



# ANNUAL REPORT



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An uprising Arab world

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# ABOUT ALKARAMA

## WHO WE ARE

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

## WHAT WE DO

### ASSIST VICTIMS OF HUMAN RIGHTS VIOLATIONS

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

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

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





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

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

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

### **RAISING AWARENESS ON HUMAN RIGHTS IN THE ARAB WORLD**

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

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



# FORWARD BY THE BOARD OF TRUSTEES

Alkarama was born out of the conviction that the rigorous documentation of serious human rights violations in the Arab world would be fulfilling a duty of remembrance, both for history and for future generations. It also remains one of the only possibilities today to help - and sometimes even save - victims of such violations, by resorting to UN mechanisms to protect these rights despite the absence of the rule of law and of an independent justice system.

The use of international human rights law has also opened up new avenues for victims to obtain a recognition of the violation suffered, contributing thus to the restoration of their dignity. It also constituted an incipient form of accountability of the perpetrators.

Through its individual complaints submitted on behalf of victims, along with its regular contributions to the various UN review mechanisms of these states, Alkarama has had the opportunity to highlight the systemic causes of the documented violations.

For lack of any democratic legitimacy, the majority of those in power in Arab countries rely on the fear they instil in their populations to ensure their survival.

Our idea was, therefore, to break down this wall of fear by relentlessly educating people regarding their inalienable rights to live in dignity and respect for their humanity. We have trained a new generation of human rights defenders to take a different approach, based on the fundamental principle of non-discrimination, in a region plagued by ethnic, linguistic, religious and ideological divisions that polarise even civil societies.

Over the last decade, we have witnessed a genuine paradigm shift that gives us hope for structural and sustainable transformations in the societies of the Arab world. Our work has contributed to opening new avenues for local civil society, which has begun to express itself higher and louder, including in the international human rights forums of the United Nations.

With hindsight, we now realise how “subversive” and disruptive our work has been to an Arab world whose order was based solely on the interests of dictatorial regimes protected by their powerful Western allies who remain deaf and blind to the misery and suffering of our peoples.

Of course, and we knew it, this was not without consequences - and Alkarama paid a price for it. Yet this price remains insignificant compared to the irreversible progress achieved: the powerful belief in the collective consciousness that nothing is immutable and that these political systems, which survive through violence and fear, can always be changed with free speech.

While the world is experiencing today a historical setback for the universal and fundamental principle of human dignity, Alkarama remains and will remain faithful to the commitment of its founders to persist in the fight against injustice and indignity.

This year again, we shall certainly thank the United Nations independent experts for their continuing trust and support.





Algerian movement's Friday demonstrations, (credit: Journalist Yassine Olli, 6 September 2019)

# ALGERIA

## Our concerns

Serious and persistent violations of the right to freedom of peaceful assembly and use of force against demonstrators;

Serious and persistent violations of the right to freedom of expression through systematic arrests of individuals critical of the government, including political opponents, human rights defenders and other peaceful activists;

Use of torture and ill treatment against prisoners of opinion in detention, and denial of medical care;

Absence of independence of the judiciary.

2019 has been a historic year for Algeria. On 22 February, millions of Algerians, who have been banned from demonstrating for three decades, took to the streets across the country. They protested peacefully against the bid for a fifth presidential term by President Abdelaziz Bouteflika, who has been seriously ill and absent since his stroke in 2013.

On 26 March, the Army Chief of Staff, General Ahmed Gaïd Salah, decided to invoke Article 102 of the Constitution, which provides for the resignation of the President of the Republic in the event of a serious and long-lasting illness that would prevent him from carrying out his duties.

In the face of street protests, Bouteflika resigned less than a month before the end of his mandate. However, his

resignation did not end the popular movement known as the *hirak* (“movement” in Arabic), which henceforth demanded more than Bouteflika's vacancy. Rather, protesters called for a “radical change” through an effective transition to a state governed by the rule of law.

On Tuesday 2 April, Lieutenant General Gaïd Salah, who had then assumed actual power, launched a wave of arrests of high-profile state and army officials accused of corruption or “conspiring against the state”, as well as businesspeople and political figures close to the former president. These waves of arrests revealed institutionalised corruption and simultaneously exposed internal power struggles that persist to this day.



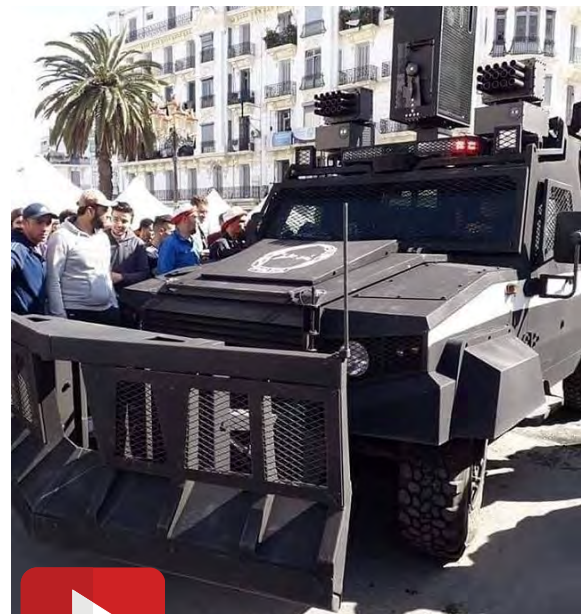
Demonstrators demand the arrest of Said Bouteflika, brother and adviser to the deposed president, Abdelaziz Bouteflika. He was arrested 4 May 2019.

In this context, presidential elections announced for 12 December were met with a massive rejection by demonstrators who saw them as a military show of force. In the wake of calls by large sections of civil society to block the elections, the authorities have responded with mass arrests of demonstrators, political opponents and

other peaceful activists. The elections were marked by an exceptionally high abstention rate and resulted in the victory of Abdelmadjid Tebboune, a former prime minister of the fallen president.

### **Continuous and severe violations of the right to freedom of peaceful assembly.**

While 2019 saw the largest popular uprisings since the country's independence, the authorities repeatedly violated freedom of assembly. From the beginning of the protests, Alkarama [had referred the situation](#) to the United Nations High Commissioner for Human Rights (OHCHR), asking her to warn the authorities against any abuses on the part of its security services.



Algerian security forces use sound cannons against demonstrators. This device, classified as military equipment, poses serious health risks.

The first weeks of the popular movement were marked by excessive use of force against the demonstrators



and numerous arbitrary arrests. Alkarama argued that under international law, the Algerian authorities must protect the lives and safety of demonstrators and facilitate peaceful demonstrations.

**“Algerian authorities must protect the lives and safety of demonstrators and facilitate peaceful demonstrations”.**



General Gaïd Salah died on 23 December 2019.

Accordingly, on 30 August 2019, Alkarama [expressed its deep concern](#) following repeated speeches of General Ahmed Gaïd Salah

threatening to “forcefully” counter any opposition or criticism expressed by peaceful demonstrators. In April 2019, the country's military authorities decided to close the main roads leading to the capital by setting up roadblocks on the entrances to Algiers. Their aim was to prevent the residents of the region from entering the capital to peacefully demonstrate. Alkarama [submitted a complaint to the United Nations human rights mechanisms](#), arguing that these restrictions were neither proportional nor necessary, given the peaceful nature of all gatherings, and that these measures violated the right to freedom of movement as well as the right to peaceful assembly of its citizens.

### **Violations to the right to freedom of expression and arrests of peaceful activists**

From the beginning of the year, and before the popular uprising, Alkarama had raised numerous cases of arrests and reprisals against artists, bloggers and other peaceful activists with the United Nations Special Procedures. On 23 January 2019, [several UN experts sent a written communication](#) to the Algerian authorities condemning the reprisals carried out by the authorities against several Algerian bloggers and journalists for having merely exercised their right to freedom of expression.



Algerian police arrest demonstrators protesting against President Abdelaziz Bouteflika's fourth term in office (credit: Agence France-Presse).

These cases of violations foreshadowed, as early as January, the magnitude of the upcoming contestation and its crackdown, which was to increase in the following months. In their [January letter](#), the UN experts had expressed their concerns that the arrests and detentions brought to their attention might be part of a broader pattern of curtailment of the right to freedom of expression, in the run-up to the April

2019 elections. Arrests and criminal prosecutions of persons who peacefully expressed criticism of the country's authorities persisted to become systematic throughout 2019.

In some instances, the arrests took the form of enforced disappearances, as in the case of [Garidi Hamidou](#), 76, who was taken into custody on 13 September 2019 while he was on his way to the centre of Algiers to join demonstrators. His family subsequently searched for him in various places of detention and courthouses in the region, to no avail. Alkarama then submitted an [urgent appeal](#) to the United Nations Working Group on Enforced or Involuntary Disappearances (WGEID). Mr Garidi reappeared in custody and was released a month after his arrest.

Arrests of peaceful demonstrators and activists follow a common pattern: victims are arrested without a judicial warrant, and without being informed of the reasons for their arrest; after which they are held without prompt access to their lawyer and family, in violation of their fundamental rights and guarantees.

These arbitrary arrests and detentions target more particularly the most active “hirak” activists such as [Brahim Daouadji](#), an English teacher, trade unionist and member of the [Rachad movement](#), who was arbitrarily arrested by the police on 11 October 2019 and reported missing for 72 hours after his arrest.

He was brought before the prosecutor's office of the Mostaghanem court after 48 hours in police custody and charged with “contempt of authority”, “espionage for the Al Magharibya television channel”, “undermining state security” as well as having called for the boycott of the December 2019 elections. After his hearing before the judge, he was once again taken to the Mostaghanem police station where he was tortured and then taken into pretrial detention. Daouadji then began an indefinite hunger strike to protest against his indictment, until he was



Watch video

Brahim Daouadji

rushed to a hospital on 5 November 2019 after suffering an internal haemorrhage. According to information obtained by Alkarama, the severe degradation of his health condition was attributable to the police brutality he was subjected to upon his arrest. In light of the seriousness of the abuses suffered by Daouadji, Alkarama [submitted an urgent appeal](#) to United Nations Special Procedures calling on the experts to urge the Algerian authorities to release him immediately unconditionally, and to ensure the independent functioning of the judiciary.

Arbitrary detentions and abuses against political opponents and figures of the *hirak* continue to date, as at least 173 demonstrators have been prosecuted – dozens of whom are still deprived of their liberty. Such is the case of the Algerian political activist [Karim Tabou](#) who was arrested on Wednesday 11 September 2019, at his home in Douera, by plainclothes agents who led him to an unknown destination. He was detained *incommunicado* until he was brought before a judge on 12 September 2019. He was then remanded in custody on charges of “undermining the unity of the national territory”, “attempt” to “demoralise the army”, and “incitement to unarmed assembly”.

figures of the Algerian protest movement. On 12 September, Alkarama [submitted a complaint](#) to the mechanisms of the Human Rights Council regarding his arrest, demanding his immediate release. He was released on parole on 25 September 2019 but was re-arrested the following day. He has remained in detention since then, in a particularly worrying health condition.



Political opponent Karim Tabou during a Friday demonstration



Watch video

A former leader of the “Front of the Socialist Forces” and general coordinator of the “Democratic and Social Union”, Tabou is one of the main





*The liberation of prisoners of conscience has been a recurrent demand during weekly demonstrations in Algiers, (credit : REUTERS/Ramzi Boudina, 27 décembre 2019).*

***“Arrests and criminal prosecutions of individuals who peacefully expressed criticism of the country's authorities persisted to become systematic throughout 2019”.***



Lawyer and human rights defender Ebtisam Al Saegh calls for the establishment of the rule of law in Bahrain, (credit: BBC Arabic, archives).

## BAHRAIN

### Our concerns

Ongoing crackdown on freedom of expression, peaceful assembly and association;

Repression and systematic harassment of peaceful dissidents, political opponents and human right defenders;

Persistent use of torture by the security forces, absence of independent investigations into allegations of torture and lack of accountability for perpetrators.

This year, again, the Kingdom of Bahrain witnessed numerous human rights violations, particularly in connection with the domestic political situation. Bahrain remains socially and politically divided between Sunnis in power and Shiites challenging the legitimacy of the monarchy's power, which is assumed to be subservient to the Saudi monarchy. The monarchy, on its part, views the opposition as a mere proxy for Iranian intrusion.

Among the most serious violations that persisted and escalated this year are attacks and reprisals against media outlets, opposition parties and peaceful activists, including through the banning of newspapers and arbitrary arrests.

Many people who have been sentenced to death as a result of unfair trials are now awaiting the execution of

their sentences. This year, the Bahraini authorities have again executed three men, including two accused of terrorism and sentenced to death following unfair trials.

The issues surrounding freedom of expression, assembly and association are intrinsically linked to the impossibility for Bahrainis to participate freely in the public affairs of their country. Censorship of free expression and of the media is rife in the virtual realm whereas some media institutions were closed.



Bahraini Minister of Interior,  
Lieutenant General Rashid  
bin Abdullah Al Khalifa

In May 2019, the Minister of the Interior had announced that any Twitter user who, through

his publications, incited criticism of the State would be liable to criminal prosecution.

In January 2019, the Office of the United Nations High Commissioner for Human Rights (OHCHR) [called upon Bahraini authorities](#) to put an end to its punitive measures that restrict the freedoms of its citizens. The High Commissioner's Office stressed that arrests and detentions of individuals for exercising their fundamental human rights were in breach of Bahrain's obligations under the International Covenant on Civil and Political Rights (ICCPR), and [urged it to stop criminalizing dissent](#).

## Human rights violations in the context of the fight against terrorism

Violations of the rights to liberty and security in the context of the fight against terrorism take mainly the form of violent arbitrary arrests, torture and ill-treatment in detention and unfair trials.

On 21 May 2019, [several UN experts](#) called on Bahraini authorities to halt the execution of three men sentenced to death following unfair trials that were based on evidence obtained under torture. The men, who were arrested and prosecuted under the Anti-Terrorism Act, had been held incommunicado and severely tortured to force them to sign confessions. Despite numerous calls by civil society and the [United Nations](#) to the Bahraini authorities to reverse their convictions, they were executed on 27 July 2019. A few days later, OHCHR [publicly condemned](#) these executions, expressing deep concern about the fate of other detainees who remained on death row. The OHCHR [called on the Government of Bahrain](#) to suspend all death sentences and to ensure a retrial of all those sentenced to death.

Counter-terrorism has also been used as a pretext in many other cases of serious human rights violations in Bahrain, including through mass trials and citizenship deprivations. On 16 April 2019, Bahrain's High Criminal Court sentenced 139 men, out of whom



at least 17 were minors at the time of the events, to sentences ranging from three years to life imprisonment and heavy fines under the Anti-Terrorism Act. At the end of the trial, all but one of the convicted men were stripped of their Bahraini nationality.

**“Counter-terrorism has also been used as a pretext in many cases of serious human rights violations in Bahrain, including through mass trials and citizenship deprivations”.**



Michelle Bachelet, UN High Commissioner for Human Rights.

A couple of days later, [OHCHR expressed dismay](#) at the mass conviction under the mass conviction under

the Anti-Terrorism Act, especially since the trial failed to meet fair trial standards, with many of the defendants being sentenced in absentia. The OHCHR thus reiterated its calls to Bahraini authorities to amend its anti-terrorism law which violates many procedural guarantees and whose scope of application remains particularly broad. Moreover, [the High Commissioner emphasised that deprivation of nationality must never be arbitrary](#) or imposed on discriminatory grounds. Deprivation of nationality is all the more problematic as it affects families of those who have been deprived of their nationality in their daily lives including in accessing social,

educational and health services.

While the authorities have taken decisions in 2019 intended to deal with the issue of deprivation of nationality in the country, the measures remained insufficient given its large-scale use in recent years. In April 2019, a royal order reinstated the citizenship of 551 individuals who had been deprived of their citizenship following criminal convictions under the Anti-Terrorism Act, but left more than 400 individuals still deprived of citizenship. In June 2019, the Citizenship Revocation Act was revised to restrict the power to revoke citizenship to the Executive Cabinet only, whereas previously the judiciary enjoyed this power as well.

### **Reprisals against human rights defenders and political opponents**

Reprisals against political dissidents and human rights defenders persisted again this year. [In its 2019 report](#), the Assistant to the UN Secretary General on Reprisals highlighted the many instances of reprisals against human rights defenders, activists and peaceful political opponents in Bahrain. The UN report mentions the use of various measures by the authorities such as travel bans imposed on activists who had to travel to Geneva to attend the Human Rights Council session. In June 2019, the Bahraini authorities responded to allegations raised in past years by Alkarama with the UN General Secretariat, including the case of Ebtisam Al Saegh. This lawyer and human rights defender had been [accused in July 2017](#) of “using human

rights work as a cover to communicate and cooperate with Alkarama Foundation in order to provide them with information and false information on the situation in Bahrain to undermine its status abroad". These accusations were related to information regarding serious human rights violations that had been communicated to the United Nations.

Alkarama then strongly denounced the continued repression in Bahrain of human rights defenders and political activists, as well as the authorities' use of trumped-up charges to silence them. This common trend in the Gulf countries to accuse rights activists and dissident voices of "terrorism" to intimidate them and obstruct their activities persists to this day. In the case of Ebtisam Al Saegh, [Alkarama submitted her case](#) to the Assistant of the UN Secretary-General on reprisals, because it was clear from the charges that the measures taken by the Bahraini authorities were intended to punish her for cooperating with the United Nations.



Lawyer and human rights defender Ebtisam Al Saegh at the UN.

claiming that any such allegation was false. It then accused those alleging such abuses of "simply trying to conceal the fact that legal proceedings against them or their relatives resulted from violations and acts prohibited or criminalised by domestic law".

To date, Bahrain remains one of the most frequently cited countries in the UN reports on reprisals against human rights defenders cooperating with UN mechanisms.

The Bahraini government, [in its reply of 19 June 2019](#), denied having committed acts of reprisals against persons cooperating with the United Nations,



President of Djibouti Ismail Omar Guelleh during a military parade in front of foreign forces on the occasion of the 30th anniversary of the country's independence, (credit: Agence française presse, 27 June 2007).

## DJIBOUTI

### Our concerns

Arbitrary and *incommunicado* detentions, unfair trials of political opponents and other peaceful activists;

Torture and ill-treatment, particularly of political opponents and activists, and denial of medical care in detention;

Lack of independence of the judiciary associated with a climate of impunity for perpetrators of human rights violations.

In May 2019, President Ismail Omar Guelleh announced a ministerial reshuffle in his government. Djibouti, which occupies a central position in geopolitical terms, is home to military bases of the major world powers, giving in return international support to Ismail Omar Guelleh.

The violations documented by Alkarama in the country continue to take place in a climate of widespread impunity. In addition, restrictions on fundamental rights and freedoms continue to hamper people's participation in public affairs. Thus, Alkarama's main concerns in Djibouti remain the practice of arbitrary detention and violations of the right to a fair trial, torture and ill-treatment in detention, repression of the opposition, and human rights violations in the context of the fight against terrorism.



Moreover, the country has become an important transit route for migrants trying to escape regional conflicts and the unstable climate in neighbouring countries. As a result, [Djibouti currently hosts more than 130,000 refugees](#), asylum-seekers and migrants. The country's humanitarian needs have increased in recent years as a result of extreme weather conditions leading to recurrent droughts and water shortages.



Yemeni refugees escaping conflict arrive in Djibouti through the Gulf of Aden.

These climatic conditions combined with high levels of poverty have resulted in [more than one in three Djiboutian becoming chronically food insecure](#).

### **Restrictions on fundamental freedoms**

Fundamental freedoms in Djibouti remain particularly restricted, to the point where the rights established in the country's constitution to free expression and freedom of the press, and the right of association and peaceful assembly have been completely emptied of their substance.

In 2015, the authorities adopted “exceptional security measures” which

were supplemented in December of the same year by the establishment of the state of emergency, which is still in force. These measures taken in the name of the fight against terrorism unduly restrict fundamental freedoms, including freedom of association and peaceful assembly. Such limitations are still used to ban rallies and prosecute members of independent associations as well as members of opposition political parties.

**“Measures taken in the name of the fight against terrorism unduly restrict fundamental freedoms. They are still used to ban rallies and prosecute members of independent associations as well as members of opposition political parties”.**

As a result, civil society in Djibouti still suffers from a lack of recognition and exposure, owing primarily to the numerous legal and administrative obstacles preventing the establishment of associations. Accordingly, independent associations are often restricted in their activities and their members constantly monitored and punished by the authorities.

Similar restrictions apply to free expression, which remains virtually non-existent in the country. During his

speech [on the occasion of International Human Rights Day](#) on 15 December 2020, the president of the National Human Rights Commission addressed the country's youth, reminding them that defending human rights “does not mean spreading false information”.



Salban Omar Audan, President of the National Human Rights Commission (credit: CNDH, 2019).

This statement reflects a restrictive and repressive approach to the right to free expression, whereby any criticism of the government is equated with the dissemination of false information or “defamation”.

For example, in June 2019 four teachers accused of disclosing the subjects of the baccalaureate examination were arrested in what has been criticised by the opposition as reprisals against trade union activists. A few days later, a teacher who had publicly defended her colleagues was also arrested and convicted on charges of “defamation”.

**Reprisals against peaceful activists**

The Arrests of peaceful opponents and human rights defenders remain one of the major problems in the country, as shown by the series of detentions by the forces of the Documentation and Security Service (SDS) - the country's

intelligence services responsible for the bulk of political arrests.

These arrests follow the same pattern: activists are arrested without a judicial warrant, either by gendarmerie forces, police or members of the SDS, and taken to an unknown location where they are detained for days to weeks without legal protection and *incommunicado*, thus placing them in a situation of enforced disappearance. During their detention, they are systematically subjected to acts of torture and ill-treatment in order to punish them and dissuade them from pursuing their legitimate activities.

On 25 October, two activists, Osman Yonis Bogoreh, a member of the Djibouti Human Rights League (LDDH), and Said Abdilahi Yassin



From right to left, the activists Othman Younes Bogouri and Saeed Abdullah Yassin.

were brutally arrested by plain-clothes agents. The two men arrested on two different occasions suffered similar abuses: their brutal arrests were carried out by plainclothes policemen who neither presented a judicial warrant nor explained the reasons for the arrest; they were subsequently detained *incommunicado* in an unknown location. Their arrests were reportedly due to the documentation by Osman Yonis Bogoreh of allegations of gang rape committed against a migrant woman by members of the Djiboutian law enforcement agencies. The activists were arbitrarily detained

*incommunicado* and subjected to torture and ill-treatment for several days before finally being released.

A few days after these events, SDS forces again arrested a political opponent, Kako Houmed Kako. He was held in detention from 31 October to 16 December 2019, during which time he was tortured and ill-treated.



Political opponent Kako Houmed Kako

Not only do reprisals against peaceful activists and opponents take the form of arbitrary detention and torture, the authorities also take administrative measures such as bans on leaving the country, measures that are not subject to challenge before a judge.



Journalist Kadar Abdi Ibrahim

Such was the case of Kadar Abdi Ibrahim, who was cited in the Secretary-General's 2019 report on reprisals against persons cooperating with the United Nations. This professor, journalist and human rights defender had been prevented from participating in the country's Universal Periodic Review in May 2018 by the authorities of his country who had confiscated his passport. At that time Alkarama informed the Human Rights Council as well as several Special Procedures who sent [a joint letter](#) to the government.

These reprisals had led to reactions from several States during the review of Djibouti which recommended it to cease all reprisals against human rights defenders. On 15 March 2019, the Assistant Secretary-General for Reprisals sent a [further letter of allegation](#) to the Government of Djibouti regarding the fact that Kadar Abdi Ibrahim was still denied permission to leave the country and that his passport was still confiscated by the Documentation and Security Service.





Egyptian President Marshall Abdel Fattah Al-Sisi, (credit: Charles Platiau / Reuters, 2019).

# EGYPT

## Our concerns

Crackdown on peaceful dissent and political opposition through the use of repressive laws including counter-terrorism legislation;

Arbitrary detention following mass and military trials of individuals including political opponents and peaceful protesters, journalists, human rights defenders;

Systematic practice of torture as well as inhuman conditions of detention and denial of medical care in prisons;

Extrajudicial executions of victims of enforced disappearance masked during counter-terrorist operations.

This year again, the human rights situation in Egypt continued to deteriorate. Serious violations of human rights and civil liberties persist and worsen, while the military's stranglehold on civilian power was reinforced by a constitutional reform designed to strengthen the power of the president, Marshal Al Sissi.

On 23 April 2019, Marshal Al-Sissi introduced a [major constitutional change](#) favouring the executive branch and the [military institution](#) following a highly contested constitutional referendum. Besides extending the presidential term and allowing for its renewal, it assigned to the military the role of “safeguarding the constitution and democracy, maintaining the foundations of the State and its civilian nature, the gains of the people and the rights and freedoms of the individual”. In addition to these new roles,

the scope of competence of the military courts to judge civilians was broadened, and the president was given additional powers, including that of appointing the heads of the country's main judicial institutions and of presiding over them. These modifications were adopted following a referendum that resulted in an 88.8% “yes” vote to the constitutional amendment with an estimated 44% participation of the electorate. [The vote was marked by the absence of a contradictory debate](#), by the arrest of opponents to the referendum and pressures exerted on the population by the authorities.

On 22 September 2019, the country's main cities experienced large-scale peaceful demonstrations against government-imposed austerity measures. The demonstrations were suppressed with excessive use of force and mass arrests.



Demonstrators in Egypt call for the fall of the regime (credit: Agence France-Presse, 20 September 2019).

As a result, more than 4,000 individuals, including lawyers, human rights defenders, political activists, university professors and journalists, were arrested during, and in the margins of, the demonstrations. This crackdown prompted a strong reaction from the Office of the United Nations High

Commissioner for Human Rights ([OHCHR](#)) and the [European Parliament](#), both of which called for the release of political prisoners and for an end to the use of violence and detention against individuals who criticised the government.

The [Universal Periodic Review \(UPR\) of Egypt](#), held on 8 November 2019, provided an opportunity for independent local and international NGOs to bring the issue of systematic and widespread human rights violations to the UN Human Rights Council. Prior to this, [Alkarama had submitted a report](#) documenting the generalised practice of arbitrary detention, torture and enforced disappearances as well as the systematic use of the 2015 anti-terrorism law to repress human rights activists, journalists and peaceful opponents. Lastly, Alkarama expressed its concern about the use of the death penalty as a tool to repress dissenting voices and those who exercise their fundamental right to freedom of expression.

### **Gross violations of the rights to life, liberty and security of the person**

In 2019, hundreds of individuals were sentenced to death by civilian and military courts, most of them after mass trials for acts of political dissent. In February 2019, [several independent United Nations experts condemned the executions](#) of nine individuals, whose death sentences had been handed down

on the basis of confessions obtained under torture. This was followed by an [OHCHR statement](#) expressing concern over the fact that at least 15 individuals were executed and another 32 individuals were sentenced to death for political reasons in February 2019 alone.



Prosecutor Nagy Shehata: the Egyptian judge nicknamed "the executioner" is accused of having handed down politicised sentences.

[In its statement](#), the Office of the High Commissioner added that a significant number of individuals continue to be on death row, awaiting the imminent execution of their sentences, despite the fact that they all claimed to have been forced to incriminate themselves under torture. The UN body's concerns were based on the findings of the investigation carried out by the Committee against Torture, [at Alkarama's initiative](#), into the practice of torture in Egypt. This investigation concluded that the practice of torture in Egypt was habitual and systematic. [OHCHR, therefore, called on the Egyptian authorities to suspend all death sentences](#), to review all trials that led to such sentences, and to systematically investigate allegations of torture made by defendants during trials.

Violations of the right to life by the

Egyptian authorities also take the form of summary and extrajudicial executions. As early as January 2019, Alkarama [documented the extrajudicial execution of prisoners](#) who were held incommunicado at the time of their alleged "capture" and execution by security forces during what were presented as "counter-terrorist" operations. Over the past few years, the authorities have been repeatedly covering-up the death of secretly detained individuals by framing them as targets of counter-terrorist military operations.

**“Over the past few years, the authorities have been repeatedly covering-up the death of secretly detained individuals by framing them as targets of counter-terrorist military operations.”**

For instance, after the military operation in response to the terrorist attacks on a tourist bus in late December 2018, Alkarama had received credible information according to which among the forty individuals presented as armed terrorists killed during the operation, many of them were in fact secretly detained.

Alkarama was able to corroborate these allegations and [sent an urgent request](#) to the Special Rapporteur on Summary



or Arbitrary Executions, asking her to urge the authorities to publish a list of all individuals killed during the operation and to investigate the allegations of extrajudicial executions.

Lastly, torture, ill-treatment and denial of medical care are an important cause of prisoner deaths, as in the case of former President Mohamed Morsi.



Former Egyptian President Mohamed Morsi El-Ayat in the dock, (credit AFP, 2016)



Watch video

In 2015 already, Alkarama alerted the UN Special Procedures to this widespread practice in a [report documenting the deaths of prisoners](#) caused by deliberate denial of medical care in detention.

On 12 November 2019, [several UN independent experts](#) claimed to have tangible evidence showing that the conditions of detention of the former president constituted the immediate cause of his death. Mr Morsi's conditions of detention had been described by the experts as so “brutal” that they amounted to an “arbitrary execution”.

The situation of President Mohamed Morsi [was first submitted to the United Nations by Alkarama on 10 July 2013](#) in a complaint to the UN Working Group on Arbitrary Detention (WGAD). On 13 November 2013, the WGAD [adopted an opinion](#) declaring the deprivation of liberty of President Morsi and his collaborators to be arbitrary and calling for their immediate release.

In their [statement of 12 November 2019](#), the experts also warned the Egyptian authorities about the fate of thousands of other prisoners at risk of death. They stated that the systematic and deliberate violations by the Al Sissi government were aimed at “silencing opponents”. The experts thus urged Egypt to put an end to all abuses in its prisons, which under international law amount to a violation of the prisoners' right to life. Subsequently, [a more detailed commentary was prepared by the OHCHR](#) on the treatment in detention and death of Mohamed Morsi. This commentary concludes that a thorough independent inquiry into the circumstances of the death as well as the conditions of detention of the former president was warranted. They added that such an inquiry should be prompt, impartial and effective and conducted by an independent judicial authority.

Alkarama had raised all of these issues in its [report to the Human Rights Council](#) in the context of Egypt's UPR and had recommended that Egypt implement the recommendations made by the CAT following the investigation initiated by Alkarama.



Egyptian forces brutally arrest an Egyptian women ( credit: Alkhaleej Online/Twitter)

AlkhaleejON

***“Under international law people have a right to protest peacefully, and a right to express their opinions, including on social media. They should never be arrested, detained – let alone charged with serious offences such as terrorism – simply for exercising those rights”.***

### **Lack of civil liberties and reprisals against independent civil society**

In the wake of the 20 September demonstrations, more than 4,000 individuals were arbitrarily arrested and subjected to enforced disappearance and torture. The brutality and scale of this repression prompted the European Parliament [to adopt a joint resolution](#) highlighting the magnitude of the waves of arrests and strongly condemning the restrictions on public freedoms. The resolution called on EU Member States to suspend exports of equipment that could be used as a tool in the internal repression.



Demonstrators in Egypt call for the fall of the regime (21 September 2019) [Watch video](#)

This crackdown had also prompted a strong reaction from the OHCHR, [who strongly condemned the arrests](#) of demonstrators and civil society figures as well as their prosecution under the Anti-Terrorism Law. OHCHR [urged the Egyptian authorities](#) to put an end to the arbitrary arrests and detentions and to refrain from using force against demonstrators. In response to OHCHR's criticism, the Egyptian authorities [publicly denied](#) the violations, replying that all arrests "were in accordance with national law".

In its [September 2019 statement](#), OHCHR asserted that information received by the United Nations also suggested that those detained were charged with serious offences, including "assisting a terrorist group" in conjunction with other charges such as "spreading false news", "participating in non-authorized demonstrations" and "misusing social media".

**“Under international law people have a right to protest peacefully, and a right to express their opinions, including on social media. They should never be arrested, detained – let alone charged with serious offences such as terrorism – simply for exercising those rights”.**

The UN body then [reminded the Egyptian government](#) that “under international law people have a right to protest peacefully, and a right to express their opinions, including on social media. They should never be arrested, detained – let alone charged with serious offences such as terrorism – simply for exercising those rights”.

Following reports indicating excessive use of force against demonstrators, [several UN independent experts called on the Egyptian authorities](#), in late





Lawyer Mohamed El-Baqer



Journalist and human rights activist  
Esraa Abdelfattah



Human rights defender  
Alaa Abdelfattah

October, to stop the crackdown on peaceful demonstrations. The experts particularly condemned the use of live ammunition, rubber bullets and tear gas against the demonstrators as well as the arrest of at least 3,000 individuals since the beginning of the protests.

In its reports and communications of cases to the special procedures of the Human Rights Council, Alkarama had systematically raised the issue of the use of the Anti-Terrorism Act to prosecute demonstrators, peaceful political opponents and human rights activists. This practice was subsequently strongly condemned by the experts in their October 2019 statement reminding the Egyptian authorities that “[t]he use of anti-terrorism legislation to target individuals expressing dissent and seeking to promote and protect human rights is never compatible with human rights”.

Prominent arrestees include Alaa Abdel Fattah, a well-known human rights defender arrested on 29 September, as well as his lawyer, Mohamed El-Baqer,

taken into custody a few hours after his client. Journalist and human rights activist Esraa Abdelfattah, was arrested on 12 October 2019. Like all the other human rights defenders, they were accused of “belonging to a terrorist group”, “financing a terrorist group”, “spreading false news prejudicial to national security” and “using social media to commit publication offences”.

The anti-terrorism law has also been used as a legal basis to convict members of religious minorities, such as Coptic Christian rights activist [Ramy Kamel Saied Salid](#), who was arrested twice and interrogated respectively on 4 and 23 November 2019. Currently detained under the Anti-Terrorism Law, he was arrested following his application for a Swiss visa to attend the United Nations Forum on Minorities in Geneva at the end of November 2019. Such arrests, carried out on the sidelines of the demonstrations, reflect the systematic practice of reprisals against human rights defenders, including those cooperating with the United Nations.



Lawyer Ibrahim Metwally



Journalist Hisham Jaafar

The case of [Ibrahim Metwally](#) is particularly illustrative of the persecution of lawyers and human rights defenders who cooperate with the UN. Metwally, a lawyer defending families of victims of enforced disappearance, was abducted at Cairo International Airport on 10 September 2017, on his way to Geneva where he was scheduled to meet the Working Group on Enforced or Involuntary Disappearances (WGEID).

At that time, [Alkarama sent an urgent appeal to the UN Special Procedures and submitted his case to the Assistant to the UN Secretary General on reprisals](#). On 14 October 2019, the Cairo Criminal Court dropped all charges against him and ordered his immediate release. However, on 5 November 2019, he was notified of new charges that were identical to the first ones, including membership and financing of a terrorist organisation. The UN experts considered that “[t]hese new charges cast a shadow over the state of rule of law in Egypt and the independence of its judiciary”.

Besides, the Anti-Terrorism Law allows for the extension of periods of pretrial detention beyond the two-year maximum provided for under Egyptian law. For example, Hisham Jaafar, a journalist and director of the Mada Foundation specialised in intercultural and interfaith dialogue, had been detained without trial for 42 months on the basis of the Anti-Terrorism Law, in retaliation for his peaceful activities.

He was released on 27 March 2019, following a [WGAD opinion](#), dated 21 August 2018, which confirmed the arbitrary nature of his deprivation of liberty while calling for his immediate release. In this decision, issued following a complaint by Alkarama, [the WGAD stressed](#) that such large-scale serious human rights violations could be qualified as a crime against humanity.

Nevertheless, the release of the journalist came with coercive measures imposed on him allegedly to pursue the investigation into his alleged “affiliation to a terrorist group”. In its subsequent [urgent appeal](#), Alkarama argued that

such measures were not only arbitrary, they also constituted a form of reprisal designed to dissuade the journalist from pursuing his professional activities. Alkarama called on the Special Procedures to urge the Egyptian authorities to cease all forms of reprisals against human rights defenders and peaceful opponents.





Anti-regime demonstration in Baghdad's Tahrir Square, Iraq, 3 November 2019. Murtadha Sudani/AGENCE ANADOLU.

## IRAQ

### Our concerns

Excessive use of force and arbitrary arrests of demonstrators;

Reprisals against human rights defenders, journalists, and other peaceful activists and opponents;

Violation of the right to freedom of expression, including censorship of traditional media and social networks;

Serious violations of fundamental rights and freedoms in the fight against terrorism, including death sentences imposed following unfair trials.

Since the US-led coalition invasion of Iraq in 2003, the country has been plagued by civil war and internal divisions amid an unstable regional context. This insecurity is coupled with a weak government that is either unable or unwilling to address power abuses or prosecute perpetrators of serious human rights violations. While attacks by the Islamic State of Iraq and Syria (ISIS) have significantly decreased this year, the war on terrorism continues to be used as a pretext for the commission of the gravest violations and abuses by the authorities.

Massive demonstrations in the capital and main cities in the south of the country began in October 2019. At least 350 demonstrators were killed between October and December as a result of [excessive use of force](#) by law enforcement agents, including by live

ammunition. These mass protests and their mismanagement by the authorities led to the resignation of Prime Minister Adil Abd Al-Mahdi on 29 November 2019, without, however, resulting in thorough and independent investigations or prosecutions of officials responsible for the deaths of demonstrators.



The Iraqi delegation, led by Justice Minister Farouk Amin Al-Shawani, at the Universal Periodic Review of the United Nations Human Rights Council.



Watch video

At the height of the demonstrations, on [Monday 11 November 2019](#), Iraq's human rights record was reviewed for the third time by the Working Group of the Universal Periodic Review (UPR) of the [UN Human Rights Council](#). Within this context, [Alkarama denounced in its report](#) the serious and systematic human rights violations in the country. Alkarama's report focused in particular on the systematic practice of enforced disappearances, arbitrary detention,



An Iraqi security officer points his weapon at demonstrators near Al-Khilani Square in Baghdad.

torture and summary executions in a country torn apart by internal conflict and regional unrest. The report also highlights the misuse of Iraq's 2005 Anti-Terrorism Law as well as reprisals against human rights activists, journalists and members of opposition groups.

### **Violations of freedom of assembly and expression, and reprisals against human rights defenders**

The demonstrations which started in October in the capital and in the main southern cities revealed the extent of the authorities' failure to safeguard the right to life and to peaceful assembly of Iraqis. From the outset of the demonstrations, security forces fired live ammunition into the crowd, including at medical personnel treating the wounded. Hundreds of individuals were arrested, many of whom were subjected to enforced disappearance. Many human rights defenders and journalists reporting on the events were arrested. To prevent the sharing of information on the abuses committed, the government had restricted access to the Internet and blocked e-mail applications.



Watch video

A demonstrator is shot by security forces (Iraqi protests, 18 October 2019)

Between October and December, the crackdown on the protest movement led to the death of at least 350 demonstrators in Baghdad and cities in southern Iraq. Furthermore, the authorities arbitrarily detained a high number of demonstrators, many of whom were victims of enforced disappearances. Some internet users were arrested by the security forces simply for expressing their support for the movement on social networks. Consequently, in a statement dated [8 November 2019](#), OHCHR expressed serious concern about persistent reports of deaths and injuries resulting from the excessive use of force by the authorities against demonstrators, as well as deliberate killings by armed elements. The majority of deaths were caused by the use of live ammunition by security forces and armed groups, described by observers as private militias. Another cause of death was the unnecessary, disproportionate or inappropriate use of less-lethal weapons such as tear gas.

On [22 October 2019](#), a government commission of inquiry investigating the violence found that 149 civilians had been killed, with 70 per cent of them suffering head or upper torso injuries. The government report acknowledged, among other things, that the security forces had used excessive force and reportedly “lost control of the demonstrations”. While the report recommended disciplinary and judicial investigations against some of the,

identified perpetrators of the violations it concluded that there were “no official orders to open fire on the demonstrators”. Yet these investigations into the abuses could not be independent since the Commission of Inquiry was answerable to the executive, which was thus judge and party.

The [United Nations Mission in Iraq \(UNAMI\)](#) issued three reports in [October](#), [November](#) and [December](#) 2019 based on their research and investigations. Preliminary findings indicate continued violations and abuses throughout the period from October to December 2019. Among the main violations documented, the reports note the illegal, inappropriate and excessive use of lethal force as well as the ill-treatment and abuse of arrested demonstrators. UNAMI also received credible allegations of targeted killings, abductions and arbitrary detention of peaceful activists by armed men described as militia members. During this period, UNAMI recorded 170 deaths and 2,264 injuries, figures which, by the agency's own admission, should be regarded as provisional since the Government did not allow the Agency to collect data from hospitals nor to visit them and interview the victims. Accordingly, in a [press release dated 29 November 2019](#), the OHCHR reported at least 354 dead and 8,104 wounded, acknowledging, however, that the actual total was probably much higher.



In addition to the excessive use of force, numerous arrests and enforced disappearances of demonstrators took place during and on the margins of the rallies. Examples include young activists Khalil al-Jumaili and Asma al-Azzawi as well as demonstrators Shaker al-Khafaji and Ali al-Sudani, who were victims of enforced disappearance for several months. The young men had been arrested at checkpoints as they returned from the demonstrations. They were [released without legal proceedings](#) after urgent actions filed with the UN Committee on Enforced Disappearances (CED) by the Ikram Centre for Human Rights and Alkarama.



Activist Shaker Al-Khafaji stands on the sidelines of the protests. He was killed on 30 December 2019 in An-Nasiriyah by unidentified gunmen.

After their respective releases, [the victims claimed](#) to have been unable to communicate with their families or a lawyer during their detention and none of them was able to identify their place of detention. Throughout their detention, they were tortured, handcuffed and blindfolded. All of them reported having been threatened with re-arrest and disappearance if they

continued to participate in and/or support the demonstrations.

Iraqi civil society has been particularly targeted by the crackdown with intimidation campaigns aimed at silencing its members. Journalists and human rights activists continue to face reprisals.

**“Iraqi civil society has been particularly targeted by the crackdown, with intimidation campaigns aimed at silencing its members. Journalists and human rights activists continue to face reprisals”.**

In a [statement issued on 20 December 2019](#), the OHCHR reported on targeted killings of human rights defenders, civil society activists and demonstrators. In December 2019 alone, several human rights activists were summarily executed by government-affiliated militias.

### **Human rights violations in the fight against terrorism**

The Iraqi Anti-Terrorism Law of 2005, with its vague provisions, continues to be invoked to justify the arbitrary arrests and detentions of thousands of individuals, including peaceful opponents and human rights defenders. Many have been subjected to unfair

trials in which confessions extracted under torture were used as sole evidence, and some of them have been sentenced to death and executed.

The Iraqi Anti-Terrorism Law of 2005, with its vague provisions, continues to be invoked to justify the arbitrary arrests and detentions of thousands of individuals, including peaceful opponents and human rights defenders. Many have been subjected to unfair trials in which confessions extracted under torture were used as sole evidence, and some of them have been sentenced to death and executed.

Individuals suspected of belonging to a terrorist group are systematically subjected to enforced disappearance. Currently, Iraq has the highest number of enforced disappearances in the world, with almost one million victims since Saddam Hussein's era. However, more than three-quarters of these disappearances have occurred as a result of the U.S. invasion of the country. This year again, Alkarama has submitted numerous cases to UN mechanisms, with the [number of documented cases this year reaching over 150](#).



Young men from regions previously under the control of ISIS are being taken blindfolded by special security forces to an unknown place.

Therefore, Alkarama pointed out [in its UPR report on Iraq](#) that the widespread practice of secret detention and enforced disappearances created a fertile ground for the systematic use of torture against detainees.

**“The widespread practice of secret detention and enforced disappearances created a fertile ground for the systematic use of torture against detainees”.**

No case of torture has ever been independently and impartially investigated and no perpetrator has ever been brought to justice, thereby reinforcing the climate of widespread impunity in the country. In most cases, confessions extracted under torture remain the sole evidence relied upon to uphold the numerous death sentences, particularly in cases falling under the 2005 Anti-Terrorism Law.

Violation of the right to a fair trial was the subject of several public calls by United Nations independent experts. For example, [on 4 April 2019](#), when four alleged members of ISIS were sentenced to death, the Special Rapporteur on Summary or Arbitrary Executions, Agnès Callamard, reported on the numerous irregularities in their trial. The expert called on Iraq to ensure that prosecutions of ISIS leaders are conducted in a transparent, fair and

thorough manner - while ensuring the participation of victims in the legal process. She concluded that hasty and collective death sentences have done a disservice to the country. It was these same concerns that led [the expert to call on France to repatriate seven of its nationals](#) who had been sentenced to death in Iraq on account of belonging to ISIS. In her [statement of 12 August 2019](#), she called on countries whose nationals had been prosecuted in Iraq to ensure that their citizens were repatriated and prosecuted in a manner consistent with international law.

In January 2019, Alkarama [was officially informed of the release of 37 individuals](#) between mid-2018 and early 2019. These individuals were employees of former Vice-President Tariq Al Hashimi and have been imprisoned since 2011-2012 under the Anti-Terrorism Law. In [2017](#) and [2018](#), at Alkarama's request, the UN Working Group on Arbitrary Detention (WGAD) issued two opinions describing their detention as arbitrary. In their decisions, the UN experts concluded that they were victims of a "collective punishment" and "guilt by association". They further stated that it was difficult for the UN experts "not to conclude that they were caught up in seemingly neutral but discriminatory machinery of justice". Following these arbitrary arrests, all of them were taken to secret locations where they were interrogated for several months with no contact with the outside world. They were then sentenced by the Central

Criminal Court of Iraq (CCCI) to sentences ranging from 15 years' imprisonment to the death penalty. To date, the Iraqi authorities have not fully implemented these two UN decisions and have not released all of the individuals sentenced to death.

Lastly, the war against ISIS has resulted in numerous violations against non-combatants considered by the authorities to be close to ISIS. Civilians may be suspected of being affiliated with or supporting ISIS simply because they are Sunni, because of their tribal affiliation or because of their family names.

As a result, they may be subjected to arbitrary arrest, enforced disappearance and summary executions. Their children are restricted in their access to education and health care and in [obtaining necessary identity documents](#). Furthermore, families who used to live under the control of ISIS or families of members of the organisation, and who fled as the organisation lost control, are now parked in civilian camps where they remain arbitrarily detained in particularly inhumane conditions.





Families of ISIS members in Iraq are checked on their way to civilian camps (Credit: MENA Media, 2019).

***“Civilians may be suspected of being affiliated with or supporting ISIS simply because they are Sunni, because of their tribal affiliation or because of their family names. As a result, they may be subjected to arbitrary arrest, enforced disappearance and summary executions”.***



Jordan's delegation during the Universal periodic review at the UN Human Rights Council, (credit UN, 14 March 2019).

## JORDAN

### Our concerns

Violations committed by the General Intelligence Directorate in the context of the fight against terrorism, including the practice of torture and secret detention;

Unfair trials before the State Security Court and admission of confessions extracted under torture as evidence;

Reprisals against journalists and other dissident voices, in particular through judicial harassment.

On March 14, 2019, the [UN Human Rights Council officially adopted the final report of Jordan's Universal Periodic Review \(UPR\)](#), which took place on November 8, 2018. Jordan [received a total of 226 recommendations](#) from UN Member States regarding the human rights situation in the country; 66% of the recommendations were accepted, while the others were simply “noted”, which in practice means their rejection.

Shortly after their consideration by the Human Rights Council, the Jordanian authorities had announced that they would accept the majority of the recommendations. However, Alkarama – which had [submitted a contribution prior to the review](#) – expressed its concern that the rejected recommendations were related to problematic issues, such as the respect for human rights in the fight against

terrorism. Alkarama recalled that the human rights situation in Jordan did not improve significantly [since its last review in 2013](#), despite the adoption of the [Comprehensive National Plan for Human Rights in 2016](#).

Throughout the year, Jordan witnessed a wave of anti-corruption protests that were harshly repressed by security forces who arrested many activists. From September 2019, teachers demonstrated en masse to demand an increase of their salaries, a measure announced by the government since 2014. The arrests indicate an increased scrutiny of political discourse against the government and the monarchy, and a strong security response to fears of the emergence of a Jordanian “*hirak*” (“movement” in Arabic).



Jordan's anti-corruption protests (archive)

### Violations of the right to freedom of expression

Freedom of expression remains restricted in Jordan, because of both a particularly repressive criminal law and harsh security practices, including arrests of activists and cyber-activists

in order to silence criticism.

**“Freedom of expression is restricted in Jordan, due to both a particularly repressive criminal law and harsh security practices. Arrests of activists and cyber-activists are carried out in order to silence criticism”.**

The judicial arsenal used to warrant the repression of the right to freedom of expression includes the anti-terrorism law as well as the cyber-crime law.

Again, this year, Jordanian authorities arrested, prosecuted and, in some cases, tortured political and human rights activists, particularly on the pretext of terrorism, before sentencing them to prison terms. This persecution is mainly carried out by the internal intelligence services, the General Intelligence Directorate (GID), which operates without any independent judicial control, as well as by the Special Criminal Court (SCC), which is competent to hear cases of internal security and terrorism. This special court is directly accountable to the executive branch. It is composed of two military judges and a civilian judge appointed by the Prime Minister.

Over the course of 2019, several dozen opponents and anti-corruption activists were arrested and prosecuted. Most of



them were arrested as a result of messages posted on social networks that were critical of the government or the royal authorities, or in support of the protest movement. Referred to the TPS, they were charged under Article 149 of the Penal Code, which criminalises acts that “encourage contestation of the political system” or “aim to change the fundamental structure of society”, offences punishable by heavy prison sentences. These charges are often combined with charges such as “insulting the king”, a crime of lèse-majesté also punishable by one to three years imprisonment under Article 195 of the Criminal Code.

In February 2019, Alkarama submitted a complaint to the [UN Special Rapporteur on the right to freedom of opinion and expression](#) regarding the case of [Ismail Al Wahwah](#), a 60-year-old Jordanian-Australian citizen who had been sentenced in January 2019 to two years in prison. Ismail Al Wahwah was convicted and sentenced for publishing messages critical of the government and the royalty on Facebook under the charge of “incitement against the political regime”, an offence punishable under Article 149 of the Penal Code. Alkarama [had previously taken his case](#) to the [UN Working Group on Arbitrary Detention](#) (WGAD) to request his immediate release. In spite of the UN's intervention, [which sent a letter to the Jordanian authorities](#) on 16 October 2018, he remains arbitrarily detained. Now, his family remains particularly

concerned about his state of health, fearing deterioration due to the lack of adequate medical care in prison.



Ismail Al Wahwah

In light of the increasing repression of fundamental freedoms, [Alkarama expressed its deep concern](#) following Jordan's rejection of the recommendations made during its UPR that addressed this issue.

### **Human rights violations in the context of the fight against terrorism**

Alkarama's main concern in Jordan remains the systematic use of anti-terrorism law to justify serious violations of fundamental rights and freedoms. Counter-terrorism operations are carried out by the GID. This service operates outside judicial control: it is headed by a senior officer appointed by the King and its operations are placed under the supervision of the Ministry of the Interior. It works closely with the SCC, an exceptional military jurisdiction.

Thus, the lack of judicial control over the GID and the broad powers granted to them are the root cause of serious



Jordanian security services during an operation in 2019 (archives).

violations of the rights of defendants arrested as part of or under the pretext of the fight against terrorism.

***“The broad and unchecked powers granted to the GID are a root cause of the systematic and serious violations of the fundamental rights and guarantees of those arrested as part of, or under the pretext of counter-terrorism”.***

Torture and ill-treatment are frequent in the facilities under the control of the GID. Suspects are systematically detained secretly without any contact with the outside world and placed for periods ranging from several days to several weeks in a situation of enforced disappearance.

Acts of torture are committed with total impunity, owing to both the lack of effective complaints mechanisms and the failure to prosecute the perpetrators. This climate of impunity is all the more likely to persist since Jordan refused, [at the time of the official adoption of its final report under its UPR](#), all the recommendations calling on it to put an end to these abuses.

Lastly, during the UPR, [Alkarama expressed its regret](#) that only one recommendation addressed the need to amend the anti-terrorism law to bring it into conformity with the International Covenant on Civil and Political Rights (ICCPR). Moreover, Jordan accepted the recommendation solely because the authorities considered that it was “already implemented” and that the law was thereby already “in conformity with the ICCPR”. Alkarama pointed out that such

a denial was particularly alarming given the habitual use of counter-terrorism as a pretext to repress fundamental rights and freedoms.





Demonstrations in front of the Council of the Nation in Kuwait City, (archives, 2019).

# KUWAIT

## Our concerns

Violation of the fundamental rights and guarantees of persons deprived of their liberty, in particular, the lack of protection against torture and ill-treatment in detention;

Restrictions on the rights to freedom of expression and the press, as well as to freedom of association and peaceful assembly;

Reprisals against dissenting voices, including human rights defenders, journalists and political opponents in the form of criminal prosecution and citizenship deprivation;

Persistent discriminatory practices and marginalisation of the Bidoon community.

Since the Arab Spring of 2011, the Kuwaiti people have been increasingly calling for political reform, to which the authorities have responded with increasing restrictions on freedom of expression, assembly and association. Peaceful gatherings are regularly dispersed using excessive force while the authorities have not hesitated to criminally prosecute protesters and repress political dissent under national security law provisions.

Early November 2019, hundreds of demonstrators gathered in front of the parliament to denounce the government's unwillingness to tackle corruption and to call for the resignation of the Parliament's Speaker. Following these protests, the parliament submitted a no confidence vote in the Interior Ministry, Sheikh Khalid Al-Jarrah Al-Sabah, an influential

member of the royal family. Two days after the vote, Al-Sabah accepted the resignation of his government. This motion was introduced when his Prime Minister stood accused of abusing his power while his Minister of Public Works had just resigned following accusations of poor management of the flood crisis.



Sheikh Khaled Al-Jarrah Al-Sabah, Deputy Prime Minister and Minister of Interior

The population of Kuwait is still composed of two-thirds of migrant workers who remain vulnerable to abuse and violations under the Kafala system. Cases of abuse and violence against domestic workers have even sparked frictions between Kuwait and sending countries, including the Philippines. The latter negotiated an agreement with the emirate this year providing additional protections for its citizen migrant workers.

The preparation of the Universal Periodic Review (UPR) of Kuwait, scheduled for January 2020, provided an opportunity for civil society to raise awareness of their key human rights

concerns with the Human Rights Council and the UN Member States. On 18 June 2019, Alkarama submitted to the UN Human Rights Council [its alternative report](#) in advance of this review. In this report, Alkarama made a total of 25 recommendations to the Kuwaiti authorities aimed at improving its human rights record.

### ***Violations of the fundamental guarantees of individuals deprived of their liberty.***

In its [shadow report for Kuwait's UPR](#), Alkarama highlighted one of its main concerns, namely the recurring violations of the fundamental rights and guarantees of individuals deprived of their liberty. Alkarama recalled that [during the third periodic review by the Committee against Torture](#) (CAT) of Kuwait in 2016, the Committee reiterated its concerns regarding the lack of a definition of torture in the Kuwaiti Criminal Code, as required by Article 1 of the Convention against Torture. Kuwaiti law remains unchanged despite the CAT's appeals for reform. The experts were particularly concerned that torture continues to be considered as a simple offence and an ordinary assault in domestic criminal law with a current maximum penalty for torture of only five years, which is not commensurate with the gravity of this crime.

Alkarama highlighted that shortcomings in legal safeguards, such as the lack of

access to a lawyer during police custody, contribute to an increased risk of torture and other violations. The report highlights that although Kuwait has taken some positive steps to ensure the respect of legal safeguards for detainees, such as reducing the length of police custody from four to two days, Alkarama found that these measures are not effective and remain, for the most part, ignored in practice by the authorities.

**“Cases of torture and ill-treatment are seldom investigated in the country, particularly since prisons do not yet provide independent complaints mechanisms”.**

Accordingly, cases of torture and ill-treatment are seldom investigated in the country, particularly since prisons do not yet provide independent complaints mechanisms. Furthermore, the latest statistics published by the Kuwaiti authorities show that most complaints of torture are either “in process” - without yielding any result - or dismissed due to a “lack of evidence”.

This year again, the lack of guarantees for persons deprived of their liberty in Kuwait has had dramatic consequences for the rights of individuals. [Eight Egyptian political opponents were extradited from Kuwait to Egypt](#) on 15

July 2019 without being able to appeal, even though the Kuwaiti authorities knew that they were at risk of torture and enforced disappearance upon their arrival in Egypt.

The arrest of the eight Egyptian opponents on 12 July 2019 was announced by the Interior Ministry, which said it had detained alleged members of the Muslim Brotherhood of Egypt. While the political party is considered a terrorist entity in Egypt, it is not considered a terrorist entity in Kuwait. The extradition was requested by Egypt on the basis of an unfair trial in absentia, at the end of which the eight men were sentenced to between five and 15-years imprisonment. Although the men had requested legal assistance to challenge the extradition decision as soon as they were arrested, they were detained secretly and without access to the outside world. At this point, Alkarama [submitted an urgent appeal](#) to the [Special Rapporteur on Torture](#) against Kuwait and Egypt, asking the UN expert to urge the two states to respect their international human rights obligations.

### **Citizenship deprivation and the issue of the Bidoons**

In its [report to the Human Rights Council](#), Alkarama stressed that there was profound discrimination against people without nationality, the “Bidoons” (meaning without in Arabic). Being stateless, these people face a



range of restrictions on their rights, including access to education, health care, freedom of movement, political participation, as well as in marriage and family law. Bidoons may be classified into the following three groups: members of tribes whose ancestors did not provide the necessary documents to obtain the Kuwaiti citizenship at the time of independence; former nationals of neighbouring countries who renounced their nationality to join the Kuwaiti armed forces in the 1960s and 1970s; and children of Kuwaiti women who are married to Bidoon men or non-Kuwaiti citizens.

In addition to these groups, many people have been stripped of their nationality as a result of their political activism. Revocation of nationality has been used by the authorities to suppress or silence dissenting voices by imposing it as an additional penalty to criminal convictions on grounds suppressing acts of free speech. Meanwhile, peaceful activists who defend the rights of persons deprived of nationality are also victims of reprisals in the form of judicial harassment and arbitrary arrest.

In its [report to the Human Rights Council](#), Alkarama made several recommendations aimed at putting an end to these violations, starting with the end of criminal prosecutions of individuals who simply expressed their opinions, as well as the annulment of all citizenship deprivation orders against

political opponents.

Alkarama stressed that the resolution of the issue of statelessness should include the recognition of the Bidoon as a fundamental part of Kuwaiti society. Such recognition should result in granting them Kuwaiti citizenship to put an end to the discrimination they face.



Bedoons have frequently protested over the years, (credit: AFP Y. Al Zayyat, 2019)

***“Any solution to the issue of statelessness should include the recognition of the Bidoon as a fundamental part of Kuwaiti society. Such recognition should result in granting them Kuwaiti citizenship to put an end to the discrimination they face”.***





Lebanese demonstrators gathered in Riad El Solh Square in central Beirut, (2019)

# LEBANON

## Our concerns

Recurrent violations of the fundamental rights and guarantees of individuals arrested by the internal security forces and the armed forces, particularly in cases of counter terrorism or of criticism towards the authorities;

Disproportionate use of force against peaceful demonstrators and reprisals against activists and cyber-activists for any criticism of the government and security services of the country.

Like many other countries in the region, Lebanon experienced a mass protest movement that began on 17 October 2019, following the announcement of new taxes. The authorities reacted to the protests by using disproportionate force and carrying out a large number of arrests. The repression of citizens peacefully expressing their political views - in the streets or online - that has been taking place in recent years has continued to intensify in 2019.

After several years of political stalemate, a new cabinet was formed following the parliamentary elections held in May 2018 and approved on 21 January 2019, with the fight against corruption as a stated priority. However, the cabinet failed to respond to popular demands expressed during mass protests to put an end to the endemic corruption among political



elites coupled with the government's poor record of economic management. Faced with the increase in demonstrations and demands against the government, Prime Minister Saad Hariri resigned at the end of October 2019.



Lebanese Prime Minister Al-Hariri hands in his resignation to President Aoun on 29 October 2019, (credit: Reuters).

The country is still plagued by corruption and gives only limited scope for freedom of expression. In particular, criticism of government officials or the armed forces and internal security forces is criminalised. In addition to numerous restrictions on the rights to freedom of expression and peaceful assembly, systematic violations of fundamental guarantees in detention and unfair trials, including under the pretext of the fight against terrorism, continue to prevail.

### **Violations of the right to freedom of expression and peaceful demonstration**

This year, Alkarama continued to document numerous cases of individuals arrested and detained for defamation, insult or criticism of public

officials. The repression of the October demonstrations was accompanied by a systematic policy of online surveillance and prosecution of peaceful activists by the Internal Security Cyber-Crime Section. Consequently, this year again, many cyber-activists were subjected to arbitrary arrests carried out by the Internal Security. They were also subjected to ill-treatment in detention to punish them and force them to stop their activism. Similarly, journalists or citizens who were filming demonstrations and documenting abuses committed by the security forces and the army were forced to stop filming as they were subjected to beatings, confiscation of equipment and arrests.



Sit-in of activists in downtown Beirut denouncing the decline of freedoms in Lebanon (credit: Anwar Amr, Agence France-Presse, 2019).

On 30 January 2019, the Lebanese Armed Forces command had unveiled an "[army code of conduct](#)" in cooperation with the regional office of the Office of the United Nations High Commissioner for Human Rights for the Middle East and North Africa. This document, which is presented as enshrining the respect and protection of human rights in law enforcement by the military in Lebanon, has failed to produce concrete results.

Instead, the mishandling of demonstrations by the country's armed forces, as well as by the internal security forces, resulted in one death and many injuries. According to figures from the Lebanese Red Cross and Civil Defence, between 17 and 30 October 2019, 1790 individuals required emergency treatment for injuries sustained during the demonstrations.



A Lebanese demonstrator attacked by security forces.

The documentation of numerous abuses against the demonstrators prompted several UN independent experts to issue a [joint statement](#) addressed to the Lebanese authorities on 26 November 2019. The UN experts found that the Lebanese security forces made excessive use of force, in spite of the overwhelmingly peaceful nature of the protests. They also reminded the State of its responsibility to protect the demonstrators and to maintain a secure environment conducive to the exercise of freedom of expression and peaceful assembly.

The main concerns of the independent experts were, in particular, related to the role of members of the internal security and armed forces and their

role in the management of law and order.

**“Lebanese security forces made excessive use of force against peaceful demonstrators. During the demonstrations, they reportedly used live ammunition, rubber bullets and large quantities of tear gas to disperse the demonstrators”.**

For example, during the demonstrations, agents of both forces reportedly used live ammunition, rubber bullets and large quantities of tear gas to disperse the demonstrators. The numerous arrests of demonstrators were coupled with beatings with batons, while some of them were ill-treated during their transfer to police stations. On 12 November 2019, such use of force resulted in the death of a demonstrator killed by a soldier who was attempting to disperse the crowd by firing warning shots with live ammunition.

In addition to violence by State forces, the demonstrators were also intimidated and attacked by supporters of certain political groups resorting to

metal bars, sticks and truncheons. In their [public statement](#), the experts highlighted that the security forces failed to protect the demonstrators and, on these occasions, did not arrest the individuals responsible for these attacks.

### **Arbitrary detentions and violations of fundamental guarantees of individuals deprived of their liberty**

Once again, this year, Alkarama's main concerns remain the lack of sufficient fundamental guarantees for individuals deprived of their liberty, particularly with regard to the prevention of torture and ill-treatment in detention. The measures taken by the authorities in 2019 with regard to torture remained insufficient. The [anti-torture law](#), adopted by Parliament on 19 September 2017, ignored most of the recommendations made by the Committee against Torture (CAT) in May 2017, also failing to meet the standards set out in the UN Convention against Torture.



Arrest of a demonstrator by security forces in Beirut (2019)

Torture in Lebanon continues to be encouraged by the continuing climate of impunity coupled with a lack of

fundamental safeguards for individuals deprived of their liberty. Thus, while CAT had [previously called](#) on the Lebanese authorities to ensure that "all detainees benefit, in law and in practice, from all fundamental legal safeguards from the outset of their detention", Alkarama continued to receive testimonies from individuals who had been subjected to torture and ill-treatment in detention, all of whom had been deprived of their fundamental legal safeguards.

**“Cases of torture and ill-treatment are seldom investigated in the country, particularly since prisons do not yet provide independent complaints mechanisms”.**

These violations prove to be more serious when the arrests are carried out by military intelligence services. Lawyers have reported to Alkarama that they continue to be denied access to their clients and their criminal files until they are presented to the Public Prosecutor's Office and formally charged. These violations occur particularly in cases falling under the Anti-Terrorism Act. In these situations, suspects are routinely detained without being brought before a judge for periods exceeding the legal maximum limit of 48 hours and, in some cases, for several months.



On 7 March 2019, the Council of Ministers appointed the members of the national preventive mechanism for the prevention of torture, without, however, allocating the necessary funds for it to carry out its work. [Alkarama had raised](#) that genuine independence of this mechanism, as well as the allocation of sufficient funds, were crucial for its effective functioning. However, to date, the mechanism remains ineffective, whereas the [UN Subcommittee on Prevention of Torture announced](#) in June 2019 that it planned to visit Lebanon in order to assess the performance and work of this institution.



A girl waves the Libyan flag during the celebration of the eighth anniversary of the revolution in Benghazi on 1/02/2019 (Source: Reuters / Issam Omran Al-Fitouri, 17 February 2019).

# LIBYA

## Our concerns

Persistent violations of international humanitarian law, including air strikes by Haftar's Libyan National Army against civilian targets;

Systematic violations of human rights by all parties to the conflict, in particular arbitrary arrests, torture, and secret detentions;

Absence of independent complaints or monitoring mechanisms and failure to prosecute those responsible for abuses, fostering a climate of complete impunity.

The situation in Libya deteriorated considerably this year, concerning both human rights and humanitarian issues, due to the intensification of the internal conflict. In addition to the enforced disappearances, arrests and arbitrary detention of thousands of individuals by the warring parties, civilian casualties have also increased.

The country remains divided between the western part led by the UN-recognised Government of National Accord (GNA) based in Tripoli, and the eastern part under the control of the military Khalifa Haftar who commands the "Libyan National Army" (LNA) composed of local armed militias and foreign mercenaries. Furthermore, the country's political institutions are paralysed and the referendum on the draft constitution, planned for January



Haftar, with Abu Dhabi Crown Prince Mohamed bin Zayed and Egyptian President Abdel Fattah El-Sisi (centre) at the opening of an Egyptian military base in 2017, (credit: Reuters).



Fayez al-Sarraj inspects one of his forces' focal points on 5 April 2019.

2019, has still not been held, owing to the inability of the Tripoli government and the Tobruk-based parliament to organise the referendum jointly.

Foreign powers' involvement is aggravating the conflict. On 4 April 2019, Haftar launched an armed offensive on Tripoli in an attempt to seize the capital. [American President Donald Trump](#) had then assured him by telephone of his support in his attack as well as in his "fight against terrorism" and the securing of Libya's oil resources. The call followed a meeting between the American President and the Egyptian President as well as a discussion with the Crown Prince of Abu Dhabi in the United Arab Emirates, Mohammed bin Zayed - both of whom stood by Haftar's side. At the same time, the GNA declared at the end of April that it wanted to suspend all security cooperation with France because it supported Haftar. At the end of December 2019, Turkey decided to send troops at the request of the UN-recognised government to support it.

The clashes in the wake of the April attack on Tripoli by Haftar's forces led to an upsurge in violations of humanitarian law with the targeting of civilian infrastructures, as well as human rights violations, with arbitrary arrests followed by enforced disappearances. On 20 December 2019, the United Nations Office of the High Commissioner for Human Rights (OHCHR) [expressed concern](#) about the deteriorating human rights situation in Libya, in particular regarding the impact of the conflict on civilians, the attacks on human rights defenders and journalists, the treatment of migrants and refugees, conditions of detention, as well as the general climate of impunity.

***Arbitrary detentions, torture and enforced disappearances and reprisals against peaceful activists.***

Arbitrary arrests and detentions as well as enforced disappearances have increased this year as a consequence of the deteriorating security situation. [As of December, 2019](#), OHCHR estimated



that 8,813 people were in detention in the 28 official prisons under the authority of the GNA Ministry of Justice, with approximately 60 per cent of them in pretrial detention.

In the absence of mechanisms to register individuals deprived of their liberty, [the exact number of detainees](#) in facilities run by the Ministry of Defence, the Ministry of the Interior or directly by armed militias remains unknown. This situation has created a breeding ground for enforced disappearances and other serious abuses. Against this background of mass arrests, detention conditions remain a major concern for Alkarama. [OHCHR reported systematic allegations](#) of ill-treatment and torture in these centres, adding that the conditions in unofficial places of detention, often run by armed militias, were likely to be significantly harsher.



Detention centre for migrants in the Al Nasr facilities in Zawiyah.

In his [address to the Human Rights Council on 21 March 2019](#), the Under-Secretary-General for Human Rights, Andrew Gilmour, described systematic rape against migrants in detention - women, men, girls and boys - coupled with common extortion techniques,

whereby torturers force victims to call their families in order to collect their ransom. According to Gilmour, these accounts were among the most distressing he has ever heard in his career. These abuses are not limited to migrant detention centres, but extend to all places of deprivation of liberty in the country in a systematic manner.

In her [September 2019 address to the Human Rights Council](#), Kate Gilmore, Deputy High Commissioner for Human Rights, stated that thousands of women, men and children continue to be victims of prolonged arbitrary detention, sometimes incommunicado, without the possibility of challenging the lawfulness of their detention. She added that OHCHR continued to receive numerous allegations of ill-treatment and torture of detainees, including denial of medical care, as well as sexual abuse. She concluded her intervention by emphasising the lack of any improvement in the respect of the detainees' rights since 2018.

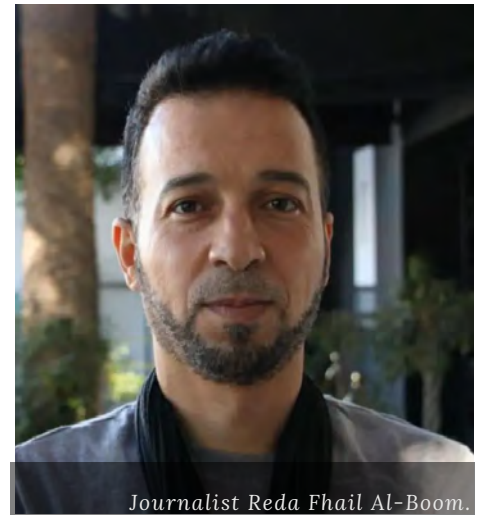
**“Thousands of women, men and children continue to be victims of prolonged arbitrary detention, sometimes incommunicado, without the possibility of challenging the lawfulness of their detention”.**



Omar Al-Mukhtar Ahmed Al-Dagel



Demonstration against the murder of a journalist, killed while he was covering the January 2019 fighting.



Journalist Reda Fhail Al-Boom.

Moreover, the arrests and abductions of journalists, human rights defenders, political opponents and other peaceful activists increased with the conflict. The conflation made by both the legitimate government and Haftar's forces between terrorism, armed conflict and peaceful political opposition has created a breeding ground for human rights violations.

For example, on 14 December 2019, human rights defender and journalist [Reda Fhelboom](#) was arrested at Tripoli's Mitiga airport on his arrival from Tunis. Fhelboom was forcibly disappeared following his arrest, until several days later, when the newly established intelligence service of the Tripoli government issued a statement acknowledging his arrest, asserting that the arrest was legal.

Abductions and secret detentions of persons who have simply made use of their freedom of expression is a practice common to both sides to the conflict. Haftar's forces regularly arrest

individuals often under the guise of counter-terrorism, for peaceful criticism expressed online or on social networks. One such case was that of [Omar Al Mukhtar Ahmed Al Daguel](#), a 40-year-old civil engineer who has been held without charge for almost three years in Benghazi. He was arrested at his family home on 13 July 2016 by members of the militias controlled by Commander Haftar. The men in military uniforms did not present him with any warrant nor any justification for his arrest. He was held incommunicado for a month and then transferred to Al Kouifya prison in Benghazi. He reported having been questioned about his political views on Facebook that were critical of the eastern government. On 25 April 2019, [Alkarama sent an urgent appeal](#) to the UN Working Group on Arbitrary Detention regarding his case.

### **Violation of Humanitarian Law: Attacks against civilian property and persons.**

[According to the United Nations](#), by the end of 2019, hostilities had killed more than 284 civilians, injured 363 and displaced more than 120,000 people. An analysis of these figures also shows that air strikes were the main cause of civilian casualties, followed by ground fighting, improvised explosive devices, abductions and killings.

**“Air strikes remain the main cause of civilian casualties, followed by ground fighting, improvised explosive devices, abductions and killings”.**

[In a statement issued on 9 April 2019](#), following the LNA air strike on Mitiga airport, the High Commissioner for Human Rights, Michelle Bachelet, stressed that the intentional targeting of civilians or civilian property and indiscriminate attacks may amount to war crimes. However, air strikes against civilian targets still persist to this day with a high death toll. For example, the air raid by Haftar's forces on a migrant detention centre in Tajoura resulted in more than 40 migrant deaths and 130 injuries. Following this attack, Michelle Bachelet had [publicly expressed her](#)

[outrage](#), adding that the fact that the GPS coordinates of this detention centre housing civilians had been communicated to the warring parties indicates that the attack may constitute a war crime.

Air strikes on health and educational facilities have also been a major concern for humanitarian agencies. For example, UNICEF estimated in June 2019 that more than 500,000 children had been affected by the violence, which led to the disruption of the education of over 122,088 children. Other LNA air strikes have resulted in civilian deaths in the Tripoli region. In October, for example, [at least seven children were killed](#), according to UNICEF figures. In addition, the World Health Organization (WHO) [reported at least 38 attacks on health facilities](#) in June 2019, killing at least 11 health workers and injuring many caregivers and patients. On 10 August, [an attack on an UNSMIL convoy in Benghazi](#) killed three United Nations staff members and injured 10 civilians, including a four-year-old child.

The escalation of violence also led to the displacement of 42,000 civilians in April alone, many of whom found themselves stranded in and around the conflict zones around Tripoli. [At the end of April](#), Michelle Bachelet called for the urgent opening of safe humanitarian corridors to allow civilians to leave.





Rally condemning air strikes by Haftar's forces in Tripoli, (2019)

**“Air strikes on health and educational facilities have been a major concern for humanitarian agencies. In June 2019, UNICEF estimated that more than 500,000 children had been affected by the violence, which led to the disruption of the education of over 122,088 children”.**



Former Mauritanian President Mohamed Ould Abdel Aziz, right, next to new President Mohamed Ould Cheikh Al Ghazwani at the inauguration ceremony of his new presidency, (credit: Senegalese Presidency, August 01, 2019).

## MAURITANIA

### Our concerns

Systematic violations of the right to peaceful assembly through the use of excessive force to disperse demonstrations and arrests of protestors;

Judicial persecution of human rights defenders, political opponents and other peaceful activists;

Torture, ill-treatment and poor prison conditions coupled with a lack of independent and effective monitoring mechanisms.

The presidential elections in Mauritania, held in June 2019, were marked by demonstrations against electoral fraud. These elections saw former President Mohamed Ould Abdel Aziz's Minister of Defence succeeding the former president, who was unable to stand for re-election after two successive terms. Ould Abdel Aziz, who came to power in 2008 following a *coup d'état*, had widely supported his defence minister, while the authorities made numerous arrests of opponents while cutting off internet communications.

Such arrests show that the human rights situation in the country continues to be problematic, with no significant improvement in recent years. In July 2019, [Mauritania was reviewed by the United Nations Human Rights Committee \(HRCtte\)](#). The experts

conclusions focused on [issues previously raised by Alkarama](#) with the UN human rights mechanisms. Violations of fundamental freedoms continue to be systematic, with crackdowns on demonstrations, control and monitoring of associative activities, and restrictions on the right to freedom of expression and of the press. Furthermore, individuals in detentions are routinely deprived of their fundamental guarantees, particularly human rights defenders and other peaceful activists, as well as those arrested and prosecuted under the anti-terrorism law.

### **Restrictions on freedom of expression and participation in public life**

The authorities' management of the demonstrations held on the margins and in the aftermath of the June 2019 presidential elections revealed a profound lack of respect of the fundamental rights and freedoms of Mauritians. A few days after the elections, the authorities announced the arrest of 100 demonstrators for participating in unauthorised



Demonstrations against electoral fraud on 22 June 2019.

gatherings. Among those detained were opposition figures and activists who denounced the numerous electoral gatherings. Among those detained were opposition figures and activists who denounced the numerous electoral frauds and contested the election results.

The management of public demonstrations was a major issue in the Human Rights Committee's consideration of Mauritania this year. [In their conclusions](#), the United Nations experts expressed concern about allegations of excessive use of force by law enforcement officials to disperse demonstrations. They also regretted the lack of available information on the investigation and possible prosecution of law enforcement officials who inflicted injuries on demonstrators.

In recent years, [Alkarama had documented](#) situations in which law enforcement officers had used excessive force, particularly in the case of demonstrations against discriminatory practices towards “haratines” and/or in support of anti-slavery activists. In none of these situations have the authorities announced independent investigations or prosecutions. The experts, therefore, recommended that the authorities ensure prompt, impartial and thorough investigations into all allegations of excessive use of force, ensure that those responsible are prosecuted and that victims receive reparation.





A demonstration denouncing the criminal prosecution of anti-slavery activists in Mauritania (archives).



Mohamed Sheikh Ould Mkhaitir

Furthermore, violations of freedom of expression and freedom of the press are facilitated by a range of legislative provisions that criminalise acts of free expression. These repressive legislations include the Law on Combating Terrorism, the Law on Cybercrime, the Law on Freedom of the Press as well as the Law on the Criminalisation of Discrimination. Besides, the Criminal Code still contains articles criminalising, in particular, defamation. Thus, [in its conclusions following its examination of Mauritania](#), the HRCtte expressed concern about the use of these criminal provisions to hamper the activities of journalists or human rights defenders and to restrict their freedom of expression.

In this regard, the Committee had given the example of the blogger and anti-slavery activist [Mohamed Sheikh Ould Mkhaitir](#), who had been detained for more than five years, including a long slavery in the country. He was released on 29 July 2019 but remains deprived of his liberty since his placement under

**“Violations of freedom of expression and freedom of the press are facilitated by a range of legislative provisions that criminalise acts of free speech”.**

house arrest. In this regard, the Committee had given the example of the blogger and anti-slavery activist Mohamed Sheikh Ould Mkhaitir, who had been detained for more than five years, including a long slavery in the country. He was released on 29 July 2019 but remains deprived of his liberty since his placement under house arrest.

Such cases lead, [according to the Committee's experts](#), to “a climate preventing any criticism of human rights violations” in the country. The Committee thereby recommended that Mauritania should revise the articles criminalising acts of free expression, release any human rights defenders arrested for exercising their rights and cease reprisals against them.

### **Arbitrary detentions and violations of fundamental guarantees of persons deprived of their liberty**

In its concluding observations, the HRCtte noted that although Law No. 2015-033 on Torture enshrines some fundamental safeguards in detention, its provisions are hardly applied, if at all. In fact, the guarantees provided for by the law are set aside by judges in favour of the provisions on police custody contained in the Code of Criminal Procedure, as well as in the Anti-terrorism Law No. 2010-035 of 21 July 2010, which violates fundamental rights of persons in detention. The Anti-Terrorism Law provides, for instance, that persons may be held in police custody for periods of 45 days without being brought before a judge or having access to legal assistance. Such lack of safeguards exposes persons deprived of their liberty to an increased risk of torture and ill-treatment.



Periodic review of Mauritania by the Human Rights Committee (UN credit, 04 July 2019).

The Committee's experts, therefore, called on the Mauritanian authorities to revise the provisions of the Code of Criminal Procedure and the Anti-terrorism law, which continue to pose obstacles to the respect of detainees' fundamental rights. The Code of

Lastly, detention registers are not updated upon arrests, leading to incommunicado detentions and enforced disappearances. Incommunicado detention constitutes one of the main concerns of Alkarama as well as the Human Rights Committee in the context of the fight against terrorism. The 2010 Anti-Terrorism Law, based on a particularly vague and imprecise definition of terrorism, allows for the *incommunicado* detention of any person arrested under this law. These persons are then detained outside the protection of the law and may be subjected to torture, in order to force them to sign self-incriminating statements.

The lack of effective and independent prevention and complaint mechanisms available to detainees is yet another source of violations documented by Alkarama in recent years. The lack of independence of the judiciary and its



Demonstrations against human rights violations against the Haratines in Mauritania, (archives).

subservience to the executive branch persists as another source of concern. Magistrates remain under the control of the President of the Republic, who chairs the Supreme Council of the Judiciary. The Committee, therefore, recommended that Mauritania should

ensure the independence of judges, in particular by ensuring that their appointment is based on objective and transparent criteria.

***“The lack of independent and effective complaint and monitoring mechanisms in detention is fostering a climate of widespread impunity for acts of torture and ill-treatment”.***

The National Human Rights Commission (NHRC) still lacks independence and effectiveness. In November 2017, [following a report](#) by Alkarama, the [NHRC was downgraded](#) by the [Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions](#). The Commission is unable to receive complaints from detainees about their detention. This lack of effective mechanisms fosters a climate of widespread impunity.





Speech by Mohamed VI in Al Hoceima for the 66th anniversary of the “Revolution of the King and the People”, with his brother Prince Moulay Rachid and his son Prince Moulay Hassan, (credit: Agence France-Press, 20 August 2019).

## MOROCCO

### Our concerns

Lack of independent and effective torture prevention and complaints mechanisms as well as continuing impunity for perpetrators of abuses;

Lack of independence of the judiciary leading to unfair trials;

Violations of the rights to freedom of expression, and peaceful assembly as well as to freedom of the press.

While the constitution enshrines fundamental rights and freedoms, they are still curtailed by the royal power's control over every institution of the country. This grip undermines the independence of the judiciary while leaving little leeway for opposition parties and governments alike to carry on their policies autonomously.

The numerous reforms introduced over the past few years, especially in the area of human rights protection, have not allowed for an effective implementation of these rights. The establishment of a mechanism for the prevention of torture within the National Council for Human Rights (NCHR) was presented as a major step forward. However, the mechanism suffers from a lack of independence and autonomy as its members are appointed by the King and

its activities are systematically subjected to royal approval.

Meanwhile, several journalists were arrested this year, demonstrating that press freedom remains limited by red lines such as criticism of the king or the issue of the country's territorial integrity. On top of this decline in public freedoms, violations of fundamental guarantees of persons deprived of their liberty continue to occur. Arbitrary arrests and detentions, as well as ill-treatment in detention, persist, indicating the country's serious shortcomings in terms of judicial independence.

### **Violations of freedom of expression and peaceful assembly**

Violations of freedom of expression, including freedom of the press, and freedom of peaceful assembly in Morocco mainly take the form of arrest and detention followed by unfair trials. On 6 April 2019, the Casablanca Court of Appeal upheld on appeal the first instance judgements against Hoceima demonstrators, which included sentences of up to 20 years' imprisonment. Hoceima's "hirak" movement began in October 2016 following the death of a fisherman crushed in the dumpster of a garbage truck, while trying to retrieve his fish that had just been confiscated and thrown away by the police.

The protests that followed this event were severely repressed by the authorities with the arrest of more than 450 individuals, including some 50 leading activists of the movement. They were subjected to a mass trial marred by many irregularities, that lasted more than a year. Despite the numerous allegations of torture made by the accused before the judicial authorities, no independent investigation was carried out and the trial court systematically considered the disputed police reports as admissible evidence.



Moroccan "hirak" activists condemn the imprisonment of peaceful activists. (credit: Youssef Boudlal, 2019)

During the year, several journalists were arbitrarily arrested in retaliation for their articles criticising the government. Journalists writing about politically sensitive subjects may become the targets of judicial harassment and other violations. For instance, Hajar Raissouni, a 28-year-old married journalist, was arrested on 31 August 2019 and sentenced to one-year imprisonment by the Rabat court on the grounds of "extramarital sexual relations" and "illegal abortion".



Demonstration at the Rabat court on 9 September 2019, demanding the release of Hajar Al-Rsouni, (credit: Youssef Boudlal).



A demonstration in Rabat demanding the release of journalist Omar Radi (28 December 2019).

These charges, which were in retaliation for her work for the newspaper Akhbar Al Yaoum, were combined with violations of her right to privacy by the prosecuting authorities, who published details of her personal life. On 30 September 2019, several independent United Nations experts [sent a letter of allegation](#) regarding her case. She was released on 16 October, along with her partner and her doctor who were arrested at the same time. They were released following [a royal pardon](#) and after major demonstrations calling for her liberation and for her privacy rights to be respected.

**“Journalists writing about politically sensitive subjects may become the targets of judicial harassment and other violations”.**

On 26 December 2019, 33-year-old journalist Omar Radi was arrested for a tweet published nine months earlier in

which he criticised the convictions of hirak demonstrators. The journalist was prosecuted for “contempt of the court”. His trial prompted many demonstrations of solidarity calling for his release and for the charges against him to be dropped. Lastly, journalists are not the only targets of arbitrary arrests for acts that fall under the right to freedom expression. In 2019, several artists and YouTubers were arrested for criticising the king as well as for having denounced corruption and violations of freedoms in the country.

### **Violation of fundamental rights and guarantees in detention**

Violations of the rights of individuals deprived of their liberty mainly take the form of ill-treatment as well as denial of fundamental guarantees such as the right to challenge the lawfulness of one's detention. These violations are also caused by the lack of effective prevention and complaints mechanisms in a country where the judiciary lacks independence from the royal power.





*Special Rapporteur on the Independence of Judges and Lawyers, Diego García-Sayán (Peru).*



*Rachid Ghribi Laroussi*

On 19 March 2019, the [UN Special Rapporteur on the Independence of Judges and Lawyers](#), Diego García-Sayán, [announced the cancellation of his visit to Morocco](#), denouncing the lack of sufficient guarantees from the government to enable him to carry out his visit independently. The expert was scheduled to visit Morocco from 20 to 26 March 2019 to assess the measures taken by the Government to guarantee the independence and impartiality of the judiciary and prosecutors, as well as the independent exercise of the legal profession. Faced with the authorities' refusal to allow him access to certain places of detention, and the refusal to validate his programme of visits, the expert reminded them of their obligation to guarantee and facilitate the freedom of movement and freedom of investigation of United Nations independent experts.

In such a context, individuals who submit complaints to international human rights mechanisms are regularly subjected to reprisals. In his [2019 report on reprisals against individuals cooperating with UN mechanisms](#), the Secretary General raised the case of

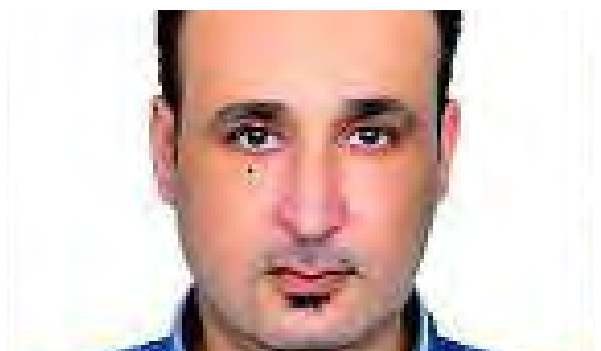
Rachid Ghribi Laroussi, which was [brought to his attention by Alkarama. Laroussi](#) had been arrested in 2003 and sentenced to 20 years in prison for participation in terrorist acts, after a summary and unfair trial based solely on confessions made under torture. In 2015, the UN Working Group on Arbitrary Detention (WGAD) [issued an opinion](#) on his detention in which experts called for his immediate release, whereupon he endured acts of reprisals. While imprisoned in Tangier, where his family lives, he was transferred without reason to the Fez prison, 300 km away from his family, placed in solitary confinement, and prevented from continuing his law studies. On 8 April 2019, Laroussi began a hunger strike to protest against the refusal of the authorities to implement the WGAD opinion. On 16 April, the National Council for Human Rights sent a delegation to meet him, telling him that if he stopped his hunger strike they would then be able to help him assert his rights. However, on 30 April, Laroussi was transferred to Meknes Toulal II prison without notice, where he has been held in solitary confinement ever since.

The prevention of torture remains a major issue in the country. On 12 February 2019, the [Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#) (SPT) submitted its report on its visit to the Moroccan government in [October 2017](#). Contrary to the SPT's [recommendations](#) to make it public, the report remained confidential at the request of the Moroccan authorities. Prior to the SPT's visit, Alkarama had expressed its concerns regarding the prevention of torture in the country, in particular regarding the lack of independent complaints mechanisms for individuals deprived of their liberty. At the end of their visit, [the experts called on the authorities](#) to ensure that the NPM had unconditional access to any place where individuals are or may be deprived of their liberty.

Lastly, one of the issues that Alkarama remains focused on, due to its persistence, is the extradition of individuals to other countries in the region where they may be at risk of torture. Such individuals are arrested and detained for long periods, thereby adding to the fear of being subjected to torture in the country of return, the suffering of being deprived of their liberty for an indefinite period.

Such is the case of the Egyptian journalist [Hany Khater](#) who was arrested in February 2016 in Casablanca on the basis of an international arrest

warrant issued by Egypt. On 25 April 2016, Rabat's Court of Cassation had granted Egypt's extradition request, despite the obvious risk of torture he faced. On 14 November 2016, [Alkarama sent a communication](#) to the [UN Committee against Torture](#) (CAT) requesting that urgent measures be taken to cancel the extradition procedure to Egypt of the journalist. It is on this basis that the CAT, after three years of proceedings, issued [its decision](#) to prevent the extradition of Hany Khater by Morocco to Egypt, where he had been sentenced *in absentia* to life imprisonment.



Egyptian journalist Hany Khater



Late Sultan Qaboos, 2019 was the 50th years of reign for the Sultan.

## OMAN

### Our concerns

Restrictions on freedom of expression, association and peaceful assembly;

Systematic practice of arbitrary detention of human rights defenders and political activists;

Reprisals against peaceful activists under the pretext of “harming the prestige of the State”, “unlawful assembly” or collaboration with international organisations.

The political and institutional functioning of the country still revolves around the royal power and the person of the sultan. The latter controls the executive, legislative and judicial powers through his prerogatives of appointment and dismissal of senior officials of each State institution. The country's internal security is ensured by the intelligence services' special forces. These forces regularly summon and sometimes arrest opponents or peaceful activists who are prosecuted on the basis of penal provisions that criminalise any criticism of the State, its institutions or the Sultan.

The year 2019 began in Oman with youth [demonstrations](#) in Muscat, Dhofar and Salalah denouncing unemployment and lack of opportunities in the country.



Two journalists covering the events were then arrested. In an attempt to calm the protests, a new state body – the National Unemployment Centre – was set up to address the employment crisis in the country.



Omani demonstrators in front of the Ministry of Manpower in the governorate of Dhofar in January 2019.

The issues raised by Alkarama in recent years persist to this day. These include, on the one hand, excessive restrictions on fundamental freedoms and, on the other hand, violations of the right to liberty and security of the person through arbitrary arrest and detention, often accompanied by ill-treatment in detention. Peaceful opponents and activists, in particular, are particularly targeted by this practice.

### **Restrictions on freedom of expression, association and peaceful assembly**

While in principle the Constitution guarantees individual freedoms, in practice their implementing legislation strips these rights of their substance. The numerous restrictions on fundamental rights are often justified by the authorities on the basis of the

maintenance of public order or State security.

Any statement critical of the government and its political or geopolitical choices constitutes a red line, the overstepping of which systematically leads to arrests and incommunicado detention. The law on cybercrime published in 2011 by Royal Decree No. 12/2011 includes many provisions now used to prosecute and silence human rights activists, bloggers and any other voices critical of the government. For example, in February 2019, several people who had denounced on their Facebook pages a normalisation of Oman's relations with Israel, following the [visit of Israeli Prime Minister](#) Benjamin Netanyahu at the end of 2018, were arrested and detained by the country's internal security services.



A photo published by the Royal Palace in Oman showing the Sultan of Oman Qaboos with Israeli Prime Minister Benjamin Netanyahu in Muscat, (credit: Agence de presse française, 26 October 2018).

Article 97 of the Penal Code continues to be used to sentence persons who publicly criticise the Sultan or members of the Government to terms of imprisonment of up to seven years. This his article, which makes it a criminal offence to “damage” the image of State

institutions, paralyses all political debate in the country.

**“Any statement critical of the government and its political or geopolitical choices constitutes a red line, the overstepping of which systematically leads to arrests and incommunicado detention”.**

Furthermore, the Penal Code still criminalises demonstrations by making any “unauthorised gathering on the public highway” an offence punishable by imprisonment. As a result, any participant in a demonstration not previously authorised by the executive is liable to prosecution simply by virtue of his or her presence on the scene. Several dozen of young demonstrators who protested against unemployment in January 2019 in the country's major cities [were arrested by the internal security services and detained](#). Besides, journalists covering protests are also liable to criminal prosecution. In January 2019, two journalists from the local Hala FM radio station were arrested for covering youth demonstrations in front of the Ministry of Manpower in Muscat.

Lastly, freedom of association remains restricted, in particular on the basis of

article 116 of the Criminal Code. This article introduced in 2018 makes the creation of an association or organisation with the “intention to oppose the founding principles of the State” an offence punishable by up to 10 years’ imprisonment. Thus, associations active in the country must be subject to prior recognition and may under no circumstances have a political component or address civil rights.

### **Arbitrary arrests and detentions**

As in the case of public freedoms, the Constitution enshrines individual fundamental rights, including protection against arbitrary detention, torture and ill-treatment. However, Alkarama continued to receive reports of arbitrary arrests and abuses in detention, particularly against individuals exercising their right to freedom of expression or assembly.

Arbitrary arrests are generally carried out by the internal security services, which operate outside of any independent judicial control and are responsible for the surveillance and monitoring of society to prevent any form to dissent.

The documented violations follow a pattern common to most victims: they are arrested either at their homes or following summons to a police station, without being presented with a judicial warrant nor being given reasons for

their arrest. They are then detained *incommunicado* in a secret location, effectively placing them in a situation of enforced disappearance, for periods ranging from several days to several weeks. During these periods, they are subjected to long interrogations under physical duress, to punish them and/or to extract information about persons or organisations with whom they may have been in contact. Such abuses also amount to reprisals, insofar victims, who are often [journalists](#), peaceful activists or human rights defenders, are specifically questioned about their activities and the type of information they provide to international organisations, [including UN human rights protection mechanisms](#).

**“The lack of independent mechanisms to prevent abuses in detention and to provide victims with effective remedies fosters a pervasive climate of impunity”.**

The lack of mechanisms to prevent such abuses and to provide victims with independent and effective remedies creates a real climate of impunity. These shortcomings are mainly attributable to the executive's control over the justice sector and civil society. Reflecting such control, the Sultan appointed the members of the National Human Rights Commission (NHRC) by Royal Decree No. 29/2019 of 24/04/19

In [previous reports](#), Alkarama had expressed concern over the fact that the NHRC does not enjoy the necessary autonomy from the executive branch, due to its restricted mandate and the modalities of its members' appointment. Measures taken this year, such as the possibility of [sending complaints by WhatsApp message](#), did not change civil society's perception of the NHRC as an institution affiliated to the State. This perception derives from its apparent failure to act on complaints from individuals in arbitrary detention, and the absence of proposals from the institution to reform the numerous legislative provisions that give rise to human rights violations.





Remains of a house that was destroyed by Israeli forces in Beit Surik, near Jerusalem, (credit: Agence France-Press, 2019).

# PALESTINE

## Our concerns

Massive violations of human rights and international humanitarian law during Israeli military operations in the Gaza Strip;

Effective annexation and continued occupation of Palestinian territories by Israel and its policy of forced eviction through the demolition of Palestinian homes and the construction of illegal settlements;

Use of armed force against demonstrators, including children, by the security forces and acts of violence committed by settlers against Palestinians;

Impunity and lack of accountability measures against Israel by the UN Member States, in violation of their obligation to uphold international law;

Arbitrary detentions, including the misuse of administrative detention of Palestinian prisoners, many of whom are minors.

Following the December 2018 decision of the Constitutional Court to dissolve the Palestinian Legislative Council, the Palestinian Authority's Government submitted its resignation on 29 January 2019. Legislative elections that were due to be held after the government's resignation did not take place. On 13 April, a new government, under the leadership of Mohamed Shtayyeh of Fatah, was sworn in by President Mahmoud Abbas

The economic and humanitarian situation in the Palestinian territories has continued to deteriorate to the point where, today, [one-third of Palestinian households are food insecure](#). Moreover, the Israeli authorities continue to block the entry and exit of Gaza impeding aid deliveries, and to deny access permits for humanitarian personnel.

These restrictions have affected both UN personnel and international NGOs staff, who have been denied exit permits and prohibited from re-applying for permits to enter the Palestinian territories for one year.

While Prime Minister Benjamin Netanyahu declared his intention to annex the Jordan Valley if re-elected, the Israeli authorities approved, early in the year, the construction of nearly 6,000 new habitations in the West Bank settlements. Meanwhile, the destruction of Palestinian homes by the Israeli authorities has increased, with at least 623 demolitions causing the displacement of 914 people, [according to figures from the United Nations Office for the Coordination of Humanitarian Affairs](#) (OCHA). In 2019, Israel demolished more homes in East Jerusalem than in any other year since 2004.



Watch video

A Palestinian woman laments the destruction of her home and the displacement of her family by Israeli force, (archives).

2019 was also marked by numerous deaths of Palestinian civilians in the course of the crackdown on peaceful demonstrations and continued Israeli airstrikes on Gaza. Hence, international organisations reported at least 34 dead

and 1,883 injured as a result of the repression of demonstrations as well as at least 25 dead as a result of airstrikes on Gaza.

On 20 December International Criminal Court Prosecutor [Fatou Bensouda announced](#) that “ following a thorough, independent and objective assessment of all reliable information (...), the preliminary examination into the Situation in Palestine has concluded with the determination that all the statutory criteria (...) for the opening of an investigation have been met”. However, the prosecutor first requested confirmation from ICC judges that the "territory" she could investigate did include the West Bank, including East Jerusalem, and Gaza - a matter on which the court has not yet ruled.

### **Israeli “occu-annexation”, demolition of Palestinian homes and displacement of populations**

Following the occupation of the West Bank in 1967, Israel unilaterally annexed East Jerusalem to its territory, in violation of international law. Today, Israel applies in East Jerusalem, as in Area C of the West Bank, a restrictive urban planning programme that makes it virtually impossible for Palestinians to obtain building permits. In May 2019, [several United Nations experts pointed out](#) that Palestinian construction accounted for only 13% of the East Jerusalem area, while 35% of the area was allocated to Israeli settlements,

which are illegal under international law. This year, demolitions and forced evictions have intensified, forcing many Palestinians to leave the West Bank, including East Jerusalem. These practices and policies generate forced population transfers, in blatant violation of the Fourth Geneva Convention.

On 28 June 2019, Michael Lynk, the UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (SR-OPT), [stressed in a public statement](#) that fundamental principles of international law enshrined the right to self-determination of Palestinians and require the annulment of Palestinian territories' annexation as well as the removal of any settlements therein. [This statement](#) preceded American declarations in November 2019 affirming that the United States was no longer considering that Israeli settlements violated international law. The expert [also emphasised](#) that the Israeli occupation of Palestine was perpetuated by a strong sense of impunity on the part of the occupying Power, owing to the unwillingness of SR-OPT and the Special Rapporteur on Western States to compel Israel to end the occupation completely. He concluded that all States were obliged under international law to take appropriate measures to put an end to this occupation, now the longest in modern history.



Watch video

Michael Link, UN Special Rapporteur on the situation of human rights in the Occupied Palestinian Territories

On 23 July 2019, [Alkarama wrote to the SR-OPT](#) and the Special Rapporteur on Adequate Housing asking them to urge the Israeli authorities to immediately stop the destruction of houses near the annexation wall. In the early morning of Monday, 22 July, Israeli security forces had begun destroying homes on the outskirts of East Jerusalem. The destruction had been authorised by the Israeli High Court of Justice, which had ruled that the residents were violating building bans, even though the residents claimed that they had been allowed to build their homes in the area by the Palestinian Authority. Alkarama described this development as alarming because it is the first time that demolitions have been authorised in Area A of the West Bank, where, under the Oslo Accords, the Palestinian Authority has sole competence to issue building permits.

In its request, [Alkarama urged the UN experts](#) to act without delay, given that the inhabitants of the destroyed buildings were left homeless and forcibly displaced. It also stressed that these house demolitions systematically





A Palestinian woman watches as Israeli police come to evict her family from their home in Silwan, (AFP credit, July 2019)



A Palestinian residential building is destroyed by Israeli forces in the village of Tire Baher, located on both sides of the Israeli wall in East Jerusalem and the occupied West Bank, (credit: Reuters / Musa Qawasmeh, 22 July 2019).

carried out by the Israeli authorities against Palestinians constitute a clear violation of the Palestinians' right to housing and a violation of international law by Israel.

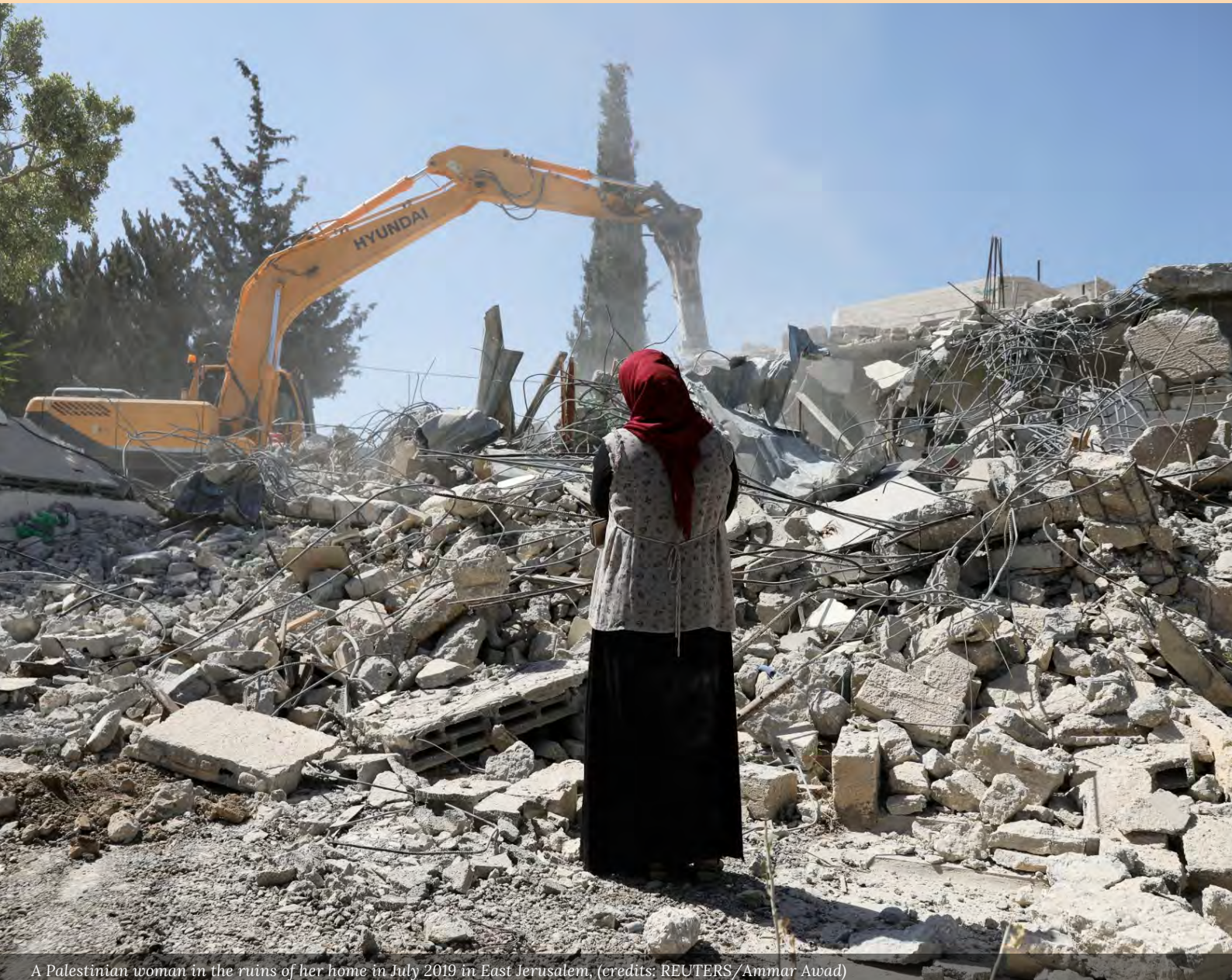
**“All States have a ‘legal obligation to compel Israel to completely end its illegal occupation and remove its obstacles to the achievement of Palestinian self-determination’”.**

In response to information submitted by Alkarama and other NGOs indicating a sharp increase in demolitions with disastrous humanitarian consequences, UN experts took up strong public positions. In October 2019, Michael Lynk, the SR-OPT, [issued a statement](#) urging the Israeli authorities to put an end to what he described as “occu-annexation”.

#### Calling on the international community

to assume its responsibilities, the expert affirmed that all States have a “legal obligation to compel Israel to completely end its illegal occupation and remove its obstacles to the achievement of Palestinian self-determination”. According to the expert, without significant international intervention, the annexation of Palestinian territories would inexorably continue owing to the flagrant imbalance of power on the ground.





A Palestinian woman in the ruins of her home in July 2019 in East Jerusalem, (credits: REUTERS/Ammar Awad)

***“In 2019, Israel demolished more homes in East Jerusalem than in any other year since 2004, generating large forced population transfers, in blatant violation of the Fourth Geneva Convention”.***



## ***Serious violations of the right to life, especially of children***

Assistant Secretary-General for Human Rights Andrew Gilmour had raised the many serious violations committed by Israel in two reports this year. The first one concerned Israeli settlement in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan.

[The report covering the period from 1 June 2018 to 31 May 2019](#) noted an increase in settler violence, including an increase in the number of Palestinians injured by gunfire. By examining the governorates of Nablus and area H2 of Hebron, the report provides an alarming account of the severity of settler violence which led to clashes that left four Palestinians dead and 295 injured. The report underlines that, overall, settlers still benefit from a climate of impunity for their actions. Not only have the Israeli security forces failed to prevent settler attacks and to protect Palestinians, but several of those attacks have taken place in their presence and with their direct participation.



Israeli settlers have been using firearms against Palestinians in complete impunity (archives).

***“Settlers still benefit from a climate of impunity for their actions. Not only have the Israeli security forces failed to prevent settler attacks and to protect Palestinians, but several of those attacks have taken place in their presence and with their direct participation”.***

In his [2019 report](#) on children in armed conflict, the Secretary-General stated that 2018 figures confirmed by the United Nations indicated that 59 Palestinian children had been killed and 2,756 injured by Israeli forces in 2018. These figures are the highest since 2014. The report stated that this increase resulted from a large number of injuries and deaths during the Great March of Return. The report found that in Gaza alone, Israeli forces injured 1,335 children, including 1,276 between March and December, during demonstrations along the Gaza Strip fence. Of these casualties, 62 per cent were injured by live ammunition. At least 20 children had limbs amputated. Despite this significant deterioration and the seriousness of the violations, the Secretary-General has not included Israel in his “list of shame”, annexed to the report, which calls on States wishing to be removed from it to take concrete measures to put an end to the violations.





Israeli soldiers capture a Palestinian boy during clashes in Hebron, (credit: REUTERS/ Mussa Qawasma)



Gaza protests one year on: Almost 3,000 children injured in Gaza protests required hospital treatment (credit: Save the children OPT, 2019).

The Assistant Secretary-General's second [report on Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory](#), including East Jerusalem, also covered the period from 1 June 2018 to 31 May 2019. The report establishes that excessive use of force by Israeli security forces, particularly during demonstrations along the Gaza Strip fence, resulted in the killing of 94 Palestinians, including 24 children, during the reporting period. In that regard, the Secretary-General expressed grave concern about the high number of Palestinians shot dead at a considerable distance from the Gaza fence, under circumstances indicating no threat that would justify the use of firearms against them. Furthermore, the report characterised the number of Palestinian children killed by Israeli security forces - 42 in Gaza and 6 in the occupied West Bank - as unacceptable. It further highlighted the Secretary-General's serious concerns about the continued impunity of Israeli security forces for such acts.

**“Israeli forces’ snipers frequently target Palestinian children, knowingly and with great precision, sometimes to kill them, sometimes to cause serious harm and loss of limbs”.**

In presenting the report, the Assistant Secretary-General [pointed out the deliberate use of armed force against Palestinian children by Israeli forces](#). More specifically, he condemned the frequent targeting by snipers who, knowingly and with great precision, targeted children sometimes to kill them sometimes to injure them to cause serious harm. In addition to the use of force against civilians, the obstacles posed by Israeli forces as a result of the closure of the crossings prevented persons in need of urgent medical assistance outside the Gaza Strip from obtaining it.

For instance, according to the [End-of-mission statement of the UN Special Committee to Investigate Israeli Practices](#), only 17 per cent of those injured in demonstrations have received the necessary permits to leave Gaza for medical treatment. These delays or denials in obtaining permits are also accompanied by refusals to allow parents and immediate family members to accompany injured children outside Gaza for urgent treatment.



The delegation of Qatar participating in its Universal Periodic Review before the Human Rights Council in Geneva, (credit: United Nations, 15 May 2019).

## QATAR

### Our concerns

Lack of respect for legal safeguards in detention and violations of the right to a fair trial, particularly in the context of the fight against terrorism;

Restrictions on the rights to freedom of opinion and expression.

This year, Qatar entered its third year of a blockade imposed by its Emirati and Saudi neighbours within a regional context in which the country continues to oppose these two monarchies as well as Bahrain and Al Sissi's Egypt.

[Qatar's ratification of the International Covenant on Civil and Political Rights](#) (ICCPR) in May 2018 was a significant step in the protection of human rights in the country. However, some human rights issues remain – including restrictions on fundamental rights and freedoms as well as the treatment of migrant workers – notwithstanding some positive reforms. In October 2019, the [International Labour Office announced the introduction](#), before January 2020, of a Qatari labour law reform providing workers with the freedom to change jobs, abolishing exit



permits and establishing a non-discriminatory minimum wage.

Furthermore, this year was marked by several visits by UN experts, including those of the [Working Group on Arbitrary Detention](#), the [Independent Expert on human rights and international solidarity](#), the [Special Rapporteur on the right to education](#), and the [Special Rapporteur on contemporary forms of racism](#).

On 17 May 2019, the [Universal Periodic Review \(UPR\) of Qatar](#) took place at the Human Rights Council, providing an opportunity for civil society to express its concerns, and for member States to formulate recommendations for improving the human rights situation in the country. [Alkarama contributed to the UPR](#) by highlighting its main concerns which include: the violations of the right to a fair trial and fundamental guarantees in detention, particularly in the context of the fight against terrorism, as well as the persistent restrictions on fundamental freedoms such as freedom of expression, association or peaceful assembly.

***Violation of legal safeguards and of the right to a fair trial, in particular in the context of the fight against terrorism***

Alkarama's main concerns in Qatar remain the violations of fundamental rights and guarantees of persons

deprived of their liberty, as well as violations of the right to a fair trial. Such violations occur particularly in the context of the fight against terrorism. Alkarama raised these concerns with the United Nations human rights mechanisms on various occasions in 2019.

***“Violations to fundamental rights and guarantees of persons deprived of their liberty, as well as violations of the right to a fair trial occur particularly in the context of the fight against terrorism”.***

Firstly, a three-member delegation of the Working Group on Arbitrary Detention (WGAD) [visited the country from 3 to 14 November 2019](#), and met with government officials, judges, lawyers and civil society representatives. The delegation visited 12 places of detention, where they met with more than 200 persons deprived of their liberty. [The experts' conclusion](#) emphasised that Qatar needed to undergo a “paradigm shift” in protecting people from arbitrary detention. While their visit report will only be presented to the Human Rights Council in September 2020, the experts have nevertheless published [preliminary observations](#) which highlight several issues brought to their attention by Alkarama in the past years.



WGAD member Mr Sètonджи Roland Adjovi

Concerning the possibility for independent entities to inspect places of deprivation of liberty in order to monitor conditions of detention, the experts stressed that while several State entities had the possibility of carrying out such visits, the impact of such visits remained unclear. The experts added that, in principle, the legal possibility for different entities – such as the National Human Rights Council or the human rights department of the Ministry of the Interior – to carry out such visits has a positive impact when this capacity can be exercised freely and independently. However, the experts claimed having received information according to which not all detainees were allowed to communicate with the inspectors during such visits. Accordingly, the experts called on Qatar to ratify the [Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#) (OPCAT) and to establish its national preventive mechanism in conformity with the OPCAT.

Article 117 of the Qatari Code of

Criminal Procedure provides that a person may be held in police custody for a period of four days, renewable by order of the public prosecutor. The experts considered that while this article was respected in practice, the fact remained that permitting the detention of persons for a total of nine days before they could be brought before a judge contravened Article 9(3) of the ICCPR.

Lastly, the Working Group deplored authorities' interference with their freedom to investigate, since the experts were able to visit only one of the State Security detention centres, about which they had received credible allegations of prolonged arbitrary detention as well as of ill-treatment. Furthermore, during visits to other places of deprivation of liberty, the experts found that these facilities were almost empty. They later claimed having received credible information that detainees had been transferred to other facilities before their arrival.

Violations of fundamental safeguards in detention and unfair trials were also the subject of recommendations [during Qatar's UPR in May](#). The flawed counter-terrorism legal framework in Qatar allows for derogations to the provisions of the Criminal Procedure Code guaranteeing the rights of detained persons, whenever the prosecuted acts are related to national security. During the [UPR](#), some countries called on Qatar to bring its

anti-terrorism law and criminal code into line with international fair trial standards. In particular, concerns were expressed about the vague definition of terrorism, the practice of secret detention, torture and the prolonged duration of pre-trial detention in cases of terrorism.

### **Restrictions on the rights to freedom of opinion and expression**

During the country's UPR, many recommendations were made to Qatar to improve the situation of freedom of expression, freedom of association and freedom of peaceful assembly. Some member states called on the authorities to bring its domestic legislation into line with international standards and to remove restrictions on freedom of expression, particularly in the media sector.



The delegation of the State of Qatar participating in the Universal Periodic Review before the Human Rights Council in Geneva, (credit: UN, 15 May 2019).

A key concern was the Cybercrime Law of 2014, which poses a serious threat to online freedom of expression because its vaguely worded dispositions giving to the authorities a wide margin for their interpretation. For example, under this law, the authorities can ban any website that it deems to pose a “threat

to the security of the country” with no further limitation or clear definition of this notion. Besides, anyone sharing online content that would be considered to undermine Qatar's “social values” can be punished by up to three years' imprisonment and a fine of up to 500,000 Qatari riyals (approximately USD 137,000). Several states have thus recommended that Qatar amend this legislation to ensure that it does no longer threaten freedom of expression in the country.

**“Article 134 of the Criminal Code, which provides for five years' imprisonment for any person who “challenges by any public means the Emir's exercise of his rights or authorities, or criticises his person”, infringes the right to free expression”.**

Furthermore, in their preliminary observations following their November 2019 visit, the WGAD experts noted several provisions that criminalise free expression. As such, Article 134 of the Criminal Code, which provides for five years' imprisonment for any person who “challenges by any public means the Emir's exercise of his rights or authorities, or criticises his person”,



constitutes, according to the experts, an infringement of the right to free expression - in the form of a crime of lèse-majesté. The experts recalled that any sentence of imprisonment under this article would render the detention arbitrary, and recommended that the authorities repeal it.



In October 2018, the monarchy released pictures of King Salman and his son receiving the sons of J. Khashoggi, they are now requesting them to pardon the perpetrators (credit: SPA, October 2018)

# SAUDI ARABIA

## Our concerns

Systematic practice of torture and arbitrary detention, including prolonged detention devoid of any legal basis;

Abusive counter-terrorism measures and unfair trials before the Specialised Criminal Court, often resulting in the death penalty ;

Severe repression of freedom of expression through arrests and arbitrary detention of peaceful dissidents, including human rights defenders;

Severe violations of international humanitarian and human rights law in Yemen.

In the wake of the outrage caused by the murder of journalist Jamal Khashoggi, there has been increased international attention to the serious and systematic violations of human rights in Saudi Arabia. Nevertheless, at the domestic level there has been an increase in arbitrary arrests and detention, torture, enforced disappearances and summary executions. Human rights defenders, political opponents and other peaceful activists face serious reprisals and civil liberties remain non-existent.

Several royal decrees issued in July 2019 allowed, in particular, all Saudi women to apply for passports. Women aged 21 and over were also allowed to travel regardless of their guardian's

authorisation. While UN experts welcomed these changes, they also recalled in an [August 2019 statement](#) that these reforms stem from years of advocacy by many human rights defenders who are still detained today in Saudi Arabia.



A sign commemorating journalist Jamal Khashoggi after his death inside the Saudi Arabian embassy in Turkey.

In addition, the Saudi-led coalition's military operations in Yemen continued this year, resulting in a high number of civilian casualties from aerial bombardments. According to the Office of the [United Nations High Commissioner for Human Rights](#) (OHCHR), at least 7,292 civilians have been killed and 1,630 wounded since the beginning of the operations, with most of the casualties due to coalition air strikes. According to the [August 2019 report of the UN Group of Experts on the situation of human rights in Yemen](#), the air strikes have particularly affected children. As of 31 December 2018, 2,776 children had been killed and 4,732 injured since the beginning of hostilities. These figures notwithstanding, Coalition members were not included in the UN Secretary General's "list of shame", which would have led to the adoption of concrete

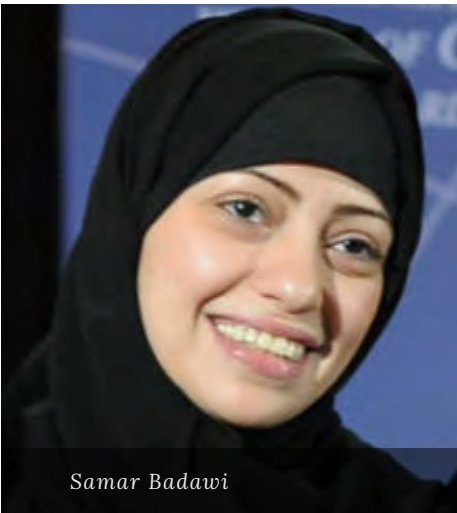
measures to address violations against children.

On 14 March 2019, the Human Rights Council [adopted the outcome of the Universal Periodic Review \(UPR\) of Saudi Arabia](#). Of the 258 recommendations received, Saudi Arabia accepted 182 and noted, i.e. rejected, 76. In its [alternative report](#) for this UPR, Alkarama highlighted the issues of reprisals against human rights defenders and peaceful political opponents, as well as violations of the right to life and freedom through the continued and systematic practice of arbitrary arrest and detention, torture, enforced disappearance and arbitrary executions.

### **Repression of human rights defenders, political opponents and other peaceful activists**

On 7 March 2019, a historic joint [statement was issued by Iceland](#), on behalf of 36 predominantly European countries, on the situation of human rights defenders in Saudi Arabia. The statement was the first joint statement of states to the Human Rights Council on Saudi Arabia, having been obtained after years of advocacy with UN mechanisms by numerous NGOs including Alkarama. In the statement, States expressed grave concern about the arbitrary arrest and detention of human rights defenders, including women's rights activists. Calls for the release of those detained for their peaceful activism have been reiterated





Samar Badawi



Nassima al-Sadah



Mohammed Al-Bajadi



by some countries in the context of [Saudi Arabia's UPR](#). However, these recommendations have not been adopted by Saudi Arabia.

The use of the Anti-Terrorism Act to prosecute and punish persons who peacefully exercise their right to free expression [is also described as a matter of particular concern](#). The Anti-Terrorism Law criminalises non-violent acts characterised as “disturbing public order” or “destabilising the State or endangering its national unity”, charges commonly used to punish peaceful dissent. The signatory states concluded the statement by calling on Saudi Arabia to take significant steps to ensure that all persons, including human rights defenders and journalists, can freely and fully exercise their rights to freedom of expression, opinion and association, including online, without fear of reprisals. They also called for the release of several people represented by Alkarama, including [Samar Badawi](#), [Nassima al-Sadah](#), and ACPRA member [Mohammed Al-Bajadi](#).

**“The Anti-Terrorism Law criminalises non-violent acts characterised as 'disturbing public order' or 'destabilising the State or endangering its national unity', charges commonly used to punish peaceful dissent”.**

In January 2019, [the Special Rapporteur on extrajudicial, summary or arbitrary executions](#), (SR SUMX) Agnès Callamard [started an investigation](#) into the assassination of [Jamal Khashoggi](#). [In their joint statement of 7 March 2019](#), the 36 European states condemned “in the strongest possible terms” the killing of the journalist, adding that investigations into the assassination must be prompt, effective, thorough, independent and impartial, and transparent. States called on Saudi Arabia to disclose all available information and to cooperate fully with all investigations into the assassination,

including with Special Rapporteur Agnès Callamard. The Special Rapporteur [issued a 100-page report](#) detailing her investigation into the assassination of the journalist, characterising the killing as an act of extrajudicial execution for which the Kingdom of Saudi Arabia bears responsibility. The report found credible evidence warranting further investigation into the individual responsibility of senior Saudi Arabian officials, including that of the Crown Prince. Underlining, however, [that the trials held in Saudi Arabia](#) will probably not be able to establish all responsibilities, she called on the Secretary General of the United Nations to launch a criminal investigation and to set up an *ad hoc* or hybrid tribunal for this purpose.

On 3 April 2019, the [UN Working Group on Arbitrary Detention](#) (WGAD) issued a [decision](#) calling for the immediate release of Saudi human rights defender Mohammad Abdullah Al Otaibi. Otaibi was arrested on 24 May 2017 at Hamad International Airport in Doha by Qatari security forces and forcibly deported to Saudi Arabia on 28 May 2017. [WGAD Decision No. 68/2018](#), which was issued following [a complaint lodged by Alkarama](#), characterised Al Otaibi's detention as arbitrary, considering that it resulted from the legitimate exercise of his fundamental right to freedom of expression and association. On 25 January 2018, Al Otaibi was sentenced to 14 years in prison for his peaceful

human rights activism, following a grossly unfair trial before the Specialised Criminal Court (SCC). He was convicted and sentenced under the cybercrime law for his critical reporting as well as for social media tweets. He was also convicted and sentenced for “illegally founding an association”, “sowing chaos and stirring up public opinion against the state” for the creation of the Union for Human Rights, an association aimed at promoting the values and principles enshrined in the Universal Declaration of Human Rights (UDHR).

**“UN experts characterised Al Otaibi's detention as arbitrary, considering that it resulted from the legitimate exercise of his fundamental right to freedom of expression and association”.**



Saudi human rights defender Mohammad Abdullah Al Otaibi



The Special Rapporteur on extrajudicial or summary executions, Agnes Callamard, at a high-level segment at the United Nations on ending impunity.

***“Special Rapporteur Agnès Callamard characterised the killing of Jamal Khashoggi as an act of extrajudicial execution for which the Kingdom of Saudi Arabia is responsible. The report found credible evidence warranting further investigation into the individual responsibility of senior Saudi Arabian officials, including that of the Crown Prince”.***





Salman Al Odah



Watch video



Sulayman Al 'Alwan



Watch video



Sheikh Safar Al Hawali



Watch video

Lastly, throughout 2019, Alkarama followed up on the numerous cases of arbitrary detention of religious scholars who had been arrested for their criticism of the monarchy. These include prominent Islamic Scholars [Salman Al Odah](#), [Sulayman Al 'Alwan](#) as well as Sheikh [Safar Al Hawali](#). Safar Al Hawali was arrested along with his sons Abdullah, Abdulrahman, Ibrahim and Abdulrahim, as well as his brother, Saadallah, over the course of 11-13 July 2018.

### ***Serious and systematic violations of the right to life and liberty***

When [adopting the recommendations following its UPR in March 2019](#), Saudi Arabia accepted those calling for the adoption of further measures to prevent torture and degrading treatment in prisons as well as for the implementation of legal reforms to prevent secret and indefinite detention. It also accepted a number of recommendations to reform its counter-terrorism legal framework.

However, the delegation of Saudi Arabia claimed that these recommendations had been accepted and already implemented given that its counter-terrorism legal framework was in line with international standards and that secret detention did not exist in the country.



On March 14, 2019, the Human Rights Council formally adopted Saudi Arabia's UPR outcome.

On [12 November 2019](#), Alkarama submitted to SR SUMX Agnès Callamard the case of Yemeni officer Ibrahim al-Shamsani, tortured to death in a Saudi Arabian prison. Al-Shamsani, a 35-year-old lieutenant in the Yemeni Coast Guard, took part in military operations against the Houthis before being arrested by Saudi forces for unknown reasons. A few days later, the family was

informed that their relative had committed suicide by hanging himself in Jazan prison. After the family was able to recover their relative's body, albeit not without effort, Alkarama obtained a copy of the forensic report as well as shocking photographs showing signs of torture, including fingernail tearing and bruising on the soles of his feet. The forensic report stated that Al-Shamsani's death was caused by strangulation with a blunt object.

obtained under torture. The corpse of one of the victims was subsequently exposed to the public. At least three of those executed were minors at the time of their death sentences as a result of their participation in anti-government demonstrations.

On [24 April 2019](#), the United Nations High Commissioner for Human Rights, Michelle Bachelet, strongly condemned the beheading of 37 men, most of them members of the Shi'a minority, who were executed despite repeated calls by the Office of the High Commissioner for Human Rights to the Saudi Arabian authorities. The victims had been convicted following unfair trials based solely on confessions



Of the 37 people executed in Saudi Arabia, at least six are minors, pictured from left to right: Muhammad Saeed Al-Skafi, Salman Amin Al Quraish, Mujtaba Nader Al-Swaiket, Abdullah Salman Al Sureih, Abdul Aziz Hussein Sahwi and Abdul Karim Muhammad Al-Hawaj.



Sudanese activist rallying crowds of protesters during demonstrations in front of the military headquarters in April 2019, (crédit AFP/Alaa Salah).

## SUDAN

### Our concerns

Use of force and violence against peaceful demonstrators, including the use of live ammunition and sexual violence;

Lack of independent investigation mechanisms, absence of criminal accountability of perpetrators of serious violations of the right to life resulting in a pervasive climate of impunity;

Restrictions on the rights to freedom of expression, association and peaceful assembly as well as judicial harassment of journalists, political opponents and human rights activists;

Systematic use of torture and other cruel, inhuman or degrading treatment, in particular during periods of secret detention;

Violation of the right to a fair trial, in particular against political opponents and peaceful activists, as well as in terrorism and security-related cases.

The demonstrations that began in December 2018 continued throughout most of 2019. While initially triggered by rising commodity prices, the demands broadened and diversified to include calls for the resignation of President Omar al-Bashir as well as a radical change in the political system.

Confronted with the persistence of the protest movement, the military commanders constituted as the Transitional Military Council (TMC) removed the president from office on 11 April 2019. On 17 August, a constitutional declaration was signed between the TMC and the opposition. The TMC was then replaced by a joint civil-military body, the Sovereign Council (SC), which was sworn in at the presidential palace in Khartoum on 21 August 2019. This Council fails to





Omar al-Bashir in a courtroom in Khartoum, Sudan, credit (Mohamed Nureldin Abdallah/Reuters, december 2019)



Civilian and military members of the Sovereign Council of Sudan take the constitutional oath in the presence of the President of the Council, Lieutenant-General Abdel Fattah Al-Burhan (Credit: Agence France-Presse, August 21, 2019).

establish a civilian power as claimed by the population and by the Peace and Security Council of the African Union. On the contrary, the SC is led by General Abdel Fattah al-Burhan, who is moving from the leadership of the TMC to that of the new SC. The latter is appointed as his Vice-President, the commander of the “Rapid Support Forces” (RSF) Lieutenant General Mohamed Hamdan Dagalo, also known as “Hemetti”. The RSF is a paramilitary force that is allegedly responsible for crimes against humanity in the form of mass executions and torture committed against civilians in Darfur as well as serious violations committed against demonstrators throughout 2019.

Peaceful demonstrations calling for a change in the political system were severely and violently repressed throughout the year. Government forces including the army, police and RSF fired live ammunition at demonstrators and medical personnel, either directly at the crowd or using snipers. Furthermore, journalists

covering the events, human rights activists as well as health workers were systematically subjected to arbitrary arrest, followed by secret detentions and torture.

In September 2019, [UN High Commissioner for Human Rights Michelle Bachelet signed an agreement with the Government of Sudan](#) to open a UN human rights office in Khartoum and field offices in Darfur, Blue Nile, Southern Kordofan and Eastern Sudan. The High Commissioner stated the Office was seeking to support the ongoing transitional process with particular focus on four critical areas identified with the government. These include addressing economic and gender inequalities, pursuing legal and institutional reforms, supporting transitional justice and strengthening the opening up of democratic and civic space.

***Serious violations of the freedom of peaceful assembly and use of force against demonstrators***

Although guaranteed by article 40 of the Constitution, the exercise of the right to freedom of peaceful assembly is criminalised in the Criminal Code by the introduction of vaguely defined offences such as “unauthorised assembly” or “disturbing public peace”, crimes punishable by imprisonment and flogging. In addition, any planned demonstration must be notified to the Ministry of the Interior and must be given prior written consent, a requirement not provided for by law but by a circular from the Ministry of the Interior. Thus, any unauthorised assembly constitutes a criminal offence, giving the authorities the discretion to use force to disperse it.

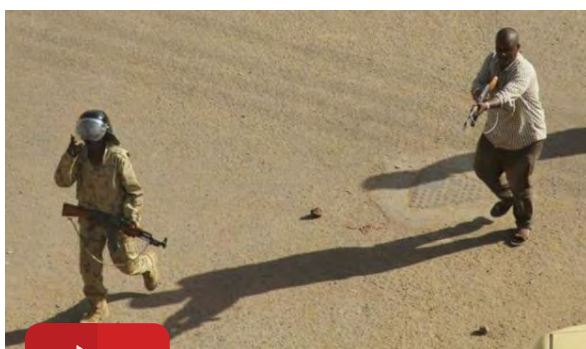


*In order to intimidate the demonstrators, masked forces patrolled with weapons of war, arbitrarily arresting demonstrators before taking them in unmarked vehicles to unknown locations.*

Since December 2018, and throughout 2019, the Sudanese authorities have repeatedly used excessive force to disperse peaceful demonstrations, with security forces firing live ammunition, rubber bullets and tear gas, resulting in frequent deaths and injuries among demonstrators.

Between 6 and 11 April, as Al Bashir was being deposed and the TMC was being formed, more than 20 demonstrators

were killed and 100 injured by live ammunition fired by National Intelligence and Security Services (NISS) forces. [Several UN experts condemned this excessive use of force](#) and urged the authorities to lift the state of emergency as well as to address the legitimate grievances of the Sudanese people through an inclusive and peaceful political process. According to a report by the [UN independent expert](#) on the situation of human rights in Sudan, the events of early April were a culmination in the violent crackdown on demonstrators, in particular by members of the NISS.



Watch video

*Some of the security forces wore civilian clothes so that they could move around in the crowd before shooting at the demonstrators.*

The latter went as far as storming hospitals, mosques, university campuses and looting homes, causing the deaths of more than 100 people between December 2018 and April 2019, according to medical sources.

On 17 May 2019, the independent expert for the Sudan, [Aristide Nononsi, reported an increased number](#) of deaths and injuries among demonstrators. According to





*Protesters demand justice for victims of killings committed by the security forces during the demonstrations (Credit: SkyNews, July 2019)*

**“Since December 2018, and throughout 2019, the Sudanese authorities have repeatedly used excessive force to disperse peaceful demonstrations, with security forces firing live ammunition, rubber bullets and tear gas, resulting in frequent deaths and injuries among demonstrators”.**





Sudanese demonstrators denounce the military's rule, (archives, 2019)



Masked security forces harass young women on the fringes of the demonstrations, (archives, 2019).

information received by the expert, on 13 May, the RSF fired live ammunition at demonstrators in Khartoum, killing six people, including an army officer. Two days later, the same forces were still firing at demonstrators who were trying to obstruct the removal of roadblocks by the RSF who were trying to clear the way to the army headquarters.

However, the paroxysm of violence was reached between 3 and 11 June 2019 when a sit-in near the army headquarters in Khartoum was dispersed. On 3 June, members of the Rapid Support Forces (RSF) decided to lift the sit-in by violence and attacked the demonstrators by firing live ammunition into the crowd. Many women were subjected to gang rape and other sexual violence as well as humiliating treatment, prompting the UN Special Representative on Sexual Violence in Conflict, Pramila Patten, to [express her “grave concern”](#) and to call for an “immediate and complete” end to the violence.

According to the [report of the UN expert on Sudan](#), a women's union in Khartoum issued a statement on 24 June claiming that nearly 5,000 women vendors had been victims of sexual violence and other abuses by members of the RSF, security forces and the army, and reporting that five women who went missing after the June 3 violence were still unaccounted for.

Furthermore, many peaceful demonstrators were victims of enforced disappearance, some of whom were later found dead in the Nile. At least 120 people were killed in the attack, while hundreds were injured. [According to the UN expert on Sudan](#), at least 10 bodies of demonstrators were recovered in the days following 3 June, after they were allegedly thrown into the Nile by the security forces.

Lastly, health personnel who attempted to rescue the victims found themselves targeted by the RSFs, which went so far as to harass and attack them on the

very premises of the hospitals. Following this tragic event, the United Nations High Commissioner for Human Rights, [Michelle Bachelet](#), [urged the security forces](#) to immediately stop these attacks and ensure safe and unhindered access to medical care for all. Calling the June crackdown a real setback for the transition to a civilian government that respects the rights of the people, [she called on the transitional authorities](#) to make a concerted effort for a rapid transition to a civilian administration.

[OHCHR had also expressed serious concern](#), proposing the rapid deployment of a United Nations team to examine allegations of abuses committed since 3 June 2019. Previously, it had urged the authorities, without success, to ensure a prompt and independent investigation into the excessive use of force against the protest camps, including on the alleged involvement of the Rapid Support Forces. Despite international condemnation and in the absence of effective mechanisms to investigate and prosecute the perpetrators of these crimes, the RSF opened fire once again on 30 June on a crowd of demonstrators commemorating the victims of the sit-in. At least eight demonstrators were killed by the RSF as they crossed the bridge between Khartoum and Omdurman. Subsequently, just as in the dispersal of the sit-in on 3 June, several bodies of demonstrators riddled with bullets

were found on the banks of the Nile.

***“Laying at the root of the recurrence of these crimes is the complete impunity enjoyed by security forces. Commissions of inquiry have been repeatedly announced since December 2018 without yielding any concrete accountability measure”.***



Lieutenant General Mohamed Hamdan Dagalo, also known as "Hemetti", pledges to "hang" those responsible for the murder of demonstrators during the June 3 sit-in dispersion, (credit: Reuters, 16 June 2019).

Laying at the root of the recurrence of these crimes is the complete impunity enjoyed by security forces, particularly the RSF, in committing these appalling abuses. Announcements regarding the establishment of commissions of inquiry have been repeated since December 2018 without yielding any concrete accountability measure. Already in January 2019, the government of Al-Bashir announced that investigations would be carried out

into the abuses. It then set up a national commission of inquiry chaired by the Minister of Justice, while the Prosecutor General's office and the national human rights institution announced the establishment of their own commission of inquiry. However, none of the investigation reports were ever made public.

Subsequently, [OHCHR had repeatedly offered to deploy a team to advise and assist the authorities in complying with their international obligations](#), an offer that has remained unanswered to date. Following the dismissal of Al-Bashir, the Transitional Military Council also announced the establishment of a commission of inquiry into the violence committed by the previous government. However, this commission has never been operational.

Lastly, although the agreement on the formation of the transitional government that gave rise to the SC provided for the establishment of an independent inquiry into the abuses of the Al-Bashir government and the events of 3 June, so far, nothing significant in this regard has been presented. Furthermore, no effective cooperation with the International Criminal Court has been established to follow up on the accusations of crimes against humanity, genocide and war crimes against Al-Bashir and his commanders.

### **Arbitrary arrests, torture, secret detention and unfair trials, particularly against opponents, journalists and human rights defenders**

In recent years Alkarama has regularly documented cases of arrests by the NISS of journalists, human rights defenders and political activists who have been detained in secret for long periods of time under the pretext of “safeguarding national security”. These violations of the right to liberty and security as well as the right to a fair trial stem from a lack of legal protection for persons deprived of their liberty. In fact, these arrests are facilitated by the broad powers granted to the NISS by the National Security Act, which places the NISS in charge of law enforcement, without any judicial oversight. Under section 50 of this Act, the NISS can arrest and detain “any suspect” without any judicial review for a period of up to four and a half months, for the purpose of its investigations.



Sudanese journalists protest against the suppression of press freedom, (credit: Archives / Sudanese Journalists Network).



On the basis of this legislation, the NISS systematically arrests anyone considered to be opposed to the authorities, including journalists, human rights defenders, students, peaceful demonstrators and members of the opposition. Victims are usually held in secret detention - a practice tantamount to enforced disappearance - without charge, judicial review or trial for long periods of time. They are systematically subjected to torture and ill-treatment during this period.

**“The NISS systematically arrests, and hold in secret detention, anyone considered to be opposed to the authorities, including journalists, human rights defenders, students, peaceful demonstrators and members of the opposition”.**



*Soumia Othman bin Aouf holds a photo of her missing son Ismail and demands that his fate be revealed (Source: MEE / Sari Omar).*

As a result, these forces were responsible for the arrest, disappearance and torture of many journalists covering the events from

December 2018 and throughout 2019. The police powers of the NISS and the army were subsequently extended when President al-Bashir declared a state of emergency on 22 February 2019, which was approved by parliament on 11 March for six months. The state of emergency also opened up the possibility of prosecuting civilians before emergency courts, particularly for acts falling under their rights to freedom of expression and/or freedom of assembly. [According to the report of the UN expert on Sudan](#), these emergency courts set up as early as February 2019, to prosecute those arrested in connection with the demonstrations, have tried hundreds of individuals between 28 February and the end of March 2019. Convictions ranged from several days to several years in prison following trials in which the rights of the defence were systematically violated.

[In his 2019 report](#), the UN expert on human rights in Sudan stated that from the start of the protests in December 2018, a large number of arrests and detentions had been carried out by the NISS. As early as 6 January 2019, the Interior Minister stated before the Parliament that 816 people had been arrested during the first three weeks of the protests. However, information gathered by civil society and by Alkarama suggested a much higher number of people in arbitrary detention. These reports also included allegations of torture, ill-treatment and

other human rights violations in detention by the security forces.

Furthermore, according to the UN expert's figures, at least 100 women were among those detained between December 2018 and 11 April 2019. [The UN expert recommended](#) that the authorities take concrete steps to reform the security services in accordance with international human rights standards, first by removing police powers from the NISS, and by conducting a thorough vetting of the leadership of the state security organs to ensure the exclusion of those involved in human rights violations.



Syrian families of victims of violations stand in front of United Nations headquarters in Geneva to demand the freedom of all victims of detention and enforced disappearance, (credit: Families for Freedom).

# SYRIA

## Our concerns

Devastating effects of the armed conflict on the civilian population with serious violations of international humanitarian law and human rights law;

Systematic and widespread practice of enforced disappearances and extrajudicial executions in detention by governmental forces;

Impunity of perpetrators of war crimes and crimes against humanity;

Arbitrary detention in inhuman conditions of tens of thousands of civilians in camps, including families of former ISIS combatants.

As the warring parties entered their ninth year of hostility in Syria, the country's human rights situation continues to deteriorate year after year. With complete impunity and growing international indifference, the parties to the conflict routinely and systematically perpetrate severe violations to both human rights and humanitarian law. The attempts to build a peace process through a constitutional reform suggested by a 2015 Security Council resolution have not been successful. [A Constitutional Committee](#) has been established and has brought together representatives of the Syrian authorities with those of the opposition for the first time on 30 October 2019. However, [the second meeting](#) of the Committee members in November 2019 was inconclusive and no agenda was set for future meetings and discussions.





The second round of negotiations of the Constitutional Committee in Geneva, at the invitation of the UN Special Envoy to Syria.

In July 2019, UN High Commissioner for Human Rights, Michelle Bachelet, [denounced](#) the indifference of the international community to the rising number of civilian casualties caused by a series of airstrikes in Idlib and other parts of northwest Syria. By July, Office of the High Commissioner for Human Rights (OHCHR) had registered the deaths of at least 450 civilians since the beginning of the April 2019 campaign of the Syrian army to retake towns in north-western Syria. The magnitude of the humanitarian tragedy exposed by the High Commissioner increased steadily over the course of the year. Following the announcement by the United States of the withdrawal of their armed forces from Syria in October 2019, Turkey sent its troops to the north-east of the country to control areas close to the territories controlled by Kurdish forces, [also causing civilian casualties](#).

The humanitarian situation has deteriorated significantly this year with an increasing number of people in need of assistance on the one hand and, on the other hand, numerous violations of the right to humanitarian assistance by

the warring parties. According to the [most recent figures](#) from the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), more than 13.1 million people need humanitarian and protection assistance in Syria. In addition, there are 6.6 million internally displaced persons (IDPs) in the country while 2.98 million people are believed to be living in hard-to-reach and besieged areas. Humanitarian assistance is also jeopardised by insufficient funding: according to OCHA, [the UN Consolidated Appeal is only 52% funded](#). Lastly, [to date, 5,555,168 Syrians have been registered as refugees](#) abroad, with Turkey and Lebanon being the main host countries.

Today, while the situation may vary from one region to another, insecurity remains an issue throughout the country. In addition to airstrikes against civilian targets and the humanitarian crisis facing the many displaced persons, there is a lack of rule of law, with arbitrary abductions and detentions as well as extrajudicial killings of civilians, [especially in areas taken over by the authorities](#). In that context, families of persons who have joined or lived in areas controlled by the Islamic State of Iraq and Syria (ISIS) are still being held in camps with no prospect of release, reintegration or repatriation for foreigners.



### ***Serious violations of humanitarian law and the devastating effects of the armed conflict on the civilian population***

Air strikes remain one of the main causes of civilian deaths in Syria. The majority of casualties followed the April 2019 offensive of the Syrian forces and their Russian ally to recapture cities in the north-east, including Idlib. By July 2019, [OHCHR had recorded airstrikes](#) on more than a dozen civilian targets in Idlib and around Aleppo that killed at least 103 people, including 26 children. Before these attacks, the US coalition airstrikes against ISIS between January and June 2019 caused – according to the NGO [Airwars](#) and the [Independent International Commission of Inquiry on the Syrian Arab Republic](#) ( Syria-CoI) – the [death of more than 400 civilians](#), as well as the [destruction](#) of many hospitals, markets, schools, agricultural lands and other civilian infrastructures essential for the population. Lastly, [in October 2019](#), OHCHR reported the death of civilians and the destruction of

civilian infrastructure by Turkish and associated forces.

In addition to airstrikes, improvised explosive devices (IEDs) and landmines are used mainly by Kurdish militias allied to the US military. On 8 November 2019, [OHCHR reported a significant increase in IED attacks](#) by Kurdish militias, mainly in areas controlled by Turkish forces. [Between 22 October and 3 December](#), at least 49 attacks on IEDs were documented, resulting in the death of at least 78 civilians (including 53 men, 7 women and 18 children) and the injury of 307 individuals.



This child had both legs amputated after a blast struck his family's car while they were fleeing an aerial bombardment in Syria, (credit: BBC/Dave Hanson, 17 July 2019)

According to OHCHR, attacks on civilian infrastructure, particularly hospitals, are a particular and persistent feature of the conflict in Syria. The High Commissioner's Office documented [several daily attacks on hospitals](#) during the Turkish offensives on the north of the country in October 2019. Prior to this offensive, [the Syrian authorities' operations to retake Idlib](#) had resulted in significant damage to health infrastructure. Between the beginning of the offensive on 29 April and the end of November 2019, [at least 61 health facilities had been hit](#) by Russian-Syrian airstrikes, causing injuries among health care personnel.

**“Worsening an already dire humanitarian situation, the Syrian authorities have used the deprivation of assistance as a form of punishment against large sections of the population considered to be in favour of the opposition”.**

In these circumstances, and with the increase in the number of attacks in the country, the humanitarian situation has seriously deteriorated. Worsening an already dire situation, the [Syrian authorities have used the deprivation of humanitarian assistance](#) as a form of punishment against large sections of the population considered to be in favour of the opposition.

### ***Serious human rights violations as well as the systematic and widespread practice of enforced disappearances***

In its [February 2019 report](#), the [Independent International Commission of Inquiry on the Syrian Arab Republic](#) (Syria-Col) concluded that, despite a general slowdown in hostilities, widespread violations remained owing to a lack of security and the absence of the rule of law. The experts stressed that respect for the rule of law and fundamental rights should not be undermined by political opportunism or sacrificed to security considerations. This warning followed the numerous documented cases of arbitrary detention, enforced disappearances and extrajudicial executions systematically carried out by the Syrian authorities. Since the beginning of the conflict, Alkarama has [documented](#) hundreds of cases of enforced disappearances to the attention of the Special Procedures, including cases in which victims were executed while in secret detention. In addition to enforced disappearances committed by Syrian government forces, [criminal kidnappings by non-state armed groups](#) for ransom by wealthy civilians, doctors and humanitarian actors have also occurred.

In [October 2019](#), the government passed a general amnesty law benefiting those considered to be deserters or who had refused to undergo





This photo published on 22 October 2019 by the official Syrian news agency shows President Bashar al-Assad surrounded by its armed forces in the governorate of Idlib.



A Syrian child mourns a loved one killed during an air strike in Sarmin, Idlib governorate, (credit: Ali Hajj, 2 February 2019).

compulsory military service “without just cause”. This law was intended to facilitate the return of displaced persons to their home towns. However, [in the territories recently taken over by the government army](#), arbitrary arrests and enforced disappearances have been increasingly used as a form of reprisal, in complete impunity. [According to OHCHR](#), these disappearances affect both those who remained at home during the period of occupation by opposition forces and those who returned after the takeover.

After having taken control of Duma (Rif-Damascus), Deraa and northern Homs, the government forces imposed what [the Syria-CoI described as a genuine “climate of terror”](#) by multiplying arbitrary mass arrests and detentions. [According to the Commission's report](#), these acts were directed particularly against “militants, civil defence volunteers, persons who refused to perform military service, recent returnees and anyone perceived to be in the opposition”. In addition,

many women have been subjected to arbitrary arrest and secret detention as well as torture in retaliation against their families or to forcefully collect information on persons suspected of being members of the opposition.

Lastly, a fact [described as “unprecedented” by the Syria-CoI](#), in 2018 and 2019, public entities notified civil registry offices of the deaths of tens of thousands of detainees, in particular in the Hama, Latakia, Hassake and Damascus governorates. In these regions, civil registry offices issued death certificates to families mentioning natural causes of death, such as heart attacks or strokes. However, the reported deaths of many people, often young, from the same causes and on the same day suggest that they were killed in mass executions in prisons. Moreover, the vast majority of those reported dead had been arrested between 2011 and 2014, and often held in secret and without access to the outside world for years.

[Alkarama had documented](#) similar cases since 2011, such as that of freedom of expression activist [Basel Khartabil](#), who was [executed shortly after he disappeared](#) from Adra prison in Damascus on 3 October 2015. His wife was not informed of his [death until August 2017](#), almost two years after his execution.



Basel Khartabil

Alkarama has documented thousands of summary executions by the government army to the attention of the Syria-CoI, which published two reports detailing these violations in [2016](#) and [2018](#). The documented cases show that detainees were either executed, tortured to death, or died as a result of untreated wounds and/or due to inhumane conditions of detention. [This year's Syria-CoI report](#) concludes that government forces committed crimes against humanity in the form of executions, rape or other forms of sexual violence, torture, imprisonment, enforced disappearance and other inhumane acts.

Furthermore, the recapture of territories previously under the control of the ISIS led to massive displacement

of populations who are being held in makeshift camps. In May 2019, [the Syria-CoI stated](#) that families of foreign ISIS fighters were still being held separately, under the control of the militias of the Syrian democratic forces, with no prospect of release. The absence of repatriation measures from their countries of origin effectively places these families in a situation of indefinite detention and without any legal basis. Moreover, some states have sought to deprive their citizens of their citizenship to prevent their return. They have also encouraged the transfer of their citizens to countries where they would be at risk of being subjected to torture as well as to the death penalty, in violation of the non-refoulement principle.



Women marching in Al-Hol camp in Al-Hasakah governorate, (credit: Ali Hashisho / Reuters, 01 April 2019).

One of the main civilian camps is under the control of the Autonomous Administration run by Kurdish militias in north-eastern Syria. The Kurdish militias alone now detain more than 110,000 people suspected of being or having been members of the ISIS, as well as members of their families. Among the civilian camps, [the al-Hol camp](#) in the Syrian desert of Hasakah,

which was originally built to accommodate up to 10,000 IDPs, currently houses more than 73,000, 92 per cent of whom are women and children. Thus, [according to the Syria-CoI](#), the housing, health and hygiene conditions are so appalling that they are leading to preventable deaths. Due to a lack of adequate health and humanitarian aid, it is estimated that at least 240 children have already died from malnutrition or untreated infected war-related wound.

***“The absence of repatriation measures of families of foreign ISIS fighters effectively places them in a situation of indefinite detention. Some states have sought to deprive their citizens of their nationality to prevent their return while others have encouraged their transfer to countries where they would be at risk of being subjected to torture and death penalty”.***

In view of these facts, on 21 May 2019, the United Nations Children's Fund (UNICEF) [urged Kurdish militias](#) to treat children “first and foremost as victims and not as perpetrators”. UNICEF estimates that in Syria alone, nearly

29,000 foreign children, most of whom aged 12 and younger, were living in appalling conditions, often alone and amidst constant threats to their health, safety and well-being. UNICEF called on States to provide children born to their nationals with birth registration documents to prevent statelessness and to facilitate their voluntary and safe return to their parents' countries of origin.



Shamima Begum was deprived of her British nationality after she joined the Islamic state at the age of 15. In her arms, she is carrying her 3-week-old baby who has just died, (credit Jamie Wiseman/Daily Mail, 8 March 2019).





*The Independent Investigation Commission in Syria reports its findings to the thirty-eighth session of the Human Rights Council in Geneva (credit: United Nations, June 2018).*

***“This year’s report of the International Commission of Inquiry on Syria concludes that governmental forces committed crimes against humanity in the form of executions, rape or other forms of sexual violence, torture, imprisonment, enforced disappearance and other inhumane acts”.***



Tunisia's new president Kais Saïd takes the constitutional oath on 26 December 2019 (credit AFP, 2019).

# TUNISIA

## Our concerns

Inadequate protection of fundamental rights and freedoms in domestic legislation and persistence of past practices;

Permanent state of emergency facilitating violations of the fundamental rights and guarantees of individuals;

Impunity of perpetrators of past violations documented by the Truth and Dignity Commission.

This year, Tunisia has seen several major political events. For the second time since the adoption of its 2014 constitution, Tunisians voted in both legislative and presidential elections. The death of President Béji Caïd Essebsi on 25 July 2019 triggered early elections, the first round of which was set for 15 September. In this context, on 31 July, the President of the National Security Council, Mohamed Ennaceur, extended the state of emergency which was due to expire on 5 August.

The transitional justice process launched in 2012 to address the legacy of human rights violations committed before the revolution reached an important milestone this year. The [Truth and Dignity Commission](#) (TDC) published the outcome of its more than four years of work, presented in an eight volumes long report that includes



the information received by victims of violations of the former regime as well as the analysis of these violations and accountability of the perpetrators.

While the transitional process has brought to light human rights violations it has not been followed by criminal prosecution of the perpetrators of abuses or by security sector and judicial reform. These shortcomings have contributed to a return of past practices such as arbitrary arrests, torture and police violence, particularly in the context of the fight against terrorism and state of emergency management.

### **Restrictions on civil liberties and state of emergency**

Since 2011, several laws enshrining freedoms of association, peaceful assembly, expression and the press have been adopted to be incorporated into the 2014 Constitution. However, [Alkarama has stressed in its reports to UN bodies](#) that fundamental rights and freedoms in the country are still lacking a solid protection, commensurate with Tunisia's international commitments. These shortcomings are the result, on the one hand, of legislation that is still deficient in terms of the protection of fundamental rights and, on the other hand, of the resurgence of past practices encouraged by the lack of effective reforms of the security sector and by the perpetuation of the state of emergency.

The state of emergency, which came into force on 24 November 2015, has since been extended several times, most recently for six months on 31 July 2019. The state of emergency is currently governed by the 1978 presidential decree, which grants the Ministry of the Interior broad powers, including the right to restrict freedom of movement, suspend all strikes and demonstrations, prohibit and disperse all gatherings it considers to threaten public order, and place under house arrest any person whose activity is deemed to be dangerous to public security and order.

[Alkarama had stressed in its reports](#) that this measure, inherited from the former political system, is being used with no regard for proportionality and necessity criteria. It is also routinely invoked to prohibit and repress all peaceful gatherings. Following the [January 2017 visit](#) of the then Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Ben Emmerson, Tunisia undertook to reform its law on the state of emergency.



Tunisian President Béji Qaid Essebsi decided on Monday 3 June to extend the state of emergency during a meeting of the National Security Council at the Carthage Palace.



In November 2018, a new bill No. 91-2018, aiming at reforming the presidential decree of 1978, was presented by the Government to the Parliament.

On [26 August 2019](#), several United Nations experts, including the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, sent a communication to the Tunisian authorities raising several shortcomings in the new draft law. The first lies in the very definition of the circumstances in which a state of emergency could be proclaimed, namely “in the event of events of catastrophic gravity or in the event of imminent danger to public order and the security of persons, as well as to the institutions, property and vital interests of the State, in circumstances that cannot be resolved by ordinary measures and procedures”. The [UN experts considered](#) that the definition was too broad, giving the executive a wide margin of subjective assessment of what constitutes an emergency. Moreover, the experts stressed that the parliament played no oversight role in the government's decision to renew a state of emergency.

Furthermore, [the experts expressed concern](#) about the lack of adequate mechanisms for parliamentary or judicial checks and balances to ensure the protection of rights and freedoms by the judicial system. One of the most

problematic measure is the use of house arrest against persons suspected of undermining national security. The use of these measures of deprivation of liberty have been raised in [Alkarama's reports](#), particularly in that house arrest does not come under the control of the judge. However, the new draft law still does not provide for judicial control, which was noted by the experts who asked the authorities to remedy this deficiency.

Since 2011, many demonstrations have been suppressed by excessive use of force by the police. [Alkarama has noted](#) that, in practice, freedom of peaceful assembly is not guaranteed since it remains governed by a law established under the former regime. Alkarama has stressed the urgent need for the adoption of a new legal framework applicable to the maintenance of law and order in line with international standards. This is what the Tunisian authorities attempted to do this year with the presentation of a new bill on the right of peaceful assembly to replace Act No. 196-4 of 1969.

On [11 September 2019](#), the Special Rapporteur on the right to peaceful assembly and freedom of association sent a communication to the Government of Tunisia regarding this new draft law. The expert stressed that the law was excessive in that it imposed a general ban on “any gathering of persons on the public highway or in public places likely to disturb public

security”. This general prohibition was qualified by the expert as an “unacceptable restriction on the freedom of peaceful assembly”. The expert recalled that disproportionate limitations should be avoided. This provision is all the more problematic since the definition of “disturbance of public security” remains vague and therefore open to extensive interpretation by the authorities in prohibiting assemblies.



The Tunisian Minister of Justice meets with the UN Special Rapporteur on the Right of Peaceful Assembly and Association on 18 December 2018.

Lastly, the law provides that all gatherings must be notified in advance, otherwise they would become illegal and susceptible to dispersal by the security forces, irrespective of their peaceful character. According to the expert, this obligation contradicts international law, which makes freedom of peaceful assembly a right, not a privilege. Thus, it was recommended that Tunisia should ensure that all procedures constituting obstacles to the right of assembly are removed, including this system of prior notification. Likewise, assemblies should not be dispersed or punished simply for failure to give notice.

### **Transitional justice and inadequate prosecution and reparation measures for past violations**

On [28 February 2019](#), the Truth and Dignity Commission (TDC) submitted its 1,700-page final report, divided into eight volumes, to the parliament, bringing together the information accumulated since its establishment in 2013. The publication of this report shows the important work carried out by the TDC, while at the same time revealing the government's inability and lack of political will to follow up on the relevant recommendations of this body and, in particular, to prosecute the perpetrators of serious violations. Alkarama [had expressed its concern to UN bodies](#) regarding the limited resources granted to the TDC as well as the fact that it only had five years to shed light on violations that had been systematically committed over a period of nearly 60 years. In this regard, various United Nations bodies recommended that Tunisia provide the TDC with sufficient resources to enable it to carry out its mission effectively and ensure that complaints of torture and ill-treatment are transferred to an independent investigative authority.

However, the authorities have not announced any change in either the duration of the TDC's mandate or its budget, despite the fact that these shortcomings jeopardise the right to reparation of the many victims of

serious human rights violations committed during the former regime. [Alkarama therefore recalled](#) the obligation of the Tunisian authorities to adopt a reparation policy with clear and non-discriminatory criteria, and to guarantee the right of victims to initiate criminal legal proceedings.

Nevertheless, innovative measures have been taken by the TDC during its mandate. For example, on 16 July 2019, the TDC sent [memoranda](#) to the World Bank and the International Monetary Fund (IMF) requesting reparations for Tunisian victims of human rights violations. Indeed, the TDC analysis concluded that the two institutions “have imposed, through loan conditionalities and structural adjustment plans, inappropriate policies that were at the root of the serious violations following the popular uprisings in question”. Moreover, the report highlights the heavy burden of illegitimate debt held by the IMF, consisting of loans contracted by the Benali government for the sole purpose of personal enrichment of government members, Benali family members.

However, the voluminous TDC report now risks not being followed up with effects commensurate with the violations documented by the Commission. Admittedly, the Specialised Criminal Chambers (CCS), created in 2014 to judge cases of gross human rights violations, have been seized by the TDC for more than 173

cases. However, the trials before these Chambers had started in 2018 in a worrying atmosphere, in particular due to the authorities' refusal to guarantee security in the courtrooms of the CCS. [On 2 August 2019](#), several UN Special Procedures sent a joint letter to the Tunisian government regarding reforms undertaken by the government to end these trials. Indeed, in April 2019, the Ministry of Human Rights prepared and confidentially distributed to the Parliament a proposal to repeal the provisions of the 2013 Organic Law on Transitional Justice regarding the mandate of the CCS.



*The Truth and Dignity Commission team presents its report to the United Nations Development Programme (UNDP) in Tunis on 4 April 2019.*

In practical terms, this change means that the CCSs would be replaced by two new commissions: the “Reconciliation Body” and the “Settlement Body”. These two bodies, composed of members appointed by joint decision of the President of the Republic, the President of Parliament and the Prime Minister, would then receive all the files that the TDC had submitted to the CCSs. These bodies would then examine allegations of human rights violations and may issue a “certificate of reconciliation” to perpetrators of violations. Perpetrators



of abuses can then present these certificates to the Courts of Appeal to obtain “amnesty certificates” ending any past, current or future criminal proceedings, provided that the perpetrator apologises to the TDC. The [experts called on the authorities](#) to withdraw this proposal, which would reinforce impunity and, in their view, risk derailing the measures taken by Tunisia in favour of transitional justice to prevent the repetition of such violations in the future.



*Throwing light on the past: the Truth and Dignity Commission (TDC) began hearings of victims of past abuses from the end of 2013, (credit: TDC, archives).*

***“The Truth and Dignity Commission published the outcome of its more than four years of work presented in an eight volumes long report collecting and analysing information received by victims. This voluminous report now risks not being followed up with effects commensurate with the violations documented by the Commission”.***



Pope Francis signs Bin Zayed's pledge of tolerance in February 2019, in the presence of UAE Vice President Mohammed bin Rashid Al Maktoum and Abu Dhabi Crown Prince Mohammed bin Zayed in Abu Dhabi (Reuters).

# UNITED ARAB EMIRATES

## Our concerns

Repression of freedom of opinion and expression and reprisals against human rights defenders and peaceful dissidents;

Continued and systematic practice of torture to extract confessions during investigations and as a form of punishment;

Exportation of the systematic practice of enforced disappearance and torture to UAE-controlled theatres of operation in Yemen.

While the United Arab Emirates has declared 2019 the “year of tolerance” in a major media campaign targeting the Western world, the authorities have continued their policy of absolute intolerance towards those in the country who use their rights and freedoms peacefully. The resources used by the UAE in Orwellian marketing campaigns have succeeded, to a certain extent, in establishing the country as a privileged partner of the major Western powers.

Thus, while women and men who peacefully criticised the authorities were routinely arrested, and as independent UN experts documented cases of torture and rape in Emirati prisons and secret detention facilities in Yemen, prominent Western political



and religious figures, such as Pope Francis, responded to the UAE's call to participate in the "Year of Tolerance" festivities. Yet, Denmark's announcement to suspend arms sales to the UAE over its role in the humanitarian crisis in Yemen constitutes a harbinger of a growing awareness of the gravity of the violations committed by the Emirati authorities.

In April 2019, while the Yemeni Parliament was meeting for the first time since 2015, the UAE announced the withdrawal of most of their armed forces from theatres of hostilities against Houthis. However, this withdrawal was only partial, as the UAE simultaneously affirmed their intention to maintain its presence in the capital and the south of the country. In addition, the UAE continue to control the paramilitary forces active on the ground, in particular the "Security Belt" forces, known for their gross violations against civilians.

The situation regarding fundamental rights and civil liberties in the UAE has further deteriorated. Lawyers, teachers, human rights defenders, and anyone who criticises the authorities are systematically prosecuted for "undermining national security". All peaceful activists who had been arrested and sentenced in recent years by special courts remain imprisoned, with no prospect of release, despite numerous calls to this effect from

various UN bodies.

### **Suppression of freedom of opinion and expression as well as reprisals against human rights defenders and peaceful dissidents**

The UAE is still one of the world's worst countries for free expression according to the [Reporters Without Borders](#) press freedom index, which points to a combination of a lack of an independent press with a "hunt for dissident voices". From political activists of all leanings to human rights activists, those considered to be critical of the government are systematically arrested and prosecuted under the anti-terrorism law and/or other laws criminalising free expression. Furthermore, the lack of respect for fundamental legal safeguards for persons deprived of their liberties paved the way for the systematic practice of enforced disappearance and torture. The impunity with which these violations are committed undoubtedly indicates that such practices are sanctioned by the State at the highest level.

Under these circumstances, the situation of peaceful activists continues to deteriorate. In March 2019, prominent human rights defender [Ahmed Mansoor](#) began a hunger strike in protest against his arbitrary detention, following the confirmation on 31 December 2018 by the UAE Federal Supreme Court of his 10-year prison sentence. He was sentenced on



Human rights defender Ahmed Mansoor



Ahmed Mekkaoui

**“From political activists of all leanings to human rights activists, those considered to be critical of the government are systematically arrested and prosecuted under the anti-terrorism law and/or other laws criminalising free expression”.**

first instance in 2017 following an unfair trial, for his human rights activities, under the false pretext of “using social media to publish false information detrimental to national unity”. The serious violations suffered by Mr Mansoor [were brought to the attention](#) of the United Nations Secretary-General (UNSG) again this year in preparation for his annual report on reprisals against persons cooperating with the UN.

[The report submitted by Alkarama](#) on

1 May 2019 to the UNSG included several cases of reprisals in the UAE, pointing out that since 2013, the UAE is mentioned in each UNSG's annual report on reprisals. Alongside Ahmed Mansour, Alkarama has documented the reprisals against [Ahmed Ali Mekkaoui](#) and [Mohammed Shaker Az. Mekkaoui](#), a Lebanese citizen, was sentenced on 4 December 2016 by the UAE Federal Supreme Court to 15 years in prison based on confessions extracted under torture. Following the [decision of the UN Working Group on Arbitrary Detention](#) (WGAD) recognising the arbitrary nature of his detention and calling for his release, Al Arabi TV station broadcasted a video segment on his case. The segment also featured interviews with the victim's sister and his lawyer. In reprisal, Mekkaoui was placed in solitary confinement in an underground cell with no natural light. In addition, in March 2019, the Emirati Public Prosecutor's Office initiated new legal proceedings against Mekkaoui, his sister, his nephew and his lawyer,



Lawyer Mohamed El Roken



accusing them of “false statements and incitement against the UAE” based on their television interviews and a Facebook page advocating for his release.

**“The impunity with which violations enforced disappearance torture and ill-treatment are committed undoubtedly indicates that such practices are sanctioned by the State at the highest level”.**

Lastly, conditions of detention of prisoners of conscience in the UAE are increasingly being used as an additional form of reprisal and punishment. Consequently, in addition to the arbitrary nature of the deprivation of liberty, inhumane conditions of detention endanger the physical and psychological health of victims. From being placed in a confinement cell with

no natural light for long periods, to sleep deprivation, as well as physical and verbal abuse, the denial of medical care adds up to their mistreatment. The cases of lawyer [Mohamed Al Roken](#) and humanitarian aid worker [Alia Abdulnoor](#) illustrate these systematic and deliberate practices.

On 13 November 2019, around thirty human rights organisations and individuals, including Alkarama, [issued a joint statement](#) urging the UAE government to release Dr Al-Roken immediately and unconditionally. The lawyer, [a recipient of the Alkarama Award for Human Rights Defenders](#), has remained arbitrarily detained since 2012 for peacefully exercising his rights to freedom of expression and association. In particular, he was accused of defending the fundamental rights of his clients, themselves prisoners of conscience, before the courts of exception. Despite [repeated calls by international human rights mechanisms](#) for his release, Dr Al-Roken remains detained in cruel and inhuman



conditions in Al-Razeen prison in Abu Dhabi. He is regularly subjected to arbitrary disciplinary measures such as solitary confinement, deprivation of family visits and random body searches. In [July 2019](#), the WGAD, together with several UN independent experts, sent a communication to the Emirati government raising the inhuman conditions of detention imposed on the lawyer.

On 12 February 2019, [several independent UN experts issued an urgent appeal](#) to the UAE regarding the case of Ms Alia Abdunour. The 39-year-old Emirian humanitarian activist had been arbitrarily detained since July 2015, accused of financing terrorism after she helped raise funds for needy Syrian families in the UAE and Syria. Already suffering from an advanced form of breast cancer, she was subjected to violence, humiliation and threats during six months of secret detention in solitary confinement. [During this time](#), she was placed in a narrow cell without windows or a mattress, stripped naked, blindfolded and tied with iron chains. She was subjected to daily videotaped interrogations in these conditions. At the end of these interrogations, she was forced to sign a written confession, which was used as the sole basis for her sentencing in 2017 to 15 years' imprisonment.

In November 2018, her terminal breast cancer had spread to other parts of her

body during her detention due to lack of medical care. She was then transferred by prison authorities to Abu Dhabi's Mafraq Hospital, but the hospital lacked the equipment to provide her with appropriate palliative treatment. Instead of receiving necessary medical care, she was chained to her bed, kept in a windowless room, under armed guard and sedated to prevent her from protesting against her lack of adequate medical treatment. In January 2019, Ms Abdunour's family submitted an application to the Attorney General for her release on the basis of Federal Law No. 43 of 1992, which grants power to the Attorney General to release a detainee whose health and life are threatened by an illness. Despite this request and [other appeals from UN experts](#), she was not released and did not receive appropriate medical care. She died on 4 May 2019, chained to her bed deprived of adequate palliative care and denied family visits.

***Exportation abroad of the systematic practice of torture, enforced disappearance and arbitrary detention***

The practice of enforced disappearance and torture by the Emirati authorities is not limited to its territory. Since 2015 and the start of UAE-led military operations in coalition with Saudi Arabia in Yemen, the UAE with their paramilitary forces have been responsible for large-scale summary

executions, enforced disappearances, systematic torture in detention, as well as recurrent rape of civilian women and children. Indeed, the UAE has effective control over several military and paramilitary forces responsible for these violations, including the “Security Belt”, created by the UAE in 2015 and presented as an “anti-terrorism” force. Although it officially acts under the command of the Yemeni Minister of the Interior, the Yemeni government claims that its operations have been outside its control since its formation. Indeed, since their creation, these forces have remained under the exclusive effective control of the UAE, which trains, arms, finances and determines their operational missions.

In their 2019 report, the UN Independent Experts on Yemen stated that the UAE and the Security Belt forces committed violations targeting dissidents, apparently to consolidate their authority in the South. These findings reinforce the expert group's findings, dating back to 2017, of a series of arbitrary detentions, threats and attacks against journalists, human rights defenders and journalists, both male and female, who had been critical of the UAE, the Southern Transitional Council or the Security Belt forces, or were perceived to be pro-Al-Islah. The experts also report that between May 2018 and June 2019, at least seven activists and journalists who had documented and publicised detention abuses attributable to the UAE were

abducted, arbitrarily detained and tortured by the Security Belt forces.

The expert group also stated that the UAE and the Security Belt Forces are responsible for more than 10 assassinations of opponents they investigated and that they characterised as arbitrary deprivation of lives. The experts' investigations covered some 100 cases of assassinations committed by the Security Belt Forces in Yemen against civilians whom the UAE regards as “enemies”, including actual or suspected members of Al Islah. Such a declaration means that individual criminal responsibility for the war crime of murder can be criminally investigated and prosecuted. Such prosecutions would concern both the members of the Security Belt responsible for the commission of the murders as well as any individual with command responsibility within the UAE authorities.

The experts also documented the systematic use by the Security Belt forces of sexual violence against women and children as well as detainees to terrorise and punish civilian populations. Based on investigations conducted between 2016 and May 2018, the Group of Experts on Yemen found that the United Arab Emirates operates a network of unofficial places of detention, including facilities known as “Bir Ahmed I”, “Bir Ahmed II”, facilities at the Al Bureiqa coalition base and

the Al Rayyan coalition airbase in Hadramaut governorate. The Group has also found that since their establishment, arbitrary detention and torture, including sexual violence, have occurred at these facilities. The experts documented at least 12 cases of rape of men and boys in these detention facilities, as well as other sexual assaults and forced nudity. In all documented cases, sexual violence was intended to humiliate detainees, to force them to confess or to accept missions to assassinate opponents.



Entrance of a United Arab Emirates informal detention facility in Yemen, guarded by Security Belt forces.

Furthermore, the [Group of Experts continues to document the rape of civilian women and children](#) by security belt forces that have been carried out against some communities in Aden since 2016. Indeed, those working with communities in Aden, as well as victims and witnesses, have reported continued and widespread aggressive behaviour by the security belt forces towards residents of certain neighbourhoods in Aden to terrorise civilians. In addition to terrorising, the purpose of these rapes and threats of rape is also to extort money from the families of the

victims or to force opponents to surrender. Between 2016 and 2019, the experts were able to document the rape of at least 18 women, four 12-year-old boys and one girl by the Security belt forces, as well as the rape of two boys, the attempted rape of a girl and the sexual assault of a boy by the UAE-supported 35th Brigade, along with the abduction of six women. The rapes, most often gang rapes, committed by these forces against women and children take place during night-time house raids or following abductions of their victims in the streets.

These numbers represent only the cases that could be documented, with the actual figure being much higher. To the stigma attached to such violence, silencing many of the victims, is added the fact that Security Belt forces threaten survivors with death if they make statements or file complaints about the violence they have suffered. The impunity in which these forces commit such violations has particularly struck observers who have documented the cases reported by the experts. The repeated requests made by the Group of Experts to meet with representatives of the United Arab Emirates since September 2018 remain unanswered.





*A unit of "Security belt" militias, financed, trained, supported, and controlled by the United Arab Emirates since their inception (2019).*

***“Since 2015 and the start of UAE-led military operations in coalition with Saudi Arabia in Yemen, the UAE with their paramilitary forces have been responsible for large-scale summary executions, systematic enforced disappearances, torture in detention, as well as recurrent rape of civilian women and children”.***



Yemeni girls protest during International Children's Day outside of UN offices in Sana'a (credit: Reuters, 20 November 2019).

## YEMEN

### Our concerns

Gross violations of international humanitarian and human rights law by all parties to the conflict, including foreign actors;

Unprecedented humanitarian crisis, aggravated by the blockade imposed by the Saudi coalition and by the restrictions and diversion of humanitarian aid by the Houthi forces;

Continued, systematic and widespread practice of arbitrary detention, enforced disappearance and torture by all parties;

Impunity of perpetrators of human rights violations, war crimes and crimes against humanity.

The humanitarian and human rights situation in the country has continued to deteriorate significantly this year as a result of serious and systematic violations committed by all parties to the conflict. Since 2015, the conflict has pitted Houthi forces against the Yemeni Government supported by the Saudi-led coalition. According to the [Yemeni Data Project](#), the conflict has left at least 9,746 civilians injured and 8,677 dead, with 20,947 coalition strikes counted to date. In addition to considerable civilian casualties, the conflict has also resulted in widespread destruction of civilian infrastructure, including hospitals and schools. Combined with the blockade imposed by the Saudi-led coalition, and the denial of humanitarian access by the Houthi forces, the armed conflict produced the largest humanitarian



crisis in the world. In the midst of the conflict, the United States maintained its drone campaign against suspected members of al-Qaida and conducted joint raids with the United Arab Emirates (UAE).



Children look at graves previously dug for the burial of victims of the coalition bombing in Sa'ada Governorate, Yemen. (Credit: Reuters/Neve Rahma, August 2018).

The ceasefire agreement in the Hodeida region signed in [Stockholm in December 2018](#) has been violated several times and the humanitarian situation remains dire. [According to OHCHR](#), Yemeni civilians, including children, are more vulnerable today than at any time since March 2015. [Figures as of March 2019](#) indicate that more than 24 million individuals need humanitarian assistance, including 14.3 million in an emergency situation. More than 2 million children suffer from malnutrition, of whom 360,000 are severely malnourished.



Yemeni Foreign Minister Khaled al-Yamani (left) and the head of Ansar Allah Mohamed Abdel Salam's delegation (right) at the end of the Stockholm consultations.

On 23 January 2019, Yemen's human rights record was reviewed by UN Member States during the third cycle of the [Universal Periodic Review](#) (UPR), during which 88 UN Member States made a total of 252 recommendations on a wide range of issues. These included the grave humanitarian situation in the country, as well as the systematic use of arbitrary detention, enforced disappearances and torture committed by the various parties to the conflict. These [issues were addressed by Alkarama in its alternative report](#) submitted to the Human Rights Council as part of the 3rd cycle of Yemen's UPR.

### **Violations of humanitarian law in the context of the armed conflict and impunity of perpetrators**

Since the beginning of the armed conflict, violations of international humanitarian law (IHL) have been committed by all parties to the conflict, resulting in a large number of civilian casualties. Contributing to the high number of civilian casualties is the constant disregard for the principles of distinction, proportionality and precaution in attacks. In practice, civilians hardly ever receive advance warning before attacks to allow them to take cover. The Saudi Arabia-led coalition has regularly carried out air strikes that deliberately targeted civilians, including on residential areas, markets, schools and hospitals. These gross violations of international humanitarian law may amount to war crimes and crimes against humanity.





A coalition plane bombed a populated area in Yemen.



A Yemeni girl is pulled from the rubble following a coalition air strike, (2019).



Watch video

***“The Saudi Arabia-led coalition has regularly carried out air strikes that deliberately targeted civilians, while at the same time the Houthis carried out indiscriminate bombing campaigns against densely populated areas. Such gross violations amount to war crimes and crimes against humanity”.***

At the same time, the Houthi - as well as their affiliated forces - also carried out indiscriminate bombing campaigns against densely populated civilian areas and medical facilities. Civilians were directly targeted by snipers positioned in areas under the control of the People's Committees. In addition, the coalition reportedly used different types of prohibited cluster munitions, while anti-personnel landmines were used by the Houthi and pro-Saleh

forces alike, killing and maiming civilians, including a large number of children.

According to [UN figures released in June 2019](#), at least 1,689 children have been killed as a result of ground fighting and other attacks in Yemen. In his [December 2019 report on the situation of children in armed conflict](#), the UN Secretary-General said more children had been killed this year, mainly due to increased air strikes, but also due to ground fighting, improvised explosive devices, landmines and explosive remnants of war.

These multiple violations continue to be perpetrated in a climate of impunity that has benefited all parties to the conflict. The National Commission of Inquiry (NCI) established in 2015 to investigate human rights violations committed by all parties to the conflict suffers from a lack of impartiality and independence. In fact, the NCI was set up by the Yemeni Government, which is itself a party to the conflict.



Thousands of mines were laid during the fighting between government forces and Houthi fighters in fields where children play and farmers work (credit:MSF)



Cholera-infected Yemenis receiving treatment at a hospital in Sana, Yemen, (credit: Yahya Arhab/European Press photo Agency, 2019)

Furthermore, the NCI lacks a mechanism to effectively hold the perpetrators of violations accountable. Consequently, OHCHR [has reiterated its calls for the establishment of an international commission](#) of inquiry to effectively conduct independent and impartial investigations into violations perpetrated by all parties to the conflict.

**More children have been killed this year, mainly due to increased air strikes, but also to ground fighting, improvised explosive devices, landmines and explosive remnants of war.**

Moreover, the already dire situation of the civilian population has dramatically worsened as a result of the sieges and blockades imposed by the various

parties to the conflict. The number of health facilities as well as the quality of services continued to decline, while the incidence of preventable diseases increased. OHCHR estimates that nearly 300 health facilities have been damaged or destroyed, and that less than half of the remaining health facilities remain fully operational. These facilities face severe shortages of medicines, equipment and staff. At the same time, the import restrictions imposed by the coalition, including the closure of Sana's airport, are contributing significantly to further shortages of basic commodities for food, health and education. In addition to the constraints imposed by the Saudi coalition forces, Houthi forces have also imposed restrictions, particularly in Ta'izz, preventing the delivery of humanitarian aid to a region already affected by air strikes.

[In its September 2019 report](#), the Group of Experts on Yemen claimed having been informed of the unpunished theft of more than 570 food baskets destined for the needy within Ta'izz.



Humanitarian aid is sold on a public market in Aden, (credit: Nariman Al-Mufti / AFP, July 2018).

These restrictions particularly affect the most vulnerable populations.

Accordingly, in his [December 2019 report on children in armed conflict](#), the UN Secretary-General reported that in January 2019, in the districts of Qatabir and Munabbih, in the governorate of Sa'ada, The Houthis had prevented the distribution of food aid that the UN intended for nearly 2,000 children under the age of 2 years and more than 5,000 pregnant or nursing women.

[During Yemen's UPR](#), and echoing Alkarama's concerns, some countries urged the Yemeni government to ensure the protection of civilians in accordance with its obligations under international humanitarian law. This includes immediate, full and unhindered access for humanitarian supplies and personnel to all parts of the country. In addition, the Yemeni authorities were reminded of their obligations under international human rights and humanitarian law, in particular by taking precautions to protect civilians and ensuring the delivery of humanitarian assistance.

## Violations of the right to liberty and enforced disappearances

In 2019, Alkarama continued to receive information confirming that mass arbitrary arrests, enforced disappearances and torture remain widespread in the country. Such practices are carried out by all parties to the conflict, in violation of the rules of international law. Arbitrary detentions follow the same pattern: victims are arrested without a warrant and without being informed of the charges against them. They are then held incommunicado without access to legal assistance and without being brought before a judge for a prolonged period of time. Enforced disappearances have also remained widespread in the country for decades, and the fate and whereabouts of many individuals remain unknown to this day.



Muhammad Askar, Yemeni Minister for Human Rights at the Universal Periodic Review at the UN Human Rights Council on 23/01/2019.





Yemeni journalist and human rights defender Bassim Al-Jenini denounces violations by Houthi fighters in Hodeidah.

Once again, this year, both the Houthi forces and the Yemeni government, the United Arab Emirates (UAE) and Saudi Arabia have arbitrarily detained many individuals, including children, tortured detainees and abducted or forcibly disappeared individuals perceived to be opponents. In addition, in detention centres run by the various warring parties, conditions of detention are of great concern, and overcrowding, malnutrition as well as lack of medical care are prevalent. [In its September 2019 report](#) detailing the results of its investigation into violations in the country, the Group of Experts on Yemen stated that the United Arab Emirates and private actors under its control operate a network of unofficial detention centres in coalition facilities, including in the governorate of Hadramaut. The group also found that arbitrary detention and torture, including sexual violence, occur in these facilities.

Lastly, journalists, human rights defenders and political opponents continue to be targeted in an attempt to suppress criticism of violations committed by the parties to the conflict

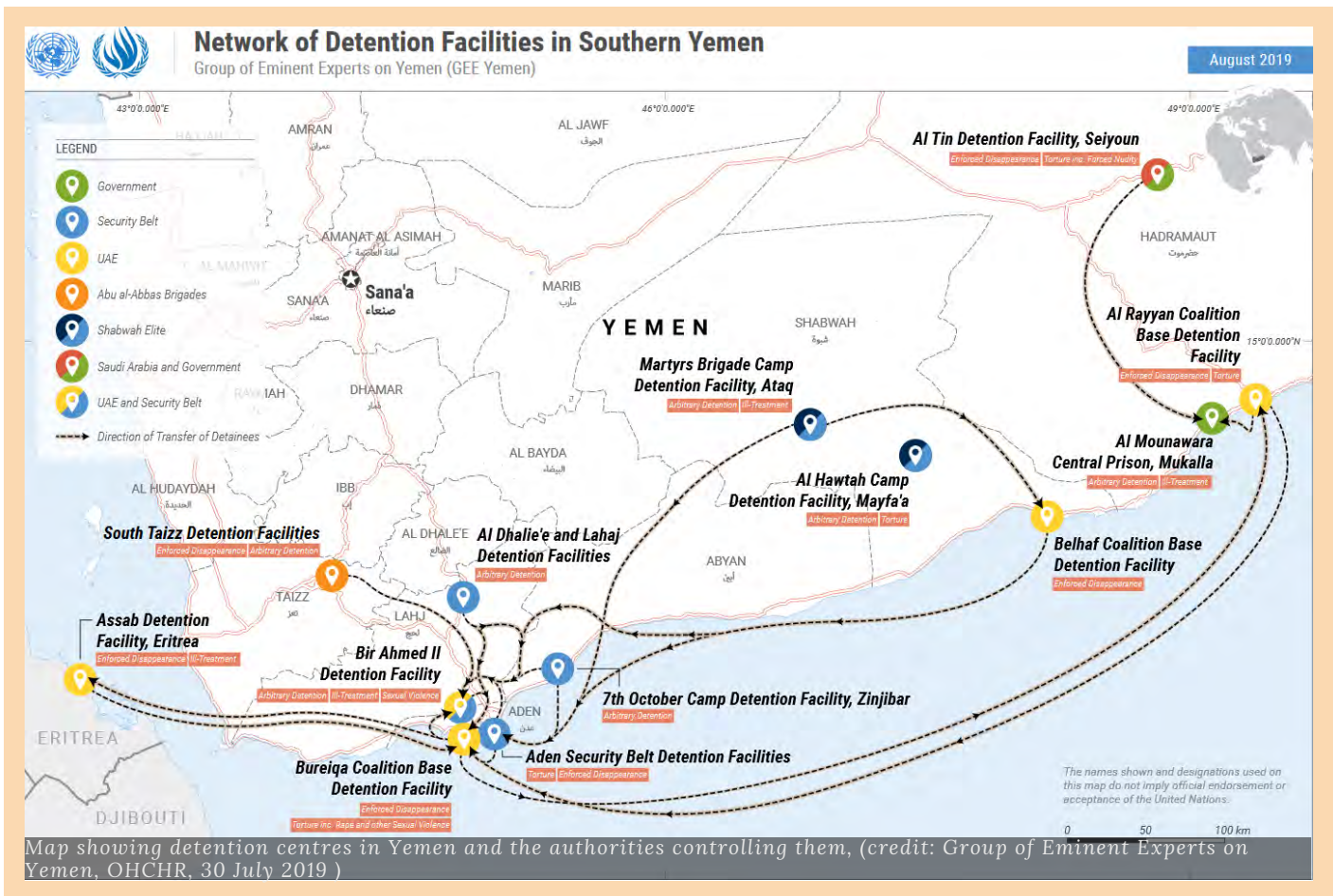
and any form of dissent.

**Once again, this year, both the Houthi forces and the Yemeni government, the United Arab Emirates and Saudi Arabia have arbitrarily detained many individuals, including children, tortured detainees and forcibly disappeared or even executed individuals perceived to be opponents.**

[During the UPR in January 2019](#), Alkarama stressed that peaceful activists remain regularly victims of arbitrary detention, enforced disappearances or extrajudicial executions by both Houthi and pro-government forces. Furthermore, no investigations have been launched into [reports](#) indicating that the UAE has carried out targeted assassination programs against dozens of political activists and religious figures considered to oppose the UAE.



A demonstration in Aden in 2017 to demand justice for the prisoners with lawyer Hoda Al Sarari, who unveiled the UAE-run network of secret prisons in southern Yemen and won the prestigious Martin Ennals Award for Human Rights.



These programs were implemented through the use of foreign mercenaries including former officers of the United States Army, who were given a rank by the UAE in order to grant them military status and protection.

In [September 2019](#), the [Group of Experts on Yemen](#) issued a report which, in their view, established a “collective failure and collective responsibility” with regard to the humanitarian and human rights situation in the country. The Experts denounced the fact that, to date, none of the perpetrators of violations of human rights and international humanitarian law have been brought to justice.

Moreover, no possibility of redress and reparation is available to the victims. During [Yemen's UPR](#), many States recommended that the Yemeni Government actively cooperate with the international community to investigate violations of human rights and international humanitarian law, including with the Group of experts.





*Kamel Jendoubi, Chairperson of the Group of Eminent Experts on Yemen, informs the media on the publication of its report on the establishment of facts and circumstances surrounding alleged violations and abuses committed by all parties to the conflict in Yemen, (credit UN).*

***“In its September 2019 report, the Group of Experts on Yemen denounced a “collective failure and collective responsibility” regarding the humanitarian and human rights situation in the country. To date, none of the perpetrators of violations of human rights and humanitarian law have been brought to justice, and no redress or reparation is available to victims”.***