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CHALLENGING REPRESSION

HUMAN RIGHTS DEFENDERS IN THE
MIDDLE EAST AND NORTH AFRICA

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GLOSSARY

AHRLA	Association for Human Rights and Legal Aid
AISPP	Association internationale de soutien aux prisonniers politiques (International Association for the Support of Political Prisoners)
AMDH	Association Marocaine des Droits Humains (Moroccan Association for Human Rights)
ASVDH	Association Sahraouie des Victimes des Violations Graves commises par l'Etat Marocain (Association of Victims of Grave Human Rights Violations Committed by the Moroccan State)
Arab League	League of Arab States
DDDNC	Damascus Declaration for Democratic National Change
Declaration, the	UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms
EU	European Union
FIS	Front Islamique du Salut (Islamic Salvation Front)
GCC	Gulf Cooperation Council
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICFTU	International Confederation of Free Trade Unions
ILO	International Labour Organization
NGO	non-governmental organization
OPT	Occupied Palestinian Territories
SJT	Syndicat des Journalistes Tunisiens (Union of Tunisian Journalists)
Special Representative	Special Representative of the UN Secretary-General on Human Rights Defenders
SSSC	Supreme State Security Court (in Syria)
UAE	United Arab Emirates
UDHR	Universal Declaration of Human Rights
UNRWA	UN Relief and Works Agency for Palestine Refugees in the Near East

1/INTRODUCTION

Most state authorities in the Middle East and North Africa are hostile towards human rights defenders. National laws and actions by state agents seek to silence their voices, penalize their activities, and intimidate them into passivity. Rather than heralding their crucial role in promoting and defending universal – civil, political, economic, social and cultural – human rights, officials label these brave individuals as “subversives”, “traitors”, “trouble makers” and “collaborators with foreign entities”. This attitude has dire consequences for human rights defenders themselves and obstructs the realization of human rights generally for people across the region.

The very existence and activities of human rights defenders are premised on the enjoyment of rights, such as the rights to freedom of expression, association and assembly. In the countries of the Middle East and North Africa, however, these rights are curtailed or denied altogether. As a result, across the region activists are suffering violations of the very rights they are trying to defend.

Some of the human rights organizations established in the region to promote freedom of association and other fundamental rights have been raided and closed down by the authorities, and their members have been threatened and prosecuted. Meanwhile, activists and journalists who seek to publicize human rights abuses face an array of repressive measures intended to silence them for exercising their right to freedom of expression. Lawyers who try to uphold the rights of their clients not to be tortured or arbitrarily detained, to have access to legal counsel and to receive fair trials, often themselves face similar abuses. People who demonstrate peacefully in support of demands for improved rights for women, workers and minority communities risk arrest, imprisonment, beatings or even assassination by government security forces simply for exercising their right to freedom of assembly.

In the face of this continuing repression, however, human rights defenders remain active all across the Middle East and North Africa region, even in countries experiencing acute conflict or repression. Despite all the vicissitudes and obstacles standing in their way, they continue to make significant impact and help bring about much-needed change. Indeed, their commitment to universal human rights and their experiences in pursuit of these, some of which are included in this report, are nothing short of inspiring – and they demonstrate vividly the need for urgent action to protect their rights.

For example, Hana Abdi, a young Kurdish women’s rights defender in Iran, is in jail there simply because of her human rights work. Kamal al-Labwani, a pro-democracy

activist, is set to remain in a Syrian prison until 2023 for voicing his beliefs. Fathi el-Jahmi, a government critic, is incarcerated in a psychiatric hospital in Libya despite a medical report that contradicted a court's ruling that he was mentally unfit. Louisa Saker was heavily fined for taking part in a march demanding truth and justice for the families of thousands of people who were never seen again after their arrest in Algeria in the 1990s. Dr Matrouk al-Faleh, an academic and human rights activist, is once again behind bars in Saudi Arabia for writing about the persecution of other human rights defenders. Taiba al-Mawali, a human rights activist in Oman, spent six months in prison after she sent messages by phone and on the internet about an unfair trial. Saleh Kamrani, an Azerbaijani minority rights activist and lawyer in Iran, has been abducted from his office, imprisoned, banned from working as a lawyer, and repeatedly arrested. Musaad Suliman Hassan, a novelist and defender of the rights of Bedouins in Egypt, remains in jail despite several court orders for his release.

Amnesty International is publishing this report in order to draw attention to and express its support for the courageous defiance of repression by these and many other human rights defenders in the Middle East and North Africa, and to encourage them in their work to protect and promote human rights. Using numerous case examples, it examines how the rights crucial to human rights defenders that are guaranteed under international human rights treaties and in most Constitutions and national laws are denied or restricted by other legislation, including emergency and anti-terrorism legislation.

After reviewing the range of human rights violations suffered by human rights defenders, the report looks at certain categories of activists who are among those most targeted: media and legal professionals, women's rights defenders, trade unionists, and those who promote the rights of cultural and religious minorities. The report also examines the dire circumstances facing human rights defenders in the context of armed conflict, looking at the situations in Iraq and in Israel and the Occupied Palestinian Territories (OPT). The report ends with a series of recommendations to governments as well as national, regional and international actors aimed at protecting human rights defenders and promoting their work.

DR MATROUK AL-FALEH, Dr Abdullah al-Hamid and writer Ali al-Damayni were among 11 academics and intellectuals arrested in Saudi Arabia on 15 March 2004 after they delivered a petition to the government signed by more than 100 intellectuals. The petition called for political reforms, criticized the government-appointed National Human Rights Society and said they planned to set up their own independent human rights committee. After the three men refused to sign a pledge not to repeat such criticism, they were sentenced in a closed session after an unfair trial in May 2005 to between six and nine years in prison on charges that included "sowing dissent and disobeying the ruler", engaging in acts that, among other things, "justified terrorism"

and “encouraged violence and incited civil disturbance”. They were granted a royal pardon in August 2005 by Saudi Arabia’s Head of State, King Abdullah Bin ‘Abdul ‘Aziz Al-Saud.

On 19 May 2008 Dr Matrouk al-Faleh was arrested again, two days after the publication of an article he had written following a visit to al-Buraida prison in north Riyadh. In the article he referred to the brothers Dr Abdullah and Issa al-Hamid, who were arrested during a demonstration in July 2007 by women calling for their relatives, who are political detainees, to be charged and given fair trials or else released. The brothers were sentenced to six and four months’ imprisonment respectively for “incitement to protest” and were being held at al-Buraida prison at the time of the visit; both have since been released after serving their sentences. At the time of writing this report in mid-November 2008, Dr Matrouk al-Faleh was still being detained, had not been given access to a lawyer or legal advice, and had only limited access to his family.



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HUMAN RIGHTS DEFENDERS

Since its inception, Amnesty International has worked with and for human rights defenders around the world. Supporting the rights of these activists is one of the most important ways to ensure that the promise of the Universal Declaration of Human Rights (UDHR) and other documents of international law becomes reality.

The UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (the Declaration) was adopted by the UN General Assembly on 9 December 1998. Since then, the term “human rights defender” has been increasingly used to describe people who act in many different ways and capacities to protect and promote human rights.

Some defenders work against particular abuses, such as torture or forced eviction. Others work for the rights of specific groups or sectors of the population facing discrimination and disadvantage, such as Indigenous Peoples, ethnic or religious minorities, rural women, street children, and lesbian, gay, bisexual and transgender people.

For all their diversity, human rights defenders have several characteristics in common. All uphold the fundamental principle of universality – that all human beings are equal in dignity and rights, regardless of gender, race, ethnicity or any other status. All are committed to respecting the rights and freedoms of others in their own actions.

KAMAL AL-LABWANI, a pro-democracy activist in Syria, is serving a 15-year prison sentence imposed after a series of grossly unfair court proceedings. He was arrested



in November 2005 on his return to Damascus after spending several months in Europe and the USA on a human rights-related tour. On 11 May 2007, when he had already spent 18 months in prison, the Damascus Criminal Court sentenced him to 12 years' imprisonment for "scheming with a foreign country, or communicating with one with the aim of causing it to attack Syria", an accusation that he strongly denies. He was sentenced to a further three years in prison in April 2008 for "broadcasting false or exaggerated news which would affect the morale of the country".

The Declaration along with other supporting documents defines human rights defenders as "people who, individually or with others, act to promote or protect human rights".¹ Human rights defenders are thus distinguished by their activities to promote and protect human rights more than by their identity or status. Human rights defenders could be those who collect and disseminate information on human rights violations, such as journalists, researchers and bloggers. They could be individuals working in support of democratic accountability and an end to corruption and abuse of power. They could be people supporting victims of human rights abuses or demanding justice for them. They could see their main task as educating others about human rights and how, in practice, to access them.

Whatever they are doing, human rights defenders are affected by their environment. The Declaration enumerates some of the rights that are particularly relevant to their work. These include the rights to freedom of association, assembly and expression; the right to seek, obtain, receive and hold human rights-related information; the right to complain about official policies and acts related to human rights; and the right to unhindered access to, and communication with, non-governmental organizations (NGOs) and intergovernmental organizations. These rights are enshrined in legally binding international instruments, such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

The Declaration also places a prime responsibility and duty on states to:

*"protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice."*²

In 2000, a Special Representative on Human Rights Defenders (Special Representative) of the UN Secretary-General was appointed to "report on the situation of human rights defenders in all parts of the world and on possible means to enhance

their protection in full compliance with the Declaration”.³ In 2008 the mandate of the Special Representative was extended and changed into a Special Rapporteur.⁴ The Special Rapporteur monitors the situation of human rights defenders around the world, issues urgent appeals to state authorities to stop or prevent a violation, carries out in-country visits, takes part in promotional workshops and other activities, and reports periodically to the UN Human Rights Council and the UN General Assembly.

The only country visit undertaken to the Middle East and North Africa region by the Special Rapporteur to date was to Israel and the OPT, in October 2005. The Special Rapporteur’s repeated requests to visit Egypt and Tunisia have received no response from the two countries’ governments. The Iraq government invited the Special Rapporteur to visit but security conditions in Iraq have made this impossible up to now. The Iranian authorities have issued a standing invitation to all special procedures of the (former) Commission on Human Rights, but as yet no date has been set for a visit by the Special Rapporteur.

Some regional multilateral organizations in other parts of the world have recognized the importance of human rights defenders, notably through the adoption of resolutions or guidelines. For example, in June 2004 the European Union (EU) adopted guidelines on human rights defenders, providing “practical suggestions for enhancing EU action” in relation to human rights defenders.⁵ In the Middle East and North Africa, however, human rights defenders have received little or no official recognition, reflecting the long-standing and deep-rooted opposition of most states in the region to the Declaration.

Member states of the Arab League were among the states who obstructed the 13-year drafting process and, after the formal adoption of the Declaration, comprised almost half⁶ of the 26 states that submitted an “interpretative declaration”. Submitted by Egypt on behalf of the 26, this sought to undermine the Declaration, stressing that “the rights and obligations” it stipulates should be exercised “in full conformity with domestic law”.⁷ The 26 states said they did not feel bound by the Declaration and that “any interpretation that creates rights and obligations not provided for by domestic laws does not correspond to [their] understanding”.⁸ They also stressed that “the advocacy of new human rights ideas and principles should be done in conformity with domestic law”;⁹ that individuals or groups could only lodge complaints to international mechanisms after they had exhausted local remedies; and that defenders could only solicit, receive and utilize resources in “conformity with domestic law”.¹⁰

A year after the Declaration’s adoption, 55 states called on the UN Secretary-General to consider “appropriate ways for the effective promotion and implementation of the Declaration”, such as through the appointment of a special rapporteur or representative. Not one of these states was in the Middle East and North Africa region.

Referring specifically to the Middle East and North Africa region, the Special Representative expressed concern in 2006 at the:

*“apparent trend that legislation has become more restrictive and the policing of demonstrations become more violent, and that security considerations are used as the explicit pretext for adopting new legislation or harsher measures against defenders in many countries around the world. The worst affected by these new laws or regulations seem to be pro-democracy activists and those organizing or taking part in peaceful public action asserting their right to independence or self-determination”.*¹¹

The repression and silencing of human rights defenders in the Middle East and North Africa should be seen in this context – a deep-rooted hostility to activists by most governments.

Saleh Kamrani, a lawyer and advocate of the rights of Iran’s Azerbaijani minority, was a victim of enforced disappearance after he was abducted from his office in June 2006. He reappeared in Evin Prison in Tehran, where he was held for more than three months in solitary confinement. Charged with “propaganda against the state” in connection with his political and human rights activities on behalf of the Azerbaijani community, and accused of contacting Amnesty International and other human rights organizations, he was sentenced to one year’s imprisonment and denied the right to work as a lawyer. He was rearrested in August 2007 and again detained for four months in Evin Prison for reasons that remain unclear but which may also have related to his human rights work.

Unsurprisingly, in view of the opposition to the Declaration expressed by a majority of Arab League member states, the revised Arab Charter on Human Rights makes no reference to human rights defenders and the importance of their work and seeks to limit the rights to freedom of opinion, expression and information by requiring that they be exercised “in conformity with the fundamental values of society”.¹² By contrast, in June 2004 the African Commission on Human and Peoples’ Rights adopted a resolution on human rights defenders and appointed a special rapporteur.¹³

In a welcome step, the Arab League has recently started granting observer status to civil society organizations, although such organizations must be legally registered and operate in accordance with domestic laws. As yet, independent human rights organizations, many of which are denied legal registration by their national governments, have been unable to obtain such observer status and so contribute directly to the work of the Arab League.

2/POLITICAL CONTEXT

Human rights defenders in the Middle East and North Africa operate in a region in which governments and other state authorities generally fail to respect their obligations under international human rights law and are intolerant of dissent. In most countries, weak legislatures and judicial systems that lack independence fail to act as an effective balance against and constrain excessively strong executive powers. Rights and freedoms established under international law and often recognized and apparently protected under national laws, in practice are not respected and those in power fail to assume their responsibilities to take the necessary administrative, legislative and other measures to ensure the fullest possible enjoyment of rights by the people within their jurisdiction. They also fail to ensure that human rights violations are investigated and punished, and that victims receive effective remedy. In some countries, human rights violations are so widespread and systemic that the enjoyment of virtually all rights is curtailed. In such an environment, the persistent work of human rights defenders is vitally important.

Despite this environment and the repression, the human rights movement in the region has grown and increasingly found its voice. The persistence of activists to combat human rights violations has in many instances led to change, albeit limited, and has paved the way to creating a region in which the promises set out in the UDHR could be finally fulfilled.

In some countries, there have been notable gains. In **Kuwait**, for example, human rights awareness has grown, sparked by the abuses which occurred during the 1990-91 conflict that followed the country's invasion by Iraq. Groups such as the Kuwait Human Rights Society have worked to ensure greater adherence to the rule of law and observance of human rights standards, and NGOs, although still required to register under the law, now are able to do so more easily.¹⁴

Such efforts have encouraged the government to commit to include human rights education into schools' curricula and have helped prompt others to take action. For example, families of Kuwaitis detained by US authorities in Guantánamo Bay, Cuba, have actively campaigned for the release of their relatives and have participated in human rights events in the region.¹⁵ Moreover, Kuwaiti human rights activists have increasingly given attention to abuses that impact on the large foreign migrant labour community, which provoked unrest notably among workers from Bangladesh in July/August 2008. Media workers formed the first independent union of journalists in the Gulf in July 2008.



© Campaign for Equality

A woman signs a petition demanding reform of laws discriminating against women in Iran.

Meanwhile, the growing confidence of the women's rights movement in the late 1990s saw the emergence of NGOs dedicated to promoting women's equality. Women mounted repeated legal challenges and staged numerous demonstrations before winning the right to vote. The work done by defenders contributed to Kuwaiti women achieving the right to vote and to stand in elections for the first time in 2005. Women now are able to vote and have a voice in choosing their government, and some women have been appointed to senior posts. Much still remains to be done, as Kuwait still has laws that discriminate against women, including in relation to

property, nationality rights and inheritance, but valuable gains have been made. These accomplishments cannot be left unrecognized.

The women's movement in **Iran**, including the Campaign for Equality, has been working tirelessly to overturn aspects of legislation which discriminate against women. In May 2008, the Majles (parliament) passed a bill equalizing compensation payments from insurance companies for men and women injured in road traffic accidents. Also in mid-2008, women lobbied successfully for two controversial articles relating to marriage to be removed from a draft Family Protection Law under discussion by the Majles. One article had removed the requirement for men to seek the approval of their first wife before taking a second, and the other had imposed a tax on the *mehrieh*, or marriage portion, which is contracted to a woman on marriage, although, in practice, most women never receive any actual payment. Women's rights defenders in Iran still face huge challenges and constant state repression, but they continue, undaunted, to make their voices heard.

Generally, women human rights defenders in the Gulf region have been successful in breaking the silence regarding gender-based discrimination and violence, which have in the past been taboo issues in their societies. Their activism has increased the prominence of these issues and put them firmly on the agenda of several states. For example, the United Arab Emirates (UAE) acceded to the Convention on the Elimination of All Forms of Discrimination against Women in 2004.

In **Iraq**, human rights defenders have also achieved notable successes in the face of almost insuperable odds as the country continues to be wracked by conflict. Recently, the parliament approved a law, to be ratified by the President, to establish

an independent human rights commission. Human rights defenders in Iraq had been calling for an independent commission to replace the Ministry of Human Rights in order to allow the involvement of civil society representatives in actively promoting and protecting human rights for all. Also, the Kurdistan Regional Government amended the personal status law to include more progressive clauses. The active lobbying and campaigning of women's rights defenders in Iraq has contributed to such developments.

In **Bahrain**, several human rights NGOs have been established. Some organizations, especially the banned Bahrain Centre for Human Rights and the Bahrain Society for Human Rights, as well as several women's rights groups, have made a key contribution to the promotion and protection of human rights in the country, by campaigning for the rights of women and migrant workers, and against human trafficking. They have also monitored, documented and campaigned against human rights violations, including arbitrary arrest and detention, torture and unfair trials. Some of these organizations are members of the global Coalition for the International Criminal Court.

The Bahrain Centre for Human Rights took part in several campaigning activities for the release of detainees, including Bahraini nationals, held for many years without charge or trial in Guantánamo Bay. Bahraini human rights defenders successfully lobbied their government to ratify international human rights treaties and they have provided alternative, unofficial "shadow" reports to different UN bodies when the government's implementation of its human rights obligations was to be examined. Such activities, together with pressure and lobbying from international human rights organizations and others, have encouraged the Bahraini government to take a number of positive steps. These include acceding to the ICCPR in 2006 and the ICESCR in 2007, as well as committing to implement numerous recommendations made following consideration of Bahrain's human rights record by the UN Human Rights Council under its Universal Periodic Review in 2008.

In **Qatar**, the Human Rights Committee, even though established by the government, continues to raise cases involving human rights violations with the authorities, and has organized training for law enforcement officials in co-operation with the human rights department at the Ministry of the Interior. The Geneva-based Qatari organization al-Karama has also played a leading role in raising and documenting cases of human rights violations in the Gulf region, and continues to bring relevant cases to the attention of UN human rights mechanisms.

The authorities in **Saudi Arabia** have sponsored the establishment of two official human rights bodies, the National Human Rights Commission and the National Human Rights Society, which have increased the visibility of human rights. In August 2008, the former urged the government to end the practice of child marriage and in

September announced that it would open a women's branch in the capital Riyadh to investigate abuses against women and children. Previously, it appears to have been instrumental in preparing the government's report to the UN Committee on the Elimination of Discrimination against Women in January 2008, enabling greater discussion of the many severe forms of discrimination faced by women in the Kingdom. Following this, the government agreed that the UN Special Rapporteur on violence against women, its causes and consequences should be allowed to visit Saudi Arabia in February 2008.

Meanwhile, the Saudi Arabian Human Rights Society has reported receiving hundreds of cases of domestic violence, convened discussions about violence against women and in its first human rights report in 2007 said it had conducted visits to prisons in Saudi Arabia. Its second human rights report is yet to be published.

A third organization, the Human Rights First Society, was formed in 2002. It has yet to become fully registered under the law, but it disseminates human rights information, so contributing to greater awareness of human rights among people in Saudi Arabia.

In North Africa, human rights defenders continue to be active and have witnessed several successes. For example, in **Egypt** human rights defenders have been working relentlessly to combat torture, and offer free legal advice to victims of torture. This has helped challenge the culture of impunity. Some police officers have been brought to justice and received prison sentences. Among the organizations are the Association for Human Rights and Legal Aid (AHRLA), the Egyptian Organization for Human Rights, the Hisham Mubarak Law Centre, as well as the Nadim Centre for the Management and Rehabilitation of Victims of Violence, which also provides free medical and psychological rehabilitation for victims of torture.

Bloggers in Egypt have been instrumental in exposing torture and other ill-treatment in police stations. They have posted several videos, taken on mobile phones, of torture and other ill-treatment. One striking example was the video taken of Emad al-Kabir being raped using a stick while in an interrogation room. The two police officers responsible were arrested after the video was posted on the internet. With the concerted efforts of lawyers, journalists and bloggers, the court sentenced the two police officers in November 2007 to three years in prison.

As a result of their work in exposing human rights violations, some organizations in Egypt have been targeted. However, these organizations have resisted attempts by the authorities to obstruct their work or simply close them down. Most recently, in October 2008, AHRLA won a case before the Administrative Court to allow it to open again after it was dissolved in September 2007 (see p23). Similarly, in March 2008, the Centre for Trade Union and Workers' Services won a case that allows it to register

as an NGO and resume giving advice and support to workers about their rights. The Centre had appealed before the Administrative Court against a government decision to close it down in April 2007 and the refusal to register it on spurious security grounds.

Even in conflict areas, human rights defenders have played a vital role. For example, Israeli and Palestinian human rights organizations have been working together litigating cases before the Israeli Supreme Court. The process is long, complicated and frustrating. Cases can drag on for years and the result is too often predictably negative. However, there have been successes. In 1999, the Israeli Supreme Court, as a result of the many cases filed by Israeli and Palestinian human rights defenders, issued a landmark ruling which effectively outlawed the use of torture by Israeli forces.

More recently, human rights defenders have filed dozens of petitions in the Israeli Supreme Court to stop the 700km wall which the Israeli army is building mostly on illegally confiscated Palestinian land inside the West Bank. Although in most cases the Supreme Court has backed the unlawful actions of the army, in some cases it has ordered a re-routing of the wall. The first such partial success was in July 2004 and there have been others since.

Israeli and international human rights defenders have also played a crucial role in protecting Palestinian villagers in isolated rural areas in the Occupied West Bank from attacks by Israeli settlers. The presence of these defenders has discouraged Israeli settlers from attacking Palestinian villagers and their property and allowed villagers to access their land. In cases where attacks by Israeli settlers have been particularly vicious and relentless, Palestinian villagers would not have been able to remain in their villages without the presence of these human rights defenders. Moreover, an NGO project that distributed dozens of cameras to Palestinian villagers all over the OPT has empowered the isolated rural communities to stand up to abuses. Video footage taken by villagers of Israeli settlers and soldiers committing grave abuses against Palestinians has helped to expose the abuses and reduce to some extent the blanket impunity generally enjoyed by Israeli settlers and soldiers.

Israeli and Palestinian human rights defenders have also initiated legal proceedings in European countries against senior Israeli army officials for grave human rights abuses committed by Israeli soldiers in the OPT. In some cases, arrest warrants have been secured. Even though no arrests or trials have yet resulted, they have conveyed a powerful message to army officials that the era of impunity may be coming to an end. Several senior army officials have cancelled trips to Europe because of the arrest warrants.

These and other positive developments cannot, however, overshadow the persistent lack of fundamental freedoms in the Middle East and North Africa region as a whole,

as well as the widespread crackdown on those seen to be critics of the state. To a large extent, any moves towards tolerance of criticism by civil society have been symbolic and unaccompanied by structural modifications.

In **Morocco**, for example, the human rights community enjoys relative freedom and the Arab world's first truth commission (the Equity and Reconciliation Commission) was created to shed light on more than four decades of abuses – enforced disappearances, arbitrary detention and other grave human rights violations – between 1956 and 1999. However, human rights defenders in Western Sahara, which Morocco annexed in 1975,¹⁶ face continuing repression. The political sensitivity surrounding the question of Western Sahara, which the Moroccan authorities contend is an integral part of Morocco, make discussion of its status a taboo. It is not only those Sahrawi who advocate for self-determination and independence who are liable to be arrested, detained or imprisoned, but also the human rights defenders who stand up for their rights and who monitor and report on the violations to which they are exposed at the hands of Moroccan security forces.

In **Algeria**, the human rights community has been weakened by continuing harassment and pressure from the authorities. Journalists who criticize government policies or actions are prosecuted for defamation and other criminal offences. In 2006 the government introduced amnesty measures ostensibly to bring closure to the internal conflict that ravaged the country in the 1990s and in which tens of thousands of people were killed or disappeared. While extending immunity against prosecution to many perpetrators of gross abuses, the amnesty measures prescribed imprisonment for anyone – be they victims or their families, human rights defenders, journalists or others – who should be convicted of documenting, protesting against or denouncing the conduct of the security forces during the internal conflict.

In **Tunisia**, human rights defenders have come under increasingly diverse forms of harassment by state authorities, including intensive surveillance of their offices and homes and interference and blocking of telephone lines, internet access and email communication.

Egypt's human rights community is active and vibrant but continues to be impeded by the restrictive 2002 Law on Associations and in other ways. Activists operate under the threat that their organizations may be closed down by the state without any judicial decision or that they could be imprisoned if they receive funds from abroad without prior state permission.

When significant political reform has seemed to be imminent, all too often hopes have been quickly dashed. For example, in **Syria** the so-called Damascus Spring of 2001 was a brief period in which longstanding restrictions on freedom of expression and association were eased following the accession to power of President Bashar

RENEWED CRACKDOWN IN SYRIA

Nearly 50 members of the pro-democracy umbrella group, Damascus Declaration for Democratic National Change (DDDNC), were arrested in connection with a meeting that took place on 1 December 2007 to elect the DDDNC leadership. Thirty-four were released without charge, but 12 remained in detention and were tried before the Damascus Criminal Court on charges of “broadcasting false or exaggerated news which would affect the morale of the country”, “weakening national sentiment”, “forming an organization with the purpose of changing the economic or social status of the state” and “inciting racial or sectarian strife”. Following an unfair trial, the court found the 12 defendants guilty and on 29 October 2008 sentenced each to two and half years in prison. Another man, Kamal al-Mwayel, was arrested in February 2008 and released seven months later.

One of the 12, Ali al-Abdullah, had been transferred on 21 June 2008 to solitary confinement in an underground cell, where he was forced to spend a week. This was in punishment for failing to stand up when a prison officer passed by. As further punishment, he was then moved to an isolated part of the prison, known as Section 13, where conditions are very poor and prisoners have to sleep on the floor. He continues to be denied adequate medical treatment for an injury to his ear sustained during his interrogation by state security officers.

Also among the 12 are Fayez Sarah, a writer and journalist known for his peaceful advocacy of reform in Syria; and **RIAD SEIF** (*pictured*), a former independent member of the Syrian People’s Assembly (parliament) who was previously imprisoned for his pro-democracy activities. Riad Seif has advanced prostate cancer and requires specialist treatment only available outside Syria, but the authorities have repeatedly denied him permission to leave the country to obtain such treatment.



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al-Assad. Debate about the need for reform briefly flourished, only to be all but extinguished by a new round of repression in which dozens of pro-democracy advocates and human rights defenders were detained. Most were released, but eight were sentenced to prison terms of up to 10 years, and there were renewed arrests in 2006 of signatories of the Beirut-Damascus Declaration, a petition signed by some 300 Syrian and Lebanese nationals calling for the normalization of relations between their two countries. Again, most of the detainees were released but three leading figures, Anwar al-Bunni, Michel Kilo and Mahmoud ‘Issa, were sentenced to prison terms of up to five years and two others were sentenced in their absence to 10 years in prison. State employees who had signed the petition were dismissed without explanation from government ministries. Since then, the Syrian authorities have continued to clamp down on government critics (see box).

Across the region, power continues to be concentrated in the executive branch of government, often strengthened by an intelligence apparatus not accountable to the legislature or to the public but only to the Head of State. Executive interference in and manipulation of the other institutions of the state, including the judiciary, is common. Thus, in countries such as Egypt, Iran, Jordan, Lebanon, Iraq, Libya, Oman and Syria, exceptional courts exist, including military and security courts, which are used to try civilians in blatant disregard for international fair trial standards. In some cases, human rights defenders have been among those prosecuted before such courts.

In several countries, the authorities maintain strict controls on freedom of expression and prohibit and criminalize discussion or reporting of issues deemed to conflict with the official ideology or to be unpatriotic or otherwise challenging to those in authority. In **Syria**, no political party is permitted to exist legally outside the National Progressive Front that includes the ruling Socialist Ba'ath Party. The government maintains tight controls on all criticism and dissent, using powers under the state of emergency and martial law that have been in force continuously for some 45 years.

In **Libya**, any perceived criticism of the principles of the al-Fateh Revolution of 1 September 1969, which brought Colonel Mu'ammar al-Gaddafi to power, is likely to be punished. Several provisions in the Penal Code severely restrict freedom of expression. Article 178, for instance, prescribes life imprisonment for the vague offence of dissemination of information considered to "tarnish [the country's] reputation or undermine confidence in it abroad". Any group activity based on a political ideology opposed to the principles of the al-Fateh Revolution is criminalized by Law No. 71 of 1972 on the Criminalization of Parties. Article 3 provides for the death penalty for forming, joining, financing or supporting such groups, and for "encouraging that by whatever means".

A climate of fear and repression prevails in **Iran**. The security forces, led by the Ministry of Intelligence and the Judiciary, have maintained a concerted attack on civil society. This has involved official vilification of critics and those calling for change, and harassment and arrests of human rights defenders. In April 2007, Minister of Intelligence Gholam Hossein Eje'i publicly accused the women's rights and student movements of being part of an enemy conspiracy to bring about a "soft subversion" of the Islamic Republic – a charge both groups roundly reject. Since then, NGOs that receive assistance from international donors, such as the Dutch organization Hivos, have been closed down and their directors and workers have been questioned by the security authorities.

Adding to these problems, the Middle East and North Africa region has also been particularly affected by the US-led "war on terror", sparked by the attacks in the USA on 11 September 2001. Many states in the region have invoked the fight

against terrorism as a justification for maintaining, even intensifying long-standing powers and practices used to stifle criticism and dissent, restrict civil and political freedoms, and abuse human rights with impunity. In several states, new counter-terrorism legislation has been promulgated that further curtails human rights and across the region the impact of the “war on terror” has had a negative impact on the development of civil society and the role of human rights defenders. At least as yet, the latter have generally not been targeted under states’ new anti-terror policies and legislation, but the use of these measures against those suspected of posing a threat, including mass arrests, detentions and deportations, and further sidelining of the rule of law, have created an even more hostile environment for human rights defenders.

3/OPPRESSIVE LAWS

The rights to freedom of expression, association and assembly are basic prerequisites for the activities of human rights defenders. These fundamental rights are enshrined in the Declaration, the UDHR, the ICCPR¹⁷ and the ICESCR,¹⁸ and are binding on the states who are party to these treaties, who are legally obligated to implement them. This includes all states in the Middle East and North Africa region with the exception of four Gulf countries – Oman, Qatar, Saudi Arabia and the UAE – that are not party to either the ICCPR or the ICESCR. Even so, as freedom of expression, association and assembly are recognized in the UDHR and form part of customary international law, all states are bound to uphold these rights.

The rights to freedom of expression, association and assembly are also enshrined in the Constitutions or basic laws of most states in the Middle East and North Africa, but are often qualified by being made applicable “within the limits of the law”, a formula which, in practice, is used to undercut them. Most states maintain a barrage of national laws that specifically undermine these rights, including penal codes, emergency and anti-terrorism laws, as well as laws on the press and trades unions and other bodies which restrict their activities, often at pain of penal sanctions. Many of the provisions breach the international obligations of states and the Declaration.

Under Articles 19, 21 and 22 of the ICCPR, no restrictions may be placed on the exercise of the rights to freedom of expression, association and assembly other than those that are imposed in conformity with the law in the interests of national security or public safety, or public order (*ordre public*), or the protection of public health or morals, or the protection of the rights and freedoms of others. Articles 21 and 22 add that any such restrictions must be necessary in a democratic society.

Most states that have limited these freedoms have failed to comply with these requirements and have applied restrictions far more widely than the terms of international law allow, in order to curtail legitimate expression, prevent legal association and prohibit or disrupt peaceful assemblies – though often this is done under the pretext of maintaining public order. According to the Special Representative, administrative measures employed to “restrict or prohibit the freedom of assembly are in many instances imposed without serious consideration or relevance to genuine concerns relating to security, public safety or order, etc”.¹⁹ The Special Representative has recalled that human rights defenders can only be subjected to limitations regarding “statements or actions that, by definition, are incompatible with the status of human rights defenders”, such as the advocacy of

CRIMINALIZATION OF HUMAN RIGHTS ACTIVITIES

Throughout the region, human rights defenders incur the wrath of the authorities for denouncing human rights abuses, criticizing state policies and practices, or exposing the lack of respect for civil, political, economic, social and cultural rights. Most authorities do not tolerate such criticism. Human rights defenders are often charged with offences such as “insult”, “slander”, “dissemination of false information” and “anti-state propaganda”. Some have been sentenced to prison terms on charges of “spreading anti-state propaganda”, “endangering the integrity of the state” or “defaming state officials” simply for carrying out their daily human rights work.

violence.²⁰ Yet, paradoxically, activists who have called for dialogue, peace, negotiations and respect for the rule of law are among those who have been incarcerated.

The Human Rights Committee, which oversees implementation of the ICCPR, has stated that, “when a State party imposes certain restrictions on the exercise of freedom of expression, these may not put in jeopardy the right itself”.²¹ While Articles 19, 21 and 22 allow for the imposition of restrictions, it is clear from the wording of these articles that any such restriction must be narrowly drawn. In particular, it must meet a three-part test: it must be provided by law; it must address one of the specified legitimate purposes; and it must be justified as being necessary for that purpose. While the legitimate purposes for such restrictions include respect of the rights of others, and international law also prohibits incitement to national, racial or religious hatred or violence, this does not mean that international law permits restrictions on the expression of opinions or beliefs simply because they diverge from the opinions held by others or the policies of the state.

Noting that various international bodies have condemned the use of custodial sanctions to punish defamatory statements and other peaceful expression,²² the UN Special Rapporteur on freedom of expression called in 2003 for criminal defamation laws to be repealed and replaced by civil laws in order that sanctions for defamation should not be so severe as to exert a chilling effect on freedom of opinion and expression.²³

The Declaration explicitly emphasizes the right of human rights defenders to “submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning”.²⁴ The previous Special Representative stressed the central role of criticism of the state as a legitimate tool to promote respect for human rights and said that the rights to freedom of expression and association must be understood to include “the protection of freedom of association for human rights organizations whose work may offend the government, including organizations that criticize policies, publicize human rights violations

perpetrated by authorities, or question the existing legal and constitutional framework”.²⁵ The Special Representative also made clear that it is “the vocation of human rights defenders to examine government action critically”.²⁶

In the states of the Middle East and North Africa, numerous provisions exist in ordinary, exceptional or counter-terrorism legislation that criminalize criticism of state policies and practices by creating vague offences such as “encouraging hatred of the state”, “distributing falsehood and rumours”, “slander” or “insulting the head of the state”. This arsenal of restrictive national laws has the effect of both limiting the rights of human rights defenders and stifling their legitimate activities. In several states, the laws and the way they are interpreted effectively prevent even the existence of independent human rights NGOs; in others, where such organizations do exist, repressive laws are used to harass and intimidate their members.

The effects of such provisions are often compounded by extraordinary or counter-terrorism legislation that criminalizes acts that were legal under ordinary laws. As the Special Representative previously noted:

*“Governments’ reliance on national security laws when reacting to exposure or criticism of their human rights practices is one of the major factors threatening the safety of defenders and hampering their contribution to the promotion and protection of human rights nationally and internationally”.*²⁷

ORDINARY LEGISLATION

National legislation often invokes the “security” or “integrity” of the state to delegitimize dissent or criticism of government policies or practices. The criminalization of expression can be easily used to muzzle human rights defenders on a variety of topics, such as lack of independence of the judiciary and violations of civil rights. Criminal laws are often used in conjunction with other laws, such as press and publications laws, or laws regulating associations, to try to silence human rights defenders.

In a few cases, the rights to freedom of association and assembly are severely undermined by national law. Article 610 of Iran’s Penal Code, for example, provides that “any combination of two or more persons can be declared an unlawful society and any speech, publication or activity on behalf of, or in support of such a combination is illegal and punishable with imprisonment involving an obligation to perform labour”.²⁸

In **Iran**, the authorities can draw on at least nine laws, many of which are vague and overlapping, to penalize criticism or alleged insult or defamation of state officials

and others. At least one other law criminalizes dissemination of “false information”. Various Penal Code articles proscribe “criticism” of others, “propaganda against the state”, “[colluding] to commit or facilitate a non-violent offence against internal or external security of the nation”, and “insulting others, such as using foul language or indecent words”,²⁹ without clearly defining these terms, although all are punishable with imprisonment. Criticism of a wide range of state officials in connection with their professional duties can be punished by up to six months’ imprisonment for “insult”.³⁰ In practice, the provisions have been used to detain and sentence human rights defenders, journalists and intellectuals who have peacefully expressed their opinions in writing or in public statements.

Hana Abdi, 21, a Kurdish minority activist and women’s rights defender in Iran, was sentenced in June 2008 to a maximum five-year prison term, to be served at a prison several hundred kilometres from her home. She was convicted of “gathering and colluding to commit a crime against national security”. The authorities accused her of belonging to a Kurdish armed group, but Amnesty International considers that the real reason for her imprisonment is her involvement in promoting greater rights for women and the Kurdish minority in Iran. She is a member of two NGOs promoting women’s rights in Iran: the Campaign for Equality and the affiliated Azar Mehr Women’s Organization of Sanandaj. Her sentence was reduced to 18 months on appeal and the time she already served in prison will be taken into account as part of her sentence. She is now imprisoned closer to her home and due to be released in May 2009.

In **Bahrain**, human rights defenders can be prosecuted under provisions of the Penal Code that forbid acts such as “encouraging hatred of the state”, “distributing falsehood and rumours”, “insulting the judiciary” and “broadcasting abroad false information or statements or rumours about the internal affairs of the country...”³¹

Abdul Hadi al-Khawaja, former executive director of the Bahrain Centre for Human Rights, closed by order of the Labour and Social Affairs Ministry in September 2004, was sentenced in November 2004 to one year in prison on charges that included “inciting hatred” and accusing the authorities of corruption, under provisions in the Penal Code. He was released after being pardoned by the King of Bahrain.

In **Libya**, human rights defenders cannot operate openly³² and national law is used to prevent the establishment of independent human rights organizations.³³ The penalties are extremely severe: membership of an organization that “promotes

theories and principles that aim at changing the principles of the basic constitution or basic system of society or to overthrow the political, social or economic system of the state”³⁴ is punishable by death.

Such repressive provisions were maintained in the 2004 draft of a new Penal Code,³⁵ which provides for the death penalty for anybody who calls for the establishment, establishes or joins an organization that “is against the great revolution in purpose and means”.³⁶ In this context, it remains acutely difficult – indeed, dangerous – for anyone to carry out independent human rights work, as history shows. Efforts to form an independent human rights committee in 1997 were prevented by the authorities and in 1998 a committee formed by lawyers belonging to the Bar Association was forced to cease its activities after it published a report on human rights in Libya. More recently, in February 2008 a group of lawyers, journalists and writers abandoned their attempt to form a new NGO to disseminate “democratic values and human rights and the rule of law in Libya” when the authorities refused to allow it official registration.

In **Syria**, any peaceful acts or expression deemed critical of the authorities can be suppressed under a legislative decree that penalizes opposition to the socialist system or state, and criminalizes “opposition to the actualization of unity between Arab nations or to any of the revolution’s objectives or their obstruction through carrying out demonstrations, assemblies, riots, or incitement to these acts; or by dissemination of false news with the aim of creating uncertainty and shaking the confidence of the masses in the objectives of the revolution”.³⁷ These offences can be punished by sentences ranging from imprisonment with hard labour to death. Similarly, trade unions, social and professional organizations, although allowed by the Constitution, are obliged to “contribute to building a socialist Arab society and defending its system”.³⁸

The right to freedom of assembly, notionally guaranteed in the Syrian Constitution,³⁹ is severely curtailed by other laws, notably the State of Emergency Law (see below) and the Penal Code.

In a number of countries, the right to freedom of expression is also subordinated to the obligation to respect religious principles. These legal requirements are formulated in vague terms and can be interpreted in a variety of ways, allowing for the suppression of legitimate criticism of state policies.

In Iran, for instance, while the Constitution allows public gatherings and demonstrations, as well as the creation of parties, societies and political or professional associations, they are required to respect the “principle of independence, freedom, national unity, the criteria of Islam or the basis of the Islamic Republic”.⁴⁰

In some countries, even when the Constitution guarantees the right to freedom of association, national laws that regulate the establishment of new organizations and associations severely restrict this right, notably through obstructive administrative procedures. These force NGOs to divert limited resources away from their substantive activities in order to ensure their survival. The registration process of NGOs in many cases is both time-consuming and subject to various forms of official interference which leaves NGOs at risk of enforced closure, even after years in which they have built up a well-established reputation for the quality of their work in promoting and defending human rights.

In August 2006, the Iranian Interior Ministry attempted to ban the Centre for Human Rights Defenders, co-founded by human rights lawyer and 2003 Nobel Peace Laureate SHIRIN EBADI. Its activities were declared illegal and the authorities announced that “violators” were to be prosecuted. The Centre had submitted documentation regarding its founding in 2002 but had not received a response, despite regulations that oblige the Interior Ministry to respond to applications within three months. For six years, the Centre and its members have been harassed and intimidated by state authorities. In September 2006, the Interior Ministry said a permit would be issued “if changes were made to the [Centre’s] mission statement”. The Centre has continued to operate.



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Authorities in the region have used many pretexts to refuse to register human rights NGOs and some exclude “political” topics from the ambit of NGO activities.

In **Egypt**, the 2002 Law on Associations required all of Egypt’s civil society organizations to register with the Ministry within a year of its introduction; directors of organizations that failed to do so would face up to one year’s imprisonment. The law forbids associations from getting involved in “unauthorized” activities, such as “engaging in political or union activities, reserved for political parties and syndicates”. What constitutes “political activities”, however, is vague and can be subject to a range of interpretations, opening the way for the law to be used against human rights defenders. For example, it could be used potentially against activists who promote constitutional, political or legal changes, such as broader political representation, an end to the state of emergency, an independent judiciary or enhanced adherence to international human rights instruments. In 2007, the Egyptian authorities proposed amendments to the law, purportedly for security reasons, which human rights organizations fear might impose further restrictions and control on their activities through increased administrative measures.

The Law on Associations also grants the Ministry of Social Solidarity, not the courts, the right to disband any NGO deemed to perform “unauthorized” activities, enabling the government to exert unwarranted control over the operations of NGOs.

NGOs have faced obstacles when seeking to obtain legal status from the Ministry. Some organizations have been granted registration, but many others have been refused without adequate explanation. For example, the Ministry turned down the application of the Egyptian Association against Torture – a decision which was later upheld by an administrative court. The Ministry also turned down the application for registration of the Egyptian Initiative for Personal Rights, but this refusal was later overturned on appeal by an administrative court.

In 2002, the Human Rights Committee expressed concern over “the restrictions placed by Egyptian legislation and practice on the foundation of non-governmental organizations and the activities of such organizations such as efforts to secure foreign funding, which require prior approval from the authorities on pain of criminal penalties (article 22 of the Covenant).” The Committee recommended that Egypt “should review its legislation and practice in order to enable non-governmental organizations to discharge their functions without impediments which are inconsistent with the provisions of article 22 of the Covenant, such as prior authorization, funding controls and administrative dissolution.”⁴¹

In **Bahrain** too, the Ministry of Social Affairs⁴² is empowered to reject the registration of an organization on many and various grounds. Several human rights NGOs have been denied registration, apparently because they were perceived by the government to be too closely associated with a Shi’a radical opposition group, Haq, although other organizations have been permitted.

In **Tunisia**, independent human rights NGOs are required to register by law but the authorities systematically block such applications.⁴³ Organizations that are not legally recognized are barred from seeking official authorization to hold public events or rent venues for such events, or from seeking funds to support their work. Their activities can be criminalized, with their officials and members open to charges of taking part in an unauthorized meeting or belonging to an illegal organization.

Under Tunisia’s Law on Associations, once an NGO has filed an application it may operate freely while the authorities process the application. If the application has not been rejected within 90 days, the NGO is automatically registered. In practice, however, the authorities block the registration of independent human rights NGOs by refusing to accept their application or provide a receipt as evidence that it has been received. Sometimes, police physically prevent members of new NGOs from entering the offices of the governorate to deliver the application, and officials are unwilling to take the forms from them. Without a receipt, NGOs are unable to counter the government’s assertions that they have not applied to register. As a result, the organizations are effectively prevented from operating legally. Leading independent human rights organizations have been denied registration through these means.⁴⁴

In some states, the authorities seek to paralyse NGO activities by imposing severe restrictions and cumbersome procedures on their fundraising capacities. In **Egypt**, for example, the Law on Associations prescribes arrest and detention for up to six months for any director of an organization that receives foreign funds or donations without prior approval from the Ministry of Social Solidarity.

The Declaration affirms the right of everyone “individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means”.⁴⁵ The Special Representative stressed that governments “must allow access by human rights defenders, in particular NGOs, to foreign funding as a part of international co-operation, to which civil society is entitled to the same extent as governments. The only legitimate requirement imposed on defenders should be those in the interest of transparency.”⁴⁶

The Association for Human Rights and Legal Aid in Egypt was dissolved in September 2007 for receiving foreign funds without permission from the Ministry of Social Solidarity. The authorities took this action, it appears, because of AHRLA's work with victims of torture and exposure of human rights violations in Egypt. AHRLA had provided legal advice to and representation in court for alleged victims of police torture. AHRLA appealed to the Administrative Court and on 26 October 2008, the court rescinded the government's decision to dissolve the association after finding the government's decision to be legally groundless.

In **Iran**, few human rights organizations dare to accept foreign funds for fear of being accused of contacts with or support for “hostile foreign organizations”, “espionage”, or “acting against the state security”, even though obtaining foreign funding is not explicitly banned. NGOs that have received foreign funding have been labelled “agents of imperialism”, a stigmatization condemned by the Special Representative.⁴⁷ In January 2006, the Ministry of the Interior was reportedly compiling a list of NGOs – some of which had received support from the office of former President Khatami – that had allegedly received financial support from “problematic internal and external sources aimed at overthrowing the system”, in order to restrict their activities.

Several states have recently passed or are considering legislation that further restricts the rights to freedom of expression, association and assembly. In **Bahrain**, the Law on Public Meetings, Processions and Gatherings (the Bahraini Gatherings Code), adopted in July 2006, seriously restricts the rights to freedom of association and assembly. The Code requires prior notification of public meetings that are defined as “every meeting held in a public or private place participated [in] by individuals who

do not have [a] personal invitation”.⁴⁸ The Code imposes penalties, including imprisonment, for speech-related conduct where there is no threat of or incitement to violence or hatred. It also bans demonstrations for election purposes and restricts freedom of assembly to Bahraini citizens.

In **Jordan**, the proposed new Public Gathering Assembly Law and the Societies Law were endorsed by the Upper House in mid-2008 and are awaiting approval of the King. Both laws would continue to impose restrictions on the right to freedom of assembly. The Societies Law would also expand the government’s control over organizations. Unless amended by the King, the Societies Law will require NGOs to seek governmental approval to receive certain donations and will allow the authorities to demand to see an NGO’s work plans, shut down an NGO for minor infractions, and appoint a state employee to serve as temporary president of the NGO in question.

The Public Gathering Assembly Law, which has been endorsed by the parliament, would introduce some improvements, such as allowing NGOs to hold their general assembly meetings without prior state approval. However, it requires individuals planning to hold public gatherings to first obtain the administrative governor’s permission. The governor has the authority to end or disperse meetings or rallies by force if they contravene the objectives for which they had been approved.

EMERGENCY LEGISLATION

A number of countries have adopted emergency legislation that drastically restricts the rights to freedom of expression, association and assembly. International law recognizes that state authorities may declare a state of emergency during a “public emergency that threatens the life of the nation”,⁴⁹ but this extreme measure must be limited “to the extent strictly required by the exigencies of the situation”, notably in terms of duration, material scope of the state of emergency and measures of derogation resorted to.⁵⁰

The authorities in both **Syria** and **Egypt** have blatantly disregarded this requirement and have maintained national states of emergency for excessive periods: since 1963 in Syria and, with a short exception, since 1967 in Egypt.⁵¹ Both have adopted emergency laws in a quasi-permanent way to curtail legitimate rights in contravention of their Constitutions and international law, including the ICCPR to which both states are party. The Human Rights Committee has expressed deep concern at such prolonged states of emergency and has called on Egypt to “consider reviewing the need to maintain [it]”⁵² and on Syria to formally lift it “as soon as possible”.⁵³

Even if the imposition of a state of emergency was justified, human rights defenders should still be able to operate despite the permissible restriction of certain activities.

As the Special Representative has stated, legitimate limits “may be placed on the exercise of rights in a state of emergency. However, human rights activity in itself cannot be suspended, whatever the exigencies of a situation may be”.⁵⁴

The detrimental effects of emergency legislation are almost always aggravated by other restrictive laws or decrees, in particular legislation that severely curtails the rights to freedom of the press and of assembly, and by the prosecution of defendants before special courts whose proceedings fail to respect fair trial guarantees. Such courts usually operate in a manner that is not consistent with due process and fair trial guarantees. Sessions are held in secret, normal judicial oversight guarantees are reduced, less stringent safeguards are adopted regarding the maximum period of pre-trial detention, the right of appeal is denied, access to legal counsel and evidence is restricted, military personnel serve as judges and prosecutors, evidence obtained under torture or other ill-treatment is admitted, and so on.

In **Syria**, the right to freedom of assembly, guaranteed in principle in the Syrian Constitution,⁵⁵ is severely curtailed by the State of Emergency Law⁵⁶ and the Penal Code that, among other things, punishes with prison terms the gathering of more than seven people in public places⁵⁷ and meetings that “cause disturbance”. The UN Human Rights Committee has concluded that such restrictions far exceed those permitted by Article 21 of the ICCPR and has called on the Syrian government to “protect human rights defenders and journalists against any restriction on their activities and ensure that journalists can exercise their profession without fear of being brought before the courts and prosecuted for having criticized government policy”.⁵⁸ To date, the Syrian authorities have done little to comply with this.

The State of Emergency Law empowers the authorities to censor correspondence, communications and the media. Related decrees provide for the creation of military courts and the Supreme State Security Court (SSSC)⁵⁹ whose proceedings do not respect minimum international fair trial guarantees and are thus “incompatible” with international law, including the ICCPR.⁶⁰ The SSSC, designed to prosecute individuals charged with political and state security offences, has been used to sentence many human rights defenders to long prison terms after unfair trials. Peaceful demonstrations, and acts or expressions that are deemed critical of the authorities, can be suppressed under the State of Emergency Law. It is virtually impossible in practice, therefore, for human rights defenders to criticize the country’s laws, political system or the government’s human rights-related policies without risk of arrest and imprisonment.

‘Aref Dalilah, former dean of the faculty of economics of Aleppo University in Syria, was sentenced to 10 years’ imprisonment by the SSSC in July 2002 on charges of “attempting to change the constitution by illegal means” for his involvement with

emerging civil society groups and discussion forums during the so-called Damascus Spring reform movement. He served seven years, almost all in solitary confinement, at 'Adra prison near Damascus. He was released on 7 August 2008 after being granted a presidential amnesty.

In **Egypt**, the Emergency Law⁶¹ severely restricts the rights to freedom of expression, association and assembly although these are ostensibly guaranteed in the Egyptian Constitution. The President is empowered to restrict “people’s freedom of assembly, movement, residence, passage in specific times and places”, while “suspects or [people who are] dangerous to public security and public order”⁶² can be arrested and detained indefinitely without charge or trial by orders of the Interior Minister. The President can impose censorship and order the closure and confiscation of newspapers on grounds of “public safety” and “national security”.

The impact on the activities of human rights defenders in Egypt has been far-reaching; some have been detained while others who wish to support and join in their work have been deterred.

Novelist and founder of the Sinai-based movement, Wedna Na'ish (We Want to Live), MUSAAD SULIMAN HASSAN, known as Musaad Abu Fagr, was arrested on 26 December 2007. His arrest followed demonstrations in July and December 2007 that called for the economic, social and cultural rights of the Sinai Bedouins to be respected. The protests ended with clashes with the security forces in North Sinai.

Musaad Abu Fagr was charged with inciting others to protest, resisting the authorities and assaulting public officers during the exercise of their duties, but he has not been brought to trial and is held in administrative detention. The courts have ordered his release on several occasions, including in September 2008. Rather than comply, the Interior Ministry has issued a new administrative detention order against him using its powers under the Emergency Law. Musaad Abu Fagr remains in Borg Al-Arab prison in Alexandria.

In **Algeria**, the authorities imposed a state of emergency after the Islamic Salvation Front (Front Islamique du Salut, FIS) won the majority of seats in the first round of multi-party legislative elections in December 1991.⁶³ The state of emergency was extended indefinitely in 1993, in breach of the Algerian Constitution, and remains in force although the Algerian authorities have acknowledged that the security situation has improved and a Charter for Peace and National Reconciliation was adopted by national referendum in 2005.



The authorities also incorporated the emergency laws, almost in their entirety, into the Penal Code and the Criminal Procedure Code in 1995, among other things defining terrorist offences so broadly as to allow criminalization of the peaceful exercise of certain civil and political rights. The widely framed definition includes not only acts deemed to threaten state security and the country's territorial integrity, but also those deemed to hinder freedom of movement, impede public authorities and institutions, damage national or republican symbols, or harm the environment, means of transport or communication, or the free exercise of religion and public freedoms.

ANTI-TERRORISM LEGISLATION

Even before the 11 September 2001 attacks in the USA, countries in the Middle East and North Africa had started collectively to address the issue of terrorism by adopting in 1998 the Arab Convention for the Suppression of Terrorism, drafted by the Arab League.

Many provisions of the Convention are inconsistent with the obligations of member states under international human rights and humanitarian law. The Convention defines terrorism as “any act or threat of violence, whatever its motives or purposes, that occurs in the advancement of an individual or collective criminal agenda and seeking to sow panic among people, causing fear by harming them, or placing their lives, liberty or security in danger, or seeking to cause damage to the environment or to public or private installations or property or to occupying or seizing them, or seeking to jeopardize national resources”.⁶⁴ This very broad definition does not meet international requirements of legality and can be used to repress human rights defenders under the pretext that their actions are “violent”, for example, without clearly defining the meaning. The Convention also allows for restrictions on freedom of expression and assembly and for censorship under provisions that can be widely interpreted.

The Convention's definition of terrorism inspired subsequent national counter-terrorism legislation, whose common denominator is a sweeping definition of terrorism that can be interpreted broadly, seriously endangering the rights to freedom of expression and assembly. Algeria, Egypt and Saudi Arabia had enacted anti-terrorism measures long before September 2001.

In 2004, member states of the Gulf Cooperation Council (GCC) – Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the UAE – collectively ratified the Arab Convention for the Suppression of Terrorism, while Qatar and the UAE also adopted anti-terrorism laws at the national level.

The Counter-Terrorism Act of **Qatar** criminalizes the use of force to “cripple the constitution, disrupt public order or undermine public security”. The law allows people to be detained without charge or trial for up to six months under successive, renewable 15-day detention orders, during which they are denied judicial rights.⁶⁵

The **UAE** Decree Law on the fight against terrorist crimes penalizes even non-violent attempts to “disrupt public order, undermine security, expose people to danger or wreak destruction of the environment”.⁶⁶

Similarly, the Anti-terrorism Law adopted in 2003 in **Tunisia** contains a very broad definition of terrorism, extending it to cover acts such as illegitimately “influencing state policy” and “disturbing public order”⁶⁷ which could seriously impinge upon the rights to freedom of expression, association and assembly.

In May 2003, a few days after bomb attacks in Casablanca, the authorities in **Morocco** adopted an anti-terrorism law amending the Criminal Procedure Code and the Penal Code.⁶⁸ This law contains a vague definition of “terrorism”, opening the possibility that the law could be used to repress opposition groups. It also increases police powers to search property and monitor communications, and extends the maximum legal limit for *garde à vue* (pre-arraignment detention) to 12 days. In addition, the law allows judicial authorities in terrorism cases to further delay contact between detainees and their lawyers for 48 hours after the first extension of the initial 96 hours of *garde à vue* detention. This means that a detained person can be denied contact with their lawyer for up to six days. Long periods without access to legal counsel makes detainees even more vulnerable to torture or other ill-treatment, as well as affecting their right to an adequate defence.

In **Jordan**, the Prevention of Terrorism Act was passed in 2006. Because it defines terrorism broadly and criminalizes acts such as “damaging infrastructure”, it could be used to criminalize actions of human rights defenders on the grounds that their activities – such as holding a peaceful demonstration – might result in minor damage to property. The UN Special Rapporteur on the promotion and protection of human rights while countering terrorism has expressed concern about the “overly broad definition of terrorism since it is vague regarding the elements of intent and aim and can be seen to be at variance with the principle of legality”.⁶⁹ The potentially negative impact of such broad definitions and their possible abuse are aggravated by the fact that defendants would be tried before the State Security Court whose procedures are notoriously unfair.

In **Bahrain**, the anti-terrorism law, Protecting Society from Terrorist Acts, ratified in August 2006, threatens to set back human rights progress. The law defines as terrorist any organization that “disrupt[s] the provisions of the Bahraini Constitution, laws or prevent[s] any of the state enterprises or public authorities from exercising

their duty” or “harm[s] national unity”.⁷⁰ This broad definition could be misused to restrict the legitimate activities of human rights defenders and put them at serious risk of imprisonment. The criminalization⁷¹ of the possession of documents that “promote” terrorist acts is so broad that it undermines the right to seek, receive and impart information or ideas, guaranteed under international law and the Declaration.⁷² The law also provides for the death penalty and increases the risk of arbitrary detention.

Before the law was adopted, the UN Committee against Torture expressed concern that several of its provisions reduced safeguards against torture and that it “could re-establish conditions that characterized past abuses under the State Security Law”.⁷³ The Special Rapporteur on the promotion and protection of human rights while countering terrorism stressed the danger that the law may be used to criminalize peaceful demonstrations.⁷⁴

Terrorist offences are contained in ordinary legislation as well. **Egypt’s** Penal Code contains a section on terrorism⁷⁵ that is defined as the “use of force, violence, threatening or frightening... with the aim of disturbing public order, or exposing the safety and security of society to danger”.⁷⁶ Several provisions are vaguely worded and could be used to criminalize the legitimate exercise of human rights and to imprison human rights defenders for their peaceful activities. Because the Penal Code defines as terrorist any association that calls for “interrupting the provisions of the Constitution or laws... or encroaching on the personal freedom of citizens or other freedoms... or impairing the national unity or social peace”,⁷⁷ human rights organizations that advocate constitutional or legislative changes, for example, or who call for demonstrations in support of specific civil rights that may unintentionally end up disrupting public order, face a risk of imprisonment.⁷⁸

In May 2008 Egypt’s state of emergency was extended for two years or until a new counter-terror law is adopted.⁷⁹ It is feared that the new legislation will entrench in ordinary law the provisions of emergency laws that should always have been exceptional and limited in time.

To date, anti-terrorism legislation has not been widely used to repress human rights defenders in the region, as far as Amnesty International is aware, but the recent promulgation of counter-terrorism laws by several states does present a new and constant potential threat to human rights defenders. In the 1990s, for example, the Algerian authorities used counter-terrorism legislation to target human rights lawyers who defended suspected terrorists.⁸⁰

“The breadth of some security-related legislation is such that, when abused, these instruments can themselves be used as tools of state terror.”

Special Representative on Human Rights Defenders⁸¹

4/PATTERNS OF REPRESSION

Across the region, human rights defenders suffer the full spectrum of human rights violations. They are intimidated, harassed, threatened, arrested and sentenced to long terms of imprisonment or death after unfair trials. They are held incommunicado for days or weeks, without charge or trial, and tortured. Others are repeatedly arrested and subjected to different and combined types of violations. Some are forced to sign confessions to crimes they say they have not committed, or pledges to stop their human rights activities. Others are released under conditions or on bail, with the constant threat of future imprisonment. Some are prevented from travelling abroad or their visitors from overseas are denied access to the country. In a few countries, the clients, family or friends of human rights defenders are intimidated, harassed or monitored, and their activities restricted.

Abdullah Hussein Ali Ahmed al-Malki had his Qatari nationality revoked soon after he criticized the Qatari authorities in comments broadcast on al-Jazeera television in May 2005. His nationality was later restored.

ARRESTS, DETENTION AND IMPRISONMENT

Nearly all states in the Middle East and North Africa resort to arrests, detention and imprisonment to repress those who campaign for human rights.

Usually, human rights defenders are arrested after publishing or disseminating information or publicly criticizing human rights violations. In many cases, the human rights defender is detained for days or even weeks incommunicado and without being charged.

In **Iran**, Yousuf Azizi Bani Toruf, an Iranian Arab journalist and writer, was arrested on 25 April 2005 after he returned home from a press conference at the Centre for Human Rights Defenders in Tehran. At the press conference, he had criticized the security forces' violent suppression of anti-government demonstrations earlier that month in Khuzestan province. Released on bail in June 2005, Yousuf Azizi Bani Toruf was convicted in August 2008 of "gathering and colluding with the intent to harm the internal security of the state", and was given the maximum sentence of five years' imprisonment. He remains at liberty pending the outcome of an appeal.

SUPPRESSION OF DISSENT IN LIBYA

FATHI EL-JAHMI was arrested on 26 March 2004 after criticizing Libyan leader Colonel Mu'ammar al-Gaddafi and calling for political reforms in international media interviews. He was detained at an undisclosed location, often in solitary confinement, and was allowed only infrequent access to his family. According to a statement by the Gaddafi International Charity and Development Foundation, a court in September 2006 found Fathi el-Jahmi to be mentally unfit and consigned him to a psychiatric hospital,⁸² where he remained until July 2007. He was then moved to the Tripoli Medical Centre in July 2007, where he is currently held under constant supervision. An independent medical examination by Physicians for Human Rights in March 2008 found that Fathi el-Jahmi's heart condition requires invasive surgical procedures and that, contrary to the reported court finding, there was no evidence that he suffered from "delusional speech" or "thought disorder".

Another Libyan government critic, **IDRISS BOUFAYED**, who returned to the country in September 2006 from exile in Switzerland, was sentenced with 10 others to prison sentences of up to 25 years in June 2008. They had tried to organize a peaceful protest on the first anniversary of the killing of at least 12 people by Libyan security forces during a demonstration in Benghazi in February 2006. The 11 men were tried on vaguely worded charges before the newly created State Security Court, including "attempting to overthrow the political system", "spreading false rumours about the Libyan regime" and "communicating with enemy powers". They did not receive a fair trial. Idriss Boufayed, who was diagnosed with lung cancer, was released on 8 October on humanitarian grounds but his 10 co-accused continue to be held. The whereabouts of Abdelrahman Al Gatewey, also arrested in connection to the planned protest, remain unknown.



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In **Syria**, seven pro-democracy activists – Husam 'Ali Mulhim, Tarek Ghorani, Maher Ibrahim, Ayham Saqr, 'Alam Fakhour, 'Omar 'Ali al-'Abdullah and Diab Sirieyeh – are serving lengthy prison terms in Sednaya prison near Damascus for developing a youth discussion group and publishing pro-democracy articles on the internet. The seven men were arrested in early 2006 and sentenced by the SSSC to between five and seven years in prison on charges of "taking action or making a written statement or speech which could endanger the State or harm its relationship with a foreign country, or expose it to the risk of hostile action". Two of them were also convicted of "broadcasting of false news". All denied the charges and alleged in court that confessions they had made while held incommunicado in pre-trial detention had been extracted from them under torture. The court accepted the confessions as evidence to convict them without investigating their allegations.

Internet blogger Fouad Ahmed al-Farhan was held incommunicado in Jeddah, **Saudi Arabia**, after being arrested at his office on 10 December 2007 by security officials,

apparently because he had used his blog to criticize the detention without charge or trial of prisoners of conscience in the Kingdom. He is reported to have been warned by an Interior Ministry official that he was at risk of being interrogated for writings about political prisoners in his web journal. The Interior Ministry acknowledged his detention three weeks after his arrest. He was released without charge in April 2008.

In the **UAE**, the authorities barred two prominent human rights activists from giving interviews or writing articles for the local media for several years and harassed them with arrests and detention. Mohamed 'Abdullah al-Roken, a lawyer and former President of the UAE's Jurists' Association, was detained twice, in July and August 2006, by State Security officials. During his three-day detention in August, he alleges that his interrogators threatened to close down his legal practice, drugged his food and prevented him from using the bathroom. He was released without charge but his passport was confiscated (it has since been returned to him). In June 2006, the authorities issued an arrest warrant for his fellow lawyer, Mohamed al-Mansoori, President of the Jurists' Association, for "insulting the Public Prosecutor" as a result of his criticism of the human rights situation in the UAE in international media interviews. He returned to the UAE more than a year later in September 2007 and was not arrested.

In Syria, Habib Saleh, founder of the Tartus branch of the unauthorized National Dialogue Forum, has been repeatedly arrested and imprisoned for publishing criticism of the authorities. His latest arrest was on 7 May 2008, after which he was held in an unknown location with no access to the outside world for about three months. At the time of writing, Habib Saleh was being tried before Damascus Criminal Court on charges of "weakening national sentiment" and "stirring up sectarian strife", offences punishable by up to 15 years' imprisonment. Habib Saleh had already served a three-year sentence passed down by a military court in August 2005 for similar charges relating to articles critical of the Syrian authorities that he had published on the internet.

The poet and writer Abdulla Al Riyami was detained incommunicado for a week in **Oman** in July 2005. During his detention he was reportedly brought before a judge at the Supreme Court and questioned about his criticism of the authorities and research he had conducted into the use of torture in Oman's police stations. He was released uncharged.

ENFORCED DISAPPEARANCES

Human rights defenders were among thousands of political activists and others subjected to enforced disappearance in past decades notably in **Algeria, Iraq,**

Lebanon, Morocco/Western Sahara and Yemen. Although such egregious human rights violations occurred in some cases up to 40 years ago, as in Yemen, enforced disappearances are considered under international law as a continuing offence “as long as the perpetrators continue to conceal the fate and the whereabouts of persons who have disappeared and these facts remain unclarified”.⁸³

In **Algeria**, human rights defenders who have called on the authorities to investigate the fate of many thousands of people who disappeared during the internal conflict in the 1990s and to prosecute those responsible, have themselves faced repression.

Louisa Saker, whose husband Salah Saker disappeared in May 1994, has been targeted by the Algerian authorities for her continuing efforts to find out what happened to her husband and the other disappeared. On 6 February 2008, she was summoned for trial in Constantine on charges of “undermining the authority of public officials”, “organizing an unauthorized march”, “contempt of civil servants with use of weapons” and theft. The charges related to her participation in a peaceful demonstration in 2004 by families of the disappeared, after which she was arrested, beaten and forced by police to sign an undertaking not to participate in such demonstrations again. In March 2008 she was convicted of participating in an unauthorized march and fined 20,000 dinars (about US\$300). She was acquitted of the other charges. Both she and the prosecution have appealed.

The Algerian authorities have repeatedly denied human rights groups authorization to hold public events, and have arrested and fined for “public order offences” relatives campaigning for truth and justice. Organizations of families of the disappeared are not legally recognized in Algeria and since 1998 their weekly protests have taken place without formal authorization. Even though their rallies have generally been tolerated, on occasion the security forces have forcibly broken up demonstrations and beaten the participants.

For example, in 2004 and 2005 several demonstrations in Constantine and Algiers were violently dispersed or forcibly prevented by the security forces in the run-up to the referendum on the Charter for Peace and National Reconciliation in September 2005. In February 2007, the authorities prevented national and international human rights defenders campaigning on behalf of the disappeared from holding a conference in Algiers on “Truth, peace and reconciliation”, even though the government had just signed the International Convention for the Protection of All Persons from Enforced Disappearance.

The Charter, which was adopted by the referendum, provides a blanket amnesty to security forces and state-armed militias responsible for serious human rights

violations, including enforced disappearances, and criminalizes the activities of human rights defenders campaigning for truth and justice for the disappeared and their families. The Charter provides for up to five years' imprisonment for those who publicly debate the issue of enforced disappearances.

In **Morocco/Western Sahara**, more than a thousand people, many of them Sahrawis, disappeared between independence in 1956 and the early 1990s at the hands of the Moroccan security services. Several hundred Sahrawis and Moroccans were released in the 1980s and 1990s after spending up to 18 years in secret detention, but most of the disappeared are feared to have died or been killed following arrest.

Human rights defenders were among those who disappeared. For instance, Brahim Sabbar, a prominent Sahrawi human rights activist, was arrested in 1981 at the age of 22 and held without charge or trial in secret detention centres until his release in 1991. The Moroccan authorities have never provided a formal reason for his arrest and disappearance, but it is believed that he was targeted for peacefully demanding the right of the people of Western Sahara to self-determination.

In 2004, the Moroccan authorities established the Arab world's first truth commission, the Equity and Reconciliation Commission, to inquire into enforced disappearances and arbitrary detentions between 1956 and 1999. In its final report, published in 2006, the Commission said it had resolved 742 cases and that 66 would be investigated further by a follow-up committee, the Human Rights Advisory Board. This was due to publish a detailed list of the resolved cases and those requiring further investigation by mid-2006, but more than two years later it has still to do so. Prior to establishing the Equity and Reconciliation Commission, the authorities had, on occasion, harassed and even prosecuted those pressing for greater truth about past abuses and an end to impunity. In May 2001, for example, 36 human rights defenders were sentenced to three months in prison and fined for organizing an unauthorized demonstration by the Moroccan Association of Human Rights in Rabat.

DEMONSTRATORS ATTACKED AND PROSECUTED

Police, security forces and pro-government supporters often have used excessive force to disperse human rights rallies, seriously injuring and in some cases killing participants. Use of such force violates international standards on the policing of assemblies.⁸⁴ In some cases, police have also detained large numbers of demonstrators and detained them for hours or days in order to intimidate them and deter other potential protesters, often targeting journalists and photographers to prevent their filming or otherwise exposing the repression.

In **Lebanon** in April 2004, security forces beat and injured a dozen people during the peaceful build-up to a demonstration outside the Beirut offices of the UN Economic and Social Commission for Western Asia. The protesters planned to submit a petition calling for the release of Lebanese political detainees held in Syria. Human rights defender Ghazi 'Aad, who uses a wheelchair, was among those beaten.

More recently, three protesters were killed on 29 June 2007 during a peaceful demonstration calling for refugees displaced from Nahr al-Bared, a Palestinian refugee camp in Lebanon, to be allowed to return to their homes. Lebanese Army soldiers opened fire on the protesters and then reportedly failed to intervene when Lebanese civilians attacked the demonstrators.

In **Egypt**, police violently dispersed a large demonstration in April 2006 attended by human rights defenders, opposition parties, pro-reform activists and trade unionists to voice support for the independence of the judiciary. At least 300 participants were arrested and some were beaten, including judges. Most of those arrested remained in custody following orders by the Public Prosecutor to detain them for 15 days pending investigation. They were reportedly accused of participating in demonstrations, slandering the President, resisting the authorities and obstructing the implementation of the law. The following month, the Minister of the Interior banned any assembly in front of the High Court building.

Excessive use of force has been witnessed several times during demonstrations in **Tunisia**. For instance, a young man, Hafnaoui Maghzaoui, was killed in Redeyef, Gafsa, south-west Tunisia, on 6 June 2008 during clashes between protesters and police during a demonstration over unemployment and the rising cost of living. The police used tear gas to disperse the crowds as well as firearms. Hafnaoui Maghzaoui was shot dead and around 20 others were wounded. The Minister of Justice and Human Rights said that he regretted the incident but denied that there had been any unlawful action by the police. He also said that an investigation would be held, but no outcome has been announced to date. Another protester, Abdelkhalek Amaid, who was seriously injured when police opened fire on 6 June, died in hospital in Sfax on 13 September 2008.

In several countries, arrests, sometimes on a vast scale, have accompanied demonstrations. In **Morocco**, for example, mass arrests followed major demonstrations against the Moroccan administration of Western Sahara in May 2005. Those arrested included not only demonstrators but also human rights defenders who monitored and bore witness to the abuses committed by the security forces. Several human rights defenders were sentenced in December 2005 and January 2006 to up to two years' imprisonment after unfair trials. Aminatou Haidar, for instance, was sentenced to seven months in prison; she had needed hospital treatment and 12 stitches for injuries sustained when security officers beat her at the time of her arrest.

Seven members of the Moroccan Association for Human Rights (Association Marocaine des Droits Humains, AMDH) were sentenced in 2007 to prison terms of up to four years for “undermining the monarchy”. They had been arrested after participating in demonstrations on 1 May 2007 celebrating International Workers’ Day in Agadir and Ksar el Kebir. Ten other members of AMDH were arrested and charged with undermining the monarchy after participating in a sit-in on 5 June 2007 in the city of Beni Mellal. All were released in April 2008 following a royal pardon.

In **Yemen**, activists Brigadier Nasser al-Nouba, Hassan Ba’oom, Ahmed Omar bin Farid and Ahmed al-Qama’a were arrested for participating in peaceful protests held in several cities on 1 September 2007 against alleged discrimination against people in the south of Yemen. They were detained for months before being released without charge. Brigadier Nasser al-Nouba and Hassan Ba’oom were denied adequate medical attention when they were seriously ill.

On 25 July 2008, four human rights activists in Tunisia were arrested after taking part in a demonstration in front of the office of the Bizerte governorate calling for more freedom. Faouzi Sadkaoui and OTHMAN JEMILI (*pictured*), both members of the International Association for the Assistance of Political Prisoners (Association internationale de soutien aux prisonniers politiques, AISPP); Khaled Boujamaa, a member of Liberty and Equity; and Ali Neffati, a former political prisoner, were taken to the Ministry of the Interior in Tunis for interrogation. On 5 August 2008, Bizerte district court sentenced Faouzi Sadkaoui and Khaled Boujamaa to six months’ imprisonment (suspended) and Othman Jemili and Ali Neffati to six months in prison for “public gathering and breaching public morals”. Faouzi Sadkaoui and Khaled Boujamaa were released on the same day; Othman Jemili and Ali Neffati were released on bail by the Bizerte appeal court on 19 August 2008.



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PREVENTION OF INTERNATIONAL COLLABORATION

Some governments have attempted to stop contact between human rights defenders in their own countries and international organizations and networks of defenders. Individual defenders have been arrested to prevent them from travelling abroad for human rights-related events or for having contact with overseas organizations, and entry to the country has been denied to activists from abroad hoping to meet local NGOs or attend conferences.

In **Yemen**, for instance, ‘Ali al-Dailami, Executive Director of the Organisation for the Defence of Democratic Rights and Freedoms, was arrested in October 2006 at the airport on his way to Denmark to take part in a human rights partnership meeting.

He was held incommunicado at an unconfirmed location and released a month later without charge from the Political Security prison, where he had been held in solitary confinement.

Ramin Jahanbegloo, a Canadian-Iranian intellectual and writer on democracy and non-violence, was arrested in **Iran** in April 2006 and held for four months without charge. Following his release he said that he had been accused of “acting against national security” and “having contact with foreigners” in connection with his academic work for a US institution, the Marshall Fund.

The **Syrian** authorities have refused to issue passports or exit visas to a number of human rights activists. In 2007 human rights lawyers Muhannad al-Hasani, Khalil Ma’atouq, Mustafa Osso, Radif Mustafa and Hasan Masho were prevented by the authorities from travelling to Egypt to attend a workshop organized by the International Federation for Human Rights and the Cairo Institute for Human Rights Studies.

In December 2005, the NGO Lawyers Without Borders was denied a visa to enter **Algeria** to set up a free legal advice centre for victims of human rights abuses and in June 2006 several Amnesty International staff were unable to obtain visas to hold a human rights training seminar in the country.

In **Saudi Arabia**, hundreds of prisoners of conscience, human rights activists and advocates of peaceful political change are banned from travelling abroad. They include Dr Matrouk al-Faleh (see p2) and Abdel Rahman al-Lahem (see p56), who was told by the Interior Ministry that he would not be allowed to travel abroad until March 2009.

PARVIN ARDALAN, a prominent women’s rights defender in Iran, was prevented from travelling to Sweden in March 2008 to accept the Olof Palme Human Rights award. She is also facing at least three prison sentences, some suspended, after being convicted on vaguely worded security charges relating to her human rights work. The same month, Mansoureh Shoja’i had her passport confiscated and was prevented from travelling to Dubai for an event to mark International Women’s Day, and was told that her participation in any meeting overseas was considered contrary to the interests of the state. She and a colleague were summoned to court in July 2008 and charged with “acting against state security by having contact with Iranians abroad”.



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HARASSMENT AND INTIMIDATION

Both individual human rights activists and NGOs face many forms of harassment and intimidation by the authorities in the region. The methods include administrative impediments to registering NGOs, restricting travel, arresting family members, threats, and inciting others to physically attack human rights defenders. All such methods have been adopted to instil fear and provoke defenders to halt their activities.

The Nadim Centre for the Psychological Treatment and Rehabilitation of Victims of Violence in **Egypt** and its staff have both been targeted. The centre, established in 1993, provides vital services for torture victims, including to those tortured by the police and security forces, and women survivors of domestic violence. After what were said to be inspection visits in 2004 in which officials removed personal files and harassed staff, the Ministry of Health accused the centre of health-related breaches and threatened it with closure.

On 30 April 2008, Nadim Centre Director Magda Adly sustained two fractures to her shoulder and other injuries when she was assaulted inside the Kafr Dawwar court building while waiting, with human rights lawyers, to attend an appeal hearing against the pre-trial detention of three torture victims. The assailant, who was apprehended by members of the public, said he was acting on instructions from a chief investigations officer at Kafr Dawwar police station. A few hours before the assault, the Nadim Centre had publicly called for investigations into specific cases of alleged torture and other ill-treatment of detainees.

In **Iran**, human rights lawyer and Nobel Peace Prize Laureate Shirin Ebadi has been the target of numerous death threats which, she said in April 2008, were becoming more frequent. In September 2008 she publicly expressed concern that articles attacking her published by state-controlled media could be intended to prepare the way for her assassination. The articles claimed that she had “changed her religion, worked with Iran’s enemies and was an agent of the Central Intelligence Agency (CIA) of the United States of America”, accusations she categorically denied.

In **Bahrain**, human rights activists have been harassed at times with anonymous and threatening telephone calls, and insulting letters, phone calls and text messages. For example, Nabeel Rajab, the director of the banned Bahrain Centre for Human Rights, has been harassed and followed by plain clothes security officials in unmarked cars. On 19 July 2005 he was physically attacked by policemen during a peaceful demonstration in solidarity with unemployed people. His wife Somaya was in 2005 and 2006 made the target of a smear campaign and she has reportedly been denied promotion at work, in the Ministry of Transportation, apparently because of the activities of her husband.

Mohammad al-Jeshi, a lawyer and human rights activist, was about to travel to Geneva to attend a training course when he was stopped by plain clothes security men on 3 November 2008. They confiscated his mobile phone and laptop for more than an hour. He was asked about the purpose of his trip and the nature of his work. He was eventually allowed to board the plane.

On 6 November 2008 Bahraini newspapers published statements attributed to the Interior Minister saying that any Bahraini national, whether a member of a political association, parliament or NGO, would have to obtain government authorization before participating in conferences, seminars or meetings abroad with a view to discussing Bahrain's internal affairs, including the economic, political and human rights situation, and before making any statements at such forums. He added that anyone not conforming would face imprisonment and a fine.

In **Algeria**, intimidation of human rights defenders has included threats of or actual dismissal from their jobs.

Cherifa Keddar, President of Djazairouna, an NGO defending the right of families of victims of terrorism in Algeria to seek truth and justice, was dismissed in May 2008 from her job as a senior civil servant at the *wilaya* (regional governmental body) of Blida, 45km south-west of Algiers, and reinstated as an administrator. Although she was never officially told why she had been dismissed from her senior post, colleagues said it was because she took part in a seminar organized by the US-based International Centre for Transitional Justice in Morocco in April 2008. Following the seminar, members of the security forces visited her and threatened to arrest her unless she stopped her activities.

Families of human rights defenders have also been targeted. In **Iran**, human rights defenders' wives have been harassed and threatened by security authorities pursuing their husbands. They have even been imprisoned, together with their children, and assaulted to try to make their husbands surrender. For example, Ma'soumeh Ka'bi, whose husband Habib Nabgan was an active advocate of the rights of Iran's Arab minority, was detained with her son, aged two, from February to April 2006. Her husband, who obtained political asylum in Denmark, received threats that his family would be tortured or killed if he did not return to Iran. Ma'soumeh Ka'bi herself was able to flee Iran in May 2008 and was accepted for resettlement in Denmark, but when she and her children sought to leave Syria for Denmark they were returned to Iran and arrested. At the time of writing, Ma'soumeh Ka'bi and her five children were all being detained in Ahvaz city.

In **Western Sahara**, as elsewhere in the region, politically motivated administrative impediments have been used to prevent human rights groups obtaining legal

registration and curtailing their scope of activities. Thus, the authorities in Layoune have repeatedly refused to acknowledge receipt of the registration application filed by the Association of Victims of Grave Human Rights Violations Committed by the Moroccan State (Association Sahraouie des Victimes des Violations Graves commises par l'Etat Marocain, ASVDH), leaving it in a precarious legal situation. As it is not officially registered, its members are vulnerable to arrest and detention for belonging to an "unauthorized" organization. Brahim Sabbar, the Secretary General of ASVDH, was sentenced to a two-year prison term on this ground among others before his release in June 2008.

Another human rights network, the Collective of Sahrawi Human Rights Defenders, was unable to hold its founding congress on 7 October 2007 because the local authorities refused to acknowledge their request for authorization of a public meeting.

Sahrawi human rights activists also face direct harassment by the Moroccan authorities. For example, activists and friends of Brahim Sabbar were prevented from visiting him by a heavy security presence around his house following his release from prison in June 2008. On a separate occasion he was warned against visiting the Layoune neighbourhood where other ASVDH members reside. Several Sahrawi human rights defenders have been prevented from travelling abroad to attend international human rights conferences and meetings.

In **Tunisia**, human rights defenders are subject to acute harassment and intimidation. State agents spy on, monitor and disrupt their communications, prevent NGOs from holding annual and other meetings and assemblies, and physically block access to their offices. In some cases, it appears that the authorities may also have sought to infiltrate independent NGOs that have obtained official registration in order to undermine them, while other NGOs continue to be denied registration. Defenders have also been subject to travel restrictions.

At times, the premises of human rights organizations have been placed under heavy, overt and oppressive surveillance by state security officials in order to deter entry and intimidate members and supporters. For example, on 8 March 2007 police surrounded the office of the National Council for Liberties in Tunisia before a planned joint press conference was to be held with the UK-based NGO Reprieve and denied entry to everyone except the National Council's spokesperson, in whose name the premises were leased. The police maintained this blockade until 2 July 2007.

Similar police blockades prevented AISPP members from holding a preparatory meeting for their general assembly in September 2007 and virtually closed off the premises of another NGO, Liberty and Equity, for three days in April 2008. Meanwhile, police stationed outside the office of the Tunisian League for Human

Rights have prevented anyone entering apart from members of the NGO's executive board since 7 May 2007.

The authorities have also orchestrated smear campaigns against human rights defenders in the pro-government media. Women have been targeted using sexual connotations: members of the Tunisian Association of Democratic Women have been denounced as lesbians, considered a derogatory term in Tunisian society, while the spokesperson for the National Council for Liberties in Tunisia has been accused of "acting like a prostitute", "selling her soul" and serving the interests of the governments of the USA and Israel.

Despite the many threats, legal obstacles and impediments and other efforts used by state authorities to silence human rights defenders, all across the Middle East and North Africa region people continue to speak out and to work in many and different ways to promote and protect universal human rights. Repression, though often widespread and severe, has not succeeded in silencing human rights defenders; indeed, there is much to suggest that the resolve of many human rights defenders has increased. This has led some governments to opt for judicial harassment of their persistent critics, repeatedly indicting them on different charges or having other seemingly private individuals bring court cases against them.

In **Egypt**, for example, Saad Eddin Ibrahim, founder of the Ibn Khaldoun Centre for Human Rights, was sentenced in his absence to two years in prison in August 2008 for "tarnishing Egypt's reputation".⁸⁴ The case was brought against him by a group of pro-government private individuals in 2007 after he criticized Egypt's human rights record at an international conference in Qatar. As a result, Saad Eddin Ibrahim faces imprisonment should he return to Egypt.

In **Tunisia**, lawyer and human rights defender Mohamed Abbou was sentenced on 29 April 2005 to two years' imprisonment for allegedly assaulting another lawyer,



Dr Muhamad Mugarby speaking by megaphone at a rally in Lebanon.

although eyewitnesses described the charge as without foundation. He also received an 18-month prison sentence for writing an article in which he denounced torture in Tunisia. The trial was unfair; among other flaws, the court refused to hear defence witnesses. In November 2005, the UN Working Group on Arbitrary Detention ruled that Mohamed Abbou had been arbitrarily detained. He was released in July 2007 under a presidential pardon issued to mark the 50th anniversary of the Republic of Tunisia but was placed under a one-year travel ban. He learned of this only when he attempted to travel to London for an interview with al-Jazeera television.

Samir Ben Amor, a human rights lawyer and member of the AISPP, was forced into a car on 7 December 2007 by three police officers in Tunisia. The officers had previously come to his office and asked him to go with them, but he refused as they did not have a written summons as required by law. After forcing him into the car, the officers drove him to Sidi Béchir police station where a police commander ordered him to stop allowing members of the AISPP to hold meetings in his office and warned that his activities on behalf of the AISPP were considered illegal because it was not “recognized” as an association in Tunisia.

Taiba al-Mawali, a human rights activist and former member of Oman’s parliament, served six months in prison. She was arrested in June 2005 for sending messages via mobile phone and the internet in which she criticized the trial before the State Security Court of 31 men who were charged with threatening national security. She was sentenced to 18 months in prison reduced to six months on appeal. She was released on 30 June 2006.

Dr Muhamad Mugarby, a human rights activist and lawyer in Lebanon, is being tried for the second time on account of remarks he made to the European Parliament’s Mashreq delegation, criticizing the Lebanese military court system in November 2003. In particular, he criticized what he said was the inadequate legal training of the court’s judges and its failure to address allegations made by defendants that they were tortured in pre-trial detention to extract confessions. Dr Muhamad Mugarby’s next and final trial session before the criminal court was due on 27 November 2008, on charges of “defamation” under Article 383 of the Penal Code. Dr Muhamad Mugarby was first tried by the Permanent Military Court in April 2006 on charges of “slandering Lebanon’s military establishment and its officers” under the Military Penal Code.⁸⁶ The charges were eventually dropped and the military Court of Cassation ruled that the Permanent Military Court, which had convicted him, did not have jurisdiction in such a case.

In **Morocco** in July 2008, Brahim Sabaa Al-Layl, a member of the Moroccan Centre for Human Rights, was sentenced to six months in prison by a court in Rabat after he publicly criticized human rights violations committed by the security forces when forcibly dispersing protesters who had mounted a blockade of the port at Sidi Ifni on 7 June. He was charged under Article 264 of the Penal Code; this makes it a criminal offence to knowingly denounce to public authorities a crime that did not occur or to produce false evidence relating to an imaginary crime. He was arrested a few hours after he reported alleged human rights violations by the security forces at a press conference held by the Moroccan Centre for Human Rights on 26 June. The Court of Appeal in Rabat upheld the sentence.

5/HUMAN RIGHTS DEFENDERS AT PARTICULAR RISK

Some human rights defenders face particular risks because of their profession or the cause they are defending. Media workers are closely scrutinized because of the potentially wide impact of their work. Legal professionals face harassment because of their proximity to defendants, with authorities often associating them with the cause of their clients.⁸⁷ Women human rights defenders frequently face reprisals in a region in which traditional, conservative and patriarchal values continue to dominate.

MEDIA WORKERS

Media professionals defending and promoting human rights in their work play a crucial role. Their information can shape public opinion and knowledge about human rights issues. An independent strong media voice is an indicator of the ability of the human rights community to operate effectively and without undue interference.

The Declaration guarantees the right of everyone “individually and in association with others... to freely publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms”.⁸⁸

Press freedom in the Middle East and North Africa, however, is considerably curtailed by state repression. While the Constitutions of most countries guarantee the right to freedom of expression and of the press, in many countries press and penal codes criminalize offences such as the dissemination of “false news”, “defamation”, “insulting the country’s leader and making anti-government propaganda”, or harming the “reputation of the country”. These offences are usually punishable by prison terms.

Such press codes, often formulated in vague terms, leave little space for criticism of state policies or practices, and deter media professionals from writing or reporting on human rights-related topics in a critical way. Legal provisions limiting freedom of the press are also contained in other legislation, such as criminal laws, that can be invoked to prosecute journalists and other media professionals.

Media professionals have been detained when reporting on arrests and prisoner releases, public rallies or allegations of corruption of state officials. Journalists who

have taken photographs deemed sensitive by the authorities have been arrested, their equipment confiscated and their offices raided. Foreign correspondents who cover human rights issues have been harassed, intimidated and prevented from carrying out their work.

The repressive environment has led many journalists to practice self-censorship when covering human rights and other issues.

In **Iran**, the media is severely restricted. In October 2005 press courts were re-activated to prosecute journalists accused of violating the Press Code. The Press Code prohibits the publication of articles containing personal insults, and contains other vaguely worded offences. These offences can be invoked to punish media professionals critical of government policies or practices. Subsequently, the authorities started to monitor closely dozens of journalists and newspapers, leading in several cases to suspended prison sentences. Many journalists were summoned by the Ministry of Intelligence and Security and warned not to criticize the government. The publishing permits of individuals accused of “insulting” the authorities can be cancelled and journalists can be tried before the Press Courts even if no formal complaint has been lodged.

EMADDEDIN BAGHI, head of the Association for the Defence of Prisoners’ Rights, has recently served a one-year prison sentence in Iran despite his poor health. He was arrested on 14 October 2007 and accused of “publishing secret government documents”. His family was told that instead of being released on bail, he must serve a suspended sentence of one year’s imprisonment, which had been imposed after an unfair trial in 2003, during which he had no access to a lawyer. Emaddedin Baghi was also sentenced to another prison term, of three years, on 31 July 2007.



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On 29 April 2008, an appeal court acquitted Emaddedin Baghi of “activities against national security” and “publicity in favour of the regime’s opponents”. These charges apparently related to media interviews given by Emaddedin Baghi, and letters he wrote to the authorities, criticizing the death sentences imposed on several Iranian Arabs for their alleged involvement in carrying out bombings in Ahvaz, Khuzestan province, between June and October 2005. These death sentences were handed down after unfair trials. The prosecution appealed against the acquittal and he may yet face imprisonment.

In addition, new charges were brought against him. These related to his use of the media in 2006 when he criticized the behaviour of the prison authorities when they tried to stop a prisoner from attending his father’s funeral.

There were concerns that Emaddedin Baghi had not received adequate medical treatment while in prison. He has also faced politically motivated harassment in

prison through interrogations by Ministry of Intelligence officials and the opening of new cases against him. Although free as his sentence expired, he was awaiting trial on other charges.

In May 2006, the Iranian government began using a nationwide filtering database to monitor the activities of every internet user in the country. Since January 2007 it has required all Iranian websites and weblogs to register with the authorities, a regulation which is widely flouted. Private satellite dishes which, although illegal, had been previously tolerated, started to be widely confiscated.

Among the websites that are filtered are those of human rights groups such as the Kurdish Human Rights Organization; Meydaan, whose site carried information on women's human rights; and the Campaign for Equality, which campaigns for an end to discrimination against women. Under the pretext that they were "immoral or against the principles of Islam", the authorities closed many sites carrying information on human rights violations. Websites such as Zanestan, run by the Women's Cultural Centre, an NGO in Tehran, have been shut down.

This assault on access to information is clearly contrary to the Declaration, which affirms the right of defenders to "know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems".⁸⁹

In January 2008 the influential monthly magazine *Zanan* (Women), published for over 16 years, had its licence revoked by the Press Supervision Board. The managing editor, Shahla Sherkat, was not informed of the decision initially, but news reports stated that the decision was based on the authorities' contention that *Zanan* had "endangered the spiritual, mental and intellectual health of its readers, gave the impression of insecurity in society, and drew a dark image of the situation of women in Islamic society by publishing certain articles".

In July 2008, a draft bill "to intensify the punishment of disruption in society's psychological security" was introduced by the Judiciary for parliamentary consideration. This included the possibility that bloggers and internet journalists could face the death penalty for items considered to promote "moral corruption" or atheism. The Deputy Prosecutor of Tehran, when speaking about the introduction of this penalty, said:

"Those who are the enemies of the order and the Revolution take any measure in order to mislead the minds of the people and the youth; and those inside Iran, who support them and spread their goals, deserve intensification of punishment; like Salman Rushdie, who as an apostate, the

verdict of Imam Khomeyni (may his soul be sanctified) is very clear about him; and we believe that as an apostate he is sentenced to death and we will carry out this verdict wherever he is."

In September 2008, the Minister of Culture and Islamic Guidance reportedly issued a directive forbidding newspapers from publishing articles about the rising number of executions in Iran, which had been much criticized internationally, and warned editors to sack journalists who insisted on writing such articles.

Journalists who investigated the murders of intellectuals and other journalists in the 1990s (the "serial murders") have been particularly targeted. Akbar Ganji, an investigative reporter who uncovered the still-unpunished involvement of government officials in the "serial murders", was released in March 2006 after serving six years in prison for "collecting confidential state documents to jeopardize state security" and "spreading propaganda". Webloggers, internet journalists and websites have also been targeted by the Iranian authorities.

A Canadian-Iranian photographer, Zahra Kazemi, was arrested in 2003 while taking photographs outside Evin Prison of a demonstration protesting against the imprisonment of student activists. She died in custody in hospital 19 days later. According to a governmental inquiry, she died as a result of a blow to her skull while she was under guard at the hospital. A government spokesperson confirmed she had been murdered. Five officials were arrested; four were quickly released and the only one prosecuted was acquitted. In November 2007 the Supreme Court ordered a retrial.

In **Egypt**, journalists and bloggers continue to be threatened, beaten and imprisoned. Huweida Taha, for example, an al-Jazeera television producer, was sentenced in May 2007 to six months' imprisonment and a fine of 20,000 Egyptian pounds (approximately US\$3,600) for her production of a documentary on torture and other ill-treatment by Egyptian police. She was charged with "making or possessing pictures likely to harm the country's reputation". On 11 February 2008, an appeal court upheld the fine but overturned the prison term.

The case highlighted the authorities' failure to honour President Mubarak's commitment, given in 2004, to abolish prison sentences for publishing offences. The Press Law was amended in July 2006 to exclude prison sentences for certain offences, but retained imprisonment as a penalty for journalists found guilty of libelling the President or foreign heads of state.

In **Morocco/Western Sahara**, journalists have faced serious difficulties when trying to report on human rights issues relating to Western Sahara. For example, Ali Lmrabet,

a Moroccan journalist and former prisoner of conscience, was banned from working as a journalist for 10 years and heavily fined in early 2005. He was convicted of violating the Penal Code and Press Code following a report he wrote after undertaking the first visit by a Moroccan journalist to Polisario Front-run refugee camps in south-west Algeria in November 2004. He was accused of defaming the spokesperson of a Moroccan organization that campaigned for the “release” of the Sahrawis in the camps after he described the Sahrawis in the camps as refugees.

Moroccan journalists who report on other sensitive issues face a number of risks. Hassan Rachidi, head of al-Jazeera’s bureau in Morocco, had his media accreditation withdrawn in June 2008 by the Moroccan Ministry of Communications after the station broadcast reports of possible deaths during the breaking of the Sidi Ifni port blockade. He was also charged under Article 42 of the Press and Publications Law with disseminating false allegations and information, convicted and fined but not imprisoned.

In **Tunisia**, the 1975 Press Code⁹⁰ severely restricts the right to freedom of expression. Media workers found guilty of publishing “false news” or defamation⁹¹ can be sentenced to prison terms. Following his visit to Tunisia in December 1999, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression concluded that “the present Press Code is prohibitive in that it helps to maintain censorship and self-censorship in the editorial offices of Tunisian newspapers”.⁹²

In March 2004, a group of Tunisian journalists courageously drew attention to the pervasive censorship in an open letter that they circulated among government officials and civil society organizations. Two months later, some 150 journalists formed a new professional association, the Union of Tunisian Journalists (Syndicat des Journalistes Tunisiens, SJT), as an independent body dedicated to defending journalists’ rights and promoting media freedom. The SJT’s activities have been subject to numerous restrictions by state authorities. Its President, Lotfi Hajji, has been repeatedly summoned for interrogation about the union’s activities by the Interior Ministry’s security department. In August 2005, he was interrogated for six hours and then informed by the authorities that the SJT’s first congress, due to be held the following month, had been banned. No explanation was given. In April 2006, the police prevented meetings of the SJT executive board taking place. A new syndicate, the National Union of Tunisian Journalists, was established on 13 January 2008.

Tunisian journalist SLIM BOUKHDIR was sentenced to one year in prison on 4 December 2007 on charges of “insulting a public officer during the performance of his duties” and “breaching public morality”. He was also fined five dinars (US\$4) for refusing to show his ID card. There were a number of irregularities in his trial: the court declined

to ensure that witnesses were called and cross-examined, and failed to look into alleged irregularities in the police and interrogation reports highlighted by defence lawyers. The sentence was upheld by the Court of Appeal in Sfax on 18 January 2008.

Slim Boukhdir had received death threats in May 2007 following an interview he gave to al-Hiwar (Dialogue), a London-based television channel, in which he accused a relative of President Ben Ali of responsibility for a stampede at a concert in which seven people were killed. He was released on 21 July 2008 with conditions. Since his release he has been unable to obtain his ID card, which leaves him at risk of arrest and unable to access basic services, such as opening a bank account. He has often been subjected to close surveillance by police officers.



Increased criminalization and repression of media activities has also been witnessed in Yemen. Journalists critical of the government, in particular those reporting on corruption, have been beaten, threatened with death and arrested. Their files and computers have been confiscated. Media workers photographing arrests have been beaten and only released on condition that they stop taking such photographs. Others who reported on the release of individuals suspected of planning a terrorist attack were prosecuted by the authorities for violating the press law and “state security”.

Abdulkarim al-Khaiwani, a journalist and a long-standing critic of human rights violations committed against members of the Zaidi community, was sentenced to a six-year prison term in Yemen after being convicted on 9 June 2008 of charges related to his coverage of armed clashes between government forces and supporters of the late Zaidi Shi’a cleric Hussein Badr al-Din al-Huthi. The cleric was killed after attacks by government forces between June and September 2004, in the northern province of Sa’da. Abdulkarim al-Khaiwani was released on 26 September 2008 after being granted a pardon.

Abdulkarim al-Khaiwani has been repeatedly targeted for his journalism, suffering years of harassment, death threats, beatings and arbitrary detention. In 2007 he was abducted by gunmen outside a newspaper office apparently because of an article he wrote about human rights violations in Yemeni prisons. In September 2004, he was sentenced to one year’s imprisonment and *Al-Shura* newspaper, of which he was the editor-in-chief, was closed for six months because the paper supported Hussein Badr al-Din al-Huthi. Abdulkarim al-Khaiwani was released following a presidential pardon on 23 March 2005.

Some journalists who have raised human rights issues in **Lebanon** have been killed. Samir Qasir, for example, a prominent writer for *an-Nahar* newspaper, was

assassinated on 2 June 2005 in a car bomb explosion in front of his house. He was renowned for criticizing the Lebanese authorities and Syria's activities in Lebanon, as well as for other critical writing. In October 1997 he agreed to sit on a panel in Beirut for the launch of Amnesty International's first report on Lebanon at a time when people were particularly cautious about associating themselves with the organization or otherwise criticizing human rights abuses in the country. He continued to support Amnesty International and its work in the region.

On 12 December 2005, another prominent Lebanese journalist was killed. Gibran Tueni, managing editor of *an-Nahar* newspaper and an MP since May 2005, died in a car bomb attack that killed his driver and two others. A few days before, Gibran Tueni had called publicly for Lebanon's then President, Emile Lahoud, to be questioned about a mass grave recently discovered at the Ministry of Defence grounds in al-Yarze as he had been Lebanon's military commander in 1990, the date when the bodies were apparently buried there.

A third journalist was targeted that year: May Chidiac, a woman television journalist at the Lebanese Broadcasting Corporation, was seriously injured in a car bomb attack in September 2005.

In **Libya**, no independent press is allowed and the authorities use politically motivated charges to target media workers. Journalist and writer Abdurrazig al-Mansouri, for instance, was arrested on 12 January 2005 at his home in Tobruk, detained incommunicado in an undisclosed location by the Internal Security Agency and then transferred to Abu Salim Prison in Tripoli. Until he was presented to the Public Prosecutor on 28 May 2005, he reportedly did not know what charges he faced nor was he allowed to see his family or a lawyer. He was sentenced to 18 months' imprisonment on 19 October 2005 for possessing an unlicensed pistol and ammunition. He says that the weapon was an old pistol belonging to his father, which no longer functioned and which he kept as a memento, and that the ammunition consisted of used bullets his father had collected on the seashore. According to his family, the pistol was apparently only found by Internal Security Agency agents the day after his arrest. The agents subsequently questioned him about the critical articles he had written about politics and human rights in Libya that were published on the UK-based Akhbar Libya news website shortly before his arrest. Abdurrazig al-Mansouri was released, along with some 130 other detainees, following an amnesty on 2 March 2006.

Dhaif al-Ghazzal, a former journalist with the official newspaper of the Revolutionary Committees, was detained in May 2005 in Benghazi by men who identified themselves as members of Libya's Internal Security Agency. The authorities subsequently denied detaining him. His mutilated body was found a few days later in

a suburb of Benghazi. He had been tortured and shot in the head. Dhaif al-Ghazzal had resigned from the official newspaper a few months earlier to protest against corruption and had continued to denounce it in his writings and contributions to a news website. He also promoted political reforms. He had reportedly received several anonymous death threats. According to reports, three people, said to be members of the Revolutionary Guard, were convicted on 19 July 2007 of murdering Dhaif al-Ghazzal and sentenced to death by firing squad by an ad hoc or “specialized” court in Tripoli.

In **Jordan**, a royal decree adopted in October 2001, shortly after the 11 September attacks in the USA, amended the Penal Code to allow the imprisonment of people for “publishing a story, speech or act in any way that offends national unity, stirs people to commit crimes, implants hatred among members of society, instigates sectarianism and racism, insults the dignity and personal freedoms of individuals, promotes fabricated rumours, incites others to riot, sit-in or organize public gatherings that violate the laws of the country”.⁹³ Offenders are prosecuted before the State Security Court that can impose up to six-month prison terms and generally does not allow appeals. The amendments raise new concerns about freedom of the press and increase the risks faced by journalists covering human rights issues.

In **Algeria**, the Penal Code was amended in mid-2001 to provide for up to a year in prison and a fine for journalists “defaming” or “insulting” the President or state institutions. The amendment has led to a sharp increase in the number of cases brought against journalists and newspaper editors, as the government has tried to discourage unfavourable coverage in the privately owned press. This forced journalists to exercise utmost restraint to avoid imprisonment.

Journalists who have exposed poor government practices or corruption have been sentenced to prison terms and fined. Some were sentenced for reporting cases of torture or criticizing the slowness of investigations into allegations of torture or other ill-treatment of detainees. In May 2004, for example, Hafnaoui Ghoul, an Algerian journalist, human rights activist and spokesperson of an unofficial political group, was sentenced to a total of eight months’ imprisonment for, among other things, reporting allegations of torture, public mismanagement and corruption.

In January 2008, Athmane Senadjki, editor in chief of *El Khabar* newspaper in Algeria, and journalist Hamed Yes were each given one-month suspended prison terms and fined for “bringing a state organ into disrepute”. The charges related to an article that alleged that the Serkadji prison administration had stripped prisoners.

Press freedom remains strictly curtailed in **Syria** and people advocating human rights are frequently prosecuted. Muhammad Bedia' Dekalbab, for example, a member of the unauthorized National Organization for Human Rights, was sentenced by the Military Court to six months' imprisonment in June 2008. He was found guilty of "spreading false or exaggerated information... that may undermine the prestige of the State". Muhammad Bedia' Dekalbab was arrested on 2 March 2008 and released on 14 September 2008.

Those trying to cover issues related to the rights of minorities in Syria are severely punished. Yahia al-Aws and brothers Muhannad and Haytham Qutaysh were arrested in 2003, arbitrarily detained and sentenced after unfair trials for writing articles about Kurds for an internet newspaper in the UAE and for taking photographs of a peaceful Kurdish demonstration and posting them on the internet. They were charged with "obtaining and encouraging the transfer of secret information that must remain secret for the safety of the state and the interest of a foreign state", "disseminating false news abroad" and "carrying out writings not approved by the government which expose Syria and the Syrians to the threat of hostile acts that harm Syria's relations with a foreign state". In July 2004, the SSSC sentenced Muhannad Qutaysh, Haytham Qutaysh and Yahia al-Aws to four, three and two years in prison, respectively. All were released after serving their sentences.

"[All governments should] ensure that press offences are no longer punishable by terms of imprisonment, except in cases involving racist or discriminatory comments or calls to violence. In the case of offences such as 'libelling', 'insulting' or 'defaming' the head of State and publishing or broadcasting 'false' or 'alarmist' information, prison terms are both reprehensible and out of proportion to the harm suffered by the victim. In all such cases, imprisonment as punishment for the peaceful expression of an opinion constitutes a serious violation of human rights."⁹⁴

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Journalist Ali al-Abdullah and his son Muhammad were arrested on 23 March 2006, a day after they were outside the SSSC alongside relatives of defendants appearing before the court. Ali and Muhammad al-Abdullah intervened when police harassed the families, leading to an argument with an officer regarding the continuing use of the state of emergency laws in Syria. Their case was referred to a criminal court and finally to a military court, which sentenced them in October 2006 to six months' imprisonment for "broadcasting abroad false or exaggerated news which would damage the reputation of the state or its financial standing" and insulting the President of the SSSC. Muhammad al-Abdullah was also charged with participation in a meeting which called "for a disturbance, or shows signs of causing a general disturbance to public security, or causes riots or protests". They were released a day after sentencing because they had already served six months in prison.

In **Kuwait**, despite positive developments such as the establishment of an independent union of journalists, media workers continue to face censorship and some repressive measures. In January 2008, for example, al-Jazeera television was fined in connection with a February 2002 programme that allegedly defamed Kuwaiti political leaders. In March 2008 *al-Abrai* and *al-Sha'ab*, both weekly publications, had their licences withdrawn and their editors were fined over articles deemed by courts to be defamatory and "political", respectively.

RIGHTS OF LAWYERS

The UN Basic Principles on the Role of Lawyers make clear the importance of lawyers being able to speak freely about human rights. Principle 14 states:

“Lawyers, in protecting the rights of their clients and in promoting the cause of justice, shall seek to uphold human rights and fundamental freedoms recognized by national and international law and shall at all times act freely and diligently in accordance with the law and recognized standards and ethics of the legal profession.”

Principle 23 states:

“Lawyers like other citizens are entitled to freedom of expression... In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights.”

International standards emphasize the duty of governments to “ensure that lawyers... are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference”.⁹⁵ They state clearly that lawyers “shall not be identified with their clients or their clients’ causes as a result of discharging their functions” and that they should not “suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics”.⁹⁶

LEGAL PROFESSIONALS

In many countries in the Middle East and North Africa, the judiciary lacks independence and the executive authorities interfere with its work. International fair trial guarantees are not respected, including through the use of incommunicado detention, prolonged detention without charge or trial, lack of access to lawyers and relatives, prosecution of civilians by military courts, and the often unquestioning admission as evidence of confessions despite compelling indications that they were obtained under torture.

In spite of the repressive environment, some legal professionals have endeavoured to defend and promote the rule of law, often at high personal cost. Some have been prosecuted and sentenced to prison terms. Others have been detained for defending particular clients. Judges trying to uphold the independence of the judiciary have faced disciplinary measures. Lawyers have been charged with defamation for publicly criticizing unfair trial procedures.

In **Morocco**, Tawfik Moussaef, a renowned human rights lawyer, was found guilty in July 2008 by an appeal court in Rabat of breaching the law that governs the legal

profession when he allegedly disclosed information about an ongoing investigation. The Crown Prosecutor initiated the case after Tawfik Moussaef expressed concern in articles published by a Moroccan newspaper that one of his clients, detained on terrorism-related charges, had been tortured and otherwise ill-treated. In 2006 the Council of the Association of Lawyers in Rabat, which oversees the legal profession, found that Tawfik Moussaef had not breached the law as accused.



ANWAR AL-BUNNI, a prominent human rights defender and lawyer in Syria, is currently serving five years in prison for “spreading false information harmful to the state” for a statement he made in April 2006 to a Qatar-based newspaper in which he said that the death in custody of Muhammad Shaher Haysa had been “as a result of ill-treatment possibly amounting to torture”. Anwar al-Bunni refused to appeal, as he considered the verdict and the trial were “supremely political, and constituted a gross violation of freedom of opinion and speech”; he concluded that the appeal court would be no different.

Anwar al-Bunni has been systematically harassed and abused. In October 2005, he was attacked by three men on motorbikes. They dragged him from his car, assaulted him and then sped off. It is widely believed that the assault was ordered or carried out by state officials who had put him under increasing pressure because of his human rights-related work, in particular representing prisoners of conscience and other political prisoners, and speaking out about human rights issues in Syria. He had also been due to be the head of an EU-funded human rights centre in Damascus that was closed down by the Syrian authorities shortly after opening in March 2006.

Anwar al-Bunni has also been summoned to meetings with the security forces, faced disciplinary measures from the Damascus Bar Association, and prevented from travelling abroad. The Minister for Social Affairs and Labour has called for Anwar al-Bunni to be stripped of his citizenship. Anwar al-Bunni’s wife was dismissed from her job as a state employee at the General Corporation for Road Transport; the authorization was signed by the Prime Minister.

In **Tunisia**, lawyers are closely monitored, intimidated and harassed by security officials who have sometimes pressed defendants to change their lawyers if they want their case to “progress in the right direction”. Lawyers representing detainees in terrorism-related cases are routinely intimidated and harassed by state authorities. When they file complaints about this harassment, interference and sometimes physical violence, their complaints are not properly investigated.

Throughout 2005, the authorities intimidated the Association of Tunisian Judges, obstructed their activities and restricted their right to freedom of expression. After

judges called for more independence for the judiciary and publicly criticized government interference in the judiciary, the Association's telephone lines were shut down. The harassment culminated in September 2005 when members of the Association were forcibly prevented from accessing their office at the Palace of Justice in Tunis by order of the Ministry of Justice and Human Rights. Judges were arbitrarily relocated to isolated areas, far from their families, in an attempt to intimidate and silence them.

Lawyer and human rights defender Abderaouf Ayadi was assaulted by a police officer in Tunisia in April 2007 as he was about to enter a courtroom to represent a defendant facing terrorism-related charges. In June 2007, his car was vandalized by people believed to be Tunisian state agents. In November 2007, he was insulted, thrown to the floor and dragged by police officers seeking to prevent him from visiting a human rights activist and a journalist who were on hunger strike. No action was taken by the authorities against those responsible for these assaults on Abderaouf Ayadi.

In **Iran**, lawyers have been charged with “acting against state security” for simply complaining about shortcomings in the trial of their client. Lawyers who have defended sensitive cases involving human rights violations by state officials have been sentenced to long prison terms and banned from practising the profession – both as a punishment for questioning the impunity of officials and to deter other lawyers. In early 2008, four lawyers who are members of the Centre for Human Rights Defenders – Mohammad Dadkhah, Dr Hadi Esmailzadeh, Fatemeh Gheyrat and Abdolfattah Soltani – were all disqualified from standing for election to the Central Bar Association's Board of Directors by order of the judiciary under discriminatory selection criteria known as *gozinesh*.

Nasser Zarafshan, a lawyer representing families of victims of the “serial murders” (see p47), was released in March 2007 after serving five years in prison following an unfair trial by a military court. He was also banned from practising as a lawyer. Among other things, he was accused of “disseminating confidential information” relating to these murders, and illegal possession of firearms and alcohol, which were believed to have been planted in his office.

Lawyers in **Algeria** have been indirectly punished for defending clients accused of terrorism-related offences and have faced politically motivated charges intended to discourage them from continuing to work on such cases. Human rights lawyer Amine Sidhoum was sentenced in April 2008 to six months' imprisonment, suspended, for “bringing the judiciary into disrepute”. Both he and the prosecution have appealed, the latter calling for a harsher sentence. The appeal hearing is scheduled for November 2008. The charges relate to a 2004 article in the

newspaper *Ech Chouroukh*, which quoted Amine Sidhoum as saying that the 30 months that one of his clients had spent in detention without trial amounted to “abusive judgement.” Amine Sidhoum says that he actually described the case as one of “arbitrary detention”. As a lawyer, even a suspended prison sentence has a huge impact on his ability to work. In a further case that appeared to be politically motivated, Amine Sidhoum and another human rights lawyer, Hassiba Boumerdessi, were acquitted in April 2007 of passing prohibited items to their clients in prison.

Amine Sidhoum is one of the few lawyers in Algeria prepared to represent people whose human rights have been violated by the state. He is well known because of his work opposing torture and unfair trials of people accused of terrorism. His work on behalf of organizations of families of victims of enforced disappearance in Algeria has also exposed him to harassment by the authorities. In 2006, for example, a government official attempted to discourage him from raising concerns about the human rights situation in Algeria at the 39th Session of the African Commission on Human and Peoples’ Rights by warning him that he would be sentenced to a prison term of up to five years.

Legal professionals in **Egypt** who have criticized the lack of independence of the judiciary have been targeted. Two Vice-Presidents of the Court of Cassation, Mahmoud Mekki and Hisham Bastawisi, called for an inquiry into alleged electoral fraud involving pro-government judges during the parliamentary elections in November and December 2005, which were monitored by the judiciary. Instead of investigating the allegation of fraud, the authorities summoned the two judges to appear before a disciplinary panel in Cairo in April 2006. Mahmoud Mekki was cleared, but Hisham Bastawisi was reprimanded and found guilty of disparaging the Supreme Judicial Council and of talking to the press. These events led to major street demonstrations in support of the judges and an independent judiciary, protests that were violently dispersed.

Abdel Rahman al-Lahem, a defence lawyer in Saudi Arabia, faced disciplinary action in 2007 when defending a victim of gang rape. His client was sentenced to six months in prison and 200 lashes for committing a *khilwa* offence (a meeting between a male and female who are not members of the same immediate family). The woman was also seen by the court to be partly responsible for her rape. When Abdel Rahman al-Lahem criticized the court’s decision to treat her as an offender, the Justice Ministry initiated a disciplinary action against him, accusing him of “insulting the Supreme Judicial Council and disobeying the rules and regulations” of the judiciary. Such charges could have led to his being suspended or disbarred from the legal profession. In December 2007, following a public outcry nationally and internationally, the King of Saudi Arabia pardoned the rape victim. The disciplinary action against Abdel Rahman al-Lahem was then ended and he was allowed to resume his work.

Abdel Rahman al-Lahem had previously been arrested in March 2004, two days after he appeared on al-Jazeera television and criticized the arrests of 11 academics and intellectuals – all of whom he represented – who had called for political reforms (see p2). He was released two months later, but was rearrested in November 2004 after the publication of an appeal sent by three of the defendants to Crown Prince Abdullah in which they criticized the unfairness of the judiciary.

Intimidation, harassment and prosecution of legal professionals for discharging their duties constitute a violation of the rights of the lawyers and their clients, and in many cases denies defendants their right to adequate counsel. The Declaration recalls the right of everybody “individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights”.⁹⁷

WOMEN’S RIGHTS DEFENDERS

Women’s rights defenders – women who defend human rights and all those who actively promote and protect women’s rights – have become more assertive and better organized in the Middle East and North Africa.

Women around the world face the same types of human rights violations as men, but the repression they experience often has a strong gender-based component and a gendered impact. The social and cultural oppression of women entrenched in discriminatory legislation and in their traditional confinement to stereotyped roles within the domestic sphere have largely prevented women from emerging as visible and vocal actors in society.

Because many women human rights defenders have focused on gender equality, they are often viewed as defying social norms, structures and practices. By demystifying and challenging the traditional role of women, they run the risk of being ostracized. As the Special Representative has underlined, “women human rights defenders face greater and different risks because they are women. They are targets because they often defy social norms of ‘femininity’.”⁹⁸

Across the Middle East and North Africa, the authorities have tried to stifle women’s campaigns against discrimination and other abuses they particularly suffer.

In **Iran**, the attempt to silence women’s voices has been systematic. Women’s right groups have been repeatedly denied requests to hold rallies. They have nevertheless held meetings and gatherings, some of which have been violently broken up by the authorities. On 8 March 2006, for instance, Revolutionary Guards and members of the plain clothes Basij militia violently dispersed hundreds of women who had



Women and children affected by rulings of the family courts outside the Ministry of Justice, Bahrain.

gathered peacefully in Tehran to commemorate International Women's Day. Scores of women were beaten. Journalists who filmed the event were reportedly arrested and released only after their film and photographs had been confiscated. Nine of those injured lodged a complaint with the Public Prosecutor's Office in May 2006.

In June 2006, women participating in another peaceful demonstration calling for legal reforms were again beaten by police, including a large unit of policewomen, who arrested some 70

people for participating in what the authorities alleged was an illegal demonstration. Journalists who had covered the demonstrations were arrested. Most of those detained were released shortly afterwards, although one – Sayed Ali Akbar Mousavi Kho'ini – was held for over four months and tortured.

Several of the women arrested, including the organizers Fariba Davoudi Mohajer, Shahla Entesari, Parvin Ardalan, Noushin Ahmadi Khorassani and Sussan Tahmasebi, were sentenced to prison terms on charges such as "meeting and colluding to act against state security", "participating in an illegal gathering" or "propaganda against the system". In September 2008, all remained at liberty but most were awaiting the outcome of their appeals.

Delaram Ali, among others, was sentenced to be flogged in addition to a prison term in connection with the June 2006 demonstration. Her sentence was temporarily stayed by the Head of the Judiciary following a widespread domestic and international campaign. Despite evidence that police officers had used excessive force against her during the demonstration, the charges against them were dismissed. She was sentenced to 10 lashes and 34 months' imprisonment (reduced to 30 months on appeal). The Head of the Judiciary ordered a judge to look into the case to see if it had suffered from irregularities. Delaram Ali is currently free pending the outcome of this investigation, but remains at risk of imprisonment.

On 4 March 2007, the first day of the trial of five of the women who organized the June 2006 demonstration, supporters were arrested while they were gathering outside the courtroom to protest peacefully against the trial. Among those arrested were four of the defendants as well as Shadi Sadr, a lawyer. All were released several days later. However, Shadi Sadr and Mahboubeh Abbasgholzadeh – who were also involved in a campaign to end the judicial punishment of stoning to death – were held for over

two weeks before being released on bail. At a Revolutionary Court session in August 2007, which their lawyer was not allowed to attend and during which the women were questioned about their NGOs and their activities in the Stop Stoning Forever campaign, they were charged with illegal assembly, collusion against national security, disruption of public order and refusal to obey the orders of the police. By September 2008, at least 26 others of those arrested on 4 March had been summoned for trial or tried, of whom at least seven were sentenced to up to two years' imprisonment. At least four were given suspended sentences of flogging. None was detained at the time of writing this report.

In the aftermath of the June 2006 demonstration, on 27 August 2006, Iranian women's rights activists launched the Campaign for Equality. A petition was drafted with the aim of collecting "one million signatures demanding changes to discriminatory laws". The petition is open for signature by Iranians on the campaign's website, which has been blocked at least 16 times.

Dozens of Campaign for Equality activists and supporters have been arrested, some while collecting signatures for the petition. Nasim Sarabandi and Fatemeh Dehdashti were the first to receive prison sentences in connection with their collection of signatures. They were sentenced on 12 August 2007 to six months' imprisonment, suspended for two years, for "acting against state security by propaganda against the system".

MAHBOUBEH ABBASGHOLIZADEH was arrested in Iran in 2004, held in solitary confinement for 23 days in a tiny cell and placed under extreme mental and emotional pressure throughout interrogation. She was questioned about her activities on behalf of women's rights. Her interrogators questioned her intrusively and sought to have her make potentially incriminating statements relating to her private life, such as "tell us who you have slept with". They threatened to bring her daughter into the prison if she did not cooperate. Among other things, Mahboubeh Abbasgholizadeh was charged with having "illicit relations", "relations with foreigners", of being improperly dressed (without a headscarf), and possessing alcohol. After her release on bail a month later, Mahboubeh Abbasgholizadeh sought private psychological treatment for her ordeal while in jail. She was rearrested in March 2007 (see above) and her NGO closed down.



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Women human rights defenders have been arrested and detained elsewhere in the region. Some have faced trials. In June 2005 Ghada Jamsheer, a leading human rights defender in Bahrain and the Director of Women's Petition Committee, a group set up in October 2002 to advocate reform of the personal status courts (family courts) and the codification of family laws, appeared in court. She faced charges of "insulting the judiciary"; defamation and slander of a family court judge; and slander of the husband of a victim of domestic violence. The first charge arose out of

petitions and articles issued by the Committee between October 2002 and June 2003 that called for reform of the family court system and for family law judges to be adequately trained. Ghada Jamsheer denied all the charges, and all charges were subsequently dropped.

In **Syria**, the Ministry of Social Affairs and Labour declared in January 2007 that the Syrian Women's Association was illegal, even though it had been functioning since 1948. In September 2007, the Minister of Social Affairs and Labour refused to license five NGOs, including the Organization to Support Women and Victims of Domestic Violence.

In the **Occupied Palestinian Territories**, the impact of occupation has been felt by women human rights defenders in a particularly acute way. Their long efforts to end gender-based discrimination have been thwarted by a sense that the primary need is to bring an end to Israeli occupation. The Special Rapporteur on violence against women, its causes and consequences, stated after her visit to the OPT: "the deepening of the conflict in the OPT and the expansion of the tools of occupation has weakened the negotiating power of Palestinian women to challenge the patriarchal gender contract which has, in part, become a defence mechanism to keep the society intact".⁹⁹

In a place where, as described by the Special Rapporteur, the "increased transgression of [Palestinian] land has left honour as the only viable ground for the preservation of societal identity – to the detriment of women",¹⁰⁰ women human rights defenders have found it increasingly hard to promote the principle of gender equality. Indeed, women human rights defenders who have advocated law reforms and supported victims of domestic violence have themselves been targeted by state agents and others. As a result, these activists have been gradually sidelined. This is in stark contrast to the period of the first intifada (1987-93) when human rights activists and women's groups achieved significant visibility in defending these principles.

In **Iraq**, numerous NGOs have been established since the US-led invasion in 2003. Many of them focus on the empowerment of women in Iraq and cover a wide range of activities, including health care, income-generating projects, education, vocational training, legal assistance and protection of women at risk.

Many Iraqi women human rights defenders who are employed by or affiliated to NGOs offering support and assistance to women are also involved in advocacy work for women's rights. The creation of formal networks as well as ad hoc alliances of Iraqi women's organizations has contributed to strengthening women's voices in the political process. In 2004 Iraqi women's rights activists successfully lobbied the US-headed Coalition Provisional Authority to introduce a minimum quota for women

UNDER FIRE IN IRAQ

Women human rights defenders working at women's shelters in the Kurdistan Region of Iraq report frequent threats by relatives of women who have sought protection. There has been at least one armed attack on a shelter: on 11 May 2008, gunmen believed to be relatives of a woman staying at the ASUDA shelter in Suleimaniya, fired several shots from a neighbouring building into the shelter, seriously injuring the woman.

Lawyers representing women in personal status matters have also been targeted. A woman lawyer in the Kurdistan Region told Amnesty International that she had received threats on her mobile phone from relatives of a woman who had been abused by her husband and whom she had assisted to file for divorce. One of the messages she received in 2008 read: "Where do you want to hide? If she gets a divorce we will take our right. We know that you are her lawyer. We are able to get hold of you and kill you."



members of the Iraqi National Assembly. The minimum quota of 25 per cent for women parliamentarians was later incorporated into the Iraqi Constitution of 2005 (Article 49). However, many women's rights defenders are concerned that the Constitution reopened the debate about a review of the Personal Status Law (Article 47) which they fear will lead to greater influence of religious authorities in personal status matters, including marriage, divorce and inheritance.

While continuing widespread violence poses a threat to all people in Iraq, women human rights defenders face particular risks. They have been harassed and threatened for a number of reasons, including for asserting their civil and political rights, advocating more freedom for women, or providing protection for vulnerable girls and women, such as those threatened with "honour killings".

On 17 May 2008 Leila Hussein was shot dead in Basra while she was walking with two women human rights defenders who were helping her to escape from Iraq. The two other women were injured in the attack. Leila Hussein's life was known to be at risk after she denounced and then left her husband who had killed their teenage daughter, Rand Abd al-Qader, in March 2008 because of her friendship with a male British soldier based in Basra. During the last weeks of her life Leila Hussein lived in hiding with the support of a local women's rights organization.

Death threat message sent in Kurdish on 3 April 2008 to the mobile phone of a woman lawyer in the Kurdistan Region of Iraq by a relative of a woman for whom she had filed a divorce.

6/DEFENDING ECONOMIC, SOCIAL AND CULTURAL RIGHTS

The restrictions on freedom of expression, association and assembly experienced by individuals or organizations defending civil and political rights are mirrored in the area of economic, social and cultural rights. Even though the repression of activists and organizations defending these rights is less documented and publicized, it is happening. Among the abuses are harassment, intimidation, arrests and, in some cases, imprisonment.

WORKERS' RIGHTS

International law and standards, in particular the ICCPR, the ICESCR¹⁰¹ and the International Labour Organization (ILO) Declaration on Fundamental Principles and Rights at Work as well as Convention 87 on Freedom of Association and Protection of the Right to Organize, recognize the right to freedom of association and the right to organize and to form independent trade unions. Respect for this right varies greatly in the region: in the North African countries, with the exception of Libya, trade union pluralism is allowed, albeit with a few sector-wide exceptions and restrictions. Elsewhere in the region, only Israel and Lebanon recognize the right to form or join independent unions, although Lebanon limits this right to some sectors and denies it to Palestinian refugees.

The authorities in **Saudi Arabia** and the **UAE** do not allow independent trade unions, instead allowing less effective “workers’ committees”. In other countries, only single trade union systems are in place.

The absence of independent trade unions has particularly serious consequences for migrant workers in the Gulf, who constitute the majority of the workforce and many of whom work in appalling conditions.¹⁰² In this respect, **Bahrain** constitutes a notable exception, as the 2002 labour law allows non-citizens to join trade unions (although a new law on gatherings forbids non-citizens from taking part in demonstrations and meetings).

By contrast, a new labour law adopted in **Saudi Arabia** in 2005 fails to recognize the right to form trade unions or strike. In addition, and contrary to international jurisprudence that stresses the right of aliens to peaceful assembly and freedom of

association,¹⁰³ the law does not apply to domestic workers whose need for legal protection is especially great. In **Kuwait**, where a new labour code promised 10 years ago has still not been adopted, domestic workers remain excluded from the protection of the law and cannot establish or belong to a trade union.

The rights of migrant workers in the Gulf, most of them from Asia, are blatantly and systematically violated. Foreign workers are brought into the country by way of a *kefala*, or guarantor, to whom the employee is legally contracted and tied unless – rarely – alternative arrangements are made. Migrant workers are often subjected to extremely long working hours, restrictions on their movement, forced confinement, lack of food, lack of health and safety safeguards, no paid overtime, work discrimination on the base of nationality, non-payment – sometimes for months – of wages, and so on.

The rights of women migrant workers, in particular domestic workers, are grossly violated. Many have been sexually abused by their employer and some have been killed. In some countries, including **Kuwait** and the **UAE**, domestic workers (most of whom are women) are prosecuted if they leave their employers without proper authorization, itself very difficult to obtain. This constraint has led many to endure intolerable working conditions for fear of losing their income. Because the laws prohibit migrant workers from joining trade unions, they cannot try to organize to defend their rights.

The lack of independent unions in **Kuwait** or organizations that defend the rights of migrant workers – nearly 70 per cent of the population – means that foreign workers refrain from campaigning against violations of their rights for fear of repatriation. Attempts to set up workers' organizations or strike may be considered a breach of contract. For instance, more than 60 Indian migrant workers who staged a sit-in in September 2005 to protest against poor living conditions and pay arrears were arrested and deported to India. On occasion, migrant workers who have attempted to organize have been arrested.

In an exceptional move, in mid-2008 Bangladeshi cleaners of government buildings staged demonstrations and took their contractor to court over non-payment of wages and other issues. They won. During the demonstrations, property was damaged, hundreds of Bangladeshis were injured and scores were arrested. Some said they were tortured or otherwise ill-treated by Kuwaiti police. Scores of workers were charged with public order offences and deported.

Following the unrest, however, the Kuwait Society for Human Rights and the Kuwaiti Society for the Development of Democracy both spoke out for the rights of migrant workers. Subsequently, following an initiative led by the Kuwaiti parliament's Human Rights Committee, a majority of MPs called for an urgent debate on worker's rights.



A migrant worker on a construction site in Dubai, United Arab Emirates.

In September the government announced it would consider changing the sponsorship scheme to improve the lives of migrant workers.

In the **UAE**, a draft labour law, issued in February 2007 to streamline employment practices, provides for the punishment of striking workers, but not for the right to organize, bargain collectively or strike. The draft excludes migrant workers, farmers, public sector workers and private security staff. Domestic migrant workers in the country continue to be denied the protection of labour legislation. As a result, they do not formally have the right to a weekly day of rest, limits on hours of work, paid holidays or forms of compensation. Allegations of abuse include sexual abuse and other ill-treatment, and non-payment of wages.

In August and October 2007, hundreds of construction workers, all of them migrant workers, went on strike in Dubai in the UAE to protest against low salaries and poor housing conditions, including a lack of safe water supplies. In July 2008, around 3,000 Indian workers were reportedly detained in Abu Dhabi after protests broke out against poor living conditions and low wages. The authorities accused them of arson and rioting.

Despite the legal restrictions, workers elsewhere in the Gulf have on rare occasions tried to organize sit-ins and strikes, mostly over non-payment of wages. For example, in August 2005 some 600 workers (mostly from the Indian sub-continent) went on strike in **Qatar** to protest against the non-payment of their wages for six months and poor working conditions.

In some countries, trade union activities and political allegiance are linked. The authorities have imposed a single trade union federation and prohibited trade unions from being involved in “political activities”, a broadly defined term that includes legitimate demands for the implementation of workers’ rights. This is the case in **Syria**, where the sole official trade union federation is controlled by the ruling Ba’ath party, and in **Jordan**, where the government subsidizes the only allowed federation.

In **Egypt**, the authorities impose the monopoly of the Egyptian Trade Union Federation that has close links with the ruling National Democratic Party of President Mubarak. Trade unionists defending workers’ rights have been threatened and physically assaulted by government representatives. Demonstrations to protest against the single federation system have been nipped in the bud. In March 2004, for example, a thousand troops prevented engineers from protesting against restrictions on unions, and in October 2004 the police occupied a phosphate mine and threatened to turn off the mine’s ventilation fans in an effort to force striking miners to go back to work.

Nevertheless, since 2006 there has been a major strike wave in Egypt involving tens of thousands of workers. Some of the strikes have been met with bans that led to the outbreak of violence. On 5 April 2008, the government banned all demonstrations in advance of a general strike planned for 6 April in support of action by textile workers in Mahalla, north of Cairo. Thousands of police and security forces were deployed in Mahalla, Cairo and other cities but this failed to prevent protests in Mahalla, which became violent as police clashed with people protesting against rising living costs. Three people were killed and dozens were wounded. Some 258 people who were arrested were released without charge but 49 others were detained for a week or brought before the Emergency Supreme State Security Court in Tanta on charges including participating in an illegal gathering likely to “disturb the public order” and destroying public property. The trial was still continuing in October. Trials conducted before Emergency Supreme State Security Courts routinely fall short of due process and international fair trial standards.

In **Iran**, repression of trade unionists has been particularly severe. Workers who have attempted to organize or stage strikes have been attacked, violently dispersed and arrested. A number of demonstrating workers have been released only after signing documents in which they promised to refrain from being “involved in politics”. Even individual workers who express sympathy for striking colleagues have been arrested and detained for months.



Defendants in the trial of 49 Mahalla protesters in court in Tanta, Egypt, 9 August 2008.

In February 2005, seven labour leaders were brought to trial for holding a May Day celebration the previous year, which the authorities considered to be illegal. Evidence used against one of the defendants, Mahmoud Salehi, an active trade unionist with positions in several workers' committees, included an article on how to calculate the cost of living index, a statement condemning the killings of striking workers by the security forces in January 2004, contacts with an International Confederation of Free Trade Unions (ICFTU) delegation shortly before the May 2004 celebrations, and a previous detention for trade union activities. Mahmoud Salehi was sentenced to five years' imprisonment and three years in exile in another city.

Charges against other defendants who had attended the May Day celebration included committing crimes against the country's internal security, establishing an organization for unemployed workers, setting up a website for workers, and "congregating to commit criminal acts against national security", which referred to a meeting with ICFTU officials. Several workers were sentenced to prison terms of up

to two years. The sentences were later overturned on appeal. However, after retrials in late 2006, Mahmoud Salehi was sentenced to four years' imprisonment on similar charges. His sentence was reduced to one year's imprisonment and a three-year suspended prison term. He began serving his sentence on 9 April 2007 and was released a year later.

The Iranian authorities have relentlessly repressed the Tehran and Suburbs Bus Company workers' attempts to organize. Seven members of the union were harassed, dismissed and eventually arrested after trying to formally establish an independent union and protesting against unpaid wages. They were charged with "disturbing public order" and "illegal trade union activities". Hundreds of other members of the union were also arrested during protests against their detention.

Among them was MANSOUR OSSANLU, who was released and rearrested a number of times. In July 2007, three weeks after he attended an international trade union conference in Europe, he was seized from a bus near his home in Tehran by unidentified security personnel. He was subsequently sentenced to five years' imprisonment on vaguely worded and politically motivated charges of "acting against national security" and "propaganda against the state", neither of which constitutes, in practice, recognizably criminal offences. Mansour Ossanlu remains in prison.

Trade unionists are also targeted in **Tunisia**. Trade unionist Adnan Hajji was arrested at his home in Redayef on 22 June 2008 following waves of demonstration in various towns in the Gafsa region against unemployment and the rising cost of living. He was charged, together with others, with an array of offences, including forming a group with the aim of inciting the destruction of public and private property, deliberate destruction of property, resisting the authorities, inciting others to protest and blocking public highways. On 23 June, he appeared before the investigating judge, who postponed the hearing to 26 June. The hearing was postponed several more times. Adnan Hajji's lawyers had access to him after his arrest but were later prevented from visiting him, most recently on 2 August 2008. He remains in Kassarine Prison.

In some places, relatives of trade union activists are also intimidated, harassed or assaulted. In **Bahrain**, for example, Abbas 'Abd 'Ali, a member of the Committee of the Unemployed, was dragged from his car, physically assaulted and left unconscious near his home in July 2006 after he confirmed that he was the brother of Musa 'Abd 'Ali, one of the founders of the Committee. The perpetrators were not identified.

Even in countries where the right to form and join trade unions is recognized under the law, trade unionists have been assaulted and arrested. In June 2005 in **Morocco**,



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police in anti-riot gear, escorted by information service officers, forced their way into a regional head office of the Moroccan Union of Work where trade union leaders were meeting, and tried to evict unemployed members who had previously organized a sit-in to demand their right to work. The police beat trade unionists, seriously injuring some, and arrested several activists. The authorities strictly prohibit trade union activity in the textile industry and export processing zones.

In **Algeria**, members of the National Autonomous Union of Public Administration Staff have been regularly harassed and prevented from setting up branches and holding general assemblies. Their applications to set up a national confederation with other autonomous trade unions have been refused. The authorities have also sanctioned, threatened and dismissed workers in local administrations in several public sectors (water, public works and so on) to prevent them from organizing. Lawsuits were filed against trade union leaders of the National Council for Higher Education who had called for a strike in May 2006; the national co-ordinator was arrested and detained for a few days.

CULTURAL RIGHTS

Ethnic minorities in the Middle East and North Africa are perceived by some governments as a threat to the integrity of the state. As a result, they face discrimination and repression in order to silence the affirmation of their group identity.

In **Iran**, for instance, despite guarantees of equality enshrined in the Constitution, individuals belonging to various ethnic and religious minorities suffer widespread discrimination in law and practice in the areas of state employment, property, land ownership and access to resources. Their cultural, linguistic, social and religious freedoms are usually also restricted.

Ya'qoub Mehrnehad, a 28-year-old Iranian Baluchi¹⁰⁴ civil society activist, was executed on 4 August 2008. He was arrested following his criticism of local authorities, both on his website and at a public meeting. On 12 April 2007, a month before his arrest, he criticized provincial authorities on his blog. He is reported to have been tortured in pre-trial detention, denied access to a lawyer and subjected to a grossly unfair trial behind closed doors before a court in Zahedan. He was convicted of *moharebeh* (enmity with God) and *ifsad fi'l arz* (corruption on earth) apparently in connection with his alleged "contacts with the Jondallah group [a Baluchi armed opposition group which has committed human rights abuses]", for which he was sentenced to death.

Ya'qoub Mehrnehad was a journalist and the head of a registered NGO, The Voice of Justice Young People's Society, which organizes events and educational courses for young Baluchi people and raises funds to help the poor. He told his family during a short visit in February 2008, "I am not guilty and this has happened unjustly and if I am executed, people will know that I have been executed without [having committed] a crime."

After domestic and international outcries at his execution, the Iranian authorities made further claims regarding his alleged violent activities on behalf of the Peoples' Resistance Movement of Iran (formerly known as Jondallah). Amnesty International is not aware of any evidence that Ya'qoub Mehrnehad either used or advocated violence and is concerned that these allegations were an attempt to justify his execution.

The authorities have reacted with deep suspicion to the Iranian Azerbaijani minority's growing demands for recognition of their cultural and linguistic rights, in particular the use of the Azerbaijani Turkic language (often referred to as "Turkish" in Iran), which has led the government to accuse them of "pan-Turkism".¹⁰⁵ Activists defending the rights of this minority – the largest in Iran – have been harassed, repressed and sometimes threatened with torture or death.

The authorities have violently repressed traditional gatherings of the Iranian Azerbaijani community, such as that held annually in late July and early August at Babek Castle in Kalyaber, north-western Iran, when thousands of Azeris walk to the castle to celebrate the birthday of a 9th century hero. In August 2005, scores of participants were arrested and at least 21 sentenced to prison terms of up to one year.

Abbas Lisani, an activist for the rights of the Iranian Azerbaijani community, has been arrested several times since 2004. The charges against him have included attending a commemorative gathering for Constitution Day in August 2005; gatherings at Babek Castle in 2003 and 2005; and a protest in a mosque in Ardebil in 2004. He was sentenced for "disturbing public order" and "spreading anti-government propaganda", among other offences, which referred to his participation in the Babek Castle demonstration in 2005. He was also charged with reciting Azerbaijani poems, publishing and distributing an Azerbaijani Turkic language calendar, and intending to promote Azerbaijani Turkic nationalism and independence. He was tortured and denied medical treatment. Abbas Lisani was released from Yazd Prison in central Iran on 29 October 2008 after serving two consecutive sentences totalling 30 months. However, a few days prior to his release, the authorities threatened his family that he would be arrested again should he take part in any event or movement in an Azerbaijani city.

The Iranian authorities have also repressed activists defending the cultural rights of Ahwazi Arabs, whom they view with suspicion, and who are socially and economically marginalized.¹⁰⁶ Hundreds of Ahwazi Arabs have been arrested in recent years, including during mass demonstrations calling for respect for their rights. Some initially peaceful rallies ended in violent clashes with the security forces, with dozens of participants killed or injured.

The harassment of activists defending the rights of the Kurdish community in Iran has been even more severe.¹⁰⁷ This is partly because the demand for recognition of the economic, social and cultural rights of Kurds has been expressed until recently in ways that have included armed opposition to the Iranian state,¹⁰⁸ which has deepened the government's suspicions about the Kurds' legitimate demands for respect of their minority rights.

Members of Kurdish human rights organizations have been beaten, detained and sentenced for peacefully defending and promoting the rights of their community. Several Kurdish rights organizations, such as the East Kurdistan Cultural Research Institute, have been refused permits to operate, while other NGOs, such as the Human Rights Organization of Kurdistan, have been repeatedly harassed and their members repressed.

The authorities have often responded to mass demonstrations of Kurds with excessive use of force. Clashes with the security forces have frequently occurred, as in July 2005 when thousands of Kurds took to the streets to protest against the shooting of a Kurdish opposition activist, Shawan Qaderi. More than 21 people were killed, scores were injured and almost 200 participants were arrested, some of whom were sentenced to several years' imprisonment.

Several human rights defenders and journalists involved in the July 2005 demonstrations received death threats and others were detained for having covered the events. Mohammad Sadeq Kabudvand, Chair of the Human Rights Organization of Kurdistan and editor of a weekly magazine banned in 2004, was sentenced to one year's imprisonment for "spreading lies with the intention of upsetting public opinion", and six months' imprisonment for "disseminating tribal issues and publishing provocative articles". He was also banned from working as a journalist for five years. He was further sentenced for "publishing lies and articles aimed at creating racial and tribal tension and discord". He was detained again in July 2007. In June 2008 he was sentenced to 10 years' imprisonment for "acting against state security by establishing the Human Rights Organization of Kurdistan" and one year's imprisonment for "propaganda against the system".

The Kurdish minority in **Syria** too faces systematic discrimination, in particular regarding civil and political rights.¹⁰⁹ Human rights defenders who promote respect

for the rights of the Kurdish minority face harsh repression and are often accused of “inciting sectarian strife”. Riad Drar al-Hamood, an active member of the unauthorized Committees for the Revival of Civil Society, was arrested in June 2005 after making a speech at the funeral of a prominent Kurdish Islamic Sheikh who had been abducted and killed after apparently being tortured. In April 2006, Riad al-Hamood was sentenced by the SSSC to five years’ imprisonment on charges of belonging to a “secret organization”, “publishing false news” and “inciting sectarian strife”. The charge of “inciting sectarian strife” is commonly used against human rights defenders and activists seeking to promote the rights of Syrian Kurds.

Sheikh Muhammad Ma’shuq al-Khiznawi, an outspoken member of the Kurdish community in Syria and a critic of violence and terrorism, died on 30 May 2005 some 20 days after he disappeared after apparently being detained by Syrian Military Intelligence at an unknown location. Even though the Syrian authorities denied that they were holding him, they handed over his body to his family. Before his death he had called for reforms in Syria and for more dialogue between religious groups.

Peaceful demonstrations calling for respect for the rights of the Kurdish community in Syria have been repressed and participants arrested and prosecuted before exceptional courts. Kurds have frequently been charged with membership of a “secret organization” and “attempting to sever part of Syrian territory and annex it to a foreign state”. In June 2003, for instance, the security forces violently dispersed a peaceful demonstration in front of the UN Children’s Fund (UNICEF) building in Damascus that called for respect for the rights of Syrian Kurds, including the right to teach the Kurdish language at school. A year later, seven Kurdish participants – Muhammad Mustafa, Sherif Ramadhan, Khaled Ahmad ‘Ali, ‘Amr Mourad, Salar Saleh, Hosam Muhammad Amin and Hussayn Ramadhan – were arrested and charged with “belonging to a secret organization”, “attempting to sever part of Syrian territory and annex it to a foreign state” and sentenced by the SSSC to between one and two years in prison. The four sentenced to one year’s imprisonment were released immediately, because of the time they had already spent in pre-trial detention. The other three, Muhammad Mustafa, Sherif Ramadhan and Khaled ‘Ali, continued to suffer ill-treatment in prison. They were kept in solitary confinement, and were allowed only limited visits.

Human rights defenders who promote the cultural rights of the Amazigh population in the Maghreb have also been harassed, although respect for the cultural rights of their community varies greatly within the sub-region.¹¹⁰ In **Morocco**, the authorities have on several occasions curtailed the rights to freedom of association and assembly of members of organizations defending and promoting the rights of the Amazigh community, in particular their demand that the Amazigh language be

recognized in the Constitution. The authorities have denied recognition to several organizations and have often prevented peaceful meetings under the pretext that they would pose a “threat to public order”, restrictions condemned by the UN Committee on the Elimination of Racial Discrimination.¹¹¹ The Amazigh Network for Citizenship, for instance, was only legalized in 2007, four years after applying.

In the context of the implementation of an agricultural policy that resulted in the expropriation of Amazigh land, human rights activists defending the rights of the Amazigh community have been harassed and arrested. In December 2006, five people, including the General Secretary of the Union of Poor Labourers, were sentenced to four-month suspended prison terms for participating in a peaceful demonstration against expropriations in the region in May 2006. A conference on “Amazigh and human development” in south Morocco was forbidden at the last moment in December 2006. The decision was enforced through the deployment of a large police contingent. During the ensuing street rally, demonstrators were assaulted by police, who arrested six people, including the local co-ordinator of the Amazigh League for Human Rights.

For years, the Amazigh minority in **Algeria**¹¹² has been the most active in the region in promoting the Amazigh identity. Demonstrations have often ended in violent clashes, notably in April 2001 and in the following months when over 120 demonstrators were killed in confrontations with the security forces. The authorities have often used excessive force against demonstrators, who have called for respect for their rights and denounced political repression and the deteriorating socio-economic conditions of their community.

In March and April 2002, some 10 unarmed individuals, including a 14-year-old boy, were killed by the security forces in the context of anti-government demonstrations. According to reports, some were shot dead, some were beaten or stabbed to death, and some died after being hit by rubber bullets or tear-gas grenades apparently aimed at the protesters’ heads. Scores of protesters were arrested during or following these demonstrations that rocked parts of the country, particularly the predominantly Amazigh region of Kabylia in north-eastern Algeria. Dozens of other demonstrators were tried and sentenced to between several months and several years in prison.

RIGHTS OF RELIGIOUS GROUPS

In the Middle East and North Africa, violations of the rights of members of religious minorities have mainly affected minority branches of Islam (such as Shi’a communities in an overwhelmingly Sunni environment, or vice versa), as well as Christian and Jewish communities. In some instances, religious minorities overlap with ethnic minorities, as with the Iranian Kurds and Baluchis, for instance, who are

mainly Sunnis in an overwhelmingly Shi'a environment. Often, human rights violations are not limited to stopping or restricting such people from practising their religion according to their own rites, but have also extended to their socio-economic rights, such as access to employment. Human rights defenders who speak on behalf of such communities and try to defend their rights have been targeted.

In **Iran**, members of religious minorities have been detained, harassed or even killed because of their faith. Members of the religious Jewish, Christian and Zoroastrian minorities that are recognized by the Iranian Constitution, as well as followers of unrecognized religions such as the Baha'is, Ahl-e Haq and Sabeaens (Mandaeans), face discrimination in law and practice. For instance, Baha'is are denied the right of assembly and prevented from freely practising their religion. The authorities also limit their access to education and employment and deny them equal access to work. Repression against the community, such as attacks by unidentified assailants, the vandalizing and destruction of cemeteries and holy sites, and the confiscation of their property by the state, has increased since 2005.

Mehran Kawsari and Bahram Mashhadi, human rights defenders and members of the Baha'i community in Iran, were arrested, denied access to legal counsel and sentenced in early 2005 to prison terms of three years and one year respectively. In November 2004 they had written an open letter on behalf of the entire Baha'i community addressed to President Khatami, which detailed human rights violations against Baha'is in Iran and called for respect for their rights.

The Iranian authorities have also targeted leaders defending the rights of the Sufi Shi'a community and have used excessive force when disrupting their religious congregations.¹¹³ A Grand Ayatollah issued an edict designating Sufism as "null and void", and Sufi followers were accused of participating in a foreign plot against the Iranian state.

On several occasions in 2006, Sufi leaders and their followers were repeatedly harassed and assaulted, and scores of believers were sentenced to one year in prison. Two lawyers who represented the group were also sentenced to prison terms and were banned from practising law. In February 2006, members of the Nematollahi Sufi community, who had refused to evacuate their place of worship in Qom, were violently dispersed by the security forces. More than 1,000 participants who had tried to organize a peaceful sit-in to protest against government orders to close down their mosque were arrested. Some 170 were still detained at the end of the month, while several of those released had to formally renounce Sufism. Three months later, 52 Sufis were sentenced to one year's imprisonment, flogging and a fine (later reduced on appeal to only a fine). Gholamreza Harsini, a lawyer who had represented Sufis in

Qom, was himself sentenced to five years' suspension from practising law, a year in prison and a fine. An appeal court later cleared him of all charges because his presence at the time of the incident in Qom could not be proved.

In some countries, the harassment of human rights defenders who have tried to draw public attention to the restrictions on freedom of religion faced by their community has been so systematic that it has silenced them. In **Egypt**, where public debate on inter-faith relationships is almost non-existent and where, for instance, discrimination against the Coptic minority in education and access to work is not debated, activists increasingly resort to the internet.¹¹⁴

Hala Helmy Boutros, a Coptic Egyptian who had created a blog to report on the harassment faced by her community, was accused of complicity in attacks against Copts in January 2006 when the church they were trying to restore near Luxor was destroyed during riots. Two Copts were killed and several others injured during the riots. Following the creation of the blog, Hala Helmy Boutros' telephone and internet lines were cut. She was banned from leaving the country and accused of "spreading false news" and "disrupting social harmony between the Muslim and Christian communities". Under continuous harassment, she finally closed her blog.

In a number of countries, the authorities absolutely prohibit any expression of religious beliefs other than Islam. In Saudi Arabia, for instance, Christians are forbidden from practising their religion, which prevents anyone from publicly defending and promoting the rights of their community. In the UAE, the Penal Code punishes with imprisonment and hard labour the "establishment of an organization or the convening of a meeting or conference for the purpose of fighting or mistreating the foundations or teachings of the Islamic religion or calling for the observance of another religion".¹¹⁵ Such a blanket legal prohibition stops anyone defending and promoting the rights of followers of religions other than Islam.

7/DEFENDING HUMAN RIGHTS DURING ARMED CONFLICTS

In the past 25 years or so, the Middle East and North Africa region has witnessed major international and internal armed conflicts, in particular the Iran-Iraq War (1980-88), the 1982 Israeli invasion of Lebanon, the 1990-91 Gulf War, the internal conflict in Algeria in the 1990s, the 2003 US-led invasion of Iraq, and the 2006 conflict between Israel and Hizbollah in Lebanon. The region has also been deeply affected by the long-standing conflict linked to Israeli occupation of Palestinian lands. Human rights defenders, who have been in the frontline of helping victims of these conflicts and calling for respect for human rights, have paid a huge price.

While the Declaration recognizes the “relationship between international peace and security and the enjoyment of human rights and fundamental freedoms”, it also stresses that the “absence of international peace and security does not excuse non-compliance”.¹¹⁶ During the Middle East and North Africa conflicts, however, the abuses of international human rights and humanitarian law, by state and non-state forces, have been in many cases so serious and widespread as to almost completely paralyse the activities of human rights defenders, who have often been left to fight for their own survival. In many cases, human rights defenders have been at the receiving end of these abuses.

IRAQ

Before the 2003 war on Iraq the Ba’ath government led by Saddam Hussain did not allow or tolerate any independent human rights activism. There were some NGOs, but they were not independent and were only allowed to work on issues deemed to be in the interest of the government, including the impact of the UN sanctions. No one was allowed to independently monitor, document and report on human rights violations by the government.

In the wake of the 2003 US-led invasion, hundreds of NGOs emerged and thousands of individuals started to become involved in a wide spectrum of human rights-related activities. This initial enthusiasm of civil society for new-found freedom of expression, association and assembly was gradually replaced by deepening security concerns amid widespread and acute lawlessness and violence. As the sectarian violence between Shi’a and Sunni militants intensified after the bombing of

the al-Askari mosque in Samarra in February 2006, human rights defenders alongside many other peaceful citizens were threatened, abducted, tortured and killed. In a context of severe restrictions on freedom of movement imposed by the US-led Multinational Force (MNF) and the Iraqi government, and of the gradual geographical separation of religious communities through violence or self-imposed exile to other neighbourhoods, human rights defenders have experienced extreme difficulties when trying to carry out even minimal activities.

The violations of defenders' rights in Iraq are rooted in a complex set of overlapping causes. Defenders are victims of the same kinds of human rights abuses as tens of thousands of fellow citizens – they are targeted simply for their real or perceived political beliefs, nationality, religious and community identity, past actions, “collaboration with the US enemy” or simply for criminal purposes. They are also victims of indiscriminate attacks, such as suicide bombings.

In addition, human rights defenders are specifically targeted for monitoring and reporting human rights abuses by the various parties to the conflict. However, because the violence is rooted in interlinked political, religious, communal and social issues, the victims may be targeted for any of these factors.

Dr Ahmed al-Moussawi, head of the Iraqi Human Rights Society, was kidnapped on 6 March 2006 from the headquarters of his organization in Baghdad. His fate and whereabouts are still unknown.

During the first half of April 2006, Zuhair Yaseen, member of the Prisoners of War Organization, was murdered in front of his house in Ba'quba, in Diyala governorate. Another member of the organization was injured in the same incident.

Dr Adib Ibrahim al-Jalabi, a Sunni medical doctor and leading figure in the Islamic Organization for Human Rights (Mosul), was assassinated on 12 May 2007 by armed men, believed to be from al-Qa'ida, after leaving his clinic in Mosul.

Scores of lawyers and judges have been killed since the 2003 invasion of Iraq, some of the victims in apparently targeted assassinations. A senior lawyer in Saddam Hussain's defence team was shot dead apparently because he dared to defend the former Iraqi President at his trial. Khamis al-'Obeidi was abducted from his home in al-Adhamiya district in Baghdad on 21 June 2006. His body was found a few hours later riddled with bullets and dumped in al-Sadr city. Several other lawyers and judges involved in the trials of former government leaders have also been assassinated.



Media professionals covering human rights issues have suffered greatly as a result of the endemic violence in Iraq. At least 217 journalists and media assistants, almost all Iraqis, have been killed since March 2003. Many journalists working for television stations or newspapers created and funded by the MNF received letters warning them that they would be killed if they did not give up their job.

The ASUDA women's shelter in Suleimaniya, which was attacked on 11 May 2008 by gunmen believed to be relatives of a woman staying there (see p61).

Scores of academics have also been targeted for killing since 2003. For example, on 30 October 2006 Professor 'Issam al-Rawi, the head of Baghdad University Professors' Union, was shot dead outside his home in Baghdad reportedly by three armed men. He had received threats but refused to leave Iraq. He had provided information on Iraqi academics murdered since 2003 to international human rights organizations.

Activists defending the rights of women have been victims of gross violations, which in some cases could be directly attributed to their human rights activities (see Chapter 5).

Iraqi and foreign human rights defenders working for humanitarian organizations have also been victims of grave violations, such as abduction, torture and killings. In

August 2003, the suicide bombing of the UN headquarters killed 22 people, including the High Commissioner for Human Rights who was acting as the UN Secretary-General's Special Representative for Iraq. By demonstrating that the UN blue flag did not protect the headquarters from attacks and that its staff could be randomly killed, the bombing, whatever its real motives, sent a powerful, ominous message and heralded a period of increasing vulnerability for the human rights community in the country.

The frequent targeting and kidnapping of foreign and Iraqi staff working for humanitarian organizations, which continued after the UN bombing, eventually led to the scaling down or suspension of their activities and the withdrawal of most foreign humanitarian workers from the country, NGOs as well as UN aid agencies and the International Committee of the Red Cross (ICRC). As for the local staff, many were left with no choice but to quit their job or leave Iraq.

Trade unionists have also paid a heavy price. Dozens of senior trade unionists have been threatened, abducted and killed by unknown assailants. Dozens of union members have been killed and tortured by unidentified perpetrators. Others have been constantly harassed and intimidated for trying to mobilize workers. Union offices have been raided by the police and shut down. This has taken place when labour laws dating back to the Saddam Hussein era were still technically in force and draft legislation to reintroduce trade unions rights had not been promulgated, leaving the single union system in place.

In early 2005, the regulatory environment for all civil society organizations worsened: national NGOs were required to pay a registration fee and provide detailed information about their members. As for international NGOs, they had to pay an exorbitant registration fee, provide photographs of their members and comply with new and unpublished administrative procedures. Following massive opposition, these excessively restrictive procedures were repealed a few months later.

ISRAEL AND THE OCCUPIED PALESTINIAN TERRITORIES

Human rights defenders in Israel and the OPT work in two very different contexts. Within Israel, Israeli human rights defenders function in a relatively free environment. They move freely around the country, have access to government officials, the Knesset (parliament), diplomats and the international community.

In the OPT, however, free movement is difficult and sometimes dangerous. Palestinian human rights defenders from the West Bank find it difficult to pass through Israeli blockades and checkpoints within the West Bank, and are not allowed to travel to East Jerusalem or to Israel. While the Gaza Strip and the West

Bank are both parts of the OPT, they have been completely cut off one from another for the past eight years and it is impossible for human rights defenders to travel between the two areas.

Travel from Israel to the OPT is also difficult as Israeli citizens are forbidden by the Israeli army from entering the Gaza Strip and Palestinian towns and villages in the West Bank. It is thus difficult for Israeli and Palestinian human rights defenders to meet. Often, it is easier for such meetings to happen at international conferences abroad – if, that is, Palestinian human rights defenders are allowed to travel by the Israeli authorities.

SHA'WAN JABARIN, Director of the human rights organization al-Haq in Ramallah, has been banned from entering Israel and from travelling abroad since March 2006. Previously, he was held in administrative detention by Israel – detention that was declared arbitrary by the UN Working Group on Arbitrary Detention.¹¹⁷



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For more than a year, human rights defenders in Gaza have been routinely denied permits to leave. In September 2008, for example, four human rights defenders from Gaza, among them Raji Sourani, the Director of the Palestinian Centre for Human Rights, and Issam Younis, Director of the al-Mezan Centre for Human Rights, were prohibited from leaving Gaza to attend a conference in Belgium on the enforcement of international humanitarian law in the OPT and other events elsewhere in Europe.

WORKING ON ISRAELI HUMAN RIGHTS VIOLATIONS AGAINST PALESTINIANS IN THE OCCUPIED PALESTINIAN TERRITORIES

Israeli human rights organizations generally are able to operate freely. However, in February 2008 the Military Advocate General asked the Attorney General to order a criminal investigation into New Profile, an NGO which opposes the militarization of Israeli society, including by giving support to those who refuse military service for reasons of conscience, and advice to those who ask about refusing conscription. Under Israeli law “encouraging another to gain exemption from military duty” is a crime, although no one has been charged with this until now. In September 2008 the deputy State Attorney announced the opening of an investigation into New Profile and Target 21, a Russian-language website containing advice on how to obtain exemption from military service.

Israeli-Arab NGOs are more vulnerable, especially if they appear to be linked with Islamist organizations. Ansar al-Sajeen, an NGO that provides lawyers for Palestinian detainees in Israeli jails and financial assistance for the detainees’ families, was closed by the Israeli authorities in September 2006. The NGO, which also has a branch in the

OPT, was ordered closed under the Defense (Emergency) Regulations of 1945, rather than the 1980 Israeli Law on Associations. Police also raided the Ansar al-Sajeen head office in Israel – in Majd al-Krum, in the Galilee – and confiscated its assets, including 14,000 NIS (around US\$4,000) intended for prisoners and their families, hundreds of legal files and documents, and office equipment. The Special Rapporteur on the independence of judges and lawyers noted that:

“Concerns were expressed that the closing down of the offices of Ansar Al-Sajeen in Israel and in the West Bank as well as the search of the house of its Chairperson may be in retaliation for the legitimate activities of the organization in defence of the rights of Palestinian prisoners detained in Israel”.

The Israeli government response to the Special Rapporteur indicates that it considers financial support to families of Palestinians who are detained or who have been killed to be illegal:

“The association was outlawed due to the fact that it operates a well-oiled apparatus for the transfer of money primarily from Hamas to security prisoners in Israeli prisons and their families. The ISA [Israeli Security Agency] and Israel’s security apparatus view the transfer of money from Hamas to security prisoners in Israel as a reward for committing terrorist acts and an encouragement to others to follow suit.”

Israeli activists who defend the rights of Palestinians are often harassed or restricted in their activities by the Israeli army in the OPT. For instance, Arik Asherman, Director of the NGO Rabbis for Human Rights, has been arrested by Israeli police on several occasions. Most recently, in March 2008, he was charged with “inciting opposition to the police”. Although the risk of imprisonment is extremely low,¹¹⁸ Israeli human rights defenders are facing increasing restrictions imposed by the Israeli army and police which curtail their ability to operate in the OPT.

In areas such as Hebron, frequent attacks by Israeli settlers, combined with the complicity of Israeli police and army, have made it very difficult and often impossible to operate for Israeli NGOs, including Breaking the Silence and Taayush, as well as for foreign human rights defenders.

Attacks by Israeli settlers on Palestinian, Israeli and international human rights defenders throughout the OPT have increased in recent years. Attacks have frequently happened while Israeli soldiers stood by watching and refused to intervene. When the Israeli army and police are called to deal with such attacks, they tend to comply with the settlers’ demands and require the human rights defender to leave the area and even arrest them. However, the Israeli authorities almost never prosecute Israeli settlers who carry out such attacks.

Palestinian human rights defenders are more likely to be arrested and assaulted or even shot at, especially in the context of non-violent demonstrations and other protests in the OPT. For example, on 20 June 2008, Nasser al-Nawaj'ah, who works with the Israeli human rights organization B'Tselem, was assaulted by Israeli soldiers in the Southern Hebron Hills when he filmed Israeli settlers abusing Palestinian shepherds and soldiers standing by without intervening. Another B'Tselem fieldworker, Aissa 'Amro, was also assaulted by Israeli settlers and soldiers while he was filming Israeli settlers' disturbances on 19 January 2008 in Hebron. He was then arrested and accused of assault. However, the incident was filmed by a neighbour and Aissa 'Amro was later released thanks to this evidence.

In the OPT, reckless use of live fire by Israeli soldiers and security forces during non-violent demonstrations and in situations when their own lives are not in danger has resulted in numerous injuries to Palestinian human rights defenders. Israeli and international peace activists have also been injured at such events, although less frequently.

Several Palestinian human rights activists have been administratively detained by the Israeli army for prolonged periods without charge or trial. In 2006 the Special Representative noted that the administrative detention of human rights activists "suggests that this is used as a means to deter defenders from carrying out their activities".¹¹⁹

SAED BASSAM FATHALLAH YASSIN, Director of the West Bank branch of the prisoners' rights group Ansar al-Sajeen, has been detained since March 2006. He was first sentenced to eight months' imprisonment on charges of channelling funds in an illegal manner, in relation to the group's distribution of funds to detainees' families. When his sentence expired in November 2006 he was not released but instead placed under administrative detention, without charge or trial. His administrative detention order has now been renewed six times without him or his lawyer ever being given the opportunity to see and challenge the evidence which the Israeli army claims to have against him.



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Foreign human rights defenders also face increasing difficulties to gain access to the OPT. In recent years hundreds have been expelled or denied entry to the OPT and scores have been physically assaulted or even shot at by Israeli settlers and soldiers. Among them are members of NGOs such as the Christian Peacemaker Team (CPT), which had worked in Hebron since 1992 accompanying vulnerable Palestinians and publicizing abuses, Operation Dove, the International Women's Peace Service (IWPS), the Ecumenical Accompaniment of the World Council of Churches (WCC) and the International Solidarity Movement (ISM).



International defenders have also been killed or critically wounded by Israeli forces. Among them are Rachel Corrie, crushed to death by an Israeli army bulldozer while standing in front of a home under threat of demolition in Rafah in March 2003; Tom Hurndall, fatally shot in the head in April 2003 in Rafah, as he was trying to shelter children from Israeli army gunfire; and Brian Avery, shot in the face from an Israeli tank in Jenin in April 2003.

Those responsible for these and many other attacks on human rights defenders were never brought to justice, except for the killing of Tom Hurndall. In this case, some form of justice only came after a prolonged legal battle by his family, who proved that the soldier who had claimed that Tom Hurndall was wielding a gun when shot had given false testimony. Eventually, in 2005, an Israeli army sergeant was sentenced to eight years' imprisonment for manslaughter. The sergeant's claim that orders from his superiors allowed him to shoot unarmed civilians was not investigated and no charges were brought against any of his commanding officers.

Tove Johannsson, a 19-year-old Swedish human rights defender, was assaulted by Israeli settlers on 18 November 2006 as she accompanied Palestinian school children through an Israeli army checkpoint near the Tel Rumeida Israeli settlement in the West Bank city of Hebron.

In its battle against impunity, B'Tselem launched the "Shooting Back" project in January 2007, distributing 100 video cameras to Palestinians throughout the OPT. The recording of some of the abuses has had an important impact. For instance, footage showing an Israeli soldier shooting a handcuffed and blindfolded Palestinian in Ni'lin, caused a public outcry and forced the army to take action, albeit very limited, against the perpetrator.¹²⁰

HUMAN RIGHTS DEFENDERS IN AREAS UNDER THE JURISDICTION OF THE PALESTINIAN AUTHORITY

When the Palestinian Authority (PA) was established in 1994, human rights NGOs began to make open criticisms of the authorities. The PA reacted by detaining the critics.

Raji Sourani, Director of the Gaza-based Palestinian Centre for Human Rights, was detained in 1996. Iyad Sarraj, Commissioner General of the Palestinian Independent

Commission for Citizens' Rights, a national human rights commission set up by President Arafat and Director of the Gaza Community Mental Health Programme was arrested and detained three times in 1995-96.

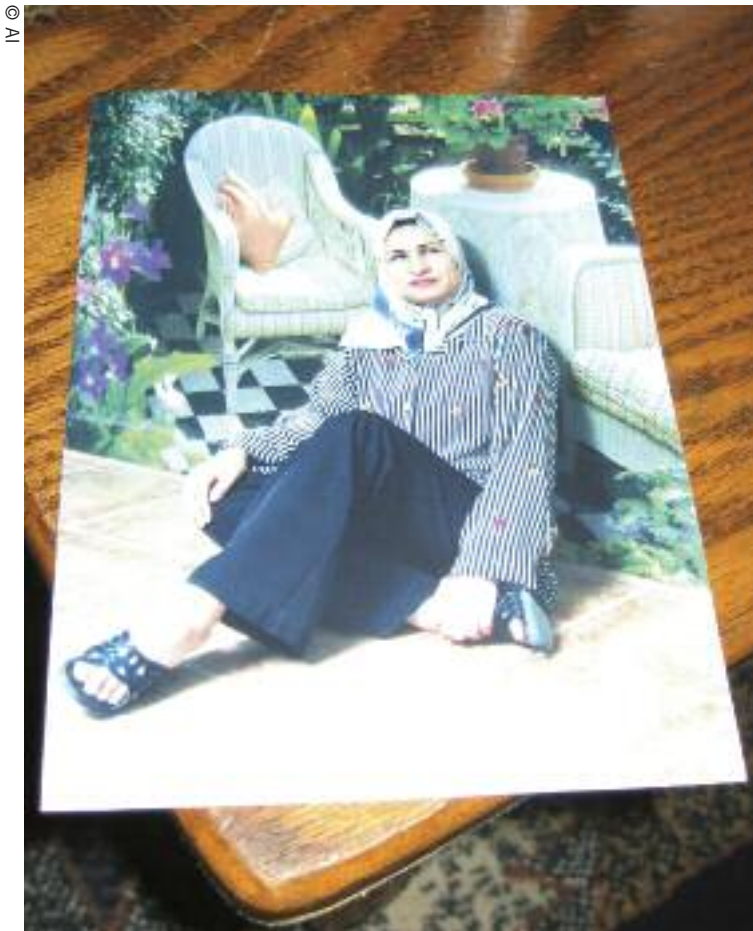
After 1997, harassment of Palestinian NGOs diminished and human rights activists continued to monitor and raise human rights abuses both confidentially and publicly, while also engaging with PA officials, including through training schemes. However, the Palestinian Law of Charitable Associations and Community Associations, eventually promulgated in 2000, placed NGOs and Charitable Societies under the control of the Ministry of the Interior, rather than the Ministry of Justice as demanded by NGOs.

Palestinian activists often describe themselves as walking a tightrope, having to raise human rights violations by Israel, by the PA, which has jurisdiction in part of the OPT, and by Hamas, the de facto authority in the Gaza Strip since June 2007.

In recent years, human rights defenders have also been affected by the increasing lawlessness in the OPT and the internecine fighting between different Palestinian security forces and armed groups, especially during 2005-07. Human rights defenders and media workers have been threatened, abducted and in some cases wounded by armed militias for exposing abuses by different parties in apparent attempts to stifle independent and critical reporting. As the Special Representative stated in her 2006 report:

“Conditions of lawlessness and impunity for human rights violations have affected the security of human rights defenders, especially those who expose violations committed by security personnel.”¹²¹

Since June 2007 both the PA in the West Bank and the Hamas de facto administration in Gaza have frequently harassed and intimidated those who criticize them or campaign for human rights. The PA and Hamas have clamped down on criticism and closed media outlets, especially those which support rival political factions. Several journalists have been detained in the West Bank and Gaza during 2008,¹²² often on multiple occasions and for up to two months or more without charge or trial. In the West Bank, the PA closed media organs such as the Hamas-affiliated al-Aqsa TV station and detained several of its workers, while the Hamas de facto administration in Gaza closed the Gaza offices of newspapers such as *al-Ayyam* and *al-Hayat al-Jadida* twice during the year, detaining their directors and suspending the papers' distribution in Gaza. Under the PA, Mustafa Sabri, a freelance journalist and a member of Qalqiliya municipal council affiliated to Hamas was detained at least three times during the year. In July he was detained by the PA's General Intelligence Service (GIS) and later



Taghreed Salah al-'Alia, who was fatally wounded at a demonstration on 13 June 2007 in Gaza City.

In July 2008, after a bombing campaign against Hamas killed some of its members, the Hamas administration in Gaza closed over 200 organizations which supported Fatah or were independent. Members of Hamas security forces and its militia group – the Izz al-Din al-Qassam Brigades – raided scores of NGOs' premises. For instance, men carrying guns, apparently from Hamas' internal security forces or the Izz al-Din al-Qassam Brigades, went to a theatre and youth centre of the Culture and Free Thought Association (CFTA) in Khan Younis. They threatened the director and refused to speak to her because she is a woman. They also took away all of the centre's property. Later the same night gunmen from the same security forces and militias ransacked the Gaza Women's Loan Centre, affiliated to the CFTA. Gaza human rights organizations and the local Hamas member of parliament intervened to support the centres. The keys to the devastated centres were returned the following month but most of the seized computers and other material was not returned.

transferred to the military intelligence. On 10 September 2008 the Palestinian High Court of Justice in Ramallah ordered his release and he was freed the following day for a few minutes and immediately rearrested.

In June 2007, just after the Hamas takeover in Gaza, PA President Mahmoud Abbas issued a decree stipulating that all NGOs must apply for re-registration within a week. In August, the PA Interior Ministry closed 103 organizations on grounds of administrative or financial irregularities. Most of these organizations had been registered under the Interior Minister in the previous government, which was controlled by Hamas. The move was seen as partisan. It was public knowledge that many other NGOs had not complied with the requirement to reapply for registration, but had not been subjected to any audit or sanctions, and that the PA was only pursuing NGOs and charities known or believed to be close to Hamas.

PALESTINIAN DIVISIONS INCREASE ATTACKS ON RIGHTS' ORGANIZATIONS

Since the division between Gaza, under Hamas, and the West Bank, under the PA, in June 2007, attacks have increased on NGOs linked or perceived as linked to rival factions or considered as too independent. The PA has closed, raided and sacked charitable NGOs in the West Bank deemed close to Hamas, and Hamas in the Gaza Strip has raided, closed and confiscated property of more secular NGOs or those perceived to be critical of Hamas or close to Fatah.

Meanwhile, on 6 August 2008 in the West Bank, members of the PA security services raided a number of Islamic charitable associations, including the Islamic Cultural Centre in Tuffouh near Hebron and the Islamic Orphanage in Beit Omar. They confiscated files and computers. When an employee of the orphanage asked for a written order, he was allegedly beaten.

8/CONCLUSIONS AND RECOMMENDATIONS

With a few exceptions, governments in the Middle East and North Africa reject the very premises on which the Declaration is rooted and refuse to provide adequate space for human rights defenders. Consequently, the situation of most activists in the region is precarious, particularly those campaigning for civil and political rights. People trying to promote economic, social and cultural rights are also at risk of intimidation, harassment, arrest and detention. Even in countries where there has been some improvements, human rights defenders are not entirely safe.

In fact, the environment for human rights defenders in the region has generally worsened since the US-led “war on terror” provided an additional pretext to silence dissent. The situation has been aggravated by the adoption of numerous counter-terrorism laws that can easily be interpreted to curtail the fundamental rights to freedom of expression, association and assembly and put human rights defenders at serious risk of imprisonment or even death.

The lack of respect of many civil and political rights is at the root of the severe repression faced by human rights defenders. In a number of countries, the restrictions on independent civil society organizations virtually preclude the emergence of any human rights movement at all, while systematic and severe human rights violations, in particular of migrant workers, urgently demands effective intervention by rights activists.

Human rights defenders are repressed both physically and legally. The authorities have enacted an arsenal of restrictive laws in which offences are broadly defined, allowing for the criminalization of the exercise of internationally recognized rights. In some countries, states of emergency have been imposed for decades to muzzle political opposition and critics of the state. Such people have been sentenced to severe punishments after unfair trials before exceptional courts. The intensity of the repression has created an environment of fear that has led to self-censorship by some human rights activists.

In a region where governments persistently fail to respect human rights, the role of human rights defenders is all the more crucial. Their courage, tenacity and commitment are a constant reminder to the authorities of their profound failure to meet their obligations under international law, and are fundamental for the

introduction of long-lasting changes. It is when states endeavour to silence human rights defenders that their voice is most crucially needed.

In their daily struggles in the Middle East and North Africa region, human rights defenders must be able to count on the support of the international community until their campaigns are acknowledged and their aspirations realized.

AMNESTY INTERNATIONAL'S RECOMMENDATIONS

TO GOVERNMENTS:

- **Release and clear of all charges human rights defenders and other individuals detained solely for the peaceful exercise of their right to freedom of expression.**
- **Investigate allegations of violations of the rights of human rights defenders, bring those responsible to justice, and end impunity for perpetrators.**
- **Ensure that no restrictions are imposed on freedom of association or expression or other activities of human rights defenders beyond those permissible in international law.**
- **Ensure that no restrictions on freedom of movement of human rights defenders, including the right to travel abroad, are imposed beyond those narrowly defined limitations allowed in international law.**
- **Ensure that no legal, administrative or other restrictions are imposed on the establishment of organizations aimed at defending and promoting human rights. Establish and implement an effective and transparent system of declaration or notification instead of registration for the creation of new NGOs, with a deadline set in law: in the absence of a response, NGOs should be considered legally operative.**
- **Revise legislation, including security and anti-terrorism legislation, to ensure that national laws and administrative regulations regarding NGOs and civil society organizations comply with international law and standards, including the UN Declaration on Human Rights Defenders, notably regarding freedom of expression, association and assembly. Revise laws and policies to allow access to international funding as part of international co-operation, and access to information and sites.**
- **Establish a system of notification instead of authorization when dealing with requests for public rallies and assemblies.**

- Publicly recognize the legitimacy, status and important role of human rights defenders and declare the government's unambiguous commitment to respect and promote the Declaration at the national and international levels. Adopt measures accordingly, for instance through the establishment of genuine and effective focal points or forums for consultations between the authorities and human rights defenders to strengthen dialogue.
- Publish and widely disseminate the text of the Declaration in Arabic, Persian and other languages spoken in the Middle East and North Africa, including languages spoken by ethnic groups and minorities.
- Co-operate with the UN human rights mechanisms, including the Special Rapporteur on human rights defenders, including by extending open invitations and responding positively to requests for invitations already requested by the Special Rapporteur as well as submit overdue reports to the various treaty bodies. Countries in North Africa that are member states of the African Union should co-operate with the Special Rapporteur of the African Commission on Human and Peoples' Rights.
- Ratify international human rights treaties and lift reservations to those already ratified, especially those restricting the work of human rights defenders.
- Investigate allegations of serious violations of human rights, such as torture and other ill-treatment, enforced disappearances and extrajudicial killings. If sufficient admissible evidence is gathered, perpetrators should face trial in proceedings that comply with international fair trial standards and which do not lead to the imposition of the death penalty.

TO THE ARAB LEAGUE:

- Amend the rules regulating the participation of NGOs in the Standing Commission on Human Rights and other bodies of the Arab League by cancelling the double requirement that NGOs be set up or registered in a member state and that the latter agrees to the NGO's participation. Grant observer status to international NGOs. The independence and powers of the Commission should be strengthened. The Standing Commission on Human Rights should establish a mechanism of special rapporteur with the mandate to monitor the situation of human rights defenders similar to that which exists in the UN and the African Commission on Human and Peoples' Rights.
- Adopt a resolution acknowledging the pivotal importance of the Declaration and publicly recognize the legitimacy, status and role of human rights defenders and of national, regional and international human rights NGOs in the development of Arab societies.
- Amend the Arab Convention for the Suppression of Terrorism to include provisions for human rights safeguards and bring it in conformity with international law.

- Create an impartial and credible evaluation mechanism to assess respect for human rights by states party to the Arab Charter on Human Rights, with specific attention paid to the situation of human rights defenders.

TO THE EUROPEAN UNION:¹²³

- Put into effect the EU Guidelines on Human Rights Defenders throughout the region, notably through their effective dissemination and promotion (such as translation of the Guidelines and the Declaration into relevant languages), and ensure that all EU missions and delegations in the region adopt proactive strategies in relation to human rights defenders, such as ensuring their access to resources and capacity building in local civil society. In particular cases of human rights defenders at risk, the EU should consider offering emergency visas and trial monitoring with appropriate follow-up.

- Ensure the use of the recommendations for gender specific implementation of the EU Guidelines, especially by using the Guidelines in their training of new staff working in all EU missions and delegations. Set up human rights sub-committees with all countries that have association agreements, where they do not yet exist, in order to monitor the situation of human rights defenders in each country and undertake effective initiatives when needed.¹²⁴

- Comply with the common article to each association agreement (Article 2, “human rights clause”) premised on respect for democratic principles and fundamental human rights as set out in the UDHR. Set up concrete mechanisms within each Action Plan, with measurable benchmarks, to assess respect for this clause, in particular in relation to the situation of human rights defenders, and elaborate effective responses in case of repeated non-compliance.

- Issue a public statement and initiate specific measures when human rights defenders are being intimidated or harassed or their work restricted.

- Ensure that the annual Progress Reports on the implementation of the Action Plans in relation to countries covered by the European Neighbourhood Policy contains detailed analysis of the human rights situation in the Mediterranean countries, with a specific section on human rights defenders.

- Ensure that during summits, all partners unambiguously commit themselves to upholding and implementing the Declaration.

- Systematically include the question of human rights defenders in dialogues at all levels between the EU and third countries and develop proactive outreach activities to engage partner governments on the situation of human rights defenders.

TO HUMAN RIGHTS DEFENDERS (INDIVIDUALS AND NGOS):

- Promote, create and strengthen national and regional initiatives and advocacy networks – including on thematic issues – for the protection of human rights defenders in order to increase co-ordination, co-operation and solidarity with rights activists.

- Establish or strengthen regular contacts with both regional and international mechanisms. Lobby relevant governments to amend the rules governing participation of NGOs in the Standing Commission on Human Rights of the League of Arab States, and for the necessary systemic changes to empower the Commission to consider the situation of human rights defenders and promote their work.

- Improve training for NGOs and individual human rights defenders in the use of regional and international instruments, as well as special mechanisms for the protection of human rights defenders.

- Organize regional consultations of women human rights defenders to share experiences and develop new strategies and approaches to protect women defenders against gender-based attacks by state agents, relatives, members of communities and others.

- Closely monitor and analyse draft new laws or existing laws to ensure that they comply with international and regional standards on the protection of human rights defenders and raise awareness about them.

- Promote and strengthen the dissemination of the Declaration among relevant audiences: authorities, human rights institutions, and public and other human rights defenders.

- Devise strategies to assist human rights organizations to react effectively to emergency cases through rapid response actions for the safety of human rights defenders.

- Approach EU missions and delegations to familiarize them with the work of local human rights defenders and establish regular contact, as recommended in the EU Guidelines. Make clear to all EU missions and delegations the importance placed on the commitments made in the Guidelines.

ENDNOTES

- 1 Human Rights Defenders: Protecting the Right to Defend Human Rights, Factsheet No. 29, United Nations.
- 2 Article 2 of the Declaration.
- 3 See Commission on Human Rights Resolution 2000/61 of 26 April 2000. The first Special Representative on Human Rights Defenders, Hina Jilani, was replaced in March 2008 by Margaret Sekaggya.
- 4 See Human Rights Council Resolution 7/8: Mandate of the Special Rapporteur on the situation of human rights defenders, 27 March 2008.
http://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_7_8.pdf.
- 5 A copy of the EU Guidelines can be found on:
<http://www.consilium.europa.eu/uedocs/cmsUpload/GuidelinesDefenders.pdf>
- 6 Algeria, Bahrain, Egypt, Iran, Iraq, Kuwait, Lebanon, Libya, Oman, Qatar, Syria and the United Arab Emirates (UAE). Only a third of the members of the Arab League did not sign up to the “interpretative declaration”.
- 7 UN doc. A/53/679, paras 1 and 2.
- 8 Ibid, para3.
- 9 Ibid, para3.
- 10 Ibid, para3.
- 11 *Report of the Special Representative to the Secretary-General on Human Rights Defenders, A/61/312, para66.*
- 12 Article 32(b). Adopted in May 2004, several years after the adoption of the Declaration, the Arab Charter on Human Rights came into force on 15 March 2008 after it was ratified by seven member states of the Arab League.
- 13 The African Union includes member states that are also members of the League of Arab States. These are: Algeria, Egypt, Libya and Tunisia.
- 14 Law No. 24 of 1962 on the Organization of Clubs and Community Service Societies.
- 15 In April 2004, people from across the region took part in a conference in Sana’a, Yemen, which culminated in the Sana’a Appeal. See
www.amnesty.org/en/library/info/POL30/018/2004.
- 16 In 1988, a UN Settlement Plan was agreed by the Moroccan authorities and the Polisario Front (which calls for an independent state in Western Sahara and runs a self-proclaimed government-in-exile in refugee camps in south-western Algeria), which was subsequently approved by the UN Security Council in 1991. A referendum under UN auspices on the final status of the territory (i.e. independence or integration into Morocco) was agreed by both parties and planned for 1992 but has not been held. In June and August 2007, UN-mediated talks on Western Sahara were held between the Moroccan government and the Polisario Front. Morocco proposed an autonomy plan for the territory while the Polisario Front maintained that a referendum on self-determination should be held, as agreed in previous UN resolutions.
- 17 Articles 19, 22 and 21 respectively.
- 18 Article 8, among others.
- 19 *Report of the Special Representative, A/61/312, para56.*
- 20 *Report of the Special Representative, A/58/380, para67.*
- 21 Human Rights Committee, General Comment 10: Freedom of expression, 29 June 1983, para4.
- 22 Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, E/CN.4/2000/63, 18 January 2000, para48.
- 23 *Report of the Special Representative, A/58/380, para52.*
- 24 Article 8.
- 25 *Report of the Special Representative, A/59/401, para49.*
- 26 Ibid.
- 27 *Report of the Special Representative, A/61/312, para83.*
- 28 Sections 54(2)(c), 55 and 56(a).
- 29 Articles 500, 514, 608, 609 and 610.
- 30 Article 609.
- 31 Respectively, Articles 134, 165, 168, 216 and 222 of the 1976 Penal Code.
- 32 The only human rights organization that can operate freely in Libya is the Human Rights Society of the

Gaddafi International Foundation for Charitable Associations, headed by Saif al-Islam al-Gaddafi, the son of Colonel Mu'ammar al-Gaddafi.

33 Article 3 of Law No. 71/1972.

34 Article 207 of Law No. 71/1972.

35 Amnesty International does not have any knowledge of any subsequent changes to the draft new Penal Code.

36 Article 173 of draft new Penal Code.

37 Legislative Decree No.6 of 1965.

38 Article 49 of the Constitution.

39 Article 39.

40 Respectively, Articles 27 and 26.

41 Concluding observations of the Human Rights Committee: Egypt. CCPR/CO/76/EGY, 28/11/2002, para21.

42 In 2005 the Ministry of Labour and Social Affairs was split into two: the Ministry of Labour and the Ministry of Social Affairs.

43 The Law of 7 November 1959 (amended in 1988 and 1992).

44 The National Council for Liberties in Tunisia, the Tunis Centre for the Independence of the Judiciary (Centre de Tunis pour l'indépendance de la justice), the International Association for the Support of Political Prisoners (Association internationale de soutien aux prisonniers politiques), Liberté et Equité, the Association Against Torture in Tunisia (Association de lutte contre la torture en Tunisie) and RAID-Attac.

45 Article 13.

46 *Report of the Special Representative, A/59/401, para82(I).*

47 *Report of the Special Representative, E/CN.4/2006/95/Add.5, para.502.*

48 Article 8.

49 Article 4 of the ICCPR.

50 Human Rights Committee, General Comment 29 (States of Emergency), CCPR/C/21/Rev.1/Add.11, August 2001, para.13(b). The Committee against Torture has also expressed concern that the prolonged state of emergency in Egypt is "hindering the full consolidation of the rule of law in Egypt." It has called on Egypt again to reconsider the maintenance of the state of emergency. See Conclusions and recommendations of the

Committee against Torture: Egypt. CAT/C/CR/29/4, 23/12/2002, paras 5(a) and 6(a).

51 The state of emergency was imposed in 1967 and was only lifted between May 1980 and October 1981 following the Camp David Agreement between Israel and Egypt and was reimposed after the assassination of President Sadat in 1981. The state of emergency has been regularly renewed since then, most recently in May 2008 for a two-year period.

52 Human Rights Committee, Concluding observations, CCPR/CO/76, 28 November 2002, para6.

53 Human Rights Committee, Concluding observations, CCPR/CO/71, 24 April 2001, para6.

54 *Report of the Special Representative, A/58/380 para49.*

55 Article 39.

56 Legislative Decree No.51 of 9 March 1963.

57 Article 336.

58 Human Rights Committee, Concluding observations, CCPR/CO/71, 24 April 2001.

59 Established under Legislative Decree No.6 of 1965.

60 Human Rights Committee, Concluding observations, CCPR/CO/71/SYR, 24 April 2001, para16.

61 Law No.162 of 1958 as amended.

62 Article 3(1).

63 Decree No.92-44 of 9 February 1992.

64 Article 1(3).

65 Law No.3, 2004.

66 Decree-law No.1, 2004.

67 Law concerning support for international efforts to combat terrorism and prevent money laundering, No.75 of 10 December 2003. Article 4 contains a lengthy definition of what constitutes a terrorist offence.

68 Law No.03-03 on Combating Terrorism.

69 Press release, "UN Special Rapporteur Calls For Changes to Jordan's Anti-Terrorism Law", 7 September 2006.

70 Article 6.

71 Article 11.

72 Article 6.

73 Committee against Torture, Conclusions and recommendations: Bahrain, 21 June 2005. CAT/C/CR/34/BHR, para6(i).

- 74** Press release: “UN Special Rapporteur Calls For Further Amendments To Counter-Terrorism Legislation in Bahrain”, 25 July 2006.
- 75** Section 1, Part 2 (Felonies and Misdemeanours Internally Prejudicial to the Government), Law No.97 of 1992.
- 76** Article 86.
- 77** Article 86 bis as amended by Law No. 97 of 18 July 1992.
- 78** Breach of Article 86 bis can carry a prison sentence of up to five years.
- 79** According to statements by the Prime Minister.
- 80** For example, human rights defender Rachid Mesli was sentenced to three years’ imprisonment in July 1997 after an unfair trial for having “encouraged terrorism”.
- 81** *Report of the Special Representative*, A58/380, para8.
- 82** Gaddafi International Charity and Development Foundation statement, 2 February 2008.
- 83** UN Declaration on the Protection of All Persons from Enforced Disappearance, Article 17(1).
- 84** For example, the UN Code of Conduct for Law Enforcement Officials of 1979 (in particular Article 3) and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.
- 85** He was also granted bail of 10,000 Egyptian pounds.
- 86** Article 157.
- 87** Principle 18 of the UN Basic Principles on the Role of Lawyers states: “Lawyers shall not be identified with their clients or their clients’ causes as a result of discharging their functions.”
- 88** Article 6(b).
- 89** Article 6.
- 90** Amended in 2002 to include several restrictive provisions of the Penal Code.
- 91** Article 8.
- 92** *Report of the Special Rapporteur*, E/CN.4/2000/63/Add.4, para33.
- 93** Article 150.
- 94** *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression*, E/CN.4/2000/63, para205.
- 95** UN Basic Principles on the Role of Lawyers, Principle 16(a).
- 96** UN Basic Principles on the Role of Lawyers, Principle 16(c).
- 97** Article 9.
- 98** Statement by the Special Representatives on Human Rights Defenders quoted in the report of the International Consultation on Women Human Rights Defenders, Sri Lanka 2005, p14. Available on www.defendingwomen-defendingrights.org/pdf/WHRD-Proceedings.pdf.
- 99** *Report of the Special Rapporteur on violence against women*, E/CN.4/2005/72/Add.4, para50.
- 100** *Ibid*, para48.
- 101** ICCPR, Article 22(1) and ICESCR, Article 8.
- 102** Foreigners represent approximately 50 per cent of the population in Oman, 60 per cent in Bahrain and Saudi Arabia, 75 per cent in Qatar, 80 per cent in Kuwait and 90 per cent in the UAE.
- 103** Human Rights Committee, General Comment No.15 (the position of aliens under the Covenant), para7.
- 104** Iran’s Baluchi minority is believed to constitute one to three per cent of the country’s total population of around 70 million. Most ethnic Baluchis live in Sistan-Baluchistan province, with smaller numbers in Kerman province. However, Baluchis have migrated elsewhere in Iran, particularly Tehran, to find work. Many have strong tribal and family ties to Baluchi populations in neighbouring Pakistan and Afghanistan and several hundred thousand are believed to have migrated to find work in other Gulf countries. Baluchis in Iran mostly speak Baluchi as a first language, with a minority speaking Brahoui. Most are Sunni Muslims, although the majority (around 90 per cent) of Iranians are Shi’a. An estimated 20,000 of the 1.7 million inhabitants of Sistan-Baluchistan province are said to be nomads. There has been an increase in human rights violations on the Baluchi minority by the Iranian government following a number of attacks on Iranian officials, including the killing of captured personnel by the Baluchi armed group, the People’s Resistance Movement of Iran (PRMI), formerly known as Jondallah. This has included widespread arrests and a marked rise in the number of executions of ethnic Baluchis, often after grossly unfair, summary trials.

105 Iranian Azerbaijanis are mainly Shi'a Muslims and represent between 25 and 30 per cent of the population. They are sometimes called Azeri Turks.

106 An Arab community living mainly in the south-west of Iran, in Khuzestan province bordering Iraq, and believed to represent between 3 and 8 per cent of the total population.

107 Iranian Kurds are believed to comprise between 7 and 10 per cent of the total population in Iran.

108 Mainly through Kurdish organizations such as the Kurdistan's People's Democratic Party (DKP) and Komala.

109 For example, because tens of thousands of Kurds are denied Syrian nationality, they remain stateless and do not enjoy full access to employment, education, health and other rights. In addition, they are not free to speak their language and practise their own culture.

110 The Amazigh community is also called Berber, although they do not use this term. The community is spread over nine countries in North Africa. In Morocco, which accounts for approximately half of the Amazigh population, the estimates vary between 30 and 60 per cent of the total population.

111 Committee on the Elimination of Racial Discrimination, Concluding observations, 21 March 2003, CERD/C/62/CO/5, para16.

112 Representing some 20 per cent of the population (ie 5 million people).

113 Sufism is a tradition of Islam encompassing a wide range of beliefs and practices dedicated to God. Sufi orders may be associated with Sunni or Shi'a Islam, or other currents of Islam.

114 Copts comprise 9-10 per cent of the total population.

115 Sections 317 and 320.

116 Preamble.

117 Decision No. 16/1994 (Israel).

118 In cases against human rights defenders which end up in court, the maximum sentence is likely to be community service. When Jeff Halper of the Israeli Committee Against House Demolitions was arrested for the eighth time on 2 April 2008, in Anata in East Jerusalem for trying to prevent the demolition of a Palestinian home, he commented: "I've run out of hours of community service so they'll have to put me in jail but I doubt that it'll happen." He was detained again in August 2008 when he left Gaza after arriving by one of the boats which broke the blockade.

119 *Report of the Special Representative*, E/CN.4/2006/95/add.3, para36. Although Israeli actions are mostly directed towards Islamist organizations, the authorities are suspicious of all Palestinian human rights organizations. In May 2003, for instance, the Ministry of Foreign Affairs stated: "Most human rights offices in the West Bank and Gaza Strip provide shelter to terrorists".

120 Meanwhile, the border police had detained for 26 days the father of the girl who filmed the incident.

121 *Report of the Special Representative*, E/CN.4/2006/95/add.3, p3.

122 At the time of writing, 10 journalists were detained by the PA in the West Bank and three by Hamas in Gaza.

123 The Partnership consists of 35 members (25 European and 10 Mediterranean partners). One of its components is the rapprochement between people through a social, cultural and human partnership that covers human rights and democracy.

124 The EU has established association agreements with eight states (Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Tunisia and Turkey), an interim agreement with the Palestinian Authority, and has initialled an agreement with Syria, which has not yet been signed. The EU has started negotiations with Libya with a view to concluding an agreement.

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CHALLENGING REPRESSION

HUMAN RIGHTS DEFENDERS IN THE MIDDLE EAST AND NORTH AFRICA

In the Middle East and North Africa region, human rights defenders – people working to promote and protect universal human rights – are all too often vilified, persecuted and even criminalized for their peaceful activities. Advocates of reform, other activists and journalists who expose or publicize human rights abuses face fines, imprisonment and assaults. Lawyers who try to protect their clients from arbitrary arrest, torture and unfair trial sometimes suffer the same abuses themselves. People who speak out or demonstrate for the rights of women, workers and minority communities risk physical attack, jail and even death.

Despite these risks and often in the face of repression, human rights defenders across the region continue to stand up for freedom, justice, an end to abuses, and for realization in practice of the rights to which states have committed under international law.

This report describes many of their individual experiences, their triumphs as well as their setbacks. It shows that their efforts are helping to bring much-needed change, but also that their struggle for rights is far from won. Their steadfast commitment to universal human rights is nothing short of inspiring – and demonstrates vividly the need for urgent action to uphold their rights and support their efforts.

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