As an example, on March 23, 2011, Mr. **Mazen Darwish**, Director of the Syrian Centre for Media and Freedom of Expression (SCM), was summoned to the political police headquarters at Almayyat in Damascus, where he was held for over 24 hours, before being released without charge. On April 1, 2011, Mr. **Abdalkarim Da'oun**, a member of CDF Board of Directors, was attacked and arbitrarily arrested by members of the security services and police forces as he was monitoring peaceful demonstrations in the city of Salamyeh. He was released without charge on April 3. On April 24, 2011, Mr. Danial Saoud was also arrested by the security services in the city of Baniyas.

He was brought to Damascus where he was interrogated for 36 hours on its role in the peaceful demonstrations which took place in several cities, before being released without charge¹¹. Mr. **Rasim al-Atassi Suleyman**, former President and a member of the Board of Directors of AOHR-S, was arrested on April 27, 2011, accused of “inciting riots” and “vandalism” after a demonstrator accused him under torture of financing the protest movement and supplying weapons. As of the end of April 2011, he had still not been released. Several people, such as lawyers Haytham al-Maleh and **Razan Zaitouni**, had to go into hiding in order to avoid arbitrary arrest and the risk of ill-treatment and torture. In 2011, the Damascus Centre for Human Rights Studies (DCHRS) was also the target of a smear campaign by the private Syrian TV channel *al-Dunia*, owned by a businessman close to the President, in reprisal for its condemnations of the repression of the protest movement. In April 2011, *al-Dunia* broadcast a programme accusing organisations and members of the opposition in exile, particularly the DCHRS, of receiving funds from the Mossad, the Israeli intelligence agency. In addition, its Director, Mr. **Radwan Ziadeh**, who lives in the United States, received numerous death threats against him and his family during the same period, in particular by e-mail. Similarly, on April 19, 2011, the Kuwaiti magazine *al-Anbae*, published in Syria, accused several human rights defenders, including Mr. **Ammar Qurabi**, President of the National Organisation for Human Rights in Syria (NOHR-S), of working with Syrian armed groups responsible for the killing of civilians¹².

Furthermore, on March 16, 2011, around one hundred people, including several members of the families of prisoners of conscience, organised a peaceful assembly in front of the Interior Ministry to call for the release of all prisoners of conscience in Syria. The participants were brutally dispersed by the security forces, who arrested dozens of people, including Mr. **Kamal Cheikho**, a blogger, Ms. **Suhair al-Attassi**, President of the “al-Attassi Forum” pro-democracy discussion group, Ms. **Sereen Khouri**, Ms. **Fahima Saleh Awsi**, a member of the Kurdish Human Rights Committee, and Mr. Mazen Darwish. These protesters were all released without charge after having paid a bail, with the exception of Mr. Kamal Cheikho who was still being held in Adra prison at the end of April 2011¹³.

11/ See CDF

12/ *Idem*.

13/ Mr. Cheikho was released on bail without charge on May 10, 2011. In addition, accused of “spreading false information likely to weaken the morale of the nation”, Mr. Cheikho had been arrested at the

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Name	Violations / Follow-up	Reference	Date of Issuance
Mr. Muhannad al-Hassani	Judicial harassment	Urgent Appeal SYR 001/0210/OBS 022	February 19, 2010
	Judicial harassment / Arbitrary detention	Urgent Appeal SYR 002/1009/OBS 149.1	February 24, 2010
		Joint Press Release	March 17, 2010
	Sentenced	Joint Press Release	June 23, 2010
		Joint Press Release	July 5, 2010
	Attack	Press Release / Brochure	October 14, 2010
		Press Release	November 2, 2010
Mr. Haitham al-Maleh	Judicial harassment / Arbitrary detention	Urgent Appeal SYR 001/0210/OBS 022	February 19, 2010
		Urgent Appeal SYR 002/1009/OBS 149.1	February 24, 2010
	Joint Press Release	July 5, 2010	
	Press Release / Brochure	October 14, 2010	
	Joint Press Release / Publication of a judicial observation mission report	March 4, 2011	
Pardon / Release	Joint Press Release	March 9, 2011	
Mr. Wadih al-Asmar	Attack on freedom of movement	Joint Press Release	March 5, 2010
Mr. Abdul Hafiez Abdul Rahman and Ms Nadira Abdu	Arbitrary arrest	Urgent Appeal SYR 002/0310/OBS 033	March 10, 2010
Mr. Abdul Hafiez Abdul Rahman	Sentenced / Arbitrary detention	Urgent Appeal SYR 002/1010/OBS 033.1	October 11, 2010
		Press Release / Brochure	October 14, 2010
Messrs. Jaber al-Shoufie, Riad al-Seif, Haytham al-Maleh, Anwar al-Bunni, Kamal al-Labwani and Walid al-Bunni	Harassment	Joint Press Release	March 17, 2010
Mr. Mustafa Ismail	Judicial harassment	Urgent Appeal SYR 003/1010/OBS 125	October 11, 2010
		Press Release / Brochure	October 14, 2010
	Sentenced	Press Release	November 10, 2010

Name	Violations / Follow-up	Reference	Date of Issuance
Messrs. Ali Saleh al-Abdallah , Abdul Hafiez Abdul Rahman , Anwar Al-Bunni , Kamal al-Labwani , Mustafa Ismail , Habib Saleh and Nizar Ristnawi	Arbitrary detention	Press Release / Brochure	October 14, 2010
Mr. Radif Mustafa	Harassment	Urgent Appeal SYR 001/0111/OBS 001	January 3, 2011
Messrs. Anwar Al Bunni , Habib Saleh , Ali Saleh al-Abdallah , Kamal al-Labwani and Kamal Cheikho	Arbitrary detention / Hunger strike	Joint Press Release	March 9, 2011
Mr. Ali Saleh al-Abdallah	Sentenced / Arbitrary detention	Urgent Appeal SYR 002/0311/OBS 033	March 14, 2011
Members of the Committees for the Defence of Democratic Freedoms and Human Rights (CDF), including Messrs. Daniel Saoud , Alla Aldin Byassi , Hassan Ayo and Ms. Malak Said Mahmoud	Obstacles to freedom of movement	Closed Joint Letter to the authorities	March 14, 2011
Messrs. Kamal Cheikho and Mazen Darwish , Ms. Suhair al-Attassi , Ms. Sereen Khouri , Ms. Fahima Saleh Awsi	Obstacles to freedom of peaceful assembly/ Arrest / Judicial harassment	Urgent Appeal SYR 003/0311/OBS 037	March 16, 2011
	Judicial harassment / Provisional release / Arbitrary detention	Urgent Appeal SYR 003/0311/OBS 037.1	March 18, 2011
Mr. Mazen Darwish	Arbitrary arrest / Incommunicado detention	Urgent Appeal SYR 004/0311/OBS 043	March 24, 2011
	Release	Urgent Appeal SYR 004/0311/OBS 043.1	March 25, 2011
Mr. Radwan Ziadeh	Smear campaign	Joint Press Release	April 15, 2011
Mr. Rasim al-Atassi Suleyman	Arbitrary detention / Judicial harassment	Urgent Appeal SYR 005/0411/OBS 071	April 29, 2011

TUNISIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2011

The year 2010 was again marked by continuous harassment of any person involved in the defence of human rights, in the form of daily surveillance, smear campaigns, attacks, judicial harassment, absence of freedoms and repression of social protest movements. Following the departure of President Ben Ali on January 14, 2011, much progress was made permitting defenders to enjoy a more favourable climate to work. However, although there was a clear reduction in the number of cases of harassment against defenders, they did not totally disappear.

Political context

On January 14, 2011, following a month of demonstrations that shook the whole of Tunisia, President Zine el-Abidine Ben Ali left power after a twenty-three-year absolute reign¹. Starting in Sidi Bouzid, a town in the centre-west forgotten by economic development, after the immolation of a young street vendor protesting against the seizure of his wares by the police, the growing social protest movement against unemployment and the high cost of living turned into a protest against corruption and violations of fundamental freedoms. The security forces, including anti-riot police, fired tear gas and live bullets at the demonstrators. Dozens of people were killed and many others wounded.

The transitional authorities announced several measures with a view to guarantee the respect of the rule of law and fundamental freedoms. On February 1, 2011, the Council of Ministers of the Transitional Government announced that Tunisia will ratify the Rome Statute on the creation of the International Criminal Court, the International Convention for the Protection of All Persons Against Forced Disappearances as well as the two Optional Protocols to the International Covenant on Civil and Political Rights, including the one relating to the abolition of death penalty. It also announced that it will consider the lifting of the Tunisia's reservations to the Convention on the Elimination of All Forms of Discrimination Against Women. At the end of April 2011, these commitments were still not effectively followed. The Transitional Government also set up the Higher Political Reform Commission (*Commission supérieure de la*

1/ On March 8, 2011, the Democratic Constitutional Rally (*Rassemblement constitutionnel démocratique*), former President's party, was dissolved and several illegal parties were able to register.

réforme politique)², the National Fact-Finding Commission on Cases of Embezzlement and Corruption (*Commission nationale d'établissement des faits sur les affaires de malversation et de corruption*) and the National Fact-Finding Commission on Abuses Committed During Recent Events (*Commission nationale d'établissement des faits sur les dépassements et abus commis au cours des derniers événements*). In addition, on February 16, 2011, the Government adopted a general amnesty law granting the release of all prisoners of conscience, including some human rights defenders³.

Since the Transitional Government was set up, many advances were also recorded with regard to the freedom to exist and to act of political parties, associations and independent or opposition media. Independent civil society was able to exercise all the rights of which it was previously deprived such as forming legal associations, travelling freely throughout the country and abroad, having access to the media and creating its own media, organising meetings, etc. International NGOs were even authorised to organise conferences and fact-finding missions in the country, and were authorised to access to prisons. But despite this progress, repressive practices continued after January 14, 2011. In particular, although the Transitional Government claimed that the political police was dismantled, reliable reports consider that it continued to operate, at least partially. New cases of arbitrary arrests were recorded, human rights organisations reported the resurgence of torture in police stations and several demonstrations were banned.

Furthermore, in 2010, as in the past, the ruling regime continued to systematically repress and harass all dissident voices using the political police, the judicial apparatus and the media. The Tunisian authorities set up obstacles to freedom of movement, communication blockades, constant police surveillance, and perpetrated arbitrary detentions, acts of violence and judicial harassment.

Adoption of an amendment to reinforce criminalisation of defence of human rights

On July 1, 2010, an amendment to the Criminal Code, which might hinder the activities of promotion and protection of human rights

2/ On February 18, 2011, the Higher Political Reform Commission merged with the Committee to Safeguard the Revolution (*Comité pour la sauvegarde de la révolution*) to form the Commission to Achieve the Objectives of the Revolution, Political Reform and Democratic Transition (*Commission pour la réalisation des objectifs de la révolution, de la réforme politique et de la transition démocratique*).

3/ The law was signed by the Interim President on February 19, 2011 and concerns all prisoners of conscience who had been sentenced or whose trial was ongoing prior to January 14, 2011.

undertaken by the Tunisian defenders by criminalising their relations with foreign and multilateral organisations, was published in the Official Journal of the Tunisian Republic. This amendment complements the provisions of Article 61bis of the Criminal Code by adding the criminalisation “of any persons who shall, directly or indirectly, have contacts with agents of a foreign country, foreign institution or organisation in order to encourage them to affect the vital interests of Tunisia and its economic security”, punishable by a prison sentence (Article 62 on domestic security). As of the end of April 2011, this draconian provision remained in force despite it was never used against human rights defenders.

Ongoing repression of journalists who denounce human rights violations

Although in 2010 nearly all the media remained under the control of the authorities, the latter repressed the independent media, especially people who worked with *Radio Kalima*, an online radio and newspaper. As an example, on November 24, 2010, Mr. **Nizar Ben Hassen**, a correspondent for *Radio Kalima* and Director of the Chebba Student Promotion Association (*Association de promotion de l'étudiant de Chebba*), was condemned to a suspended two-month prison sentence by the Mahdia Court of First Instance for “defamation” and “attacking morality”, following a peaceful demonstration organised on June 27, 2009 by his association in front of Chebba town hall, to protest against the three-year block on public funds applied to the same association. These charges were brought against him eight months later, on February 23, 2010, few days after the broadcast of a documentary he had made on the abusive expropriation of home-owners in a district of the town of La Goulette⁴. In addition, on December 8, 2010, the Jendouba Criminal Chamber of the Court of First Instance sentenced Mr. **Mouldi Zouabi**, a *Radio Kalima* journalist, to a fine of 900 dinars (around 620 euros) for “aggravated violence” and “public insults”⁵. This sentence was handed down in reaction to the publication by Mr. Zouabi of several reports on the degree of implementation of economic reforms and policies to eradicate poverty in the disadvantaged region of the north-west. On December 29, 2010, Mr. Zouabi was arrested while he was covering a lawyers’ rally in front of Jendouba Courthouse in support of the protest movement. He was released the following day without charge. Other journalists were also the target of violence and

4/ See National Council for Liberties in Tunisia (*Conseil national pour les libertés en Tunisie* - CNLT).

5/ Mr. Zouabi was the victim of an assault on April 1, 2010 in front of the Jendouba police station, following which he filed a complaint before the court. This complaint was dismissed due to “insufficient evidence” and, on July 7, 2010, Mr. Zouabi received a summons to answer a trumped-up charge of “aggravated violence and public insults” against his attacker. See CNLT.

judicial harassment after having denounced human rights violations. For example, on April 24, 2010, eight plain-clothed police officers arrested journalist Mr. **Zouhair Makhlouf**, Secretary General of the association “Freedom and Equity” (*Liberté et équité*), at his home without a warrant. He was violently assaulted in front of members of his family and forcibly taken to the Borj Ouzir police station in Ariana, before being released seven hours later without being charged. Moreover, on April 26, 2010, Mr. **Taoufik Ben Brik** was released after having served a six-month prison sentence following the publication of articles criticising the President’s regime⁶.

Since the Transitional Government was set up in 2011, abuses committed by the police were considerably reduced, although they were not completely eliminated. As an example, on April 8, 2011, Mr. **Abdallah Ben Saïd**, a cyber-activist, also known as Abdallah CAM⁷, was arrested in Tunis by police agents while he was filming a sit-in of Tunisian revolution demonstrators, harshly repressed by men wearing hoods and armed with truncheons. On April 13, 2011, the Examining Magistrate with the Tunis Court of First Instance decided to discharge and release Mr. Ben Saïd.

Continued smear campaigns against human rights defenders

In 2010, human rights defenders continued to be subject to numerous measures of harassment, especially in the run-up to the municipal elections in May 2010. In this context, the Tunisian authorities repressed all civil society attempts to monitor the conduct of the election and to promote the holding of free elections. Access was blocked to the premises of several NGOs, including branches of the Tunisian League for the Defence of Human Rights (*Ligue tunisienne de défense des droits de l’Homme - LTDH*), the Tunisian Association of Democratic Women (*Association tunisienne des femmes démocrates - ATFD*) and the National Council for Liberties in Tunisia (*Conseil national pour les libertés en Tunisie - CNLT*).

Several human rights defenders also faced obstacles to freedom of movement and defamation campaigns in the pro-Government media. As an example, on February 27, 2010, the daily newspaper *Koll Ennass* published an article containing slanders against Ms. **Siheem Bensedrine**, CNLT Spokesperson, and Mr. **Khemais Chammari**, former FIDH Vice-President and co-founder of the Euro-Mediterranean Foundation of Support to

6/ Mr. Ben Brik was given a six-month prison sentence on November 26, 2009, a sentence that was upheld by the Tunis Court of Appeal on January 30, 2010.

7/ Mr. Ben Saïd regularly uses a small camera to film demonstrations and scenes of violence that he witnesses, before broadcasting them on a number of social networks.

Human Rights Defenders (EMHRF), as well as against Messrs. **Mohamed Abbou**, a lawyer and co-founder member of CNLT, **Kamel Labidi**, a journalist and former Director of the Tunisian branch of Amnesty International, **Moncef Marzouki**, a former CNLT Spokesperson and Honorary President of LTDH, and Ms. **Neziha Rejiba**, a journalist. The article described them as having being “bought” and as “traitors to the Nation”, amongst other things. The newspapers *al-Chourouk*, *al-Sarib* and *al-Hadath* reported this in turn. They all filed complaints but without effect. In addition, on May 18, 2010, the newspapers *al-Chourouk* and *al-Hadath* once again published defamatory articles against Ms. Sihem Bensedrine and Messrs. Khémaïs Chammari and **Kamel Jendoubi**, President 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*), member of OMCT Executive Council and President of the Euro-Mediterranean Human Rights Network (EMHRN), describing them as “traitors”, “agents” and “mercenaries” “who should be tried” for having “been in contact with the European Union to sabotage the country” when these persons were involved in international campaigns to denounce human rights violations and when a draft law making this kind of mobilisation a crime was due to be presented in June 2010. This smear campaign also targeted two French lawyers, Messrs. **Patrick Baudouin**, Honorary President of FIDH, and **Michel Tubiana**, former FIDH Vice-President, Honorary President of the Human Rights League (*Ligue des droits de l’Homme - LDH*) and member of EMHRN Executive Committee, after they filed a civil action on March 16, 2009 for “justification of war crimes” in the case of a Tunisian union member who was murdered in 1952⁸. In its edition of March 24, 2010, the daily newspaper *Koll Ennass* described them respectively as “pro-colonialist” and “Mossad agent”. They did not file a complaint.

Increased police surveillance of lawyers and magistrates involved in the defence of human rights

In 2010, the authorities continued to exercise close surveillance on lawyers and magistrates involved in the defence of human rights and to harass them in their private and professional life. As an example, the legal practice of Mr. **Abderraouf Ayadi**, also in charge of CNLT legal affairs, Mr. **Ayachi Hammami** and Mr. Mohamed Abbou, as well as of Ms. **Radhia Nasraoui**, also President of the Tunisian Association Against Torture (*Association de lutte contre la torture en Tunisie - ALTT*) and former member of OMCT Assembly of Delegates, were constantly surrounded by cars, motorbikes and plain-clothed police officers. The police also questioned

8/ The murder of Mr. Farhat Hached was claimed by the “Red Hand” (*Main rouge*), a secret armed organisation which came under the control of the French State and which was active at that time.

their clients to intimidate them and deprive the lawyers of their livelihoods. Furthermore, the telephone conversations of the defenders were constantly monitored. During the night of April 30 to May 1, 2010, the practice of Ms. Radhia Nasraoui was broken into and her computer tower was stolen. This break-in occurred after a telephone conversation between Ms. Radhia Nasraoui and one of her clients regarding a litigation involving a person close to the Tunisian Government, a case due to be examined by the African Commission on Human and People's Rights (ACHPR) during its session in May 2010. As a further example, the magistrate Mr. Mokhtar Yahyaoui continued to be the target of permanent harassment. Under constant surveillance by the political police, he was in particular prevented on several occasions from leaving his home and from receiving visits from his foreign counterparts⁹. Members of the Association of Tunisian Magistrates (*Association des magistrats tunisiens - AMT*) were also subjected to increasing intimidation. Mr. Ahmad al-Rahmouni, Ms. Kalthoum Kennou, Ms. Wassila Kaabi, Ms. Raoudha Karafi, Ms. Leila Bahria and Ms. Noura al-Hamdi were closely tailed before the 13th AMT Congress organised on December 19, 2010. Their homes were surrounded by the police, preventing them from leaving to reach the congress place. In addition, on December 19, members of the security forces prevented Mr. Hamadi al-Rahmani, also a member of AMT, from entering the hotel where the congress was organised "on instructions from the Interior Ministry".

Since the Transitional Government was set up in 2011, despite the fact that the practices preventing magistrates from doing their job correctly were stopped, some were still under surveillance, although it was done in a more discrete way. In particular, the access to their clients was duly respected but some lawyers said their telephones were still monitored as of the end of April 2011. Furthermore, on March 23, 2011, the Administrative Tribunal cancelled the exclusion of Mr. Mokhtar Yahyaoui from the magistracy. He was removed on December 29, 2001, after he addressed an open letter to President Ben Ali, calling for an independent justice system and condemning the control of the policy system over the magistracy¹⁰.

Continued repression of social protest movements

The year 2010 was marked by continued convictions of human rights defenders who supported the social protest movements in the Gafsa-Redeyef mining area in 2008-2009. On July 6, 2010, the Gafsa Court of Appeal upheld the four-year prison sentence handed down in first instance

9/ See CNLT.

against Mr. **Fahem Boukaddous**, a journalist and correspondent of the *al-Hiwar al-Tounisi* satellite television channel and the *al-Badil* online news website, for “taking part in a group established to prepare and commit an attack against people or property”¹¹. On April 27, 2010, Mr. **Hassan Ben Abdallah**, a member of the Committee of Unemployed Graduates (*Comité des chômeurs diplômés*), was sentenced by the same Court of Appeal to four years and six months in prison for “rebellion” and “associating with criminals”¹². Messrs. Boukaddous and Ben Abdallah were released during the amnesty on January 19, 2011. Similarly, on April 21, 2011, following the appeal against his sentence *in absentia* to two years and fifteen days in prison, Mr. **Mouhiedine Cherbib**, a founder member of CRLDHT and President of the Federation of Tunisians for a Two-Banks Citizenship (*Fédération des Tunisiens pour une citoyenneté des deux rives - FTCR*), was acquitted by the Gafsa Court.

Moreover, in December 2010 and January 2011, intimidation measures affected several human rights defenders who demonstrated their solidarity with the national social protest movement and denounced police repression. As an example, on December 28, 2010, after a rally organised in front of the Tunis courthouse, the lawyers Mr. Abderraouf Ayadi and Mr. **Chokri Belaid** were abducted by plain-clothed police officers, held arbitrarily and ill-treated, before being released the following day without charge¹³. On the same day, during a demonstration in Kef, Mr. **Abdelkader Ben Khemis**, Secretary General of the CNLT, was beaten by policemen wearing plain clothes¹⁴. On December 29, another rally organised in front of the Jendouba courthouse was violently repressed by the security forces. The lawyers who organised the rally, Mr. **Hédi Manaï** and Mr. **Said Mechichi**, members of LTDH and CNLT, as well as Mr. **Rabah Khraifi**, a member of Amnesty International, were brutally beaten by uniformed members of the rapid response brigades and by plain-clothed police officers on the premises of the Jendouba courthouse. Mr. **Hédi ben Romdhan**, President of LTDH in Jendouba, was also verbally abused and pushed. One hour later, Mr. Khraifi and Mr. ben Romdhan were again attacked in front of the headquarters of

11/ In December 2008, Mr. Boukaddous was sentenced in absentia to six years in prison after he published a series of articles and news stories denouncing the repression of the peaceful social protest movement in Gafsa-Redeyef in 2008. The sentence was upheld in appeal on February 3, 2009. Following the conditional release of all those sentenced during the repression of this movement, Mr. Boukaddous presented himself to the authorities and the judicial proceedings against him were reopened.

12/ Mr. Ben Abdallah also presented himself to the authorities in December 2009 following his conditional release in November 2009.

13/ Only Mr. Ayadi filed a complaint. He was heard by the Tunis Court of First Instance in April.

14/ Mr. Ben Khemis filed a complaint one week later. As of the end of April 2011, there was still no follow-up.

the General Union of Tunisian Workers (*Union générale des travailleurs tunisiens* - UGTT). None of them filed complaints. In view of the scale of the repression mainly focused on lawyers, the President and the Council of the Tunis Bar called for a national demonstration of lawyers on December 31, inviting colleagues to wear red cockades on their gowns to express their rejection of all forms of violence and to maintain the right of lawyers to demonstrate peacefully. On December 31, the police brutally repressed these demonstrations, especially in Tunis, Gafsa, Sfax, Mahdia, Grombalia and Monastir. Representatives of the security forces even entered in the court premises to attack lawyers and forcibly remove the red cockades from their gowns. The President of the Bar then called an emergency meeting at the lawyers' centre but the building was surrounded and police officers in plain clothes again attacked lawyers who tried to enter the building. Similarly, on January 11, 2011, a peaceful demonstration of artists who came to express their support for the social protest movement in front of the Tunis municipal theatre was violently broken up by numerous police officers. Shortly after the demonstration, police agents attacked several lawyers who were present on the premises, including Mr. **Abdellatif Baili**, a board member of LTDH, Ms. **Samia Abbou** and Ms. Radhia Nasraoui. They did not file a complaint at the time of the occurrences.

Since the Transitional Government was set up in 2011, there was a reduction in the practices of criminalising or repressing the exercise of freedom of peaceful assembly.

Progress in implementing freedom of association

Since the Transitional Government was set up in 2011, several obstacles to freedom of association which were maintained for many years against numerous independent associations were finally removed. On February 26, 2011, the Tunis Administrative Court annulled a 1999 decision of the Interior Ministry, opposing the establishment of the CNLT. Thus, CNLT members were able to enter their premises again, which was forbidden since January 2009. On April 22, a similar decision was made by the same court in favour of the Observatory for Freedom of the Press, Publishing and Creation in Tunisia (*Observatoire pour la liberté de la presse, d'édition et de création en Tunisie* - OLPEC), which had lodged an appeal against the Interior Ministry in 2001 for abuse of power. On February 18, 2011, ALTT was able to file a new registration application with the Interior Ministry under the name of the Organisation Against Torture in Tunisia (*Organisation contre la torture en Tunisie* - OCTT). In the absence of any response within three months, OCTT will be established legally *de facto*. Furthermore, access to LTDH branch premises and headquarters, which had been restricted since 2005, was fully re-established on January 14,

2011. On April 16, 2011, the Hammamet branch of LTDH was able to hold its congress for the first time since 2005.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Name	Violations / Follow-up	Reference	Date of Issuance
Messrs. Fahem Boukadous, Mohieddine Cherbib, Zouhair Makhlouf and Taoufik Ben Brik	Judicial harassment / Arbitrary detention	Joint Press Release	January 18, 2010
Mr. Taoufik Ben Brik	Judicial harassment / Arbitrary detention	Joint Press Release	February 5, 2010
Messrs. Zouhair Makhlouf and Taoufik Ben Brik	Assault / Release	Joint Press Release	April 28, 2010
Mr. Fahem Boukadous	Judicial harassment / Arbitrary detention	Joint Press Release	July 7, 2010
Messrs. Fahem Boukadous and Hassan Ben Abdallah	Judicial harassment / Arbitrary detention	Joint Press Release	October 22, 2010
	Release	Joint Press Release	January 20, 2011
Tunisian Human Rights League (LTDH)	Break-in / Harassment	Joint Press Release	February 11, 2010
Messrs. Khémaïs Chamhari, Omar Mestiri, Slim Boukhdír, Mohamed Abbou and Ayachi Hammami, Ms Radhia Nasraoui and Ms. Sihem Bensedrine	Acts of intimidation and of harassment	Joint Press Release	February 19, 2010
Ms. Sihem Bensedrine and Ms. Neziha Rejiba, Messrs. Khémaïs Chamhari, Mohamed Abbou, Kamel Labidi and Moncef Marzouki	Defamation campaign	Urgent Appeal TUN 001/0310/OBS 029	March 4, 2010
Messrs. Patrick Baudouin and Michel Tubiana	Defamation campaign	Joint Press Release	March 26, 2010
Messrs. Abderraouf Ayadi, Ayachi Hammami and Mohamed Abbou and Ms. Radhia Nasraoui	Acts of harassment and intimidation	Joint Press Release	May 12, 2010
Ms. Sihem Bensedrine and Messrs. Khémaïs Chamhari and Kamel Jendoubi	Defamation campaign	Joint Press Release	May 21, 2010
	Repressive legislation	Joint Press Release	June 17, 2010
		Joint Open Letter to the authorities	July 8, 2010
		Joint Open Letter to the authorities	July 22, 2010
Association of Tunisian Magistrates (AMT)	Harassment	Joint Open Letter to the authorities	November 4, 2010
		Joint Closed Letter to the authorities	December 16, 2010

Name	Violations / Follow-up	Reference	Date of Issuance
Messrs. Ahmad AL Rahmouni and Hamadi AL Rahmani, Ms. Kalthoum Kennou, Ms. Wassila Kaabi, Ms. Raoudha Karafi, Ms. Leila Bahria and Ms. Noura AL Hamdi	Harassment / Obstacles to the freedom of movement	Joint Press Release	December 21, 2010
Messrs. Mouldi Zouabi and Nizar Ben Hassen	Judicial harassment	Urgent Appeal TUN 002/1210/OBS 147	December 22, 2010
Messrs. Abderraouf Ayadi, Chokri Belaïd and Abdelkader Ben Khemis	Abduction / Ill treatment	Urgent Appeal TUN 003/1210/OBS 148	December 28, 2010
Messrs. Abderraouf Ayadi, Chokri Belaïd, Mouldi Zouabi, Hédi Manaï, Saïd Mechichi, Rabah Khraïfi and Hédi ben Romdhan	Release / Arrests / Assault	Urgent Appeal TUN 003/1210/OBS 148.1	December 29, 2010
		Joint Press Release	January 13, 2011
Messrs. Abdelatif Baili and Mohammed Mezam and M.s Samia Abbou and Ms. Radhia Nasraoui	Obstacles to freedom of peaceful assembly / Acts of intimidation / Arrests	Joint Press Release	January 13, 2011
Mr. Abdallah Ben Saïd (Abdallah CAM)	Detention / Harassment / Release	Urgent Appeal TUN 001/0411/OBS 064	April 15, 2011

YEMEN

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2011

In 2010-2011, human rights defenders were subjected to arrest and arbitrary detentions, unfair and unfounded trials, sometimes leading to harsh prison sentences pronounced by ordinary and emergency courts, in reprisal for their human rights activities. They were particularly targeted when they took part in peaceful gatherings to condemn human rights violations that were occurring in the country, as well as for documenting the grave violations committed during the repression of protest movements and the clashes in the northern and southern provinces.

Political context

In 2011, the human rights situation deteriorated considerably in Yemen, with increased repression of all voices of protest during the peaceful demonstrations against the regime of President Ali Abdullah Saleh, who has been in power for 32 years. From the beginning of 2011, hundreds of thousands of demonstrators gathered together for weeks in several of the country's cities, in particular in Sana'a, Aden, Taëz, Ibb and Hodeidah, firstly to express their solidarity with the Tunisian people, then to demand political reforms and finally, after violent repression, the departure of the President. These peaceful demonstrations were brutally repressed by the security forces, who used live bullets and tear gas to disperse demonstrators, resulting in 103 deaths and hundreds of injured between February et March 2011¹. The security forces also made hundreds of arrests without warrants. On March 23, 2011, the Yemeni Parliament established the state of emergency by a vote that was contested by the opposition and by the civil society organisations². This measure grants broad powers to the security forces and especially risks blocking even more human rights activities³. As of the end of April 2011, no agreement had been reached between the President and the opposition coalition, and the demonstrations continued.

1/ More than 513 people received bullet wounds. See Report of *Yemen Observatory for Human Rights (YOHR)*, *Report on human rights violations against peaceful protesters in Yemen (February - March 2011)*, April 11, 2011.

2/ The opposition and the NGOs invoke the Constitution to contest the legality of this vote. The Constitution in fact stipulates that in order to be valid, a law must be voted in the presence of at least half the members of Parliament. However the state of emergency was voted with less than one third of the members of Parliament present at the Assembly. See YOHR Press Release, March 23, 2011.

3/ In particular, the state of emergency law suspends the Constitution, authorises censorship of the media, bans demonstrations on the public highway and permits the detention of suspects without judicial control.

Already in 2010, the authorities used increasingly repressive methods to contain the growing number of claims for secession in the south and to crush the Huthi rebels in the north⁴, using arbitrary arrests, unfair trials and heavy prison sentences, including against human rights defenders who documented or condemned the massive human rights violations committed by the Yemeni authorities in the realm of these two conflicts. However, on May 22, 2010, at the commemoration of the reunification of Yemen, President Saleh granted a presidential amnesty to nearly 3,000 people who were imprisoned for having taken part in, supported or commented on the protest movement in the south or on the war in Sa'ada⁵. Once again, on December 30, 2010, following the visit of a mediation delegation from Qatar whose aim was to consolidate the truce agreement between the Government and the Huthi rebels concluded in February 2010, the Yemeni authorities released 460 prisoners of conscience, including human rights defenders accused of supporting the Zaidi rebellion⁶.

In addition, press freedom for national and foreign media continued to deteriorate. Several publications, including the *al-Ayyam* newspaper, one of the main opposition dailies, were still banned⁷. On March 11, 2010, the authorities also seized transmission equipment belonging to two Arab satellite news channels, *al-Arabiya* and *al-Jazeera*, which were accused of partiality in their coverage of the protest movement in the south of the country⁸. The police also arrested journalists.

Attacks on freedom of peaceful assembly

In 2010, several peaceful demonstrations were repressed and some led to the arrest of human rights defenders. As an example, on October 12, 2010, a peaceful demonstration organised in support of al-Jashen

4/ Since the death of the Zaidi religious leader Hussain Badr al-Din al-Huthi in 2004, a violent war in the Sa'ada region (north) has opposed the forces of the Yemeni army and his supporters who protest against the expansion, advocated by the State, of Sunni Islam in the majority Zaidi northern provinces. The last cease-fire between the Huthis and the Yemeni Government was concluded in February 2010. Furthermore, in the south of Yemen, a large protest movement has been led since 2007 by a coalition of political groups called the Southern Movement that denounces discrimination against the inhabitants of southern Yemen. The Sana'a Government accuses the two movements of separatist intentions.

5/ See YOHR Press Release, May 22, 2010.

6/ See YOHR.

7/ In May 2009, the distribution of several newspapers was banned. The authorities accused them of expressing opinions supporting secession in the south of the country in their articles on the demonstrations in this region.

8/ See YOHR Press Release, March 13, 2010. As of the end of April 2011, this equipment had still not been returned.

people⁹ was brutally repressed by the security forces, who used flash balls to disperse the demonstrators, injuring several people, including Ms. **Bushra al-Surabi**, Executive Director of the organisation Women Journalists Without Chains (WJWC), injuring her leg and back. Over 40 people were also arrested, including Ms. **Tawakkol Karman**, President of WJWC, who was released without charge three hours later. The other people who were arrested, mostly al-Jashen people, were released without charge on October 16, 2010.

Large scale demonstrations also took place in 2011, firstly mainly in the southern provinces, to denounce the discrimination suffered by the people of this region, and then throughout the country to protest against corruption, unemployment and the repression of freedoms. Various measures were taken to stop the organisation of these public demonstrations or to repress them when they took place. For example, checkpoints were set up throughout the country to block access to the assembly points. On February 28, 2011, police who were based at a checkpoint at the entrance of Aden stopped and then ordered a convoy of demonstrators to turn around when they tried to reach the city to take part in a peaceful rally to denounce human rights violations committed in the southern provinces. In addition, at a checkpoint on the road out of Taëz, security forces blocked another group of 200 protesters that included journalists, activists and lawyers who were due to go to Aden¹⁰. On January 22, 2011, Ms. Tawakkol Karman was again arrested by three police officers, who held her in detention for 36 hours without showing her an arrest warrant. She was accused of “undermining public social peace” because of her participation in organising the protest movement in the country. The day after her arrest, human rights defenders, journalists and students organised a march towards the General Prosecutor's office to call for her release. The security forces then surrounded Sana'a university to prevent the students from joining the march. The police also arrested twenty demonstrators, including Mr. **Khaled al-Ansi**, a lawyer and Executive Director of the National Organisation for Defending Rights and Freedoms (Hood), and Mr. **Ali al-Dailami**, Executive Director of the Yemeni Organisation for the Defence of Rights and Democratic Freedoms (YODRFD). They were released the following day after being charged with “participation in an unauthorised demonstration”. As of the end of April 2011, the trial of Ms. Karman and Messrs. al-Ansi and al-Dailami had not yet taken

9 / Al-Jashen people are originally from the Raash region in the province of Ibb. Many of them regularly travel to Sana'a to denounce their unjust local sheikh who imposes exorbitant taxes on them and expels anyone who is unable to pay them.

10 / See YOHR Press Release, February 28, 2011.

place¹¹. In addition, on January 26, 2011, Ms. Karman's brother received a telephone call from a senior Yemeni official warning him that his sister was going to die if he did not make sure that she stayed at home.

Intimidation against NGOs and their members

In 2010-2011, non-governmental organisations and their members were victim of attacks and threats plainly aiming at intimidating them. Members of the Yemen Observatory for Human Rights (YOHR) were subjected to intimidation. As an example, on March 17, 2010, the official in charge of the Criminal Investigation Department in Lahej province threatened to arrest Mr. **Mohamed Said al-Bane**, a lawyer and member of YOHR, when he was visiting detainees in the town's main prison. Mr. al-Bane belonged to the YOHR legal office, which provides legal aid to persons who are arrested for taking part in demonstrations. The official in charge of the Criminal Investigation Department also threatened Mr. al-Bane with arresting all human rights defenders, especially YOHR members who defend political prisoners. These threats were not carried out¹². Furthermore, on February 24, 2011, an armed group tried to attack YOHR headquarters in Sana'a. The caretaker of the building, who tried to intervene in this attack, was seriously injured. YOHR filed a complaint on the same day but the police did not open an investigation¹³. In addition, Mr. **Nabeel Rajab**, President of the Bahrain Centre for Human Rights (BCHR), was the victim of several acts of harassment during a trip to Yemen in June 2010, during which he was due to present to the Yemeni authorities and to civil society organisations a report published by FIDH that he had compiled in 2009 on the consequences of anti-terrorism on the human rights situation in Yemen. During his stay, Mr. Rajab was also due to take part in a workshop to monitor the recommendations made to the Yemeni authorities by the United Nations Human Rights Council under the Universal Periodic Review, and the recommendations of the United Nations Committee Against Torture. When he arrived at Sana'a airport on June 19, 2010, two security officers arrested Mr. Rajab for several hours, searched his bags and questioned him about the reasons for his visit to Yemen. Once again, when he was preparing to leave Yemen on June 23, 2010, three security officers confiscated his passport and then questioned him about the people he had met during his stay. His bags were again searched. Officers then escorted him to his plane and told him that he was no longer allowed to enter Yemeni territory.

11 / See YOHR and the Yemeni Organisation for the Defence of Democratic Rights and Freedoms (YODRFD) Press Release, January 23, 2011.

12 / See YOHR Press Release, March 17, 2010.

13 / See YOHR Press Release, February 24, 2011.

Ongoing repression of defenders who denounce massive human rights violations, particularly in the context of the armed conflict in the northern provinces and the tensions in the southern provinces

In 2010, defenders who denounced the serious violations of human rights and international humanitarian law committed by the authorities, particularly in their handling of the armed conflict in the north and the tensions in the southern provinces, continued to be victims of arrest and arbitrary detention and sentenced for vague offences after unfair trials. For example, on January 17, 2010, the Sana'a Special Criminal Court sentenced **Mr. Yaser Abdul-Wahab al-Wazeer**, a member of YODRFD, to eight years in prison for "forming an armed group". He was sentenced after an unfair trial held in camera and at which his lawyer could not be present. Mr. al-Wazeer had been abducted on June 5, 2008 by members of the security services and held incommunicado until September of the same year because of his denunciation of the human rights violations committed against the Huthi movement by the authorities. He was released on January 3, 2011, as was **Mr. Ali Ahmad al-Saqqaf** also a member of YODRFD, following the decision of the Yemeni authorities, on December 30, 2010, to release prisoners held in relation to the Sa'ada war¹⁴. In addition, the trial of **Mr. Muhammad al-Maqaleh**, Editor-in-chief of the *al-Ishtiraki* Internet website, began on April 17, 2010 before the State Security Court. Accused of supporting the Huthis and of being in contact with their chief, Mr. al-Maqaleh had been arrested in September 2009 and held incommunicado for 100 days after publishing several articles condemning the shooting of civilians by the Yemeni air force in the Sa'ada region. During his appearance before the Prosecutor of the Sana'a Special Criminal Court on February 3, 2010, he stated that he had been tortured and deprived of food for several days. Mr. al-Maqaleh was also brought before the Court specialising in press offences on April 18, 2010 for "insulting the President of the Republic", after the publication in the *al-Thaouri* newspaper in 2005 of an article on the promise of President Ali Abdallah Saleh not to stand in the presidential election in 2006. He was released on March 25, 2010. On May 22, 2010, the Yemeni authorities decided to suspend legal proceedings against him under the amnesty granted by the Head of State at the time of the 20th anniversary of the reunification of Yemen. Several other journalists who were prosecuted in 2010, in particular for "damaging national unity" because of their coverage of the demonstrations in the southern provinces, also benefited from a presidential amnesty. This was the case in particular for Messrs. **Naef Hassan, Nabeel Subay and Mahmood Taha**, three journalists from the weekly *al-Share'*, who were prosecuted

¹⁴ / Mr. al-Saqqaf had been arrested on September 28, 2009 because of his participation in the campaign against the human rights violations in the Sa'ada region. He has never been officially charged.

by the Ministry of Defence on the basis of accusations of having “given away military secrets” and “undermined army morale”, charges punishable by the death penalty. Mr. Naef had also been accused jointly with other journalists from the same newspaper, Messrs. **Adeeb al-Sayyed** and **Mohamed Ali Mohasen**, of “undermining national unity”. In addition, on May 24, 2010, Messrs. **Sami Ghaleb**, **Abdel Aziz al-Majidi**, **Mayfa’ Abdel Rahman**, **Fouad Mas’ad** and **Shafee’ al-Abd**, respectively Editor and journalists with the weekly *al-Nidaa*, were given a suspended three-year prison sentence for “undermining national unity” by the Court Specialising in Press Offences. This sentence was handed down in the absence of the accused and their lawyers¹⁵. On June 8, 2010, the Sana’a Court of Appeal rejected their appeal. Finally, on May 29, 2010, Mr. **Salah Yahya al-Saqladi**, a journalist in charge of the Aden branch of YODRFD and Editor of the *Hewar* human rights forum, was released and the charges against him were dropped under the presidential amnesty. He had been arrested on June 18, 2009 at his home in Aden and then placed in the political security prison in Sana’a following articles criticising the Yemeni authorities and the human rights violations they commit in the south of the country.

Sentencing of a journalist who denounces corruption

In 2010, a journalist was prosecuted for having denounced a case of corruption. Accused of “undermining national unity”, Mr. **Hussain al-Leswas** was sentenced on May 2, 2010 by the Court Specialising in Press Offences to one year in prison and banned from carrying out his profession as a journalist for one year. Mr. al-Leswas was prosecuted because of his articles denouncing corruption within the electricity company on the southern province of al-Bayda, following which the Director of the electricity company and the Governor of the province had filed a complaint. After being sentenced, Mr. al-Leswas was held in the main prison in Sana’a, before being released on May 24, 2010, under the presidential amnesty.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Name	Violations / Follow-up	Reference	Date of Issuance
Messrs. Muhammad al-Maqaleh and Yasser Abdul-Wahab al-Wazeer	Acts of repression	Press Release	February 12, 2010
Messrs. Naef Hassan, Nabeel Subay, Mahmood Taha, Adeen al-Sayyed, Mohamed Ali Mohasen, Sami Ghaleb, Abdel Aziz al-Majidi, Mayfa' Abdel Rahman, Fouad Mas'ad, Shafee' al-Abd, Hussain Alleswas and Muhammad al-Maqaleh	Acts of repression	Press Release	May 14, 2010
Mr. Nabeel Rajab	Acts of intimidation / Obstacles to freedom of movement	Urgent Appeal YEM 001/0710/OBS 083	July 7, 2010
Ms. Tawakkol Karman and Ms. Bushra al-Surabi	Arrest / Attack	Press Release	November 2, 2010
Ms. Tawakkol Karman	Death threats	Urgent Appeal YEM 001/0111/OBS 011	January 27, 2011