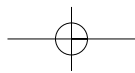
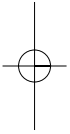
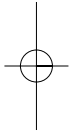
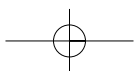
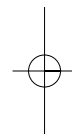
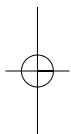


MAGHREB AND THE MIDDLE EAST





THE SITUATION OF HUMAN RIGHTS DEFENDERS

In 2004, human rights defenders in Maghreb and the Middle East were victims of serious infringements to their freedoms of expression, reunion and peaceful assembly.

In many countries of the region, it was therefore extremely difficult to form associations, whereas criticising the ruling power, calling for democratic reforms or denouncing human rights violations was a constant challenge. Those who took the risk to carry out these activities continued to be subjected to grave reprisals: death threats (*Iraq*), violence (*Syria*, *Tunisia*, and to a lesser extent *Lebanon* and *Morocco*), arbitrary detention and legal proceedings (*Algeria*, *Bahrain*, *Saudi Arabia* and *Syria*), harassment and intimidation (*Syria*, *Tunisia*), obstacles to freedom of movement (*Occupied Palestinian Territories*, *Syria*) and professional reprisals (*Algeria*, *Iraq*).

Defenders, including international humanitarian workers, were in the front line in conflict zones in *Iraq* and in the *Occupied Palestinian Territories*.

Obstacles to freedom of association

Independent associations faced great difficulties obtaining legal recognition in all countries of the region, whether they are to register on the basis of an authorisation (*Egypt*, *Gulf States*¹, and *Syria*) or a notification system, which is often a mere disguised form of authorisation system since the authorities in fact issue registration receipts according to arbitrary criteria, as for instance in *Tunisia*.

¹ *Kuwait*, *Oman*, *Qatar*, *Saudi Arabia* and *United Arab Emirates*.

The situation remained extremely critical in the most closed countries, where no opposition to the authorities was tolerated. Most defenders operating in these countries were forced to take individual action, since activities within independent organisations were not authorised, as in *Libya* or Gulf States (*Oman, Qatar, Saudi Arabia, and United Arab Emirates*), where the few existing associations emanate from the authorities. In *Saudi Arabia* for instance, although the United Nations Committee against Torture, in its recommendations adopted in June 2002, had urged the Saudi authorities to take appropriate steps to allow the creation of independent non-governmental organisations², the independence of the National Human Rights Committee, an organisation that was officially created by the government in March 2004, was far from being guaranteed. In the *United Arab Emirates*, the registration request filed in March 2004 by a group of about twenty intellectuals for the creation of the very first human rights organisation in the Emirates³, had not been acknowledged in late 2004, although the Ministry of Labour and Social Affairs, in charge of the registration process, had a one month period to respond according to the law. A positive step, however, was to be noted in *Kuwait*, where the Kuwait Human Rights Society, an independent NGO, was finally granted the legal registration it had been refused for over ten years.

In other countries where human rights defenders benefited from a more open space to operate in an organised manner, many restrictions still hung over freedom of association, the situation of which even deteriorated in some States. In *Bahrain* for instance, where positive steps were to be noted in the past few years, the Ministry of Labour and Social Affairs decided, on 29 September 2004, to close down the Bahrain Centre for Human Rights (BCHR). This decision was certainly not taken all of a sudden: indeed, the Ministry had issued several warnings to the BCHR over the past few months, threatening the association with dissolution on the grounds that it was carrying out "political activities". The closing of the Centre was motivated by statements by the BCHR executive director, which led to his arrest and detention for

² See United Nations Document CAT/C/28/5, para.8 (k).

³ See Letter to the United Arab Emirates, 23 July 2004.

several weeks⁴. In *Syria*, the Committees for the Defence of Human Rights and Democratic Freedoms in Syria (CDF) and the Human Rights Association in Syria (HRAS) were again not legally recognised in 2004.

In *Egypt*, associations still came within the particularly restrictive provisions of the Law on associations adopted in June 2002⁵. Several organisations, such as the Civil Observatory for Human Rights, the Transparency-Egypt association, and the Egyptian Association Against Torture, were refused legal registration in 2004 on the basis of this law.

In *Tunisia* alike, freedom of association remained severely infringed and a large number of independent Tunisian associations were refused registration, such as the National Council for Freedoms in Tunisia (Conseil national des libertés en Tunisie - CNLT), the International Association for Solidarity with Political Prisoners (Association internationale pour le soutien des prisonniers politiques - AISPP), the Tunisian Association Against Torture (Association de lutte contre la torture en Tunisie - ALTT), the Centre for the Independence of Justice and Lawyers (Centre pour l'indépendance de la justice et des avocats - CIJA), the Assembly for Alternative International Development (Rassemblement pour une alternative internationale de développement - RAID-Attac Tunisia), the League of Free Tunisian Writers (Ligue des écrivains libres) and the Observatory for the Freedoms of the Press, Publishing and Creation (Observatoire pour la liberté de presse, d'édition et de création - OLPEC). In addition, the heads of these associations were confronted with a frantic hostility on the part of the government and public authorities. The violent reprisals taken against the founding members of the ALTT in the course of their renewed attempt to register the statutes of the organisation with the Tunis governorate in June 2004 were a blatant example of this situation⁶. Duly registered associations, such as the Tunisian League for Human Rights (Ligue Tunisienne des Droits de l'Homme - LTDH), were not spared either. So, the financial aid the LTDH should have received from the European Union (EU) in 2003 for restructuring and modernisation,

⁴ See Compilation of cases below.

⁵ See Annual Report 2002.

⁶ See Compilation of cases below.

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remained frozen by the Tunisian authorities, as well as another funding granted by the EU in 2004 for developing a programme on the administration of justice. More generally, the anti-terrorist legislation adopted in December 2003 posed a great threat to the independent Tunisian associations as this law places them under strict financial monitoring, thus establishing a blueprint for the control, restriction and even prohibition of NGOs' funding⁷.

In other countries such as *Lebanon* or *Morocco*, infringements to freedom of association targeted NGOs with more specific mandates. In *Lebanon* for instance, the Palestinian Human Rights Organisation (PHRO) had still not been granted legal recognition. In *Morocco*, in spite of positive steps taken in 2004 in terms of respect for cultural rights - notably with the possibility, from now on, of studying in Berber language -, some Amazigh associations were still not legally recognised, such as the TADA Confederation of Amazigh Cultural Associations in Morocco (Confédération TADA des associations culturelles amazighes du Maroc), which is composed of twenty or so Amazigh associations, or the Morocco National Association of the Unemployed Graduates (Association nationale des diplômés chômeurs du Maroc - ANDCM).

The right to form unions also remained greatly restricted throughout the region. In the Gulf States, it was only granted in *Bahrain* and *Kuwait*. In *Bahrain*, however, only company employees were entitled in practice to create unions. In January 2004, the Bahraini Ministry of Labour refused to issue a certificate of legal recognition to seven unions created within ministerial services⁸. The Bureau of Civil Service also issued a circular to all ministerial departments prohibiting the creation of unions within the ministries. The General Federation of Bahrain Trade Unions (GFBTU) filed a complaint against the Bureau in June 2004. In *Egypt*, although the right to establish unions is guaranteed by the Constitution, the existing unions and professional organisations

⁷ See Annual Report 2003. Law "supporting the international effort to combat terrorism and money laundering" (Law no. 2003-75, ratified and published in the Official Gazette on 12 December 2003).

⁸ The Ministry of Public Works, the Post Office, the Ministry of Health, civil servants of the Ministry of the Interior, the Bureau of Civil Service, the Ministry of Electricity and Water, the Retirement Fund.

have been set up by the executive and their impact was consequently particularly limited. On 29 December 2004, the court nevertheless ruled in favour of the Engineers' Union, which had filed a complaint after having been placed under government control and prevented from holding internal elections since 1995. In other countries, members of independent trade unions were repeatedly harassed, as for instance the members of the Independent National Union of Civil Servants (Syndicat national autonome des personnels d'administration publique - SNAPAP) in *Algeria*. Indeed, the authorities tried to set up a union wearing the same name and composed of former members of the "genuine" SNAPAP, with the support of the Ministry of Labour⁹.

Obstacles to freedom of expression and the right to disseminate information on human rights

Those who dared raising their voice to call for democratic reforms and political pluralism, as well as those denouncing and condemning human rights violations committed by their respective authorities, were victims of manifold reprisals throughout the region.

In *Iraq*, where the government of Prime Minister Mr. Iyad Allaoui failed to guarantee the respect for fundamental freedoms so far (re-introduction of the death penalty on 8 August 2004, cases of torture and ill-treatment, arrests and arbitrary detentions), numerous acts of reprisal were reported against those who condemned this situation. For example, Mr. Zuhair Al-Maliki, Chief Investigative Judge of the Criminal Court of Iraq, was dismissed from his functions by decision of the Council of Justice on 17 October 2004, after Mr. Al-Maliki publicly condemned the new authorities' practices (arbitrary detention, torture and corruption, etc.). Furthermore, against the background of the comeback of religious extremism, including in the field of politics, women who condemned the erosion of their rights were particularly targeted. At the beginning of 2004, Mrs. Yanar Mohamed, founder of the Organisation for Women's Freedom in Iraq, was threatened with death by the Jaish al-Sahaba group (Army of Companions of the Prophet),

⁹ See Compilation of cases below.

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after she publicly condemned the adoption of Resolution 137 by the Iraqi Governing Council (IGC), which places the family code under the jurisdiction of Islamic law (Sharia).

In *Libya*, Mr. Fathi Al-Jahmi was abducted on 4 April 2004, a couple of weeks after he was released from prison, where he was held for several years following his repeated calls for democratic reforms. He was placed in detention and was still imprisoned as at the end of 2004¹⁰.

In *Oman*, in July 2004, the Ministry of Information formally prohibited two intellectuals from making statements to the media, after they expressed their doubts about the government's willingness to carry out democratic reforms¹¹.

In *Saudi Arabia*, 12 intellectuals were arrested and placed in solitary confinement after they demanded political reforms, criticised the lack of independence of the National Committee of Human Rights (see above), and submitted a request for the registration of an independent human rights organisation, which, in addition, was never acknowledged. Three of these intellectuals, namely, Messrs. Ali Al-Doumani, Matrouk Al-Faleh and Abdullah Al-Hamed, remained imprisoned at the end of 2004 whereas their lawyer himself was held in detention since October 2004 for having circulated a letter to the *Agence France Presse (AFP)* in which his clients complained about their conditions of detention¹².

In *Syria*, Mr. Aktham Naisse, president of the CDF, was arrested and detained for five months (from April to August 2004), after having initiated a public protest movement to demand, amongst other things, the lifting of the state of emergency in the country. His arrest was more particularly linked with the publication of the CDF annual report denouncing human rights violations in Syria, and with the recent statements of the organisation listing the acts of violence committed against the Kurdish population in the north of the country in March 2004¹³.

Journalists committed to the defence of human rights were also strongly targeted, as in *Algeria*, where Mr. Ghouh Hafnaoui, a journalist and head of the Algerian League for the Defence of Human Rights

10 *Idem*.

11 See Ifex, <http://www.ifex.org>.

12 See Compilation of cases below.

13 *Idem*.

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(Ligue algérienne de défense des droits de l'Homme - LADDH) in Djelfa, faced a relentless judicial harassment because of his articles and spent several months in prison in 2004. Several journalists were also harassed in *Tunisia*: on 13 January 2004 for instance, the Tunisian authorities denied for the third time Mrs. Sihem Ben Sedrine, editor-in-chief of the weekly Internet news site *Kalima* and CNLT spokesperson, the issue of the official certificate authorising a printer to put a publication to press.

The difficulty met by human rights activists in the region to communicate via the Internet must also be emphasised. In a certain number of countries, such as *Syria* or *Tunisia*, anonymous e-mail services such as "Hotmail" were often unavailable, forcing Internet users to resort to accounts that could be easily checked by the intelligence services. Since 2002 in *Tunisia*, control over communications has been strengthened by the setting-up of a true "cyberspace police force" that enables "cyber dissidents" to be caught and access blocked to "subversive" sites such as those of international NGOs, information sites or even electronic journals such as *Kalima* or *TUNeZINE*.

This extremely alarming situation is of a great concern regarding the World Summit on the Information Society (WSIS), which Tunisia will host in November 2005. During the first preparatory meeting of the second phase of the WSIS held in Hammamet, Tunisia, from 24 to 26 June 2004, attempts were made to obstruct the NGOs plenary session. Troublemakers were driven to the conference site by bus whilst others, who claimed to belong to the "Tunisian civil society", made disinformation statements. Participants were also subjected to violent verbal attacks. These operations were notably meant to prevent a LTDH representative to give a speech on behalf of the participating independent organisations, and aimed at impeding the adoption of the text produced by the drafting committee mandated by the civil society plenary session.

Lastly, in 2004, the various restrictions imposed on the freedom of expression of human rights defenders and on their right to disseminate information were also directed at members of international organisations. The *Algerian* and *Libyan* authorities, for example, did not reply to the repeated requests by FIDH in 2004, while it was not authorised to send a fact-finding mission to *Saudi Arabia*. Similarly, Human Rights Watch was refused the authorisation to carry out fact-finding missions in *Libya* and in *Syria*. In this country, Western observers, including diplo-

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matic representatives, encountered great difficulties in attending the trial of Mr. Aktham Naisse with the State Security Court¹⁴. Lastly, Mr. Patrick Baudouin, FIDH honorary president, was turned back upon his arrival in *Tunisia*, where he was to participate in a press conference organised jointly by LTDH and FIDH on 14 April 2004 to launch the Observatory 2003 Annual Report¹⁵.

Obstacles to the freedoms of reunion and peaceful assembly

In 2004, freedom of assembly remained widely hampered in most countries in the region.

In *Algeria*, a conference organised by the LADDH/Tizi Ouzou section, due to be held at the Tizi Ouzou House of Culture as part of the celebration of the International Human Rights Day, was prohibited on two different occasions on the grounds that the LADDH did not comply with the Law on Associations. Furthermore, the Tizi Ouzou branch of the Amnesty International's Algerian section was denied permission by the wali (prefect) to organise a photo exhibition and a conference to be led by Mr. Arezki About, a former Berber Spring protagonist. Peaceful demonstrations organised by the families of disappeared persons continued to be violently dispersed in 2004, in particular the meetings and marches called for to protest against the proposal by the National Consultative Commission for the Protection and Promotion of Human Rights (Commission nationale consultative pour la protection et la promotion des droits de l'Homme - CNCPPDH) to close the cases by paying compensation to the families¹⁶. In spite of their repeated requests, the Algerian authorities refused to legally recognise several associations of families of disappeared persons, such as SOS Disparus and the National Association of Families of the Disappeared (Association nationale des familles de disparu(e)s) and the Regional Association of Families of Disappeared in Constantine (Association régionale des familles de disparu(e)s de Constantine). On 20 November 2004, Mr. Farouk Ksentini, president of the ad hoc Committee in char-

¹⁴ *Idem.*

¹⁵ *Idem.*

¹⁶ *Idem.*

ge of disappearance cases¹⁷, accused these associations "allegedly representing the families, [to be] responsible for holding up the dossier" and further asserted that "the families [had] nothing against this measure".

In *Jordan*, the Senate adopted in February 2004 a new law on public meetings and assemblies, requiring the government's prior authorisation for holding a demonstration. Be the authorisation process not complied with, organisers of such events may be sentenced to serve up to six months jail terms.

On 7 April 2004, in *Lebanon*, the police violently disrupted a peaceful demonstration that gathered over 500 people in Beirut to support a delegation to the United Nations Economic and Social Commission for Western Asia (ESCWA) headquarters. The delegation, which intended to submit a petition demanding the release of Lebanese prisoners in Syria, signed by various student movements, was finally not able to meet with ESCWA¹⁸.

In *Morocco*, ten activists of the National Association of Unemployed Graduates (ANDCM, see above) were arrested at Ksar el Kabir on 26 October 2004, while participating to an ANDCM national protest movement. On 4 November 2004, another peaceful demonstration organised by the ANDCM in front of the Ministry of Finance in Ksar el Kabir was violently dispersed, injuring four people.

In *Tunisia*, members of independent organisations encountered recurrent difficulties in holding meetings, in addition to being repeatedly targeted by police violence. On 3 January and 26 June 2004 for instance, a forcible police deployment prevented the general assemblies of respectively the AISPP and RAID-ATTAC from being held. Similarly, on 11 December 2004, CNLT members were kept from meeting at the organisation's headquarters by over 150 policemen, who violently beat up and seriously injured several activists¹⁹. Moreover, on 30 July 2004, journalists were prevented by a large police force from entering the Tunis law court where a press conference was due to be held by the national council of the Tunisian Magistrates' Association to denounce the pressures hanging over the association and to call for an enhanced independence of the judiciary.

¹⁷ This Committee was set up by the CNCPPDH in September 2003.

¹⁸ See Compilation of cases below.

¹⁹ *Idem*.

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Human rights defenders in conflict and post-conflict situations

In 2004, Maghreb and the Middle East were marked by the Iraqi conflict that remained stuck in stalemate and the ongoing *Israeli-Palestinian* conflict.

In *Iraq*, the increased number of attacks and hostage-taking perpetrated by extremist militia and/or unidentified groups resulted in a critical deterioration of the security situation in the country, which affected the very whole of the civilian populations and those trying to help them. In this regard, humanitarian workers, especially members of international NGOs who were accused of operating in the pay of Western countries, were subjected to grave onslaughts; the assassination of Mrs. Margaret Hassan, director of the Iraqi office of Care International on 16 November 2004, the execution of a Swiss national and three Nepalese working for the NGO "Helvetas" on 14 December 2004, the murder of Mr. Salvatore Santoro, member of a British NGO, on 16 December, and the 21 days confinement of Mrs. Simona Torretta and Simona Pari in September 2004, were blatant examples of this situation. A large number of humanitarian agencies and intergovernmental organisations participating in the country's reconstruction consequently suspended or reduced their activities and staff, as did the United Nations since the attack on the Baghdad headquarters in 2003. The repeated attacks against journalists further bear witness to a context in which armed groups have taken advantage of the locked-up situation of the country to spread terror within. According to Reporters Without Borders (Reporters sans Frontières - RSF), 31 journalists and media collaborators were killed in 2004 under circumstances directly related to their professional assignments.

In the *Occupied Palestinian Territories*, human rights defenders continued to sustain the repercussions of the Israeli-Palestinian conflict, notably the repeated obstacles to their freedom of movement by the Israeli authorities. In 2004 again, many of them were unable to travel abroad to attend civil society conferences or meetings of intergovernmental bodies and were thus prevented from transmitting information on the human rights situation in the Territories. They were also at times accused by the Israeli authorities of representing "a threat to security in the region", as was the case of Mr. Abdul Latif Gheith, president of the administrative board of the Palestinian asso-

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ciation Addameer²⁰. Palestinian, Israeli and international journalists covering the conflict were targeted as well. Mr. David Benchetrit for instance, an Israeli journalist, was beaten up and seriously injured in front of the Ministry of Defence while preparing a report on conscientious objectors²¹.

In *Morocco*, the situation of human rights defenders in Western Sahara seems to have improved in the course of 2004. The establishment of the Justice and Reconciliation Commission (Instance Équité et Justice - IER)²², which, amongst other, investigates the detention and disappearance of Sahrawi prisoners²³, most certainly plaid an important role in this improvement. The Sahara section of the Moroccan Truth and Justice Forum (Forum marocain Vérité Justice - FMVJ) was thus able to carry out its activities and organise events such as the seminar on transitional justice held in Laâyoune, which gathered more than 25 civil society associations. Furthermore, official instructions were seemingly given to resolve the matter of the forced transfer of 20 Sahrawi teachers committed to the defence of human rights who, in 2003, had been reassigned to various towns in Morocco, far from Laâyoune. Following an agreement with the authorities in March 2004, seven of these civil servants chose to work in a new town in Morocco and in October 2004 the other 13 people were informed that they could take up their former position again. However, FMVJ's legal recognition had not yet been renewed since it was disbanded on 18 June 2003, and its members remained under close police surveillance. Furthermore, freedom of information sustained constraints in the region. Two French journalist and photographer were expelled from Morocco on 28 January 2004 as they were about to travel to Laâyoune to meet with human rights activists supporting the right to self-determination.

²⁰ *Idem*.

²¹ See Ifex, <http://www.ifex.org>

²² The IER was created by royal decree on 7 January 2004 and holds a mandate for investigating and establishing the facts related to enforced disappearances and arbitrary detentions in Morocco from 1956 to 1999, for redressing prejudices, rehabilitating victims and promoting national reconciliation.

²³ See Compilation of cases below.

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On 5 April 2004, a Norwegian journalist was deported from Laâyoun under similar circumstances²⁴.

International and Regional Mobilisation*United Nations (UN)*

In her report to the 60th session of the UN Commission on Human Rights (15 March - 23 April 2004), the Special Representative of the UN Secretary General on Human Rights Defenders, Mrs. Hina Jilani, noted that in 2003, 14.5% of her communications concerned countries in Maghreb and the Middle East. In 2004, the Special Representative renewed her requests for visiting Egypt and Tunisia, which had not been responded to as at the end of 2004.

European Union (EU)

As part of the Barcelona Process, the EU concluded an Association Agreement with Egypt²⁵. As any other agreement reached between the EU and the countries in the region, it includes a human rights clause (Article 2) which sanctions human rights as a key element in the relations between the parties.

This human rights clause shall also be encompassed by the final version of the EU-Syria Association Agreement, which was under negotiations until 19 October 2004. In order to come into force, this Agreement must be approved by the Council of the EU, signed by all parties and ratified by both the European and the Syrian Parliaments. In this respect, it is of a particular importance that the situation of human rights defenders in Syria be fully integrated in the debates preceding the vote in the European and the national Parliaments: in its 2003 Report on Human Rights in the World, the European Parliament (EP) insisted that "all political prisoners should be set free, at the latest before the signing of the [EU-Syria] Association

²⁴ See Reporter without Borders (RSF), <http://www.rsf.org>.

²⁵ This Agreement, which was signed on 1 June 2001, came into force on 1 June 2004.

Agreement, as this would significantly facilitate Parliament's assent"²⁶.

The Association Agreements with Algeria and Lebanon were still at ratification stage.

In addition to the Barcelona Process, the EU also started to implement its New Neighbourhood Policy²⁷, and negotiated within this framework several Action Plans with Israel, Jordan, Morocco, the Palestinian Authority and Tunisia. These Plans were published on 9 December 2004 and should be officially adopted at government level by the parties involved.

Although these Actions Plans in general include items on issues such as freedoms of expression and association, the degree of precision and detail relating to human rights headings varies from one plan to the other since they are individually negotiated with each country. In this regard, it is highly unfortunate that the EU-Israel Action Plan makes no mention to these issues. Moreover, none of the Action Plans refers to the specific situation of human rights defenders, although the EU adopted Guidelines for the protection of human rights defenders in June 2004.

The Standing Committee on Political, Security and Human Rights Issues of the Euro-Mediterranean Parliamentary Assembly established on 2 and 3 December 2003 held its first session on 21 September 2004. The Assembly monitors the implementation of the Association Agreements and is entitled to adopt resolutions and make recommendations to the Ministerial Conference. It is thus all the more important that the members of the Assembly, whether in plenary sessions or in Political Committee's working sessions, raise the question of the repression of human rights defenders in the Mediterranean region, and adopt resolutions on this topic.

²⁶ See European Parliament resolution on human rights in the world in 2003 and the European Union's policy on the matter (2003/2005(INI)), A5-0270/2004.

²⁷ See Communication from the Commission of European Communities, "Wider Europe-Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours", COM (2003) 104 final, 11 March 2003.

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*World Summit on the Information Society (WSIS)*²⁸

The FIDH, the OMCT and the Euro-Mediterranean Human Rights Network (EMHRN) addressed an open letter to several EU institutions on the occasion of the EU-Tunisia Association Council due to be held on 31 January 2005, notably recalling the incidents that had occurred at the first preparatory meeting of the second phase of the WSIS, in June 2004 (see above). The three organisations deplored that "General Habib Ammar, former Minister of the Interior, against whom the OMCT and Track Impunity Always (TRIAL) filed a complaint for torture in September 2003 for acts of torture, had been maintained as head the preparatory committee of the second phase of the WSIS". FIDH, OMCT and EMHRN, together with the organisers of the Summit, further requested the Tunisian authorities to "take the necessary steps in the future to ensure an appropriate climate of peace and mutual respect to foster the work organisation" and emphasised that "whilst the WSIS claims to be exemplary in the opening of the United Nations to improved participation of civil society, [they] expect that the host countries' authorities turn these words into concrete measures".

Civil society

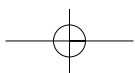
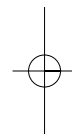
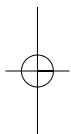
On 8 and 9 December 2004, a civil society conference was held in Rabat, Morocco, in the fringe of the Forum for the Future organised by the G8, Maghreb and the Middle East States²⁹. In their final recommendations, the conference participants - civil society representatives of thirteen Arab countries and nine international organisations - insisted that "civil society should be considered an equal partner not just during

28 According to the terms of its resolution 56/183 (21 December 2001), the United Nations General Assembly approved the holding of a World Summit on the Information Society (WSIS) in two phases, the first of which took place in Geneva, at the invitation of the Swiss Government, from 10 to 12 December 2003 and the second of which will be held in Tunis, at the invitation of the Government of Tunisia, from 16 to 18 November 2005.

29 The Forum for the Future derives from the "Partnership for Progress and a Common Future with the Broader Middle East and North Africa" (BMENA), an initiative adopted by the G8 Heads of State and leaders at the Sea Island Summit, USA (8 -10 June 2004).

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the Forum but also on a daily basis". They further urged the Arab governments not to "harass the civil society NGOs or delegations taking part in the Forum" and stated that "governments should demonstrate their commitment to engage in reforms by immediate amendment of the laws providing for the creation of NGOs in compliance with international standards". Participants finally demanded the "development of mechanisms for the participation of civil society in the Forum, [...] and an enhanced involvement in working-out the agenda".



HUMAN RIGHTS DEFENDERS HARASSED

ALGERIA

Harassment of families of the disappeared and their defenders

Harassment of Mr. Mohamed Smaïn³⁰

In October 2003, the FIDH and the French League for Human Rights (Ligue française des droits de l'Homme - LDH), backed by the Relizane section of the Algerian League for the Defence of Human Rights (Ligue algérienne de défense des droits de l'Homme - LADDH) and the Association of the Families of the Disappeared in Algeria (Collectif des familles de disparue(e)s en Algérie), filed a complaint for torture, acts of barbaric crime and crime against humanity with the public Prosecutor of the High Court (Tribunal de grande instance) in Nîmes (France).

On 20 March 2004, Mr. **Mohamed Smaïn**, president of the LADDH in Relizane, testified with the criminal investigation police department in Montpellier (France) and took civil action as a representative of the LADDH.

³⁰ See Annual Report 2003 and Urgent Appeals DZA 001/0404/OBS 024 and 024.1.

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On 29 March 2004, Messrs. Abdelkader and Houcine Mohamed, former members of the Relizane militia now living in France and key suspects in the case, were both indicted and put on probation.

Following their indictment, Mr. Smaïn was subjected to reprisals and harassment by the Algerian authorities. On 10 April 2004, he was arrested with two journalists investigating enforced disappearances perpetrated by the Relizane national police force (gendarmerie), and his car registration papers were confiscated. After being held in custody for 20 hours, Mr. Smaïn was informed that legal proceedings had been taken against him for "insulting State authorities". He was released on 11 April after the Prosecutor dropped these charges. His car registration papers were not returned until 14 May 2004.

Mr. **Fethi Azzi**, who had given evidence against the Mohamed brothers along with Mr. Smaïn in March 2004, was also subjected to pressures upon his return in Algeria. On 5 April 2004, as he was supposed to resume his work at the sub-prefecture, he was immediately dismissed without an explanation. Moreover, he subsequently received threats on several occasions in Jdiouia, Relizane district, where he lives.

On 16 May 2004, Mr. Smaïn was called in by the criminal investigation department of the Relizane police station, where he was questioned under charges of "defamation" and "reporting fictitious crimes", on the basis of a complaint filed in May 2004 by Mr. Abed Mohamed, the executive delegate of the commune (délégué exécutif communal)³¹ of Jdiouia and father of Messrs. Abdelkader and Houcine Mohamed.

On that same day, the public Prosecutor in Relizane dropped the charges and considered the matter closed.

Since February 2001, Mr. Smaïn is also prosecuted with "defamation, calumny and reporting fictitious crimes" following a complaint filed by Mohamed Ferghane, former head of the Relizane militia, and another eight militiamen, after Mr. Smaïn notified the Algerian press of the exhumation of a mass grave by the gendarmerie. On 24 February 2002, Mr. Smaïn was sentenced in appeal to one year imprisonment and a 5,000 dinars (54 euros) fine, and ordered to pay 30,000 dinars (320 euros) in damages to each of the plaintiffs. He challenged this decision

³¹ A non-elected administrative authority.

with the Supreme Court of Appeals (Cour de cassation). As of end 2004, the proceedings were still pending.

Arbitrary arrests and intimidation of the families of the disappeared - Constantine³²

On 20 September 2004, police forces violently disrupted a peaceful meeting held in front of the interim office of the *ad hoc* Committee of the National Consultative Commission for the Protection and the Promotion of Human Rights (Commission nationale consultative pour la protection et la promotion des droits de l'Homme - CNCPPDH) in Constantine.

A number of people were beaten up, including Mrs. **Farida Ouaghliissi**, the wife of a disappeared. Moreover, members of the mobile brigade of the criminal investigation police force (Brigade Mobile de la Police Judiciaire - BMPJ) violently arrested Mr. **Hmamliia**, a bystander who tried to provide assistance to those mishandled by the police, and Mrs. **Louisa Naïma Saker**, secretary general of the Constantine Association for the Families of the Disappeared (Association des familles de disparus de Constantine - AFDC). Mrs. Saker was held in custody at the police station in the Palma district of Constantine for several hours, and was subjected to intimidation from intelligence officers who, inter alia, brandished a knife and a tear-bomb in front of her, and threatened to charge her with "breach of the peace". Her family and her lawyer, Mr. **Sofiane Chouiter**, were denied the right to visit her while in detention.

Mrs. Saker and Mr. Hmamliia were released without charges after being held for several hours.

Arbitrary arrest and ill-treatment of members of the Collective of the Families of the Disappeared in Algeria - Algiers³³

Families of disappeared persons, together with the Collective of the Families of the Disappeared in Algeria (Collectif des familles de dispa-

³² See Annual Report 2003 and Urgent Appeals DZA 001/0301/OBS 018.3 and 018.4.

³³ See Annual Report 2003 and Urgent Appeals DZA 001/0301/OBS 018.5 and 018.6.

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rus en Algérie) and SOS Disappeared (SOS-Disparus) and organised a peaceful demonstration due to be held on 5 October 2004 in front of the presidential palace in Algiers, in protest against the proposal by the CNCPPDH to close the cases by paying compensation to the families.

On the morning of 5 October, police arrested 18 members of families of disappeared from Relizane, accompanied by Mr. Mohamed Smaïn³⁴, as they were about to enter Algiers to take part in the demonstration. They were all taken to the Said Hamdine police station and released in the early evening that day, after being threatened by police officers who notably declared: "Don't do it again or you'll see what happens if you do...".

Several women, relatives of disappeared persons from Oran, were also stopped right upon their arrival in Algiers. They were subsequently taken to the railway station and forced by the police to board trains back to Oran.

Moreover, many other women were prevented from reaching the assembly point as the whole area had been cordoned off by the police forces. Mrs. **Sâadia Belmokhtar**, the 74-years-old mother of a disappeared, was violently beaten up before being taken to the police station in an alarming physical condition.

Demonstrators who could manage to reach the venue were forcibly dispersed as they began marching towards the United Nations office. Several women were beaten up by policemen, such as Mrs. **Lila Ighil**, head of the Families of the disappeared Committee in Tipaza. Over a hundred people were arrested and detained in several police stations in Algiers, including Mrs. **Djedjigha Cherguit** and Mrs. **Fatma Zohra Boucherf**, vice-presidents of "SOS-Disparus".

All these persons were released without charges in the night of 5 to 6 October 2004.

³⁴ See above.

Legal proceedings and harassment against LADDH members

*Judicial harassment of Mr. Ghoul Hafnaoui*³⁵

On 15 February 2003, Mr. **Ghoul Hafnaoui**, a journalist and chairman of the Algerian League for the Defence of Human Rights (Ligue algérienne de défense des droits de l'Homme - LADDH) in Djelfa, went to the Prefecture in Djelfa together with other press correspondents, in order to meet with the Wali (Prefect). Security officers then prevented them from entering the building. Although no acts of violence were reported during this incident, the security officers filed a complaint against Mr. Hafnaoui and one of his colleagues for "insulting and attacking national security officers".

Following the publication in the *El Fadjr* newspaper, on 1 April 2004, of a LADDH press release pointing out the many fraudulent practices during the presidential campaign³⁶, the Wali and his supporters lodged a complaint for "defamation" against Mr. Hafnaoui.

On 15 May 2004, Mr. Hafnaoui was called in to the Djelfa police station upon his return from Algiers, where he had attended a meeting of the South Movement for Justice (Mouvement du Sud pour la justice - MSJ), an unregistered organisation for which he is the spokesperson, and that advocates for a greater equality between Algerian regions as well as the rehabilitation of the South of the country. Mr. Hafnaoui was questioned about his activities within both the LADDH and the MSJ. The police officers explicitly threatened him and his family with death if he were to "persist" in his operations.

In an interview published in the national daily *Le Soir d'Algérie* on 17 May 2004, Mr. Hafnaoui sharply criticised the situation of human rights in Algeria, the pressure exerted on journalists as well as the poor hygiene conditions in the Djelfa public hospital. Straight after this interview, the Wali and the director of the Public Health department in Djelfa lodged two complaints for "defamation" and "insulting State authorities".

³⁵ See Urgent Appeals DZA 002/0504/OBS 039, 039.1, 039.2 and Press Release, 2 December 2004.

³⁶ The presidential election was held on 8 April 2004.

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On 23 May 2004, Mr. Hafnaoui published a critical article in the *Djazair News* paper, assessing the poor management of public funds by the Wali in Djelfa. Short after, the Wali and his supporters - including the principal private secretary, the chief of protocol, executive directors and mayors - filed fourteen complaints for "defamation" against him.

On 24 May 2004, Mr. Hafnaoui was arrested by police officers in plain clothes and detained on remand in the Djelfa prison. He was charged with violating Articles 123 and 124 of the Code of Criminal Procedure which, however, provides for suspects to be held on remand only in cases of *in flagrante delicto*, lack of fixed permanent address, or when the suspect's life may be endangered and/or may pose a threat to witnesses or other evidence.

On 26 May 2004, Mr. Hafnaoui was convicted by the Djelfa court of first instance (tribunal de première instance) and sentenced to a six-month jail term as a result of the complaint filed in the *El Fadjr* case.

On 9 June 2004, the court of first instance convicted him in the *Soir d'Algérie* affair and condemned him for "insult and defamation" to two months imprisonment and a 10,000 dinars (106 euros) fine, as well as damages to pay out to both the Wali and the director of the Public Health department in Djelfa amounting 300,000 dinars (3,199 euros) each. On 11 July 2004, the Djelfa court of appeal upheld this ruling and increased the prison sentence by one month.

On 23 June 2004, the Djelfa court of first instance acquitted Mr. Hafnaoui of the charges brought by the Prefecture security officers. On that same day, however, he was sentenced to two months imprisonment with a 50,000 dinars (533 euros) fine for the charges related to the *Djazair News* case. In addition, he was ordered to pay 300,000 dinars in damages to the Djelfa Prefecture, and a further 100,000 dinars (1,066 euros) to each of the thirteen other plaintiffs. On 8 August 2004, the Djelfa court of appeal upheld this verdict and sentenced him to an additional month in prison.

On 24 June 2004, Mr. Hafnaoui sent a letter to his daughter commenting on his legal situation and the conditions of his detention. The document was published in the daily newspaper *Essabah El Djadid* on 30 June. On 2 August 2004, the Djelfa court of first instance gave Mr. Hafnaoui a two-month jail term with a 2,000 dinars (21 euros) fine for "illegally removing a document from prison". The trial was conducted without his lawyers in attendance. The verdict was upheld in appeal on 29 August 2004.

On 12 July 2004, the Observatory submitted Mr. Hafnaoui's case to the United Nations Working Group on Arbitrary Detention.

On 26 September 2004, the Djelfa court reduced in appeal the sentence for the *El Fadjr* case from six to three months.

Mr. Hafnaoui was set free on 25 November 2004 after the criminal chamber of the Ouragna court of appeal approved his request of parole. He was apparently released thanks to substantial mobilisation, both nationally and internationally. In all, Mr. Hafnaoui was sentenced to 11 months imprisonment - and served 6 of them - and an amount of 2,262,000 dinars (24,330 euros) fines and damages.

Mr. Hafnaoui referred his four convictions to the Supreme Court of Appeals. As at end of 2004, the proceedings were still pending.

Arbitrary arrest and detention of Messrs. Tahar Larbi³⁷, Slimane Tahri and Zoubir Bessaci

Between 1 and 4 June 2004, Messrs. **Tahar Larbi** and **Slimane Tahri**, respectively president and member of the LADDH section in Labiodh Sidi Cheik (El-Bayadh region), travelled to Ouargla, 800 km south of Algiers, to meet Mr. **Zoubir Bessaci**, an MSJ member likely to open a LADDH section in Ouargla. During the visit, Messrs. Larbi, Tahri and Bessaci also attended a meeting with MSJ members held at the home of Mr. **Termoune**, an MSJ member, in order to organise a joint initiative calling for the release of Mr. Ghoul Hafnaoui³⁸.

On 4 June 2004, as they were about to leave Ouargla, Messrs. Larbi and Tahri were arrested by the security services and taken to the Ouargla prison. On the same day, the police also took Mr. Bessaci into custody, along with six other MSJ members.

These nine persons were detained on remand and accused of "operating within an unregistered association" and "distributing leaflets posing a possible threat to the national interests". This second charge was related to a petition launched on 15 March 2004 on the initiative of the Ouargla district committees, calling on the Sonelgaz company to

³⁷ See Annual Report 2003.

³⁸ See above.

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reduce gas and electricity rates. However, Messrs. Larbi and Tahri allegedly did not sign this document.

The same charges were brought against Mr. Ghoul Hafnaoui, who was at that time detained in Djelfa.

These ten people were also at first accused with "criminal conspiracy", a charge that was dropped in mid-July 2004 after Messrs. Larbi, Tahri and Bessaci went on a hunger strike from 26 June to 10 July 2004.

On 10 July 2004, Messrs. Larbi and Tahri were separated from the other detainees and transferred to the Touggourt prison, 100 kilometres from Ouargla.

On 25 October 2004, the Ouargla court sentenced Messrs. Larbi and Termoune to eight months imprisonment. The other accused, including Mr. Tahri, were condemned to six months jail terms, whereas Mr. Ghoul Hafnaoui, who was detained in the Djelfa prison at that time, was acquitted. However, his brother, Mr. **Ahmed Hafnaoui**, another MSJ member who had been summoned to appear on the day of the hearing, was charged, convicted and given a six months prison sentence. The court's decision was upheld in appeal on 7 December 2004.

On 7 December 2004, the persons handed-down six months of prison were released after serving their sentence, except for Mr. Ahmed Hafnaoui, who had only be indicted on the occasion of the hearing and placed in detention soon after the verdict. He was expected to be released in late March 2005, whilst Mr. Larbi should be set free on 5 February 2005.

On 5 October 2003, Mr. Larbi and five other members of his family had been placed in custody at Labiodh Sidi Cheikh prison, after participating in a peaceful demonstration in support of the Independent National Union of Civil Servants (Syndicat national autonome des personnels de l'administration publique - SNAPAP) in September 2003. On 3 November 2003, Mr. Larbi had been beaten up by the prison director and his guards. On 9 November 2003, the LADDH filed a complaint for ill-treatment with the public Prosecutor of the Saida court, where the case remains pending. On 24 November 2003, Mr. Tahar had received a three months' suspended prison sentence by the El-Bayadh court, along with the five other participants. They were all released after the trial and appealed against the verdict. In late December 2004, the case was still pending.

Harassment and arbitrary arrests and detentions of LADDH members in Ghardaia

On 11 October 2004, shopkeepers in the city of Ghardaia, 630 kilometres south of Algiers, went on strike after an inspection by customs, tax and price control authorities.

On 13 October, as demonstrators were peacefully gathering to demand the Wali to intervene, police forces took violent action, stirring up the anger of the population and triggering riots in the city. Given the seriousness of the situation, the Ghardaia section of the LADDH proposed to act as a mediator and set up an emergency response unit.

On 14 October 2004, the Wali referred to the Prosecutor of the Ghardaia court to initiate legal proceedings on charges of "unlawful gathering and incitement to unlawful gathering", "obstruction of public thoroughfare" and "destruction of public property". These charges were brought against some thirty persons including the five members of the LADDH section. A warrant was issued for the arrest of Messrs. **Mohamed Djelmani, Mohamed Oubaya, Ahmed Djeädi, Hamou Mesbah** and **Kamel Fekhar**, the latter also being a local elected representative of the Socialist Forces Front (Front des forces socialistes - FFS, an opposition party).

Mr. Fekhar has been detained ever since he was arrested on 31 October 2004, while Messrs. Djelmani, Oubaya, Djeadi and Mesbah were still covered by the arrest warrant issued on 14 October 2004.

Obstacles to the holding of a conference

The Tizi Ouzou section of the LADDH organised a conference, due to be moderated by Mr. **Ali Yahia Abdenour**, a lawyer and president of the LADDH, as part of the celebration of the International Human Rights Day on 10 December 2004. The conference was to be held at the Mouloud Mammeri cultural centre; the date was brought forward to 8 December as the auditorium was not available on the date requested. As a result, the LADDH section was unable to meet the 3-days allotted time for requesting prior authorisation of the authorities and the conference had to be cancelled.

On 27 December 2004, the LADDH section submitted another request for authorisation with the General Affairs and Regulation department of the Prefecture to hold the conference on 6 January 2005.

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However, the Prefecture officials refused to acknowledge this request and gave verbal notice that the authorisation would not be granted on the alleged grounds that the LADDH did not comply with the Law on Associations. The LADDH, which is in fact legally recognised, addressed the Wali requesting a written explanation of this refusal. By late December 2004, the LADDH section had not received any response from the Wali or his services.

Legal proceedings against Mr. Abderrahmane Khelil³⁹

On 20 May 2002, Mr. **Abderrahmane Khelil**, head of the "SOS-Disappeared" Committee (Comité SOS-Disparus) and LADDH member, was arrested following a visit he made to the University of Bouzaréah to investigate into the arrests of students during protest movements on 18 May 2002. He was detained in the El-Harrache prison in extremely precarious conditions, and received a six months' suspended prison sentence for "encouraging unarmed assembly" on 26 May 2002. Mr. Khelil appealed against this decision.

As of end 2004, the proceedings were still pending.

Harassment of SNAPAP members⁴⁰

In 2004, members of the Independent National Union of Civil Servants (Syndicat national autonome des personnels de l'administration publique - SNAPAP) continued to face regular pressure on the part of the authorities.

On 20 January 2004, Mr. **Salim Mechiri**, SNAPAP national secretary and LADDH vice-president, together with Messrs. **Fodhil Agha** and **Djilali Bensafi**, members of the union section office of the Oran teaching hospital, were arrested following the release of statements announcing a general strike in the healthcare sector. The three men were released after several hours in custody.

³⁹ See Annual Report 2003.

⁴⁰ *Idem*.

Moreover, seven board members of the SNAPAP office in Oran were arrested and suspended from their functions on the order of the Wali of Oran in March 2002, following a hunger strike they started in protest against the closure of the SNAPAP office in Oran⁴¹. In October 2002, they were given a three-month suspended prison sentence and 5,000 dinars fine. In January 2003, this verdict had been commuted to a 5,000 dinars (54 euros) fine but the administration maintained their suspension. As at the end of 2004, these had still not been reinstated in their functions, and the appeal they submitted to the Supreme Court in 2003 remained pending. In addition, these seven persons were subjected to repeated pressure from the authorities in the course of 2004: they were notably asserted that they would be reinstated if they agreed to express public criticism of SNAPAP activities and its secretary general, Mr. **Rachid Malaoui**.

Such methods were part of recurring smear campaigns, widely broadcast in pro-governmental media, targeting Mr. Malaoui and other SNAPAP members, who were regularly accused of spying in the pay of foreign interests and of embezzling funds.

In November 2004, the Algiers court of first instance condemned Mr. Malaoui to a suspended prison sentence of one year with a 5,000 dinars fine for "defamation", following a complaint filed by the secretary general of the Algerian General Workers' Union (Union générale des travailleurs algériens - UGTA, pro-governmental union) for facts dating back to 2001. At that time, Mr. Malaoui publicly criticised the UGTA's takeover of the union scene and denounced the repeated attacks on independent trade unions. Mr. Malaoui, who was not in court when the verdict was handed down, appealed this decision. By late 2004, no date had been set for the hearing.

Lastly, in December 2003 and May 2004, former SNAPAP members, backed by the Ministry of Labour, held a congress to establish another union, wearing the same name. In June 2004, the "genuine" SNAPAP filed a complaint with the Algiers court of first instance for "usurpation". A first hearing was scheduled for 9 February 2005. Although *de facto* recognised by the Ministry of Labour, the "new" SNAPAP was not legal-

⁴¹ The SNAPAP office in Oran was closed down on the order of the authorities in 2002. In early 2004, the premises were taken over for use by the police.

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ly registered and thus submitted the case to the court in El-Harrach in July 2004 to be granted legal status. In October 2004, the court ruled that the case did not come under its jurisdiction and made an urgent application for it to be transferred to another jurisdiction. By late 2004, no other jurisdiction had received a submission from the "new" SNA-PAP and the proceedings had been left pending.

BAHRAIN**Repression of the BCHR***Arbitrary Arrest of and legal proceedings against Mr. Abdul-Hadi Al-Khawaja*⁴²

On 24 September 2004, Mr. **Abdul-Hadi Al-Khawaja**, executive director of the Bahrain Centre for Human Rights (BCHR), criticised the government's policy during a symposium on "poverty and economic and social rights in Bahrain", held at the Al-Oruba Club. He also called for the resignation of the Prime Minister, who has been in power for over 25 years.

On 26 September 2004, Mr. Al-Khawaja was arrested and charged with "encouraging hate of the State" and "disseminating false news and rumours" on the basis of Articles 165 and 168 of the Bahraini Criminal Code. He was immediately placed in custody in the Howdh Aljaf detention centre and held there for 45 days.

His trial began on 16 October 2004, before the third chamber of the Lower Criminal Court that refused to release him on bail on the same day.

On 28 October 2004, Mr. **Abdul Rawf Al-Shayeb**, spokesman of the National Committee for Martyrs and Victims of Torture in Bahrain, and Mr. **Mahmud Ramadan**, a board member of the Committee, were arrested by the anti-riot police, together with several dozens demonstrators

⁴² See Press Release, 27 September 2004 and Urgent Appeals BHR 001/0704/OBS 054, 054.1, 054.2, 054.3, 054.4 and 054.5.

during a protest march organised by the Committee, in order to call for the release of Mr. Al-Khawaja.

On the same day, Mr. Al-Khawaja's wife received a telephone call summoning her to appear at the police department under threat of arrest.

On 21 November 2004, Mr. Al-Khawaja, who had been on a hunger strike since 14 November 2004, was sentenced to one year imprisonment by the Lower Criminal Court. Later at night, His Majesty King Hamad ben Issa Al-Khalifa issued a decree granting pardon to Mr. Al-Khawaja and ordered his release. Mr. Al-Shayeb and Mr. Mahmud Ramadan, who too had been on hunger strikes since 15 November, were also granted pardon and consequently released, together with 11 other protesters detained since the parade on 28 October 2004.

On 6 January 2005, the Al-Oruba Club, which had been closed down by the government for 45 days for hosting the BCHR symposium on 24 September, was allowed to resume its activities.

Closure of the BCHR⁴³

In October 2003 and June 2004, the Minister of Labour and Social Affairs, Mr. Majeed Al-Alawi, addressed some letters to the BCHR, threatening them to withdraw the Centre's operating license if they continued their "political activities", as they would contradict Law No. 21 of 1989 on Societies.

On 30 June 2004, in the course of an interview broadcast by *Arabiya TV Channel*, the Minister threatened to permanently close down the BCHR because of its alleged "political activities". He described the BCHR as a "political opposition body with a political agenda"; he severely criticised the organisation's use of demonstrations as well as articles and letters to defend and protect human rights in Bahrain.

On 26 September 2004, after Mr. Al-Khawaja⁴⁴ had been arrested, Mr. Majeed Al-Alawi set up a committee comprised of members from different government institutions for the purpose of taking punitive measures and adopting legal sanctions against BCHR.

⁴³ *Idem*.

⁴⁴ See above.

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On 29 September 2004, Mr. Al-Alawi published a press release announcing that he issued an order providing for the dissolution of the BCHR the night before, the order coming into force that same day under the pretext that the BCHR violated Law No. 21 of 1989 on Societies, without any other precision.

On 30 September 2004, in another statement published in the *Al-Wasat* newspaper, Mr. Majeed Al-Alawi threatened the BCHR and its members, especially its president, Mr. **Nabeel Rajab**, to take punitive actions against the board members of the organisation, if they were to keep trying to breach the Ministry's order of dissolution, campaigning for the BCHR rehabilitation and the release of its executive director, Mr. Al-khawaja, detained since 26 September 2004.

On 12 October 2004, the BCHR initiated civil action against the Minister of Labour and Social Affairs, filing the case with the High Civil Court; the first hearing took place on 23 October 2004. By late 2004, the proceedings were still underway and a further hearing was scheduled for 16 January 2005.

On 6 January 2005, the BCHR announced that it would resume its activities despite the decision by the authorities to dissolve the Centre.

EGYPT

Continued harassment against the ECHR and its members⁴⁵*Refusal to register the ECHR rescinded*

On 14 May 2003, the Egyptian Centre for Housing Rights (ECHR) submitted the required documents to register the association with the Ministry of Social Affairs, as stipulated by the Law No. 84 on associations, passed in 2002.

However, on 13 September 2003, the Ministry informed the ECHR that its request for registration had been refused under Article 11 of

⁴⁵ See Annual Report 2003.

Law No. 84 which, *inter alia*, bans any activity "threatening national unity" or "promoting discrimination".

The ECHR lodged an appeal with the Ministry of Social Affairs to have the decision rescinded.

On 22 February 2004, the administrative court ruled that the Ministry's refusal to register the association was illegal and recommended that the State Council rescind the decision.

Although the ECHR was considered as legal as of end 2004, it still had not been given a registration number. Further, a National Security Intelligence (NSI) officer, Mr. Walled Al-Dessoki, reportedly declared on several occasions that he would firmly refuse to allocate a registration number to the Centre.

Moreover, Mr. **Manal El Tibe**, ECHR executive director, was targeted by numerous smear campaigns initiated by Mr. Al-Dessoki in the course of 2004.

Obstacles to ECHR activities

From 19 to 22 February 2004, the ECHR held a training course on housing rights in Port Said. Over these four days, the venue of the seminar was kept under close surveillance by NSI officers who disrupted the course on several occasions and followed participants on their field visits.

On 4 October 2004, the ECHR and the Housing and Land Rights Network held a joint seminar to celebrate the World Habitat Day. NSI officers were deployed around the ECHR headquarters throughout the entire event.

On 24 November 2004, the tents and equipment that the ECHR had supplied in May 2004 to give shelter to 18 homeless families in the region of Duweiqa, were seized by the authorities. On that same day, the mayor of Munsha-at-Nasser threatened to confiscate ECHR equipment and to take action against the association. Mr. **Khaled Abd Al-Hameed**, an ECHR delegate, subsequently received a telephone call from a police officer in Munsha-at-Nasser, who insulted and threatened him.

The tents and equipment were eventually returned to ECHR, albeit in poor condition.

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Harassment targeting the Nadeem Centre⁴⁶

On 11 July 2004, the Nadeem Centre for the Rehabilitation of Victims of Violence, based in Cairo, was subjected to an "abusive" inspection. A committee of three persons came to the Center and presented an official document issued by the Private Medicine Department of the Health Affairs Office (Cairo Governorate). The document warranted an inventory of the medical equipment of the clinic and a report on its conformity with sanitary laws. However, instead of checking the equipment, the inspectors arbitrarily searched and photographed the office, as well as documents related to the patients that are legally protected by medical confidentiality, and confiscated some of the doctors' personal belongings. Moreover, these individuals refused to give a copy of the inspection report to the managers of the Centre.

On 19 July 2004, the Directorate of Health Affairs sent a letter informing the Nadeem Centre that it was in violation of law 51 adopted in 1981, regarding the regulation of medical establishments. The letter further stated, that *inter alia*: the Center was operating for objectives different from those for which it was registered; it lacked medical and first aid equipment; the association was no longer located at the address it had declared for registration; the medical director was not present at the time of the inspection while the committee noticed the presence of a previously unreported doctor. According to article 11 of law 51, the governor can order the administrative closure of an establishment that does not rectify these breaches within a maximum period of 30 days.

Faced with this threat, the Nadeem Centre decided to devote one part of the premises to health care, and to move out its human rights to another apartment, so as to comply with the committee's requirements. By end 2004, the Nadeem Centre was apparently no longer subjected to any threat of suspension.

Legal proceedings against Mr. Hafez Abu Sa'eda⁴⁷

Legal proceedings against Mr. **Hafez Abu Sa'eda**, secretary general of the Egyptian Organisation for Human Rights (EOHR), were still

⁴⁶ See Urgent Appeal EGY 001/0704/OBS 061.

⁴⁷ See Annual Report 2003.

pending as of end 2004. Mr. Abu Sa'eda is being pursued on the basis of Decree No. 4 of 1992 for having accepted, in 1998, an unauthorised subsidy from the British Embassy.

ISRAEL AND THE OCCUPIED PALESTINIAN TERRITORIES

Situation in Israel

Legal proceedings, detention and release of conscientious objectors opposed to the occupation of the Palestinian Territories

Release and ongoing trial of Mr. Jonathan Ben Artzi⁴⁸

Mr. **Jonathan Ben Artzi**, a pacifist student who had been detained in military prison No. 4 since 8 August 2002, appeared before the military court in Jaffa on 11 March 2003 for refusing to serve in the Israeli armed forces. His lawyers then lodged an appeal with the Supreme Court, arguing that the refusal to serve in the army could not be tried by a court martial for disobeying a military order. However, on 15 April 2003, the Supreme Court dismissed this argument and maintained the procedure with the military court.

On 12 November 2003, the Jaffa military court recognised Mr. Ben Artzi as a pacifist, but still found him guilty of "insubordination".

On 8 January 2004, Mr. Ben Artzi was released after the court recommended that he appears once again before the "military conscience committee". The hearing took place on 16 February 2004.

On 19 February 2004, the committee decided to discharge him from the army on the grounds that he was "unfit, due to lack of motivation" but did not acknowledge that Mr. Artzi was a "pacifist". In April 2004, Mr. Ben Artzi, who challenged the qualification of "unfit" and demanded that his status of "pacifist" be recognised, appealed this decision

⁴⁸ See Annual Report 2003 and Press Releases, 5 and 19 January, 23 April, 20 July and 27 September 2004.

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with the Civil Supreme Court. The hearing was initially scheduled for 18 October 2004, but was postponed until 10 February 2005.

On 21 April 2004, the Jaffa military court handed down its final verdict and sentenced Mr. Ben Artzi to another two months in prison and a of 2000 NIS (new Israeli shekels, 350 euros) fine. This ruling stipulated that if he did not pay the fine, he would serve an additional sentence of two months in prison. Mr. Ben Artzi appealed both the conviction and the sentence with the High Military Court of Appeal. The case was heard, without being judged, on 9 and 16 July 2004. As at the end of 2004, no further hearing had been scheduled.

*Release of Messrs. Haggai Matar, Matan Kaminer, Shimri Zameret, Adam Maor and Noam Bahat*⁴⁹

Mr. **Haggai Matar**, held in detention since 23 October 2002, and Messrs. **Matan Kaminer**, **Shimri Zameret**, **Adam Maor** and **Noam Bahat**, detained since December 2002, were summoned to appear before the Jaffa military court on 15 April 2003 for refusing to do their military service.

Although they were not opposed to the concept of military service, these five "selective objectors" refused to serve in an "occupying force" and called into question the operations conducted by the Israeli army in the Occupied Palestinian Territories.

On 4 January 2004, the Jaffa military court condemned Messrs. Matar, Kaminer, Zameret, Maor and Bahat to one year imprisonment for "insubordination" and recommended that the army re-examine their exemption once their sentence served. The five objectors, who were held in "open detention" throughout their trial, were immediately transferred to military prison No. 6 in the outskirts of Haifa.

On 15 January 2004, the United Nations Working Group on Arbitrary Detention stated in its final Opinion concerning these cases, submitted by the Observatory in May 2003, that the repeated penalties imposed on Messrs. Jonathan Ben Artzi, Matan Kaminer, Maor and Bahat were arbitrary and contravened the principle of *non bis in idem*, according to which "no one shall be liable to be tried or punished again

⁴⁹ *Idem*.

for an offence for which he has already been finally convicted or acquitted (...)"⁵⁰.

On 14 July 2004, the military conscience committee decided to reduce the sentences of Messrs. Haggai Matar, Matan Kaminer, Shimri Zameret, Adam Naor and Noam Bahat, who were released on 15 September 2004 (instead of January 2005). On 20 September 2004, their exemption from the military service was officially acknowledged.

*Closing of the investigation into Adalah's activities*⁵¹

On 23 August 2002, the association Adalah - "Legal Centre for Arab Minority Rights in Israel" -, received a letter from the Register of Associations services of the Ministry of the Interior, confirming that an official enquiry was being initiated into the activities of the organisation.

Adalah, which denounces violations of the civil, political, economic and social rights of Arab citizens in Israel, was targeted by a vast smear campaign after the opening of the enquiry was announced. The organisation appealed this decision with the Ministry of the Interior on 5 December 2002.

In May 2003, the Ministry's legal counsel submitted a list of 25 questions to the organisation as part of the investigation.

On 7 February 2004, the Minister of the Interior, Mr. Avraham Poraz, decided to uphold the appeal lodged by Adalah, therefore closing the enquiry into the association's activities.

*Release of Mr. Daoud Dirawi*⁵²

On 21 February 2003, Mr. **Daoud Dirawi**, a lawyer and co-ordinator for the programme on juvenile justice of Defence for Children International/Palestine Section (DCI/PS), was arrested by Israeli soldiers in Jerusalem on the occasion of an identity check.

⁵⁰ See Article 14.7 of the International Covenant on Civil and Political Rights of 1966, ratified by Israel on 19 April 1966.

⁵¹ See Annual Report 2003 and Press Release, 19 February 2004.

⁵² See Annual Report 2003.

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Mr. Dirawi was then detained on remand for 12 days in the Asyun prison where he was severely beaten up by the soldiers who threw him to the ground, kicked and hit him with their fists and rifle butts before subjecting him to cruel, degrading and inhuman treatment.

On 3 March 2003, the military authorities ordered that Mr. Dirawi be held in administrative detention for six months on the grounds that he was "a threat to the security of the region" and that he was suspected of being a member of the Popular Front for the Liberation of Palestine (PFLP). On 1 September 2003, he was informed that the administrative detention order was renewed for a further six months.

On 4 December 2003, the public Prosecutor, who was referred to by the Ofer military court in October 2003, decided to maintain Mr. Dirawi in administrative detention and recommended his trial by a military court so that he could be judged for his activities as a student in 1995-1996, even though he had already been tried and condemned to six months on remand for these facts in 2001⁵³.

Mr. Dirawi, who was scheduled for release on 2 March 2004, was set free on 29 January 2004, as part of a prisoner exchange between Israel and the Hezbollah. All charges brought against him were then dropped.

Situation in the Occupied Palestinian Territories⁵⁴

The closure of the Gaza Strip and the West Bank since the beginning of the second Intifada in 2000, the increased number of checkpoints and the building of the "separation Wall", together with the manifold legal and administrative obstacles imposed by the Israeli authorities, severely impaired the freedom of movement of Israeli, Palestinian and international NGOs, thereby reducing their scope for action and assistance⁵⁵.

⁵³ Mr. Dirawi was found guilty on the grounds of his activities as an active member of the Student Workers' Front (SWF), which the Israeli authorities believe to be linked to the PFLP. He was released in March 2002.

⁵⁴ See Annual Report 2003.

⁵⁵ See the report of the international fact-finding mission mandated by the Observatory and the Forefront organisation: *Bridges instead of walls: conditions and challenges experienced by human rights defenders in carrying out their work*, June 2004.

Obstacles to the freedom of movement of Palestinian and Israeli human rights defenders

In August 2004, Mr. **Rami Abu Shabban**, an accountant with the Palestinian Centre for Human Rights (PCHR), was prevented to travel to Dublin (Ireland) to participate in a training course on "Accountancy for NGOs", run by Development Cooperation Ireland⁵⁶, due to the complete closure of Rafah. Between 12 December 2004 and 20 January 2005, as access to the Gaza Strip was totally banned, NGOs defending human rights or providing humanitarian assistance, as well as UN representatives, were mostly unable to conduct their activities. Members of human rights organisations based in Israel, as all Israeli citizens, were not been allowed to enter the Occupied Palestinian Territories, forcing many associations, such as B'Tselem, to rely only on their Palestinian staff who had to develop their own programmes and activities in the Occupied Territories.

Members of NGOs denouncing human rights abuses and violations of humanitarian law committed in the Occupied Territories were hit by legal and administrative decisions made by the Israeli authorities and designed to restrict their movements. In March 2004, Mr. **Sha'wan Jabarin**, head of the legal department of Al-Haq, an organisation defending the rights of the Palestinians, was not allowed to travel to Lebanon to attend a conference held jointly by the Euro-Mediterranean Human Rights Network (EMHRN), the Cairo Institute for human rights and the FIDH. On 30 June 2004, Israeli authorities placed a ban on Mr. Jabarin leaving the Occupied Territories, preventing him from attending a one-year course at the Galway university (Ireland), from August 2004 to September 2005. Mr. Jabarin was eventually granted his visa on 12 August 2004, after Al-Haq announced that it would bring the case before the Supreme Court.

Palestinian human rights defenders under the age of 35 wishing to travel from one city to another required special authorisation (referred to as "coordination") issued by the Israeli authorities, and they were particularly targeted when travelling abroad.

⁵⁶ A programme of the Irish Department of Foreign Affairs, providing aid and assistance to developing countries.

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Mr. **Hanny Abu Nahalla**, a member of the PCHR, was banned from travelling to Strasburg (France) to attend a seminar on the protection of human rights, organised by the International Human Rights Institute (Institut international des droits de l'Homme) in July 2004, when the Israeli authorities refused to grant the "coordination" approval.

In December 2004, Mr. **Ashraf Nassaralla**, a lawyer with the PCHR, was unable to attend a seminar on legal proceedings and litigation in Amman (Jordan). The request for authorisation was lodged as required, but the PCHR did not receive any response from the Israeli authorities.

Since September 2004, Israeli authorities have systematically refused to acknowledge any requests for access to the Gaza Strip submitted by international and Palestinian humanitarian organisations.

A number of human rights defenders, in particular Palestinians, were accused by the Israeli authorities of posing a threat to the security in the region. Mr. **Abdul Latif Gheith**, head of the board of directors of the Prisoners' Support and Human Rights Association "Addameer", a Palestinian human rights NGO founded in 1992, was arrested by Israeli armed forces on 29 July 2004, at the military checkpoint at Qalandiya⁵⁷. He was questioned by an officer from the general security services (Shabak) about his activities with Addameer and about the association staff; Mr. Gheith was taken to Giva'at Ze'ev, an Israeli settlement near Jerusalem, then transferred to Benjamin military detention camp on the military base in Ofer, on the outskirts of Ramallah. Mr. Gheith is a resident of Jerusalem and as such should not have been subjected to military rules applying in the West Bank and under which Israeli authorities are entitled to hold any Palestinian citizen in custody for one week without stating any reason for the arrest. Mr. Gheith did not have access to his lawyer until 4 August 2004, when he was sentenced to six months administrative detention, on orders given by the Israeli military commander of the West Bank, and on the grounds that he was a "threat to the security in the area". Mr. Gheith was scheduled for release on 5 February 2005.

⁵⁷ Qalandiya, located between Jerusalem and Ramallah, is the main military checkpoint on the West Bank.

Restrictions and attacks on Israeli and international humanitarian workers and pacifists

International human rights defenders and humanitarian workers also had to contend with the restrictions on freedom of movement imposed in the Palestinian Territories. On a number of occasions in 2004, various international organisations and institutions had to suspend their activities because of incursions by Israeli armed forces into the Occupied Territories, thereby depriving the Palestinian communities of access to health care and food distributions provided by these organisations.

In September 2004, Mr. **Peter Hansen**, Commissioner General of the United Nations Relief and Works Agency for Palestine Refugees (UNRWA), was unable to travel to Amman (Jordan) where he was scheduled to attend the annual meeting of the agency's advisory commission, as the Occupied Territories had been completely closed and the Israeli authorities provided no assistance. The Israeli authorities also targeted the UNRWA through smear campaigns; e.g. on 1 October 2004, Israeli armed forces broadcast a video designed to prove that an ambulance belonging to the agency had been transporting a rocket. The Israeli authorities refuted these allegations on 13 October 2004.

A number of members of the International Solidarity Movement (ISM) were also refused entry to Israel on the grounds that they posed a "threat to the security of the State".

On 23 June 2004, Mrs. **Ann Robinson-Potter**, an American citizen and member of ISM, was arrested upon her arrival at Ben-Gurion airport in Tel-Aviv. Mrs. Potter was suspected of having links with terrorist organisations and was detained for 28 days before being released and allowed to enter Israel once the ruling was handed down by the court of Tel-Aviv.

On 13 December 2004, Mrs. **Kate Raphael Bender**, a member of the International Women's Peace Service in Palestine (IWPS), was arrested during a peaceful demonstration in Bil'in protesting against the building of the Wall, and was sentenced to be expelled by the authorities. Mrs. Bender lodged an appeal against the ruling with the court of Tel-Aviv.

On 7 November 2004, a peaceful march in Kufr Thulth protesting against the expulsion of Palestinian residents was crushed by Israeli soldiers; the victims of this violence included a journalist and two Israeli human rights defenders who were struck.

LEBANON**Infringements to freedom of assembly⁵⁸**

On 7 April 2004, in Beirut, close to 500 people - students, families of detainees, NGO representatives -, gathered in response to an initiative by the Committee of the Families of the Lebanese Detainees in Syria and the NGO "Support of Lebanese in Detention and Exile" (Soutien aux Libanais détenus et exilés - SOLIDE).

This gathering intended to support a civil society delegation to the United Nations Economic and Social Commission for Western Asia (ESCWA) headquarters in Beirut, to submit a petition circulated by various student movements and signed by over 10,000 people, demanding the release of Lebanese prisoners in Syria.

The army brutally dispersed participants by spraying them with water canons. Several of them were beaten with truncheons, including elderly members of the detainees' families, such as Mr. **Ghazi Aad**, head of SOLIDE, whose wheel chair was broken into pieces. At least one of the students had to be taken to the hospital. The delegation was finally not able to meet with Mr. Rawdha, the ESCWA human rights officer, as was initially planned.

Investigation into the questioning of Mrs. Samira Trad⁵⁹

On 10 September 2003, Mrs. **Samira Trad**, director of the Frontiers Center, an NGO for the defence of non-Palestinian refugees in Lebanon, received a summons by the General Security office of the Beirut General Directorate. Mrs. Trad was then questioned, *inter alia*, about the statutes of the Frontiers Center and about a report on Iraqi refugees seeking asylum outside of Lebanon that she circulated for comment to the Embassy of the United States and to the office of the UN High Commissioner for Refugees (HCR) in Beirut in June 2003. She was released on 11 September and later informed that she was

⁵⁸ See Press Release, 8 April 2004

⁵⁹ See Annual Report 2003.

accused of "defamation against the authorities" (Article 386 of the Criminal Code) in connection with the aforementioned report.

Mrs. Trad's lawyers subsequently found out that the HCR office in Beirut, had transmitted the report to the General Security office. On 4 February 2004, they demanded the HCR Office of the Inspector General in Geneva to investigate the role played in her arrest by the HCR staff in Beirut.

An enquiry revealed that the Lebanese authorities were in possession of an internal email to the HCR in Beirut, which concerned Mrs. Trad.

In September 2004, the HCR head office in Geneva addressed a letter to the Lebanese authorities expressing concern for the way the document had been obtained and used, adding that the HCR had no complaint against Mrs. Trad and hoped she would be able to freely carry out her activities.

Finally, in September 2004, Mrs. Trad decided to transmit the Frontiers Center statutes to the Ministry of the Interior so that the Center could be registered as an NGO (until then, the Centre was registered as a "private company"). As of end 2004, this request was not acknowledged.

Besides, the HCR investigation was still underway at the end of 2004, and the proceedings for "defamation" against Mrs. Trad were still pending.

Judicial proceedings against Mr. Muhamad Mugarby⁶⁰

On 8 August 2003, Mr. **Muhamad Mugarby**, a lawyer at the Bar of Beirut and human rights activist, in particular renowned for his commitment to fighting corruption in Lebanese legal circles, was arrested following a complaint lodged by the Bar of Beirut, accusing him of having made illegal use of his title of lawyer. The Bar notably accused Mr. Mugarby of continuing to practise law whereas two disciplinary commissions had withdrawn this right on 4 April 2002 and on 17 January 2003, following proceedings brought against him for "defamation of judicial power". These decisions, however, were not enforceable, as Mr. Mugarby had appealed against them and that appeal was still

⁶⁰ *Idem.*

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under-way. He was released on 29 August 2003, but remained prosecuted for "defamation of judicial power" under Article 111 of the Code for the organisation of the profession of lawyers (COPL) and Articles 391 and 393 of the Criminal Code. Mr. Mughraby, who in addition was debarred, appealed the verdict with the Supreme Court.

On 10 March 2004, the third chamber of the Supreme Court of Appeals ruled in Mr. Mughraby's favour and moreover dismissed the two decisions of the disciplinary commissions (April 2002 and January 2003), arguing the merits of the accusation under the Article 111 of the COPL. However, Mr. Mughraby remained liable of being further accused on the grounds of Articles 391 and 393 of the Criminal Code.

On 15 April 2004, he took legal action against thirteen judges involved in his arrest in August 2003. As at the end of 2004, the proceedings were ongoing.

Finally, on 22 May 2004, Mr. Mughraby also introduced legal proceedings against the Bar Association and its former head, who initiated the complaint which led to his arrest in 2003. By the end of 2004, this file had still not been registered.

LIBYA**Forced disappearance and arbitrary detention of Mr. Fathi Al-Jahmi⁶¹**

In 2002, Mr. **Fathi Al-Jahmi**, an engineer and human rights defender, was sentenced to five years in prison for having called for the introduction of a Constitution and democratic reforms.

He was released on 12 March 2004 thanks largely to pressure from the United States on the eve of a U.S. official visit to Libya.

After being released, Mr. Al-Jahmi gave several interviews to the Dubai-based *Al-Arabiya* and the US-based *Al-Hurrah* Arab-speaking

⁶¹ See Open Letter to the Libyan authorities, 20 April 2004.

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stations and reiterated its statements on need for democratic reforms in his country.

On 19 March 2004, members of the Revolutionary Party Committee rummaged through and ransacked his son's Internet café and threatened Mr. Al-Jahmi with the kidnap of his wife and daughters if he dared expressing his views about Libya again to the foreign media. Furthermore, on 26 March 2004 he was violently assaulted and beaten up by unidentified individuals, in the presence of police officers, outside his home in Tripoli.

On 4 April 2004, unidentified members of a security group took away Mr. Al-Jahmi, his wife, Mrs. **Fawzia Ghoga Al-Jahmi**, and their eldest son Mr. **Mohamed Al-Jahmi**. All three were detained in an unknown place.

Mr. Mohamed Al-Jahmi was released on 23 September and Mrs. Al-Jahmi on 4 November 2004. They reported that they had been kept in Benghazi, in the east of the country, together with Mr. Fathi Al-Jahmi.

Mr. Fathi Al-Jahmi was to be accused of "defaming the Head of State" and to be heard by the People's Court on 23 November 2004, when the hearing was postponed⁶².

By end 2004, Mr. Al-Jahmi was apparently still being detained in Benghazi, without a court of competent jurisdiction (the People's Court was abolished on 12 January 2005) or a date having been selected for the hearing.

MOROCCO**Aggression against Mr. Abdelhamid Amine⁶³**

Mr. **Abdelhamid Amine**, president of the Moroccan Human Rights Association (Association marocaine des droits humains - AMDH), was assaulted by police officers during a peaceful sit-in in front of the

⁶² This information could not be confirmed since Mr El-Jahmi's whereabouts remain unknown.

⁶³ See Press Release, 16 February 2004.

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Parliament in Rabat on 28 January 2004. Mr. Abdelhamid Amine remained unconscious for several minutes after the attack.

A large number of human rights defenders were also targeted for carrying out their activities: for instance, while responding to a call from the Coalition for the Right to Medical Care and Access to Drugs, and the Artists' Coalition for Cultural Diversity, several activists were violently beaten by the police.

Continued harassment and repression of Saharawi organisations and their members

Obstacles to freedom of movement and refusal to return passports⁶⁴

On 27 March 2003, 13 human rights activists and members of families of disappeared Saharawi persons were arrested at the airport in Casablanca while on their way to Switzerland to participate in meetings on forced disappearances in Western Sahara, organised by the International Bureau on the Respect of Human rights, and to attend the 59th session of the UN Commission on Human Rights.

The persons in question were Messrs. **Brahim Dahane** and **Bacher Lakhfaoui**, former disappeared and members of the Co-ordinating Committee of Saharawi Families, Mr. **Sidi Mohammed Daddach**, former prisoner and winner of the 2002 Rafto Foundation prize for human rights (Norway), Messrs. **Brahim Noumri** and **Brahim Guarhi**, former disappeared and members of the Moroccan Truth and Justice Forum - Sahara section (Forum Marocain Vérité et Justice - section Sahara - FMVJ), Mr. **Khaya Cheikh**, former prisoner, as well as Messrs **Sihi Mohamed Salem Zaidan**, **Mohamed Mahmoud Moumen**, **Hammia Ahmed**, **Walad Cheikh Mahjoubn**, **Aghlabouha Meimouma**, **El Qotb Hamma** and **Kiraoian M'Barka Alina**.

They were immediately released, but their passports were not returned.

By the end of 2004, notwithstanding numerous requests, their passports had still not been returned.

⁶⁴ See Annual Report 2003 and letters to the Moroccan authorities, 3 March and 28 October 2004.

*Continued harassment of FMVJ-Sahara section**FMJV-Sahara section offices closed*⁶⁵

On 18 June 2003, following a request by the criminal investigation police in April 2003, the Lâyyoun court of first instance decided to disband the Sahara section of the Moroccan Truth and Justice Forum (Forum marocain Vérité et Justice - FMVJ), for carrying out illegal and separatist activities in breach with its own statutes. The verdict also included a ban on all meetings of members of the section, the closing of its premises and the liquidation of the section's assets which were to be transferred to the FMVJ executive office.

As at the end of 2004, the verdict had still not been legally transmitted to the office of the court registrar, although this procedure is mandatory by law for appealing a decision.

Therefore, the Sahara section of FMJV had not yet been able to appeal the verdict, and its head office, including equipment and documents, were still sealed off.

*Intimidation of members of the section*⁶⁶

On 8 March 2004, when the United Nations Mission for the Referendum in Western Sahara (Mission des Nations unies pour l'organisation d'un référendum au Sahara Occidental - MINURSO) had just launched a programme to visit families of disappeared Saharawis in Tindouf, Mr. Aarbib Hariz, the head of the general intelligence services, personally threatened Messrs **Sidi Mohammed Daddach**, **Salek Bazid**, **Alismaïli Ibrahim**, **Baba Mayara** and **Hmad Hammad**, members of the FMVJ-Sahara section.

Furthermore, members of the section travelling across the region were closely watched. On 20 June 2004, for instance, several police cars tailed Messrs Daddah, Ali Salem and Hmad's car while driving on their way to visit Saharawi families that had come from refugee camps as part of a visit programme organised by the Office of the High Commissioner for Refugees. When on mission, members of the section were further

⁶⁵ See Annual Report 2003.

⁶⁶ *Idem*.

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often intimidated by policemen at the police and "gendarmerie" road-blocks.

Moreover, the president of the FMVJ-Sahara section, Mr. **Lahoussine Moutik**, was still being subjected to constant administrative harassment. Mr. Moutik was dismissed from his job as a director of the accounts and IT department of a large company, following an interview with the *ad hoc* commission on Western Sahara of the European Commission in February 2002. Although the Lâyyoun courts of first instance and appeal ruled in his favour, Mr. Moutik, had still not received his severance pay as of end 2004. Furthermore, the financial consultancy firm he created in 2002 was under permanent surveillance by secret services officers (Direction de surveillance du Territoire - DST) and his clients were subjected to pressure to discourage them from using his services. In 2003, the registrar of the Lâyyoun court of first instance refused, with no apparent reason, to issue a certificate confirming that Mr. Moutik's company was properly registered. On 4 May 2004, the administrative court of Agadir, referred to by Mr. Moutik in 2003, declared it was not competent for judging the case. By the end of 2004, it had been referred to the court of first instance and was still pending.

*Delivery of a passport for Mr. Ali Salem Tamek*⁶⁷

Mr. **Ali Salem Tamek**, a member of the FMVJ-Sahara section, was sentenced to two years in prison and a 10,000 dirhams (900 euros) fine for "undermining State security". On 7 January 2004, he was granted a presidential pardon and released.

The Moroccan authorities, however, repeatedly refused to issue him a passport. He applied again on 21 October 2004 since, among other reasons, he needed to go abroad to receive the medical care he required as a result of his numerous hunger strikes while in prison. As the authorities did not respond his request, he went on a sit-in in front of the Prefecture in Assa (Western Sahara) on 25 October 2004. On 30 October 2004, the Moroccan authorities finally delivered the passport, thus enabling Mr. Ali Salem to travel to Spain for receiving due medical care.

⁶⁷ See annual report 2003 and letter to the Moroccan authorities, 28 October 2004.

Conviction of workers in the Evitima factory confirmed⁶⁸

In September 1999, 21 workers of the Evitima factory, all members of the Moroccan Labour Union (Union marocaine du travail - UMT), were ill-treated and tortured while under arrest after they went on strike. On 12 December 2001, they received a two months suspended prison sentence with a 500 dirhams (45 euros) fine.

On 27 July 2004, the sentence was upheld by the court of appeal. The legal proceedings against the alleged perpetrators of the ill-treatment they were subjected to were still pending as at the end of 2004.

SAUDI ARABIA

Arbitrary arrest and detention of several human rights defenders⁶⁹

On 9 March 2004, the Saudi authorities officially reiterated the announcement of the establishment of the National Human Rights Committee (first publicised in May 2003)⁷⁰, and that it would be chaired by a president to be appointed by the government. Twelve persons, known for their active involvement in human rights advocacy and the promotion of democratic reforms, sharply criticised the lack of independence of this Committee: Messrs. **Adnan Al-Shakhess, Khalid Al-Hameed, Matrouk Al-Faleh, Abdulla Al-Hamad** and **Towfiq Al-Qaseer**, academics, **Hamad Al-Kanhel, Mohammed Said Al-Taib, Abd Rab Al-Ameer Mussa Al-Bukhamseen**, and **Shaikh Sulaiman Al-Rashoud**, human rights activists, **Ali Al-Deminy** and **Najeeb Al-Khanizee**, writers and political advocates, and **Abd Al-Rahman Allahim**, a lawyer and human rights defender.

Short after, the same twelve individuals submitted a request for the creation and registration of an independent human rights organisation.

⁶⁸ *Idem*.

⁶⁹ See Urgent Appeals SAU 001/0304/OBS 017, 017.1 and 017.2.

⁷⁰ See Annual Report 2003.

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On 15 March 2004, Messrs. Al-Shakhess, Al-Hameed, Al-Faleh, Al-Hamad, Al-Qaseer, Al-Kanhel, Al-Taib, Al-Bukhamseen, Al-Rashoud, Al-Deminy and Al-Khanizee were arrested by Saudi intelligence officers and held in solitary confinement in the Ulayasha prison, in Riyadh.

On 17 March 2004, Mr. Allahim was also arrested and held in custody, following an interview broadcast by *Al-Jazeera satellite* during which he had called on the government to release the other eleven activists.

On the same day Messrs. Al-Shakhess, Al-Kanhel, Al-Bukhamseen and Al-Hameed were released without charges. Messrs. Al-Taib, Al-Qaseer and Al-Khanizee were released on 18 March 2004, Mr. Allahim on 25 March and Mr. Al-Rashoud on 29 March. The nine of them were forced to sign a pledge that they would cease their campaign in favour of political reforms and human rights in order to be released.

Messrs. Al-Hamad, Al-Faleh and Al-Deminy, who refused to sign the document, were held in custody without access to their lawyers.

On 6 November 2004, Mr. Allahim, spokesman for the defence of the three detainees, was again arrested after disclosing to the *Agence France Presse (AFP)*, the letter addressed by his three clients to Prince Abdullah Al-Saud, concerning the arbitrariness of their detention.

On 1 December 2004, Messrs. Al-Hamad, Al-Faleh and Al-Deminy were brought before the administrative court in Riyadh, charged with acts intended to destabilise the regime, the dissemination of false information and criticism of prison authorities. As Mr. Allahim was still being detained, the three human rights defenders had no defence. The court stated that the case did not come under its jurisdiction and referred it to the criminal court of first instance.

As of late 2004, no date had been set for a hearing, whilst Mr. Allahim was still being detained without charges.

Moreover, the request submitted by the twelve activists to register an independent human rights association was neither acknowledged nor processed.

SYRIA**Restriction to the freedom of movement of Mr. Haytham Al-Maleh⁷¹**

In 2003, Mr. **Haytham Al-Maleh**, a lawyer and director of the Human Rights Association in Syria (HRAS), was prevented from leaving the country for several months. The ban was lifted in December 2003, when Mr. Al-Maleh was officially invited by the German Parliament, which he addressed on 10 December 2003 to denounce the situation of human rights in Syria and the enforcement of the state of emergency legislation in his country. On the occasion of this visit, the Syrian Ministry of the Republic Presidential Affairs asserted that Mr. Al-Maleh was not banned from leaving the country in any way.

On 10 February 2004, Mr. Al-Maleh received two different summonses from the Syrian security services. He was then questioned for several hours, and security services agents accused him of disseminating false information about the government and the situation of human rights in the country through his public stance and speeches. The next day, on 11 February 2004, Mr. Al-Maleh was prevented from leaving the Damascus international airport as he was on his way to the Emirates on a family visit.

Infringements to freedom of assembly, arbitrary arrest and detention of CDF members⁷²

On 8 March 2004, over 400 members and supporters of the Committees for the Defence of Human Rights and Democratic Freedoms in Syria (CDF) peacefully gathered in front of the People's Parliament to call for the withdrawal of the state of emergency legislation, the release of political prisoners and the introduction of democratic reforms.

⁷¹ See Urgent Appeal SYR 001/0204/OBS 013.

⁷² See Urgent Appeal SYR 002/1504/OBS 026, Press Release, 19 March 2004 and Open Letter to the Syrian authorities, 15 April 2004.

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The demonstrators were violently repressed by the security forces, who arrested 102 persons, including Mr. **Aktham Naisse**, president of the CDF, Mr. **Daniel Se'oud**, Mr. **Nidal Darwich** and Mrs. **Mozon Morched**, all three members of the CDF board of directors. All these people were released without charges after a few hours of detention.

Yet, several CDF members were subsequently subjected to retaliation and intimidation. For instance, military security services arrested Mr. **Ahmad Khazen** on 15 March 2004 and Mr. **Hassan Watfa**, on 16 March, in Homs, 160 km north of Damascus. They were both sentenced to 45 days imprisonment in pursuance of the martial laws in force under the state of emergency. Both men decided to stop their activities within the CDF once their jail term served.

Moreover, Ms. **Mania Al-Andari**, a 23-years-old student and a member of the CDF, who had been arrested and then released together with her sister on 8 March 2004, was called in by the military security services in Suweida, in the south of Syria, on 3 April 2004. She was questioned for over seven hours by security agents who severely blamed her for participating in the 8 March demonstration. Ms. Al-Andari was released the same day, after being ill-treated and threatened with rape.

Arrest and arbitrary detention, ill treatment and legal proceedings against Mr. Aktham Naisse⁷³

On 11 February 2004, Mr. Aktham Naisse, president of the CDF, was called in by the military security services in Damascus and interrogated by two high-ranking officers for several hours. Mr. Naisse, whose telephone is tapped, was accused of being the "worker of Europe, the United States and Israel", as a follow up to a CDF online petition *To end the state of emergency in Syria* launched by the CDF at the end of January 2004. Considering that this petition had been signed by over 3,500 persons, the security services claimed they had evidence that the CDF had "illegal" international contacts. While in detention, military officers verbally harassed Mr. Naisse, who was supposed to travel abroad a few days later. They notably threatened to prevent him from leaving the country

⁷³ See Urgent Appeals SYR 002/1504/OBS 026 and 026.1 and Press Releases, 13 February, 21 April, 22 April, 27 July, 17 August 2004 and 12, 14 and 17 January 2005.

or not letting him return and further suggested that other accidents "might occur". Mr. Naisse was released without charges on 12 February 2004.

In March 2004, the CDF published their annual report on human rights violations in Syria and issued several statements denouncing violence against Kurdish communities in the north of the country.

On 13 April 2004, Mr. Naisse was arrested again in Latakia and held incommunicado by the military security services. For over ten days, no information on his whereabouts was transmitted to his relatives. During the first week of his detention, Mr. Naisse, who suffers from diabetes and a poor general health condition, had a cerebral stroke and had to be hospitalised for several days in the Tishrin military hospital near Damascus. On 20 April 2004, however, he was transferred to the Saidnaya prison, which is known for the very harsh conditions of detention imposed on political prisoners, and where he was placed in solitary confinement, in the department for ordinary prisoners.

On 22 April 2004, Mr. Naisse was officially indicted by the Supreme State Security Court (SSSC) for "affiliating with international organisations", "undermining the objectives of the revolution" and "disseminating false information aiming at weakening the State", charges that carry sentences up to 15 years of hard labour.

On 28 April 2004, the Observatory submitted Mr. Naisse's case to the UN Working Group on Arbitrary Detention.

His relatives were allowed to visit him on 20 June 2004 only, whereas he had already been in detention for three months.

On 15 July 2004, the court dropped the charge for "affiliating with international organisations", which is punishable by three years in prison, following an amnesty granted by the President of Syria.

Mr. Naisse's trial before the SSSC⁷⁴ started on 26 July 2004. The Observatory mandated two observers who, after lengthy negotiations, were finally authorised to attend the hearing, one of the reasons being that they were Arabs. The representatives of the European Union

⁷⁴ The usual criminal proceedings ensuring a fair trial are not applicable before this Court (according to Decree 47 passed in 1968). Moreover, the SSSC does not come under the responsibility of the judiciary but under the authority of the National Security Office of the Baas Party and there is one military judge among the three judges. Lastly, the SSSC decisions are final and can not be appealed.

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member States (Netherlands and Great Britain), of the delegation of the European Commission in Syria and the United States were not allowed in the courtroom. The hearing was postponed until 16 August 2004.

On that date, Mr. Naisse was released on bail, amounting 10,000 Syrian pounds (146 euros), in the presence of a representative of the Observatory. At the following hearing, held on 24 October 2004, the case was adjourned again until 16 January 2005. The observer mandated by the Observatory could not attend this session, since he was denied a visa by the Syrian authorities. The hearing was postponed until 24 April 2005.

In addition, Mr. Naisse was again subjected to harassment after he was released. In November 2004, the Syrian security prevented him from leaving the country to attend a civil society conference that sided the Forum for the Future organised by the G8 member States and the countries of North Africa and the Middle East in Morocco. Mr. Naisse won the 2005 Martin Ennals Award for Human Rights Defenders (MEA)⁷⁵.

Detention of human rights defenders⁷⁶

In September 2001, Messrs. **Kamal Labwani**, member of the CDF board of directors, **Aref Alilah**, professor of economics and human rights defender and **Habib Hissa**, a lawyer and a founding member of the HRAS, had been arbitrarily detained in a wave of arrests targeting ten opponents and/or human rights activists. In August 2002, the SSSC respectively sentenced them to five, ten and five years in prison and deprived them of their civil and political rights.

⁷⁵ The Martin Ennals Award (MEA) for Human Rights Defenders, created in 1993, brings together the eleven most important international human rights organisations to offer protection to human rights defenders. The Jury is composed of: Amnesty International, Human Rights Watch, Human Rights First, the International Federation for Human Rights, the International Commission of Jurists, the World Organisation Against Torture, Diakonie Germany, the International Service for Human Rights, International Alert, Huridocs and Defence for Children International.

⁷⁶ See Annual Report 2003.

They were still being detained at the end of 2004, whilst their health seriously deteriorated in the course of the year.

TUNISIA

Continued harassment of the LTDH and its members

Legal proceedings

Proceedings against the steering committee of the LTDH⁷⁷

The appeal to quash the proceedings against the steering committee of the Tunisian League for Human Rights (Ligue tunisienne des droits de l'Homme - LTDH), following its 5th congress, is still under way. On 21 June 2001, the Tunis court of appeal confirmed the verdict of the court of first instance to cancel the proceedings of the last LTDH congress (October 2000), on the basis of a complaint lodged by four LTDH members, supporters of the Democratic Constitutional Party (Rassemblement constitutionnel démocratique - RCD, ruling party).

Legal proceedings against LTDH sections⁷⁸

- *Gabès section.* In December 2002, after the congress of the Gabès section was held in spite of the ban issued in October 2002, a participant lodged a complaint to have the proceedings cancelled. The cancellation was confirmed by a decision of the Gabès court of first instance on 12 May 2003. At the end of 2004, since the LTDH had still not been legally notified of the verdict, it has not been able to appeal yet.

- *Korba and Kébilia sections and Hammam-Lif Ez-zahra and Radhès sections.* Summary judgements were handed down against the LTDH on 29 November and 20 December 2003, respectively cancelling the gene-

⁷⁷ *Idem.*

⁷⁸ *Idem.*

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ral assemblies of these sections on account of the refusal by certain RCD members to merge the Korba and Kébilia sections and the Hammam-Lif Ez-zahra and Radhès sections. On 5 January 2005, the Tunis court of first instance confirmed the summary judgement in the case of the Hammam-Lif Ez-zahra and Radhès sections. The judgement on the merits in the case of the Korba and Kébilia sections was to be ruled on 26 January 2005 by the Tunis court of first instance.

- *Sfax section.* On 18 January 2003, four members of the Sfax section, RCD supporters, lodged a complaint against the LTDH, which had convened a congress for 1 and 2 February 2003 in order to set up a second branch in Sfax. On 30 January 2003, the judge in chambers decided to stay the committee's decision to hold the two congresses. This ruling was confirmed by both the Tunis court of first instance on 25 June 2003, and the Tunis court of appeal on 29 June 2004. As at the end of 2004, the LTDH had not been able to appeal with the Supreme Court of Appeals (Cour de Cassation) since the League had not been legally notified of the verdict.

- *Monastir section.* In 2002, the owner of the premises of the section obtained cancellation of the tenancy contract which had just been signed with the LTDH, stating that she was not in full possession of her faculties at the time of signing. The LTDH, which appealed the decision, was able to rent another office as from September 2003. However, the appeal proceedings were still under way as at the end of 2004.

- *La Goulette - Le Kram and La Marsa sections.* The merger of La Goulette - Le Kram and La Marsa sections was to be announced at a congress on 9 May 2004. However, the urgent applications judge in chambers ruled on 6 May to stay the committee's decision to hold this congress, after LTDH members, also RCD supporters, lodged several complaints. The judgement on the merits of the case was adjourned until 16 March 2005.

- *Touzeur and Nefta sections.* On 6 October 2004, after complaints were lodged by RCD members, the judge in chambers decided to stay the decision of the LTDH committee to hold a congress on 10 October 2004 in order to merge the Touzeur and Nefta sections. The merits of the case were supposed to be examined on 16 March 2005.

- *Le Bardo, El-Omrane and El-Menzah sections.* After the announcement of the merger of the Le Bardo, El-Omrane and El-Menzah sections, which was to be confirmed at a joint congress on 5 December 2004, some RCD members lodged a complaint. On 4 December, the judge in chambers decided to stay the committee's decision to hold the congress. The judgement on the merits of the case was scheduled for 12 February 2005.

*Continued obstacles to LTDH funding*⁷⁹

In April 2001, the European Union (EU) granted funding to the LTDH for its modernisation and restructuring under the European Initiative for Democracy and Human Rights (EIDHR). While the first volume of the grant was allocated, the second volume has been frozen by the Tunisian authorities since August 2003, on the grounds of Law No. 154 (1959) and the decree of 8 May 1922 on charities "recognised of national interest", although the LTDH does come under this status.

On 9 January 2004, in reply to a question in Parliament concerning EU funding of independent NGOs in Tunisia, the European Union's Commissioner for External Relations, Mr. Christopher Patten, stated that the "European Commission had raised the issue with the Tunisian authorities" and that they had "explained that Law (No. 154) is indeed applicable to all Tunisian NGOs receiving foreign funding", but that "in a spirit of tolerance and conciliation" it had not been applied to the first payment by the Commission within the framework of this project. Moreover, the authorities recalled that the LTDH had been the object of a court ruling restricting its activities to the preparation of its forthcoming general assembly and re-election of its board of directors.

In 2004, the BIAT bank where the LTDH had its account registered returned the second volume of funding to Brussels.

On 27 December 2004, a second funding contract for developing a programme on the administration of justice was signed between the LTDH and the EU. However, shortly before the contract was signed, the Tunisian authorities informed the EU delegation in Tunis that the LTDH would only be able to receive the funding once the judgement, limiting its activities to the preparation of a congress, had been execu-

⁷⁹ See Annual Report 2003 and Urgent Appeal TUN 001/0504/OBS 034.

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ted. It should be noted that this second refusal by the Tunisian authorities did not include any legal basis justifying the decision.

Without this funding, the LTDH faced serious financial difficulties, thus restricting its activities.

Legal proceedings and harassment of LTDH leaders and members⁸⁰

A complaint was lodged in December 2002 against Mr. **Hamda Mezguich**, member of the Bizerte section, by a member of the LTDH, RCD supporter of the Jendouba Section, for alleged "acts of violence" during the Jendouba Congress (September 2002). The proceedings were still under way.

At the end of 2004, the legal proceedings against Messrs. **Mokhtar Trifi** and **Slaheddine Jouchi**, president and first vice-president of the LTDH, were still under way. They were charged with "failing to abide by a court verdict" in December 2000 and "circulating false information" in March 2001.

On 12 February 2002, Mr. **Khémaïs Ksila**, LTDH secretary-general forced into exile, was sentenced in absentia to 10 years in prison and a 10,000 dinars (6,350 euros) fine on a common-law charge. The sentence was confirmed on 12 February 2004, in the absence of Mr. Ksila's lawyers.

Numerous acts of harassment were perpetrated in 2004 against Mr. **Mongi Ben Salem**, president of the Gabès section. Mr. Ben Salem and his wife also received many anonymous telephone calls over the year.

Mrs. **Safia Mestiri Chebbi**, president of the La Goulette-Le Kram-La Marsa section, was sentenced on 30 June 2004 by the Carthage Cantonal Court to a 60 dinars (37 euros) fine, on the fallacious charge of "insulting a civil servant". On 8 December 2004, the sentence was upheld in appeal by the Tunis court of first instance. Mrs. Mestiri Chebbi appealed this decision with the Supreme Court, and the proceedings were still under way as at the end of 2004.

⁸⁰ See Annual Report 2003.

*Obstacles to the activities of the LTDH**Obstacles to freedom of assembly*

On 24 January 2004, the LTDH organised a "national prisoners' day". Peaceful demonstrations were planned in front of various prisons throughout the country to demand the right to visit detention centres, monitor the conditions of detention and ensure that prisoners' rights were respected. LTDH delegations were also to meet with prison directors.

In Tunis, Mr. Mokhtar Trifi, president of the LTDH, along with steering committee members and activists, were tightly surrounded by the police, as they were walking to the 9 of April Prison. A significant police force, deployed around the prison, blocked access to the building, and policemen forced back anyone suspected of coming to attend the demonstration.

In Bizerte, Jendouba, Kairouan, Sousse and Sfax, LTDH members and delegations were prevented from approaching the prisons by police blockades on access roads. The offices of these sections were also surrounded by the police. In Mednine and Monastir, delegations were able to approach the prisons, but were refused interviews with the directors.

Obstacles to holding a conference⁸¹

On 28 November 2004, a few weeks after the presidential and parliamentary elections of 24 October 2004, the Kairouan section of the LTDH organised a conference and debate on the Tunisian Electoral Code, to which numerous well-known figures, activists, civil society organisations and representatives of political parties were invited.

The day before the conference was due to be held, the president of the Kairouan section of the LTDH, Mr. **Massoud Romdhani**, was summoned by the local authorities and police, who told him he would not be permitted to hold the conference if representatives of the Communist Workers' Party of Tunisia (Parti Communiste Ouvrier de Tunisie - PCOT), an "unauthorised organisation", were invited to attend the event. In the name of freedoms of assembly and opinion, Mr. Romdhani nevertheless decided to allow all the guests invited to attend the conference. On the morning of 28 November, a significant

⁸¹ See Open Letter to the Tunisian authorities, 2 December 2004.

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police force was deployed around the office of the Kairouan section of the LTDH, where the conference was to be held, and on the roads to the city. Several participants were stopped as they entered Kairouan, including Mr. **Mohamed Jmour**, a member of the Tunisian Bar Association, and Mr. **Khelil Zaouia**, a member of the LTDH steering committee. The police, on the orders of the Kairouan district chief, also prevented the activists gathered in front of the section office from entering the premises, before violently breaking up the gathering. Several persons were roughly handled, including Mr. **Abderrahmane Hedhili**, a member of the LTDH steering committee, and Mrs. **Radhia Nasraoui**, a lawyer and president of the Tunisian Association Against Torture (Association de lutte contre la torture en Tunisie - ALTT), who was pushed around and forced into her car. Mrs. Nasraoui's husband, Mr. **Hamma Hammami**, spokesperson for the PCOT, was violently kicked by the policemen.

Pressure on the CNLT and its members*Mrs. Sihem Ben Sedrine assaulted*⁸²

Mrs. **Sihem Ben Sedrine**, spokesperson for the National Council for Freedoms in Tunisia (Conseil national des libertés en Tunisie - CNLT), a writer and a journalist, was assaulted on the street on 5 January 2004 as she was walking to her home, which is also the CNLT head office in Tunis.

She was knocked to the ground by an unidentified individual who attacked her in the presence of two associates. Mrs. Ben Sedrine was punched several times, her lip was split and she was badly bruised.

It is believed that the assault was carried out on the orders of the Tunisian security services, which keep the CNLT building under constant surveillance.

*Om Zied's sentence confirmed*⁸³

On 25 September 2003, Mrs. **Neziha Rejiba**, *alias Om Zied*, was accused of "illegally possessing foreign currency". She is the editor of

⁸² See Press Release, 8 January 2004.

⁸³ *Idem*.

Kalima - a newspaper banned by the Tunisian authorities - and in charge of communications for the liaison committee of the CNLT. She was accused of having given 170 euros to a relative of a Tunisian political refugee, upon her return from France.

On 18 November 2003, Om Zied was given an 8 months suspended jail sentence in and 1,200 dinars (760 euros) fine by the court of first instance of Tunis.

On 28 February 2004, the Tunis court of appeal confirmed this sentence. Om Zeid refused to attend the hearing to protest against the political nature of her trial and was therefore sentenced *in absentia*.

For several years, Om Zied had been harassed because of her articles and criticism of the Tunisian authorities. Her home was under constant surveillance by a team of policemen in plain clothes and her phone was bugged. Her family was also being harassed: on 19 June 2004, the border police held her son **Amine** for more than three hours at the Tunis international airport, as he was about to travel abroad. His luggage was searched, without any warrant nor explanation. However, one of the policemen told him that they had received "orders from higher up".

Harassment of several members of CNLT⁸⁴

Mr. **Hammad Ali Bedoui**, brother of Dr. **Moncef Marzouki**, former LTDH president and spokesman of the CNLT, was forced into exile in 2004 and now lives in Europe. Mr. Ali Bedoui, who had been systematically harassed and persecuted by the authorities for the past few years, was placed under house arrest on 3 January 2004.

In July 2004, Mr. **Sami Nasr**, a researcher at the CNLT, was informed of the refusal of the Ministry of the Interior to enrol him as an assistant in Sociology, in spite of the positive notice of the jury. There is every indication that this measure aimed at punishing Mr. Nasr's activities within the CNLT.

In 2004, Mr. **Abderraouf Ayaydi**, a lawyer and CNLT member, continued to be subjected to recurrent acts of harassment. His office was

⁸⁴ See Annual Report 2003 and Urgent Appeal TUN 001/0105/OBS 007.

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under constant surveillance as well as his every move, whilst his clients were regularly threatened by the police forces. In November 2003, he addressed the Tunisian Bar Association of his situation and lodged a complaint against the Ministry of the Interior for hindering his professional activities. As of end 2004, no follow-up was given to this case.

Obstacles to freedom of reunion and ill-treatment⁸⁵

On 11 December 2004, the police prevented the general assembly of the CNLT from being held. Over 150 policemen surrounded the organisation's headquarters in Tunis, verbally and bodily threatened the CNLT members to keep them from entering the building before violently dispersing the participants. At that time, Mr. **Mongi Ben Salah**, a trade-unionist and vice-chairman of the Monastir section of the LTDH was dragged on the ground for several meters, insulted and beaten on his body, stomach and face by about ten policemen. The treasurers of the liaison committee of CNLT, Messrs. **Lofti Hidouri** and **Nourredine Ben Ticha**, were also severely beaten. Mrs. Sihem Bensedrine and Mr. **Ahmed Kilani**, CNLT members, were violently pushed and shoved while they tried to assist those who were being ill-treated. The victims were even harassed by the police all the way into the medical centers where they were taken to in order to receive cares. They lodged a complaint with the Public Prosecutor; at the end of 2004, no follow-up had been given to these proceedings.

Faced with this situation, the CNLT general assembly was postponed until 16 January 2005, when the police again surrounded the organisation's headquarters. They told the members that they had been firmly instructed to prevent by any means the meeting from being held. Under such a threat, CNLT members were forced to cancel the event.

Further harassment of ALTT and its members*Refusal to register the ALTT⁸⁶*

Since 2003, the numerous requests of the Tunisian Association Against Torture (Association de lutte contre la torture en Tunisie -

⁸⁵ See Urgent Appeal TUN 001/0105/OBS 007.

⁸⁶ See Annual Report 2003 and Urgent Appeal TUN 001/0105/OBS 030.1.

ALTT) to get registered with the authorities have systematically been rejected. The ALTT was unable to submit the required documents for its legal recognition to the offices of the Governorate of Tunis, which, according to the law, is an essential condition to obtain a legal receipt for these documents.

On 8 June 2004, Mrs. **Radhia Nasraoui**, president of the ALTT, Mr. **Ali Ben Salem**, vice-president, and Mr. **Ridha Barakati**, treasurer of the association, were denied access to the department in charge of the requests' deposit, and were verbally and physically aggressed by government representatives and members of the State security police.

Faced with this violence and the impossibility of registering their organisation, ALTT members decided to organise a sit-in in front of Governorate headquarters. They were violently dispersed and Mrs. Radhia Nasraoui was taken to a little, isolated street by several policemen who kept her there for almost two hours whilst seemingly awaiting further instructions. Mr. Ben Salem was forced into the subway and Mr. Barakati was sent away in a taxi.

Threats and harassment of Mr. Chokri Latif⁸⁷

On 10 July 2004, Mr. **Chokri Latif**, ALTT secretary general, was called in by the police for the second time that week. He was questioned as to his personal responsibility for publications which are deemed "illegal" and his membership in an organisation that is "not recognised by law". After the questioning, he was officially informed that he was liable to be taken to court on these grounds. Mr. Latif is also a writer and a member of the Assembly for Alternative International Development (Rassemblement pour une alternative internationale de développement - RAID-ATTAC) and of the Tunisian section of Amnesty International.

Continued harassment of Mrs. Radhia Nasraoui⁸⁸

For several years now, Mrs. Radhia Nasraoui has been closely watched by the police and hindered in her activities as a lawyer. Upon her

⁸⁷ See Urgent Appeal TUN 001/0105/OBS 030.2

⁸⁸ See Annual Report 2003 and Open Letter to the Tunisian authorities, 2 December 2004.

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return from Côte d'Ivoire in October 2004, where she took part in an UN enquiry commission for three months, she, her family and her clients were subjected to an increased harassment (tighter tailing, also aimed at her younger daughter, closer police surveillance of her office and her house, as well as of her mother's home, etc.).

A meeting organised at her house on 17 November 2004 was disrupted by an important police force who cordoned off the neighboring area. This meeting intended to gather activists in support of Messrs. **Najib** and **Jalel Zoghlami**, brothers of the journalist Mr. **Taoufik Ben Brick** legally defended by Mrs. Nasraoui. As she was coming home, the police tried to open her car door to force one of her relatives out. About 20 people on hunger strike were supposed to meet at Mrs. Nasraoui home, yet only six of them who were able to enter the building as they arrived before the police.

Pressure on the AISPP and its members⁸⁹

In spite of the numerous requests submitted by the International Association for the Support of Political Prisoners (Association internationale pour le soutien des prisonniers politiques - AISPP), created in November 2002, to obtain legal recognition with the Ministry of the Interior, the organisation was still not recognised by the Tunisian authorities.

On 3 January 2004, a major deployment of police officers prevented the AISPP from holding its annual general meeting.

The receipt for the deposit for the registration application was not returned to the association until 22 March 2004. On 22 June 2004, the AISPP received notification of the authorities' refusal to register the association without any explanation, in breach of Article 5 of the law No. 154 of 1959 on associations, which provides that reasons must be given for any decision to refuse a constitution.

In August 2004, a major police operation took place to prevent the association's annual general meeting from being held. This meeting had already been postponed following its ban on 3 January 2003. The weekly meetings of the executive committee, held at the organisation's

⁸⁹ See Annual Report 2003, Press Release, 8 January 2004 and Urgent Appeal TUN 002/0704/OBS 051.

head office or at the homes of its members, were systematically impeded by major deployment of police forces.

In addition, the movements and professional activities of Mr. **Mohamed Nouri**, AISPP chairman, were closely watched throughout 2004. In particular, several police officers in plain clothes were posted every day near to his office, and his clients were regularly intimidated.

Pressure on RAID-ATTAC⁹⁰

As at the end of 2004, the Assembly for Alternative International Development (Rassemblement pour une alternative internationale de développement - RAID-ATTAC) had still not been legally recognised by the Tunisian authorities.

The association's second congress⁹¹, which was to be held first at the LTDH headquarters then at the head office of the Democratic Progressive Party (Parti démocratique progressiste - PDP, an opposition party), in Tunis, on 26 and 27 June 2004, was banned by the Ministry of the Interior.

It was postponed to 24 and 25 October 2004, when it was again prohibited by the authorities.

Harassment of the League of Free Tunisian Writers and its members⁹²

The League of Free Tunisian Writers (Ligue des écrivains libres), which was set up in 2001, had still not received legal status as at the end of 2004 and its members and activities remained severely repressed in the course of the year.

On 27 June 2004, for example, the police prevented Mr. **Habib Hamdouni**, a member of the League, from attending a conference on freedom of association organised by the Sfax section of the LTDH.

⁹⁰ *Idem.*

⁹¹ In 2001, the Ministry of the Interior tried to prevent the first congress from being held and the police acted violently against the RAID-ATTAC members.

⁹² See Annual Report 2003.

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Moreover, on 15 July 2004, a meeting, arranged at the home of Mr. **Jalloul Azzouna**, chairman of the League, to commemorate the third anniversary of the creation of the association, was impeded by the police, who cordoned off the area, preventing the participants from entering the building, and mishandled some of them.

Tunisian activists prevented from taking part in an international conference⁹³

As a result of strong pressure, Mr. **Mokhtar Trifi**, Mrs. **Khedija Cherif**, vice-president of the Tunisian Association of Women Democrats (Association tunisienne des femmes démocrates - ATFD) and Mr. **Alya Cherif Chammari**, a member of the board of the 95 Maghreb Egalité Collective and of the Centre for the Independence of Justice and Lawyers (Centre pour l'indépendance de la justice et des avocats - CIJA), were prevented from attending a regional conference held in Sanaa (Yemen) on "democracy, human rights and the role of the International Criminal Court". This conference took place from 10 to 12 January 2004, on the joint initiative of the authorities of the Republic of Yemen and of the international association "No Peace Without Justice", with financial backing from the European Commission⁹⁴.

As a result of the Tunisian authorities' opposition to the participation of the three guests representing Tunisian civil society, they were told they would not be welcome in Yemen. After numerous interventions in an attempt to obtain visas for Mrs. Cherif and Mrs. Cherif Chammari (Mr. Trifi cancelled his departure on principle), the Yemen Consul in Tunisia acknowledged that the Tunisian authorities had exercised pressure so that the visas would not be granted.

⁹³ See Press Release, 8 January 2004.

⁹⁴ This conference was preceded by a workshop organised by the FIDH together with the Yemenite association "Sisters Arab Forum for Human Rights" (SAF) and the Coalition for the International Criminal Court (CICC).

Mr. Patrick Baudouin refused entry⁹⁵

On 13 April 2004, Mr. **Patrick Baudouin**, lawyer at the Paris Bar and honorary president of the FIDH, was turned back upon his arrival at the Tunis-Carthage airport by the Tunisian authorities without explanation.

Mr. Patrick Baudouin was flying to Tunis to take part in a press conference to launch the publication of the Observatory's 2003 Annual Report. The conference, due to be held in Tunis on 14 April 2004, was organised in partnership with the LTDH.

Mr. Patrick Baudouin has been denied entry to the Tunisian territory on three occasions since 1996.

Judicial harassment of Mr. Taoufik Ben Brick and his family⁹⁶

Mr. **Taoufik Ben Brick**, a journalist and founding member of the CNLT, has been prosecuted, since 1 November 2004, on the fallacious charge of "offences against morality" (article 226 bis of the Criminal Code), an offence carrying an up to 6 months jail term.

The first hearing took place on 24 November 2004, when the case was adjourned until 8 December 2004, and then until 6 January 2005. On that date, although the judge had decided to handle a confrontation between the plaintiffs, the witnesses for the prosecution and Mr. Ben Brick, his lawyers, including Mrs. Radhia Nasraoui, were barred from attending the hearing, on the grounds that "their presence was intimidating for the judge and the parties". The defence lawyers were finally able to attend the hearing, following the intervention of the Bar Council. However, the hearing was once again adjourned until 12 January 2005.

In addition, Mr. **Najib Zoghلامي** and the journalist Mr. **Jalel Zoghلامي**, brothers of Mr. Ben Brick, were arrested in September 2004 and sentenced, on 4 November 2004, to one year imprisonment on 11 fallacious common-law charges (including: carrying knives, damaging the property of others, attempted assault, offences against morali-

⁹⁵ See Press Release, 13 April 2004.

⁹⁶ See Press Release, 2 December 2004.

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ty, being inebriated, theft). This sentence was reduced to eight months' imprisonment by the Tunis court of appeal on 29 December 2004.

Two of Mr. Ben Brick's brothers (including Mr. Jalel Zoghlami), his sister and his brother-in-law, were summoned to appear, on 17 December 2004, for disrupting the hearing on 10 August 2004 during the trial of Mr. Jalel Zoghlami. On that date, the hearing was adjourned until 25 February 2005.

Moreover, Mrs. **Ahlem Belhadj**, Mr. Jalel Zoghlami's wife and president of the Tunisian Association of Women Democrats (Association tunisienne des femmes démocrates - ATFD), was subjected to constant acts of harassment (close surveillance of her home and telephone lines, professional reprisals, etc.).

Lastly, Mrs. Belhadj and her children, as well as all the relatives of Messrs. Najib and Jalel Zoghlami, respectively imprisoned in the Mornag (25 km south of Tunis) and Borg el-Amri (25 km west of Tunis) prisons, were subjected to numerous constraints to obtain visiting rights.