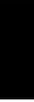


NORTH AFRICA / MIDDLE EAST





## SITUATION OF HUMAN RIGHTS DEFENDERS<sup>1</sup>

The year 2006 has been the deadliest year since the beginning of the second Intifada in the North Africa and Middle East region, which has been marked by the escalation of the Israeli-Palestinian conflict, the war in Iraq, and the Israeli offensive in Lebanon.

States in the region continued to implement repressive policies aimed at limiting the freedoms of association, assembly and expression. Although some improvements could be welcomed, especially in *Kuwait*, these rights remained extremely restricted, when not non-existent, in other Persian Gulf countries (*Oman, Saudi Arabia, United Arab Emirates*) as well as in *Libya*. Besides, while several countries in the region maintained their repressive state of emergency laws (*Algeria, Egypt, Syria*), others passed new legislation further infringing fundamental freedoms in 2006, often in the name of the war on terrorism (*Bahrain, Jordan*).

In this context, human rights defenders operating in the region faced high levels of insecurity and various forms of repression: assassinations (*Iraq*), arbitrary detentions and judicial proceedings (*Algeria, Bahrain, Israel, Lebanon, Libya, Morocco, Syria, Tunisia, Yemen*), infringements to the freedom of movement (*Israel and Occupied Palestinian Territories, Syria, Tunisia*) and numerous other acts of harassment.

### **Infringements to freedom of association**

In 2006, several States continued to undermine freedom of association by resorting to legislative or administrative measures to prevent the creation of independent organisations or impede the existing ones from carrying out their activities freely.

1. Unreferenced examples quoted in this regional analysis are detailed in the compilation of cases below.

In *Bahrain*, the Bill on “Protecting Society from Terrorist Acts”<sup>2</sup> was signed into law by the King on August 14, 2006, and is likely to lead to intensified acts of repression. Indeed, this law, which has been strongly criticised by civil society and the international community, could be widely used to prevent human rights defenders from freely organising, creating associations and operating. Article 1 of the Law notably defines a terrorist act as “threatening national unity”, without any further articulation. Any person suspected of having committed such an offence may be detained for 15 days without judicial review or formal charges being brought, even solely on the basis of “secret evidence” (Articles 27 and 28). Moreover, Article 6 could be used to proscribe numerous associations, as it provides that any organisation aiming at “preventing any of the State enterprises or public authorities from exercising their duty” and at “undermining national unity” shall be considered a “terrorist organisation”. It is further feared that Bahraini authorities will exploit the vagueness of these provisions to criminalise human rights organisations’ activities, in a country where political life is deeply influenced by sectarian divides, whether actual or supposed.

In 2006, *Egyptian* authorities increased their control over independent civil society, including international and foreign NGOs. For instance, the spokesperson for the Ministry of Foreign Affairs declared on June 5, 2006 that the International Republican Institute (IRI), an American organisation for the development of democracy, had to suspend its activities in the country until it was granted the required authorisation by the Ministry of Justice<sup>3</sup>. Yet, associations must go through very long and often discouraging bureaucratic procedures in order to register. This process remains even more difficult for associations working in the field of human rights or promoting democracy. Indeed, up until now, Egyptian authorities have rarely acknowledged registration requests, in particular when filed by foreign or international NGOs, or have denied them all together through a very flexible interpretation of the 2002 Law No. 84 on Associations, which provides for legal prohibition of NGOs involved in “political

2. This Bill was approved by Parliament on July 16, 2006, and by the Consultative Council on July 22, 2006.

3. See Carnegie Endowment for International Peace.

activities". On December 24, 2006, employees of the Shubra Al-Khima city council and members of the police raided the headquarters of the Ahalina Centre - an organisation that provides assistance to disadvantaged populations in Shubra Al-Khima - in order to close the centre down, in accordance with a resolution issued by the Qalubia Governor and accusing Ahalina of "incitement to uprisings". These events took place after Ahalina published a press release on December 11, 2006 denouncing the shortage of necessary commodities in poor and disadvantaged neighbourhoods, thereby refuting the Governor's recent statements<sup>4</sup>.

Although the situation of NGOs operating in *Kuwait* was generally better than in other Persian Gulf countries, due in particular to the independence of civil society and the room for manoeuvre granted to associations, very few organisations were reported to be working for the promotion and protection of human rights. In 2006, the Kuwait Human Rights Society was one of the few registered associations operating in this field<sup>5</sup>.

In *Lebanon*, a positive step was welcomed with the registration of the Lebanon-based Palestinian Human Rights Organisation (PHRO) in February 2006, after many unsuccessful requests over the past few years. However, the association has faced various obstacles in opening a bank account since then, and accessing their funds granted by donors has been regularly challenged. These obstacles severely hindered PHRO members' activities in 2006.

In *Libya*, human rights organisations remained unable to operate freely and all non-governmental organisations continued to be prohibited in 2006. Only associations protecting professional interests - or that do not carry out "political activities" - were authorised<sup>6</sup>. Any activist disregarding these restrictions and seeking to organise clandestinely or to affiliate with international organisations may face imprisonment, or even the death penalty (Articles 206 and 208 of the Criminal Code). In 2006, the Kadhafi Development Foundation, run by the ruler's son, was thus one of the few organisations officially promoting human rights in the country.

4. See International Freedom of Expression eXchange (IFEX) and the Arabic Network for Information on Human Rights (HRInfo), December 29, 2006.

5. See Kuwait Human Rights Society.

6. See Law No. 71 of 1972 and Law No. 9 of 2003.

In *Morocco*, the Royal Consultative Council on Saharawi Affairs presented a plan for an extension of the autonomy of Western Sahara to the King on December 5, 2006. After several years of internal conflict, this plan could potentially encourage greater consideration of the rights of the populations living in the region, and therefore of the activities of organisations working for their protection. However, local human rights associations continued to face numerous obstacles in 2006. For instance, Moroccan authorities have repeatedly denied registration renewal to the Sahara section of the Moroccan Forum on Truth and Justice (FMVJ) since it was dissolved in June 2003<sup>7</sup>.

In 2006 in *Oman*, no improvement could be reported with regards to the recognition and respect of fundamental freedoms, in particular freedom of association. Although national legislation provides for certain rights, such as freedoms of expression and assembly, the authorities did not loosen their tight control over civil society and no independent human rights organisation was reported to have been registered.

In *Qatar*, the entry into force of the Constitution in June 2005 enabled the introduction, for the first time in national legislation, of provisions recognising and guaranteeing fundamental rights and freedoms, such as freedom of association. The National Human Rights Committee (NHRC), in its report published in March 2006, expressly enjoined the government to amend the Law on the Formation of Associations and Unions, and encouraged civil society to establish forums to promote human rights. However, no independent organisation operating in the human rights field has yet been recognised, despite numerous requests filed by activists and civil society<sup>8</sup>.

Although *Tunisian* authorities have officially repeated their commitment to the development of civil society and the association scene, claiming that over 8,000 associations currently operate in the country, a large number of independent human rights organisations were still denied legal recognition in 2006, such as the National Council for Liberties in Tunisia (CNLT), the International Association for the Support of Political Prisoners (AISSP), the Association Against Torture in Tunisia (ALTT), the Tunisian Centre for the Independence of Justice and Lawyers (CIJA), the Rally for an International

7. See Annual Report 2005.

8. See ICFTU.

Alternative for Development (RAID-Attac Tunisie), the Tunisian Journalists' Union (SJT) and the Observatory for the Freedoms of the Press, Publishing and Creation (OLPEC). Moreover, the authorities have relentlessly sought to prevent the congress of the Tunisian League for Human Rights (LTDH) from being held since August 2005. This is clear evidence of the government's will to stifle the organisation. In spite of several external signs of "good behaviour", such as the planned celebration of a "National Associations' Day" or the funding of so-called independent organisations - which remain closely linked to the government -, the authorities seem to have refused to even consider relenting its pressure on civil society.

In the *United Arab Emirates*, the ruling power continued to prevent human rights defenders from establishing independent organisations in 2006. In this regard, the registration of the Emirates Human Rights Association with the Ministry of Labour and Social Affairs on February 5, 2006 is to be cautiously welcomed. Indeed, this organisation, the official agenda of which is to "respect and ensure respect of human rights according to the laws of the State and the Constitution", is fully funded and run by the authorities, as are the dozen of other officially recognised organisations<sup>9</sup>. In addition, the registration request filed in March 2004 by a group of intellectuals to create an independent human rights organisation had still not been acknowledged as of late 2006<sup>10</sup>.

### **Obstacles to freedom of expression**

In 2006, denouncing human rights violations remained extremely difficult in the absence of fundamental freedoms, and repression by the authorities was notably carried out through arbitrary arrests and detentions, judicial proceedings, as well as multiple obstacles to the freedom of movement of defenders.

In *Algeria*, President Bouteflika's decision, on May 3, 2006, to grant a pardon to journalists indicted for "serious insults towards State representatives", "offences against the President of the Republic" or "abuse, defamation and insults against State institutions" only applied

9. See Carnegie Endowment for International Peace.

10. See Annual Report 2005.

to journalists who had been “definitively” convicted, thus reducing the scope of this measure. Indeed, the majority of the journalists currently on trial are facing appeal procedures that often remain pending for months if not years. As a result, most journalists prosecuted for having denounced human rights violations in the country are still at risk of being convicted and sentenced, such as Mr. Ghoul Hafnaoui, head of the Algerian League for the Defence of Human Rights (LADDH), who faces charges of “defamation” and “contempt of official State institutions” since 2004.

At the same time, the government targeted defenders fighting impunity and calling for the accountability of perpetrators of human rights violations, and particularly those who criticised the adoption of the Charter for Peace and National Reconciliation<sup>11</sup> on September 29, 2006. On May 12, 2006 for instance, Mr. Amine Sidhoum, a lawyer and member of SOS-Disappeared, was threatened during the 39<sup>th</sup> Session of the African Commission of Human and Peoples’ Rights (ACHPR) by a member of the Algerian delegation who attempted to deter him from addressing the Commission. Moreover, Mr. Sidhoum has been under prosecution for several months for “passing an unauthorised item into a detention facility”, as is Ms. Hassiba Boumerdassi, a lawyer and a member of the Association of the Families of Disappeared Persons in Algeria (CFDA).

In *Bahrain*, the authorities continued to severely ban all statements and press releases issued by organisations denouncing human rights violations in the country. As such, the websites of about twenty civil society organisations, including the Bahrain Centre for Human Rights (BCHR), have been or remain inaccessible in the country since October 2006, a month before the parliamentary elections<sup>12</sup>. Furthermore, the website of the Arab Network for Human Rights Information (HRinfo), which publishes human rights protection

11. The adoption of this Charter constitutes an additional step towards the normalisation of impunity of those responsible for human rights violations committed during the conflict that has devastated the country since 1992, in particular members of armed groups, State militias or security forces. The acts of torture, enforced disappearances, assassinations, etc. of human rights defenders committed in this context would remain unpunished, maintaining a climate of intimidation and fear among civil society.

12. See Bahrain Centre for Human Rights (BCHR).

documents defending prisoners of conscience and freedom of expression, has been inaccessible in Bahrain since December 2006<sup>13</sup>.

In *Egypt*, civil society and representatives of the highest State authorities strongly criticised the restrictive amendments to the Press Law adopted by the National Assembly on July 10, 2006, which make it a criminal offence to libel public officials. Indeed, these new amendments provide that any journalist found guilty of “having published false information, defaming the President [...] or insulting State institutions [...] and armed forces is liable to a five-year prison sentence”. These provisions are likely to offer new opportunities for the authorities to justify legal actions against journalists voicing views critical of the ruling power or denouncing human rights violations in the country<sup>14</sup>. Furthermore, the 1992 State of Emergency Law, which was officially extended until 2008 on April 30, 2006, maintains significant limitations on the enjoyment of fundamental freedoms, in particular freedom of expression, which remained severely restricted. In April 2006 for instance, Messrs. Mahmoud Mekki and Hesham Bastawisi, two magistrates and both vice-presidents of the Supreme Court of Appeals, were targeted by a disciplinary procedure for “denigrating the judicial apparatus” and “issuing press statements on political affairs”, after they had denounced the numerous irregularities (intimidations, violence against voters and judges monitoring the elections, fraud etc.) that marred the 2005 parliamentary elections<sup>15</sup>. Although no official sanctions was brought against them, Mr. Bastawisi was later denied a promotion.

In *Kuwait*, a positive step was taken with the adoption of a new Press Law that was unanimously passed by Parliament on March 6, 2006. This Law notably prohibits the arrest and detention of journalists until the Supreme Court has convicted them. Although it provides for a two-week suspension of activities during police investigation, it also precludes the closing down of newspapers and publications that have not yet been convicted. This prohibition shall however be lifted if a journalist is charged with religious offences, criticising the Emir, or inciting the population to overthrow the government - all offences

13. See Reporters Without Borders (RSF), January 10, 2007.

14. See Egyptian Organisation for Human Rights (EOHR).

15. See FIDH Press Release, April 28, 2006.

liable to a one-year prison term and a fine ranging from 13,000 euros to 53,000 euros<sup>16</sup>.

In *Lebanon*, defenders who denounced the involvement of the State and security forces in human rights violations were repeatedly harassed and intimidated in 2006. For example, the headquarters of the NGO Support for Lebanese Detained Arbitrarily (SOLIDA) in Dora was burgled during the night of October 4 to 5, 2006, a day before a SOLIDA report on abuses perpetrated by military intelligence services during questionings led in the premises of the Ministry of Defence was due to be launched at a press conference. In early 2006, Mr. Ghassan Abdallah, executive director of PHRO, an association that fosters dialogue between Palestinians and Lebanese, was subjected to defamatory accusations, libel and death threats by non-State armed groups on several occasions in early 2006<sup>17</sup>.

In *Libya*, even though civil society did not enjoy the slightest margin for action in 2006, the authorities have shown, as they have done over the past two years, a slight opening to international organisations investigating human rights abuses. For instance, Reporters Without Borders (RSF) was able to visit the country from September 13 to 17, 2006 to assess the situation in relation to freedoms of expression and of the press<sup>18</sup>. Moreover, this policy of relative conciliation coincided with the launching of the Internet and of several Arabic and foreign satellite television channels. However, Internet access remained very limited and no independent press organ or radio station was reported to operate in the country.

In *Saudi Arabia*, Article 39 of the Basic Law (*Nizam*) provides that journalists must be “courteous and just”, and that their remarks must not potentially “offend the dignity and rights of the person to whom the comments are directed”<sup>19</sup>. More generally, defenders are forbidden to express any criticism of the Royal family, the government or Islam. In such a context, the announcement by the government, in 2006, that the country was considering becoming a party to the International Covenant on Civil and Political Rights, which guarantees freedom of expression, is to be cautiously welcomed. Indeed, up until now, the

16. See RSF.

17. See Annual Report 2005.

18. See RSF.

19. See Human Rights Watch (HRW).

Saudi State has always entered numerous reservations to the treaties it ratified, in particular on provisions that could be deemed contrary to the Shari'a.

In *Syria*, the extension of the state of emergency declared in 1963 continued to legitimatise the repression by the authorities of any activity, statements or meetings in favour of the promotion and protection of human rights. In this regard, a new wave of massive arrests was carried out in May 2006 following the signature of the Beirut-Damascus/Damascus-Beirut Declaration, a petition gathering the signatures of over 500 Syrian and Lebanese intellectuals and human rights defenders. The Declaration notably called for the standardisation of relations between Syria and Lebanon, the adoption of a new democratic Constitution and respect for fundamental rights. Dozens of human right activists, journalists or political opponents were subsequently arbitrarily arrested and detained or taken to court. This was the case for Mr. Anwar Al-Bunni, a founding member of the Human Rights Association in Syria (HRAS), Mr. Michel Kilo, president of the Organisation for the Defence of Freedom of Expression and of the Press, Mr. Nidal Darwish, a board member of the Committees for the Defence of Freedoms and Human Rights in Syria (CDF), and Mr. Ghaleb Amer, a board member of the Arab Organisation for Human Rights.

Defenders willing to attend seminars or conferences on human rights issues abroad also faced numerous difficulties and infringements to their freedom of movement in 2006, as police forces continued to put forward "security reasons" to justify these travel bans. In addition, even when granted travel authorisation, human rights defenders were regularly questioned by the police or intelligence services upon their return to the country. As a result, several Syrian defenders were prevented from attending the Euromed Civil Forum, organised in Marrakesh (Morocco) from November 4 to 7, 2006 by the Euromed Platform<sup>20</sup>.

20. The Euromed Platform is a group of civil society actors from the whole region, which notably promotes the protection of human rights, democracy, peace and prevention of migrants' conflicts.

In *Tunisia*, Mr. Mohamed Abbou, a lawyer as well as a CNLT and AISSP member, was arrested on March 1, 2006, and remained in detention in the Kef prison as of late 2006 for having published an article denouncing the poor conditions of detention in Tunisian prisons on the Internet. Mr. Lotfi Hajji, director of the Tunisian Journalists' Union (SJT), deputy director of the LTDH Bizerte branch and an active member of the October 18 Coalition for Rights and Freedoms in Tunisia, was also arrested, questioned and briefly detained on December 18, 2006, in connection with several of his public denunciations of human right abuses.

In the *United Arab Emirates*, defenders faced constant pressure, surveillance, arrests, arbitrary detentions, and other acts of harassment. On June 17, 2006 for instance, an arrest warrant was issued for "insults against the Prosecutor" against Mr. Mohamed al-Mansoori, a human rights lawyer and chair of the Independent Jurists' Association, known for his critical views against the government's policy on human rights. Mr. al-Mansoori, who was abroad at the time, could face trial upon his return to his country<sup>21</sup>.

### **Infringements to freedoms of assembly and peaceful gathering**

In 2006, human rights defenders in the region continued to face legal and practical obstacles to their freedom of assembly. In such a context, organising peaceful demonstrations or holding internal meetings remained highly difficult, when not dangerous.

In *Bahrain*, where human rights defenders are under tight surveillance by the authorities, amendments (n°23/2006) to the 1973 Law on Public Gatherings and Processions that were signed into law by the King on July 20, 2006 further increased the number of legislative constraints. According to these amendments, demonstrations organised in public places close to airports, hospitals, shopping centres and any other location considered as "sensitive" are strictly prohibited (Articles 11 and 11bis). Organisers of such events are compelled to notify the authorities at least three days before the event is due to take place, and are held civilly and criminally responsible for any damages caused during a gathering if they fail to inform the authorities (Article 2). This text further provides for prison sentences of up to six months

21. See Amnesty International.

and/or a minimum fine of 100 dinars (200 euros) for organisers and participants of prohibited demonstrations (Article 31a). Since these amendments came into force, many demonstrations including those organised by human rights activists, in particular BCHR and the Committee of the Unemployed, have been violently repressed by police authorities<sup>22</sup>.

In *Jordan*, the House of Representatives adopted the Anti-Terrorism Bill on August 29, 2006, in spite of intense protests from civil society. This Bill was initially submitted in November 2005 following a wave of terrorist attacks in Amman<sup>23</sup>. The Prevention of Terrorism Act (PTA), which came into force on November 1, 2006, notably enhances the powers of security forces, which are by law authorised to arrest and detain any person suspected of being involved in terrorist activities. These acts, which are ill-defined, include crimes such as “breach of the peace”, “damage caused to infrastructure” or “endangering public security”. It is feared that the authorities will arbitrarily use these provisions as a basis for “legitimately” penalising peaceful gatherings or human rights defenders’ meetings. According to the PTA, terrorism-related offences are punishable by life imprisonment with hard labour unless another law provides for a more severe penalty. However, the text fails to detail the exact sentences applicable to such offences.

In *Kuwait* however, the Constitutional Court took a positive step when it ruled, on May 1, 2006, that 15 Articles of the 1979 Law No. 65 on Public Gatherings were illegal and violated several freedoms guaranteed by the Kuwaiti Constitution<sup>24</sup>.

Freedom of assembly also continued to be restricted in *Morocco*, where public gatherings are subjected to prior authorisation of the Ministry of the Interior. Indeed, several demonstrations, although approved by the authorities, were once again forcibly repressed in 2006. On July 6, 2006 for instance, the police brutally dispersed a demonstration organised in Rabat by the Moroccan Association for Human Rights (AMDH) and other human rights organisations to protest against the increasing suppression of the right to peaceful assembly<sup>25</sup>.

22. See BCHR.

23. See Amman Centre for Human Rights Studies (ACHRS).

24. See Kuwait Human Rights Society.

25. See AMDH.

In *Tunisia*, bans on meetings and sit-ins remained routine for human rights defenders. These hindrances are characterised by very large numbers of security forces surrounding the buildings or streets where meetings and demonstrations are planned to be held and high levels of harassment and violence were reported on the part of police officers. In 2006, several associations, such as LTDH and CNLT, were systematically targeted by police authorities who prevented the holding of their meetings and assemblies and regularly followed their members and their relatives.

In May 2006, following the introduction of a Bill on the creation of a national training institute for lawyers that had been drafted by the Ministry of Justice without prior consultation with lawyers and magistrates, the Bar Association organised protest sit-ins that were also violently dispersed. On this occasion, about twenty lawyers were insulted and severely beaten by the police.

Finally, on September 8 and 9, 2006, a conference on “employment, the right to work and the Euromed partnership” organised by the Spanish trade union CC.OO/Foundation for Peace and Solidarity, the Friedrich Ebert Foundation (Germany), the Euro-Mediterranean Human Rights Network (EMHRN) and the Euromed Trade Union Forum, was banned by the authorities<sup>26</sup>.

### **Human rights defenders in conflict situations**

In 2006, human rights defenders suffered heavily as a result of the ongoing conflicts in the region.

Despite the election of the *Iraqi* government in December 2005, the escalation of the conflict and the growing insecurity it generates - in particular through an increasing number of deadly, now almost daily attacks - continued to contribute to the extremely hostile climate in which human rights defenders operate. The lack of proper State structures and the ongoing chaos in several Iraqi cities put human rights defenders as well as humanitarian personnel in great danger when carrying out their activities. While defenders had to visit dangerous areas every day, they still often appeared as enemies of stability, in the pay of “colonialist” foreign powers. On March 10, 2006, the body of Mr. Tom Fox, a member of the NGO Christian

26. See EMHRN.

Peacemaker Teams (CPT), was found almost four months after he was abducted by unidentified individuals. Similarly, on December 17, 2006, over twenty staff members of the Red Crescent were abducted from their Baghdad office by an unidentified group, and were still missing by the end of 2006<sup>27</sup>.

The execution of Mr. Saddam Hussein on December 30, 2006 further intensified existing tensions. In late 2006, a great uncertainty hung over the future of human rights and their defenders in the country.

In *Israel* and the *Occupied Palestinian Territories*, human rights defenders, in particular members of foreign and Palestinian organisations, were faced with numerous infringements to their freedom of movement. For instance, staff members of the Gaza-based Palestinian Centre for Human Rights (PCHR) were banned from entering the Gaza Strip on numerous occasions in 2006; as a result of the repeated travel bans imposed by Israeli authorities, PCHR members and leaders were further prevented from attending 13 international conferences and meetings in the course of the year<sup>28</sup>.

Similarly, Ms. Catherine Richards, a British national and a volunteer for the Palestinian branch of Defence for Children International (DCI-Palestine), a non-governmental organisation promoting children's rights in Palestine, was denied entry into the Israeli territory upon her arrival at Ben Gourion airport in Tel-Aviv on January 9, 2006. On January 12, 2006, a court eventually granted her access to the Israeli territory for 30 days, during which she had to apply for a "volunteer workers' visa"<sup>29</sup>.

Furthermore, members of Israeli and Palestinian NGOs for the protection of Palestinians' rights faced multiple obstacles drawn up by the Israeli administration, which repeatedly refused to renew their work permits allowing them to enter the Occupied Palestinian Territories or the West Bank, or simply to issue these permits - even temporarily. These measures forced NGOs to carry out their activities on a day-to-day basis, in total uncertainty as to the durability of their projects.

The construction of the "Separation Wall" between Israel and

27. See International Committee of the Red Cross.

28. See PCHR.

29. See Closed Letter to the Israeli authorities, January 12, 2006.

Palestine has yet again increased infringements on the freedom of movement, preventing or making it even more difficult to access the Occupied Palestinian Territories and to report on human rights violations thus committed in ever increasing impunity.

Finally, like many Palestinian detainees in Israeli prisons, staff members of Palestinian NGOs were subjected to administrative detentions that are indefinitely extended on the basis of “secret evidence”, of which the detainees and their lawyer had no knowledge or access. As a result, Mr. Ziyad Shehadeh Hmeidan, a volunteer for the NGO *Al-Haq*, has been arbitrarily detained since May 23, 2005.

In *Lebanon*, the Israeli offensive that began on July 12, 2006 and lasted for over a month seriously undermined the improvement that had been noticed since the withdrawal of Syrian troops in April 2006. In the context of this violent conflict, human rights defenders faced great difficulties in terms of movement, communication and security, putting their safety at great risk.

### **Mobilisation for the regional and international protection of human rights defenders**

United Nations (UN)

During the second session of the Human Rights Council held in Geneva (Switzerland) from September 18 to October 6, 2006, Ms. Hina Jilani, Special Representative of the UN Secretary General on human rights defenders, presented her report on the situation of human rights defenders in *Israel* and the *Occupied Palestinian Territories*, following her visit from October 5 to 11, 2005<sup>30</sup>.

Ms. Jilani notably pointed out that the “level of harm and risk that defenders confront in carrying out their activities” was heightened as a result of security-driven laws and practices. She also underlined the fact that the “conditions of lawlessness and impunity for human rights violations have affected the security of human rights defenders, especially those who expose violations committed by security personnel”.

Ms. Jilani further noted that the weakening of the position of human rights defenders was a direct result of the “risks that they are placed under and by the impunity for violation of their right to life, liberty and physical security”, adding that “the prospects for peace and

30. See UN Document E/CN.4/2006/95/Add.3.

security in the region are being diminished by the constraints placed on freedoms in general and particularly the freedom to defend human rights”.

Moreover, on June 14, 2006, in a press release regarding the situation in *Egypt*, Ms. Hina Jilani, Mr. Ambeyi Ligabo, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and Mr. Leandro Despouy, Special Rapporteur on the independence of judges and lawyers, expressed alarm regarding “the excessive use of force displayed against judges, human rights defenders, journalists and civil society in general during their peaceful protests in support of the independence of the judiciary”<sup>31</sup>.

Finally, on July 25, 2006, Mr. Martin Scheinin, Special Rapporteur on human rights and counter-terrorism, urged the *Bahraini* authorities to “reconsider the new counter-terrorism bill approved [by the Parliament] on July 22, 2006 [...]”. Mr. Scheinin stressed that “a number of human rights such as freedom of association and assembly and freedom of speech” would be at risk of “excessive limitations”, as the legislation “might allow for severe or disproportionate restrictions on peaceful demonstrations by civil society”<sup>32</sup>.

#### European Union (EU)

In a statement issued on May 15, 2006 on the situation in *Egypt*, the EU Presidency denounced the repression of the protests that took place following the announcement of the extension of the state of emergency. The Presidency stressed that the “scale of the police operation and the harsh manner in which these demonstrations have been policed” were considered “disproportionate”, and expressed its concern that “many persons taking part in these demonstrations [were] arrested under the provisions of the Emergency Law, for instance without an arrest warrant”. As a consequence, the EU called on Egyptian authorities “to allow civil society activists and other political forces to express themselves freely, to permit peaceful demonstrations, [and respect] freedom of assembly”<sup>33</sup>.

31. See United Nations Office at Geneva, [www.unog.ch](http://www.unog.ch), Press Release HR06069E.

32. See UN Press Release, July 25, 2006.

33. See Declaration by the EU Presidency, May 15, 2006.

During the fifth session of the EU-Jordan Association Council on November 14, 2006, the EU welcomed the “set-up of an independent national human rights body, the National Centre for Human Rights (NCHR)”, “the development of the civil society sector in Jordan and the existence of a growing number of local NGOs”. Recalling the importance of NCHR work, the EU encouraged Jordanian authorities to follow up on the organisation’s recommendations and to “further [cooperate] with NGOs”<sup>34</sup>.

Furthermore, the EU considered, in a Declaration of the Presidency on May 19, 2006<sup>35</sup>, that the human rights situation in *Syria* had “substantially deteriorated”, in light of the “widespread harassment of human rights defenders, their families and peaceful political activists, in particular the arbitrary arrests and repeated incommunicado detention”. The EU also called on Syrian authorities to “fully respect freedom of expression and assembly” and to “reconsider all cases of political prisoners and immediately release all prisoners of conscience”. The European Parliament, on its part, noted on June 15, 2006, that: “in May 2006, after signing a petition for improved Syrian-Lebanese relations, [...] it was reported that several civil society activists were arrested and tortured, notably including the lawyer Anwar Al-Bunni, the writer Michel Kilo as well as others, such as Khalil Hussein, Dr. Safwan Tayfour, Mahmoud Issa, Fateh Jammous, Professor Suleiman Achmar, Nidal Darwish, Suleiman Shummor, Ghaleh Amer, Muhammad Mahfud, and Mahmoud Meri’i, and more recently Mr. Yasser Melhem and Mr. Omar Adlabi”, “whereas Anwar Al-Bunni is a lawyer specialising in human rights issues and was arrested on the streets of Damascus when he was on shortly to taking up a post as director of a human rights centre financed by the European Union”. Considering that “this wave of arrests [was] intended to be a direct reprisal for the distribution, on 12 May 2006, of a petition signed by some 500 people, calling for the normalisation of relations between Lebanon and Syria” and that “the petition was of particular importance, being a joint initiative by Syrian and Lebanese intellectuals and human rights activists and the first of its kind”, the

34. See Declaration by the EU Presidency, November 14, 2006.

35. See Declaration by the EU Presidency, May 19, 2006.

European Parliament urged “the Syrian authorities to release immediately all activists still detained for signing a petition calling for improved Syrian-Lebanese relations”<sup>36</sup>. The Parliament adopted another Resolution on Syria on October 26, 2006, urging the Council of the European Union to “draw [particular] attention to the necessary reform of the Syrian associations’ law so as to end all major restrictions as regards the activities of human rights organisations”. The Parliament also requested that the Council demand the release of all peaceful activists, in particular “the signatories of the Beirut-Damascus/Damascus-Beirut Declaration” and to lift the state of emergency<sup>37</sup>.

Regarding *Tunisia*, the European Parliament adopted a Resolution on June 15, 2006<sup>38</sup>, in which it recalled “the request made by the Commission to the Tunisian authorities, which included the immediate release of European funding allocated to projects for civil society”, and called on “the Tunisian authorities to provide explanations for the ban on the LTDH Congress and for any acts of violence against defenders of human rights and Tunisian judges”. The Parliament also called upon the EU Council and the European Commission to “take swiftly all necessary steps vis-à-vis the Tunisian authorities to ensure that European funding allocated to civil society projects is unblocked and that Mr. Mohammed Abbou is released”, and “for the activities of human rights defenders to be fully guaranteed, in accordance with the relevant EU guidelines”. Finally, it called on the Tunisian authorities to agree to a visit by the United Nations Special Rapporteur on the independence of judges and lawyers. Similarly, on June 16, 2006, the EU Presidency expressed its “concern at the events surrounding the obstruction of the 6th congress of LTDH on May 27-28, 2006 in Tunis”, and hoped “that the League will be able to resume its normal functions as soon as possible”. It also regretted “that European representatives, notably the representative of the European Parliament, Ms. Helène Flautre, have been subjected to harassment by the security forces”<sup>39</sup>.

36. See European Parliament Resolution on Syria, P6\_TA(2006)0279, June 15, 2006.

37. See European Parliament Resolution, P6\_TA-PROV(2006)0459, October 26, 2006.

38. See European Parliament Resolution on Tunisia, P6\_TA(2006)0269, June 15, 2006.

39. See Declaration by the EU Presidency, June 16, 2006.

### Civil society

The Eminent Jurists Panel appointed by the International Commission of Jurists (ICJ) held a sub-regional hearing on terrorism and human rights in *Algeria, Morocco* and *Tunisia*, in Rabat (Morocco), from July 3 to 7, 2006. During this public hearing, participants acknowledged that terrorist activities were too broadly defined and insisted that any measure to counter terrorism must be proportionate to the actual threat. The Panel also expressed its concern about the decrees implementing the Charter for National Reconciliation and Peace in *Algeria*, which bars any judicial proceedings against security forces for past human rights violations and criminalises public criticism of the conduct of state agents.

From September 21 to 23, 2006, the Euro-Mediterranean Study Commission (EuroMeSCo)<sup>40</sup> held its Sub-regional Seminar on “Civil Society, Human Rights and Democracy” in Maknes (Morocco). In its conclusions, the seminar recommended the establishment of a Euro-Mediterranean dialogue on freedom of expression and security-related legislation, in order to reach an agreement as to the definition of “public order” as well as to the extent such a notion might be resorted to in order to restrict fundamental freedoms.

Lastly, the Euromed Civil Forum, organised by the Euromed non-governmental Platform, took place for the first time in a southern Mediterranean country, in Marrakech (Morocco), from November 4 to 7, 2006. On this occasion, participants reaffirmed the validity of the “targets stated in the Barcelona Declaration of 1995” and insisted that the “EU should immediately implement the European guidelines on human rights defenders”. Acknowledging that “the independence of justice is one of the corner stones of any effective democratisation and economic development process”, participants also “greeted the fight of magistrates in the region, especially in *Egypt* and *Tunisia*”.

40. EuroMeSCo is a non-governmental network established in 1996 and which brings together independent foreign policy institutes originating from 35 States parties to the Barcelona Declaration, which created the Euro-Mediterranean Partnership (EMP).

## HUMAN RIGHTS DEFENDERS IN THE LINE OF FIRE

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### ALGERIA

#### Harassment of the families of the disappeared and their defenders

##### Acquittal of Mr. Mouloud Arab<sup>1</sup>

On March 27, 2006, Mr. **Mouloud Arab**, the father of a disappeared person, charged with the “dissemination of subversive leaflets undermining national interest” (Article 96 of the Criminal Code), was acquitted by the Court of Sidi Ahmed.

Mr. Arab was arrested on September 14, 2005, during the weekly meeting of the NGO SOS-Disappeared (*SOS - Disparu(e)s*) in front of the National Consultative Commission for the Promotion and the Protection of Human Rights (*Commission nationale consultative pour la promotion et la protection des droits de l'Homme - CNCPPDH*) in Algiers. At the time of his arrest, Mr. Arab was distributing leaflets denouncing the situation of the families of disappeared. He was released a few hours later and summoned to appear before the examining magistrate on September 25, 2005. He was facing a sentence of six months' imprisonment.

##### Judicial harassment of Mr. Amine Sidhoum Abderrahman and Ms. Hassiba Boumerdassi<sup>2</sup>

On May 12, 2006, Mr. **Amine Sidhoum Abderrahman**, a lawyer and member of SOS-Disappeared, received threats from a representative of the Algerian delegation to the 39<sup>th</sup> session of the African Commission on Human and Peoples' Rights (ACHPR), held from

1. See Annual Report 2005.

2. See Urgent Appeals DZA 001/0506/OBS 063, 063.1 and 063.2.

May 11 to 25, 2006, a day before his scheduled statement before the Commission. This representative attempted to deter him from addressing the ACHPR and “reminded” him that he would be “liable to three to five years’ imprisonment upon [his] return to Algeria” if he persisted in doing so. On May 13, 2006, Mr. Sidhoum thus decided not to present his oral statement to the Commission.

These threats notably referred to Article 46 of the Decree relating to the implementation of the Charter for Peace and National Reconciliation issued on February 27, 2006. Indeed, this decree provides for a prison sentence of three to five years and a 250,000 to 500,000 Algerian dinars fine (about 2,830 to 5,660 euros) for “anyone who, by speech, writing or any other act, uses or exploits the wounds of the national tragedy in order to harm the institutions of the Democratic and Popular Republic of Algeria, to weaken the State, to undermine the honour of its agents who have served it with dignity, or to tarnish the image of Algeria internationally”.

Furthermore, on August 23, 2006, Mr. Sidhoum was summoned by the examining magistrate of the Court of Sidi M’hamed who informed him that the Minister of Justice had lodged a complaint for “libel” against him. These charges followed the publication of an article in the daily newspaper *El Chourouk* on May 30, 2004. The author of this article had claimed that Mr. Sidhoum had denounced the detention of one of his clients who was being held for thirty months in Serkadji prison “as the result of an arbitrary decision by the Supreme Court”. However, at the time of Mr. Sidhoum’s alleged statements, no decision regarding the case had yet been handed down by the Supreme Court, which only delivered its judgment on April 28, 2005.

On September 18, 2006, Mr. Sidhoum appeared before the 8<sup>th</sup> Chamber of the Sidi M’hamed Court in Algiers to answer charges of “discrediting a court’s decision” and “contempt of a State institution” (Articles 144bis, 144bis (1), 146 and 147 of the Criminal Code). The Court ordered his release on bail and upheld the charges, which carry a three-to-six-year prison sentence and a 2,500 to 5,000 euros fine.

On December 9, 2006, Mr. Sidhoum appeared once again before the examining magistrate, who allegedly referred the case to the Criminal Court. By the end of 2006, however, Mr. Sidhoum had not yet received notification to appear before the Court.

In a separate case, Mr. Sidhoum was summoned by the examining magistrate of the 1<sup>st</sup> Chamber of the Bab El Oued Court on charges of “passing an unauthorised item into a detention facility” under Article 16 of the Prison Security Act and Article 166 of the Prison Regulation and Reintegration of Prisoners Code (which provides for a six-month to three-year prison sentence and a 10,000 to 50,000 dinars fine – 110 to 150 euros). In particular, Mr. Sidhoum was accused of having given his business card to one of his clients in detention.

Likewise, on September 25, 2006, Ms. **Hassiba Boumerdassi**, a lawyer and a member of the Association of the Families of Disappeared Persons in Algeria (*Collectif des familles de disparu(e)s en Algérie* - CFDA), was summoned to appear before the Bab El Oued Court under the charges of “passing unauthorised items into a detention facility” after she handed to one of her clients the minutes of his court hearing – with the prison warden’s authorisation.

These charges also fall under Article 166 of the Prison Regulation and Reintegration of Prisoners Code, Article 16 of the Prison Security Code, and Article 31 of the Law on Prison Regulation.

By the end of 2006, both lawyers were still awaiting the Court’s decisions in their respective cases.

### Conviction of Mrs. Zohra Bourefis<sup>3</sup>

On November 19, 2006, Mrs. **Zohra Bourefis**, the mother and wife of disappeared individuals and a member of the CFDA branch in Jijel, was fined 100 dinars (about 1.50 euros) by the Court of Taher. The conviction was based on Article 1 of Presidential Decree No. 86-237 of September 16, 1986, which provides that “any person offering housing to a foreigner must notify the Algerian authorities”.

Indeed, from February 7 to 9, 2006, Mrs. Zohra Bourefis and her family had welcomed in their home a French programme officer commissioned by CFDA to conduct an investigation into several disappearance cases in the region.

On February 12, 2006, one of Mrs. Zohra Bourefis’ sons was summoned to the Emir Abdelkader police station and questioned on the identity of their guest and the purpose of his stay.

3. See CFDA.

On February 14, 2006, another of her sons was called in for questioning by the Command of the Jijel Military Zone, where he was told that it was forbidden to invite “foreigners” to stay in one’s home.

Mrs. Zohra Bourefis appealed the verdict against her.

### **Legal proceedings and acts of harassment against LADDH members<sup>4</sup>**

#### **Continued harassment of Mr. Mohamed Smaïn**

By the end of 2006, the case of Mr. **Mohamed Smaïn**, head of the Relizane branch of the Algerian League for the Defence of Human Rights (*Ligue algérienne de défense des droits de l’Homme* - LADDH), remained pending before the Supreme Court after he appealed his sentencing to one year imprisonment and a 5,000 dinars (54 euros) fine and 30,000 dinars (320 euros) in damages, to each of the plaintiffs, on February 24, 2002.

Mr. Smaïn was convicted on the grounds of a complaint lodged by Mr. Mohamed Fergane, former head of the Relizane militia, and eight other militiamen, for “defamation, slanderous denunciation and reporting fictitious crimes”, after Mr. Smaïn had informed the Algerian press of a mass grave exhumation undertaken by the police authorities.

Moreover, his local council card (*fiche municipale*) acknowledging his involvement in the fight for the liberation of Algeria had not yet been returned by late 2006, although his ID documents and driver’s license, which had been confiscated at the same time in 2005, were duly returned in 2006.

#### **Ongoing judicial harassment of Mr. Ghoul Hafnaoui**

By the end of 2006, four appeals lodged by Mr. **Ghoul Hafnaoui**, a journalist and head of the LADDH section in Djelfa, challenging several decisions sentencing him to a total of eleven months in prison and a 2,262,000 dinars (24,330 euros) fine and damages, remained pending before the Supreme Court of Appeals. These convictions ensued from various complaints for “defamation”, “insulting State authorities” and “illegal removal of a document from a detention facility”, initiated by the Djelfa *wali* (prefect) and his supporters.

4. See Annual Report 2005.

### Legal proceedings against Mr. Tahar Larbi

As of the end of 2006, the appeal filed by Mr. **Tahar Larbi**, president of the LADDH section in Labiodh Sidi Cheikh, and five of his family members, against their three-month suspended prison sentence handed down on November 24, 2003, remained pending. Mr. Larbi and his relatives had been convicted following their involvement in a peaceful gathering in support of the Independent National Union of Civil Servants (*Syndicat national autonome des personnels d'administration publique* - SNAPAP) in September 2003.

Moreover, in late 2006, a complaint for ill-treatment lodged by LADDH in November 2003 regarding acts of violence committed against Mr. Larbi during his detention had still not been pursued by the authorities.

### Ongoing harassment of SNAPAP members<sup>5</sup>

By the end of 2006, Mr. **Rachid Malaoui**, SNAPAP secretary general, who was sentenced *in absentia* in November 2004 to a one-month suspended prison sentence and a 5,000 dinars fine (53 euros) by the Algiers Court of First Instance on charges of “defamation”, had still not received notification of the judgment and was thus unable to appeal the verdict. Mr. Malaoui was convicted on the basis of a complaint lodged by the secretary general of the Algerian General Workers’ Union (*Union générale des travailleurs algériens* - UGTA, a pro-governmental union) in connection with facts dating back to 2001. At that time, Mr. Malaoui had publicly condemned the takeover of the labour scene by UGTA and had denounced the repeated attacks against independent trade unions.

In addition, in December 2003 and May 2004, former SNAPAP members, backed by the Ministry of Labour, held a congress aimed at establishing another union bearing the same name. The independent SNAPAP lodged a complaint for “usurpation” and “defamation” with the Algiers Court of First Instance in June 2004. A hearing scheduled for February 9, 2005 was postponed *sine die* and no further date had been fixed as of the end of 2006.

5. *Idem*.

**Establishment of an “NGO Support Centre”<sup>6</sup>**

On October 10, 2006, the Minister for Social Development launched an “NGO Support Centre” under his auspices, which was officially established to provide training, expertise and financial assistance for NGOs.

However, the statutes of this new institution grant the Minister almost absolute powers in relation to the registration and dissolution of civil society organisations, and entitle the authorities to directly interfere with their activities and operations. The Minister for Social Development may also limit the organisations’ freedom to conduct activities abroad or to obtain funding without his prior consent.

**Ongoing repression of BCHR and its members<sup>7</sup>****Dissolution of BCHR**

On February 22, 2006, the Supreme Court of Appeals of Bahrain, in an appeal lodged by the Bahrain Centre for Human Rights (BCHR), upheld the decisions of lower courts to dissolve the organisation, which is thus banned from carrying out any of its activities.

On March 8, 2006, the Minister for Social Development issued a formal warning stating that sanctions would be carried out against BCHR if it did not cease its operations.

As its members ignored this warning, the BCHR website was blocked in Bahrain by the Batelco company, the main Internet access provider in the country, on October 26, 2006. The homepage, however, remains accessible from outside the country.

BCHR had already been closed down on September 29, 2004 as a result of a decision of the Minister for Labour and Social Affairs, who had then threatened members of the organisation with criminal sanctions if they did not comply with this dissolution order. In spite of these threats, BCHR members had publicly announced, on January 6, 2005, that they were resuming their activities.

6. See BCHR.

7. See Annual Report 2005.

On January 31, 2005, the High Court had further dismissed a civil complaint against the Ministry of Labour and Social Affairs lodged by BCHR on October 12, 2004. This decision was upheld by the Administrative Court on April 14, 2005.

#### Lack of investigation into acts of harassment against Mr. Nabeel Rajab

As of the end of 2006, the two complaints for “harassment” filed with the Public Prosecutor in June and July 2005 by Mr. **Nabeel Rajab**, BCHR vice-president, had not yet been addressed. These two complaints notably referred to numerous anonymous letters and SMS messages sent on May 18, 2005 to his home, to the Bahraini authorities and to staff members of his private company, that were accusing him of “espionage” and “treason”.

Prior to these events, Mr. Rajab had participated in several meetings of the UN Committee Against Torture in Geneva, Switzerland, on May 11 and 13, 2005, to which he had submitted an alternative report on torture in Bahrain.

#### Judicial proceedings against Mr. Abdulrauf Al-Shayed

Following the 2006 dissolution of the BCHR and the subsequent announcement that the organisation was determined to resume its activities, the members of three civil society committees supported by BCHR - the National Committee for Martyrs and Victims of Torture, the Committee of the Unemployed and the Committee for Adequate Housing - were regularly called in for questioning by the police, such as Mr. **Abdulrauf Al-Shayed**, spokesperson for the National Committee for Martyrs and Victims of Torture.

On July 1, 2006, Mr. Al-Shayed was convicted *in absentia* for his alleged “involvement in a prostitution network”, sentenced to one year in prison and subsequently released on bail. In particular, he was accused of engaging in a fraudulent marriage with an Uzbek citizen in 2003, so that she could legally reside and work in Bahrain, and of acting as her procurer.

Mr. Al-Shayed, who has since then taken refuge abroad, filed a complaint for “impersonation” and appealed against the verdict. However, the Court rejected his appeal *in absentia* and ordered his arrest.

### **Lack of verdict in the proceedings initiated by GFBTU<sup>8</sup>**

By the end of 2006, the Supreme Court of Appeals had failed to render its verdict in the appeal lodged by the General Federation of Bahrain Trade Unions (GFBTU) against the decisions of the High Court and of the Court of Appeal, which held that the complaint initiated by GFBTU in June 2004 did not fall within their jurisdiction. This complaint questioned the legality of a circular addressed to all ministerial departments by the Bureau of Civil Service in 2003, which prohibited the creation of unions within ministries.

### **Harassment and end of judicial proceedings against Ms. Ghada Jamsheer<sup>9</sup>**

In 2006, all legal proceedings brought against Ms. **Ghada Yusuf Moh'd Jamsheer**, president of the Women's Petition Committee (WPC) and of the Bahrain Social Partnership for Combating Violence Against Women, were closed after the Prosecutor decided to drop some of the charges and to acquit Ms. Jamsheer in other cases.

In 2005, Ms. Jamsheer had been involved in several proceedings initiated by the Attorney General for, *inter alia*, "insulting the Shari'a judiciary", and was facing up to fifteen years' imprisonment. These charges had been brought in connection with her activities in favour of a reform of Shari'a family law and the Bahraini judiciary, the adoption of a unified Family Code, and the reinforcement of the role of the Supreme Judicial Council.

Nevertheless, in November 2006, Ms. Jamsheer was regularly followed and harassed by secret services after she gave an interview on the necessity of democratic reform in Bahrain to the US-based and Arabic-speaking *Al-Hura* television channel.

### **Registration of the Bahrain Women's Union<sup>10</sup>**

On September 16, 2006, the Bahrain Women's Union held its first general assembly after its request for registration, submitted in 2001 to the Ministry of Social Affairs, was finally accepted. This association brings together 14 women's rights organisations registered with the

8. *Idem*.

9. *Idem*.

10. *Idem*.

Ministry of Social Affairs, as well as other women's committees and independent activists.

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## EGYPT

### **Legal recognition of the Nadeem Centre for the Rehabilitation of Victims of Violence<sup>11</sup>**

In 2006, the Nadeem Centre for the Rehabilitation of Victims of Violence was finally registered and granted legal personality under the name of the Egyptian Association Against Torture (EAAT).

In July 2003, the Centre, wishing to bring its legal status in line with the 2002 Law No. 84 on associations, filed the required documents for its registration as EAAT with the Ministry of Social Affairs. However, its request was dismissed on the basis of technical irregularities and the Centre lodged an appeal challenging this decision.

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## IRAQ

### **Assassination of two trade union leaders<sup>12</sup>**

On January 25, 2006, Mr. **Alaa Issa Khalaf**, a member of the executive board of the Baghdad branch of the Mechanics' Union and of the General Federation of Iraqi Workers (GFIW), was assassinated by unidentified individuals while on his way to work.

In addition, Mr. **Thabet Hussein Ali**, director of the General Trade Union for Health Sector Workers in Iraq, was abducted on April 7, 2006 by a presumed terrorist group as he was leaving his union's headquarters in Baghdad Al-Mansour neighbourhood. His body was found the following day, riddled with gunshot wounds and bearing marks of torture.

At the end of 2006, no investigation had been initiated into either of these two assassinations.

11. *Idem.*

12. See Urgent Appeal IRQ 001/0106/OBS 010 and Press Release, May 31, 2006.

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## ISRAEL AND THE OCCUPIED PALESTINIAN TERRITORIES

### Situation in Israel

#### Sentencing and release of Mr. Jonathan Ben Artzi<sup>13</sup>

On January 1, 2006, the High Military Court of Appeals acknowledged the status of pacifist of Mr. **Jonathan Ben Artzi**, a student, but sentenced him to four months in a military prison - two months of which could be commuted on payment of a 2,000 Israeli shekels fine (360 euros) - effective as of February 15, 2006.

On April 21, 2004, Mr. Ben Artzi had been sentenced by the Jaffa Military Court to two months' imprisonment and a 2,000 Israeli shekels fine after he refused to serve in the army. According to the verdict, a refusal to pay the fine could entail an additional two months in prison. Mr. Ben Artzi had appealed this decision before the High Military Court of Appeals.

The hearing was adjourned until July 9, 16 then 18, 2005, when the High Military Court of Appeals suggested to commute Mr. Ben Artzi's sentence to "national service under military supervision". However, Mr. Ben Artzi refused this proposal, arguing that an alternative scheme such as national service should in no way be linked to the army.

In April 2006, Mr. Ben Artzi was released after having served his sentence.

### Situation in the Occupied Palestinian Territories

#### Arbitrary detention and release of Mr. Hassan Mustafa Hassan Zaga<sup>14</sup>

On January 11, 2006, Mr. **Hassan Mustafa Hassan Zaga**, a member of the Public Committee Against Torture in Israel (PCATI) and of the Palestinian organisation *Ansar Al-Sajeen*, which provides legal assistance to Palestinian prisoners, was arrested by the Israeli Defence Forces (IDF) at a checkpoint located between Nablus and Tul Karem, in the Occupied Palestinian Territories. He was then transferred to the

13. See Annual Report 2005.

14. See Urgent Appeals ISR 001/0106/OBS 007, 0071 and 0072.

Hawarah military detention centre, near Nablus. During a meeting with his lawyer, Mr. Zaga stated that IDF officers had beaten him during his arrest.

On January 17, 2006, the IDF Regional Commander issued a six-month detention order against Mr. Hassan Zaga under charges of “endangering the security of the region”. In a letter dated January 23, 2006, the IDF Military Prosecutor justified this order on grounds of “[Mr. Zaga’s] membership to Hamas, his international activism and the funding of various Hamas activities in the city of Nablus and its surroundings”. The Prosecutor further emphasised that he was unable to make the evidence supporting these charges public.

On February 2, 2006, the Ofer Military Court confirmed Mr. Zaga’s administrative detention, but reduced it to four months.

On May 22, 2006, the Ketziot Military Court upheld a new decision of the General Security Service (GSS) to extend Mr. Zaga’s administrative detention for an additional four months.

On September 13, 2006, a third administrative detention order of an additional four months was issued against Mr. Hassan Zaga.

However, the Ofer Military Court decided on September 20, 2006 to reduce Mr. Zaga’s administrative detention to two months, arguing that the GSS had failed to bring new evidence to legitimatise the extension order.

Mr. Zaga was released on November 5, 2006 in accordance with this decision.

#### Administrative detention of Mr. Ziyad Muhammad Shehadeh Hmeidan<sup>15</sup>

On March 12, 2006, the administrative detention order on the basis of which Mr. **Ziyad Muhammad Shehadeh Hmeidan**, a member of the Palestinian human rights NGO *Al-Haq*, detained without charge since May 23, 2005, was extended by the Israeli authorities for a period of four months.

On March 20, 2006, the Military Court of the Ansar III prison (Ketziot) upheld this decision, which was subsequently confirmed on

15. See Annual Report 2005, Urgent Appeals ISR 001/0605/OBS 039.4, 039.5, 039.6 and 039.7, and Conclusions of the Observatory Judicial Observation Mission sent on July 6, 2006.

appeal on May 10, 2006 by the Moscobiya Military Court. In accordance with this decision, Mr. Hmeidan should have been released on July 20, 2006.

On July 18, 2006 however, Mr. Ziyad Hmeidan received a letter informing him that his administrative detention was to be extended for a further four months. This order was confirmed by the Moscobiya Military Court on July 26, 2006.

On November 14, 2006, Mr. Hmeidan's administrative detention was extended for a sixth time, a decision upheld on appeal on the basis of "secret evidence" on November 20, 2006.

#### Infringements of the freedom of movement of *Al-Haq* members

On March 26, 2006, Mr. **Shawan Jabarin**, director general of *Al-Haq*, had his West Bank identity card confiscated by the local authorities of Beit El. This had serious consequences on his professional activities for several months. After repeated requests, his documents were returned in July 2006. Mr. Jabarin, who has been banned from leaving the West Bank since 2005 for no official reason, took the case to the Israeli High Court, which rejected his claim.

Similarly, on April 11, 2006, Mr. **Yusef Qawariq**, an *Al-Haq* volunteer, had his professional card seized at the Huwara checkpoint in Nablus, making his travels within the Occupied Territories all the more difficult. By the end of 2006, his card had still not been returned.

Furthermore, foreign volunteers working for *Al-Haq* were unable to obtain work permits from the Israeli authorities and were therefore compelled to leave the Occupied Palestinian Territories every three months in order to renew their tourist visas, thus running the risk of being denied entry into the Occupied Territories on each occasion.

Finally, on May 28, 2006, Ms. **Maureen Murphy**, an American national and an *Al-Haq* volunteer, was refused entrance at Ben Gourion airport, where she was in transit to the Occupied Territories. Ms. Murphy, who has been unable to return ever since, was subsequently forced to cease her activities with the organisation.

### Closure of *Ansar Al-Sajeen*<sup>16</sup>

On September 8, 2006, the offices of *Ansar Al-Sajeen* in Majd El-Kurum were assaulted and shut down by the police and the Shin Bet (Israeli general security services) on the basis of an administrative order issued by the Israeli Minister of Defence declaring the organisation illegal. During the raid, the police also seized the association's assets and material, including hundreds of files, computers and telephones.

*Ansar Al-Sajeen* referred the case to the Ministry of Defence and requested the cancellation of the administrative order dissolving the organisation. As of the end of 2006, the Ministry had not yet responded.

Other branches of the organisation were also shut down, namely in Tirah and the West Bank.

Shortly before its closure, *Ansar Al-Sajeen* had launched a campaign seeking to include the cases of 1,948 Palestinian prisoners, all Israeli citizens, in the negotiations relating to an exchange of prisoners.

On the day of the police raid, Mr. **Munir Mansour**, president of the organisation, was interrogated for an hour and a half at his home by police and Shin Bet officers who also searched his house and seized his mobile phone.

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## LEBANON

### Continued judicial harassment of Ms. Samira Trad<sup>17</sup>

On September 10, 2003, Ms. **Samira Trad**, head of the Frontiers Centre, an NGO that defends the rights of non-Palestinian refugees in Lebanon, was arrested and questioned by the General Security of the Beirut General Directorate. She was then questioned on the Frontiers Centre's statutes and a report that had been published by the organisation on Iraqi refugees seeking asylum outside Lebanon. Ms. Trad was released the following day, but was charged with "defamation against the authorities" (Article 386 of the Criminal Code) in connection with this report.

16. See Urgent Appeal ISR 002/0906/OBS 119.

17. See Annual Report 2005.

The case was initially heard on November 14, 2005, then adjourned until April 14, 2006. The hearing was further postponed on two separate occasions until November 20, 2006, when the Court stated that the proceedings did not fall under its territorial jurisdiction and thus declared it was not competent to hear the case. In late 2006, the case was remanded to the attention of the Prosecutor, who is required to decide, within a reasonable period, on whether to drop charges or bring it before another court.

### **Registration of PHRO and harassment of its members<sup>18</sup>**

In February 2006, the Palestinian Human Rights Organisation (PHRO) was ultimately granted legal recognition with the Lebanese authorities, following numerous requests for registration.

However, four different banking institutions denied the organisation the possibility of opening a bank account, making it impossible for PHRO to access or receive the funds necessary to carry out its activities.

Following numerous steps, the organisation was eventually able to open an account with one of the above banks. However, the access to the account is strictly limited as the bank, pleading financial “problems”, systematically requests all documents issued by the donors.

PHRO subsequently decided to file a complaint in relation to the numerous obstacles infringing its right to access and receive funds.

### **Charges dropped against Mr. Muhamad Mugraby<sup>19</sup>**

On April 15, 2006, the Military Supreme Court of Appeals ordered that the charges pending against Mr. **Muhamad Mugraby**, a lawyer at the Beirut Bar, be dropped. Mr. Mugraby was charged with “defamation of the army and its members” (Article 157 of the Military Criminal Code) in February 2005, in connection with statements he had made before the European Parliament in November 2003. The Court held that these statements constituted “general criticism [...] and [did not] show the intention of slandering” the army and its officers, and ruled that the Permanent Military Court, which had declared itself competent to try him on March 20, 2006, did not have the “jurisdiction to look into such cases”.

18. *Idem*.

19. See Annual Report 2005 and Urgent Appeal LBN 001/0005/OBS 0333.

However, four sets of legal proceedings initiated by Mr. Mugraby remained pending as of the end of 2006. Indeed, he lodged two separate appeals challenging the decisions of the disciplinary commissions of the Beirut Bar (dating back to 2002 and 2003) that resulted in the withdrawal of his right to exercise his profession. He also filed two legal actions with the Court of Appeal, respectively against 13 judges involved in his arrest in August 2003 and against the National Bar Association that filed the complaint that led to his arrest.

### **Harassment of SOLIDA and its members<sup>20</sup>**

On the night of October 4/5, 2006, the headquarters of the Support for Lebanese Citizens Arbitrarily Detained (*Soutien aux Libanais détenus arbitrairement* - SOLIDA) in Dora were broken into. Numerous work-related documents as well as an Internet modem were stolen.

This burglary occurred a few hours before SOLIDA was due to hold a press conference on the occasion of the launching of its report on the abuses perpetrated by military intelligence services during questionings in the detention centre of the Ministry of Defence<sup>21</sup>. The next day, soon after the departure of Internal Security Forces (*Forces de sécurité intérieure* - FSI), which had come to make a record of the robbery, three military officers came to the office and questioned SOLIDA members on these events.

On October 6, 2006, three local police officers came to enquire about the organisation's mandate. A few hours later, a SOLIDA leader was called by the general security forces on his mobile phone and questioned on the legality of SOLIDA's establishment in Lebanon and its potential "political enemies".

The FSI officer in charge of the case stressed that he could not guarantee SOLIDA members' safety as military intelligence services were "furious" about the public disclosure of these abuses.

In addition, several journalists cooperating for many years with the organisation were reportedly "dissuaded" from publishing articles

20. See Press Release, October 5, 2006.

21. This report, entitled *Le Centre de détention du ministère de la Défense : un obstacle majeur à la prévention de la torture*, describes the ongoing impunity enjoyed by perpetrators of acts of violence or torture, and draws an appalling assessment of the violations committed in the past 14 years in what SOLIDA has called "the underground prison".

relating to the burglary. Some of them further told SOLIDA members that they did not wish to comment on the reasons for their refusal.

On November 12, 2006, SOLIDA headquarters were once again visited by an individual who introduced himself as a member of the intelligence services of the Ministry of the Interior. He questioned them on the possible existence of backup files for the stolen documentation. When one of the staff members requested official identification, the man produced a badge issued by the Ministry of National Defence.

In addition, several times since August 2006 unidentified individuals have entered the home of Ms. **Marie Daunay**, SOLIDA director, in Beirut. On various occasions, Ms. Daunay found her front door unlocked, sometimes wide open, and objects moved in her house, without any apparent signs of break-in. In mid-August, the front door of her home was broken open from the inside, but no items had gone missing.

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## LYBIA

### **Administrative detention and legal proceedings against Mr. Fathi El-Jahmi<sup>22</sup>**

As of the end of 2006, Mr. **Fathi El-Jahmi**, an engineer actively involved in civil society activities, remained under house arrest in Benghazi, facing charges of “defaming the Head of State”, in retaliation for his stand in favour of democratic reforms. However, no specific court or date had yet been allocated for the examination of his case.

On April 4, 2004, unidentified members of a security group had abducted Mr. Fathi El-Jahmi from his home.

22. See Annual Report 2005.

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**MOROCCO****Continued harassment of members of Sahrawi organisations<sup>23</sup>**

Arbitrary arrests and harassment  
of several Sahrawi human rights defenders<sup>24</sup>

On March 19, 2006, at four o'clock in the morning, members of the Urban Security Groups (*Groupes urbains de sécurité* - GUS) raided the home of Mr. **Hammud Iguilid**, head of the Laayoun branch of the Moroccan Association for Human Rights (*Association marocaine de droits de l'Homme* - AMDH), and took him for questioning to one of their centres. A report denouncing human rights violations in Western Sahara, due to be published by Mr. Iguilid, was confiscated, and the latter was ill-treated during his arrest.

On March 23, 2006, Mr. **Larbi El-Moussamih**, a member of the Sahara branch of the Moroccan Forum for Truth and Justice (*Forum marocain vérité et justice* - FMVJ), an organisation still denied legal recognition, was arrested in Laayoun. He was detained and questioned for four hours by GUS members. No reason was given for his arrest.

On March 24, 2006, Ms. **Djimi El-Ghalia**, vice-president of the Saharawi Association of Victims of Gross Human Rights Violations Committed by the Moroccan State in Western Sahara (*Association sahraouie des victimes des violations graves des droits de l'Homme commises par l'Etat du Maroc au Sahara occidental* - ASVDH) and a member of the Committee of the Families of Disappeared or Former Disappeared (*Comité des proches de disparus et anciens disparus*), was arrested by the police along with her husband, Mr. **Dah Mustafa Dafa**. They were taken to the criminal investigation police department in Laayoun. At the time of their arrest, Ms. Djimi El-Ghalia and Mr. Dah Mustafa Dafa were visiting the mother of a Saharawi human rights activist, Mr. **Hmad Hammad**, in Laayoun.

They were both released without charge a few hours later.

23. *Idem.*

24. See Urgent Appeal MAR 001/0306/OBS 037.

### Royal pardon in favour of several FMVJ and AMDH members

On March 25, 2006, Mr. **Mohamed El Moutaouakil**, a member of the FMVJ national council, Mr. **Brahim Noumria**, a member of the AMDH branch in Laayoun, Mr. **Larbi Messaoud**, a member of the FMVJ Sahara branch, and Mr. **Lidri Lahoussine**, a founding member of AMDH and of the FMVJ Sahara branch, were released after being granted royal pardon.

They had all been arrested on July 20, 2005 during a new wave of arrests of Saharawi human rights defenders and sentenced on December 13, 2005 by the Laayoun Court of Appeal to ten months' imprisonment on charges of "participation in and incitement to violent protest".

### Release of Mr. Brahim Dahane

On April 22, 2006, Mr. **Brahim Dahane**, a former disappeared and ASVDH director, was granted royal pardon and subsequently released, following a request by the Royal Consultative Council for Saharawi Affairs (*Conseil consultatif royal sur les questions sahraouies*), recently established by the King. The trial of Mr. Brahim Dahane, which was due to resume on April 25, 2006, was therefore cancelled.

Mr. Brahim Dahane had been arrested on the night of October 30 to 31, 2005 by GUS members while taking part in an unprompted gathering in front of the family house of Mr. Hamdi Lembarki, who had been beaten to death by GUS members that night. At the time of his arrest, Mr. Dahane was providing information relating to the death of Mr. Lembarki to the Spanish news agency *EFE* over the phone.

On November 1, 2005, Mr. Dahane appeared before the General Prosecutor of the Laayoun Criminal Court, who ordered his transfer to the Black Prison. He was charged with "formation of a criminal group" and "membership to an unauthorised organisation".

### Arbitrary detention of and legal proceedings against Mr. Brahim Sabbar and Mr. Ahmed Sbai<sup>25</sup>

On June 17, 2006, Mr. **Brahim Sabbar**, a former disappeared and ASVDH secretary general, Mr. **Ahmed Sbai**, a member of the

25. See Annual Report 2005 and Urgent Appeals MAR 002/0606/OBS 079 and 079.1.

ASVDH coordination council and of the Committee for the Protection of Black Prison Detainees, and two other ASVDH supporters were forcibly dragged out of their vehicle, beaten and insulted by several GUS officers, at a roadblock at the entrance of Laayoun. They were returning from the town of Boujdour, where they had attended the opening of an ASVDH branch, an organisation to which Moroccan authorities still deny formal registration.

Messrs. Sabbar and Sbai were initially taken to the Hay Ahmatar police station, where they were held overnight and questioned by criminal investigation police before being transferred to the Laayoun Black Prison. On June 19, 2006, they were both indicted for “criminal conspiracy” (Articles 293 and 294 of the Criminal Code), “incitement to violence” (Article 304), “destruction of public property and obstruction of public thoroughfare” (Articles 587 and 591), “trespass to a State agent” (Article 267), “participation in armed groups” and “membership to an unauthorised association”.

Mr. Brahim Sabbar was convicted and sentenced on June 27, 2006 by the Laayoun Court of First Instance to a two-year prison term for allegedly “assaulting a police officer” during his arrest on June 17, 2006. His lawyers appealed against this decision, but no hearing had been scheduled as of the end of 2006.

On November 13, 2006, Messrs. Sabbar and Sbai appeared before the examining magistrate, who informed them that the investigation into the charges brought against them on June 19, 2006 was underway. By the end of 2006, they remained in detention at the Laayoun Black Prison.

Mr. Sabbar had previously been arrested on June 4, 2006 and detained in custody for several hours before being released without charge. The same day, the weekly newspaper *Albidaoui* had published an interview with Mr. Sabbar who called for the prosecution of those responsible for the acts of violence committed by the Moroccan State in Western Sahara, and urged the authorities to hold a referendum on the self-determination of the region.

A hearing was initially scheduled for January 9, 2007, but postponed until January 23, 2007 as the two defendants refused to appear before the Court in the absence of guarantees for their safety during their transfer.

## Continued harassment of the FMVJ Sahara branch and its members

*Continued harassment of Mr. Lahoussine Moutik*

As of the end of 2006, Mr. **Lahoussine Moutik**, chairman of the FMVJ Sahara branch, had still not received all of his severance pay and was still being denied a work certificate, in spite of several rulings in his favour by the Laayoun Courts of First Instance and Appeal. Mr. Moutik, who used to manage the Accountancy & IT department of a large company, was dismissed in February 2002 after he appeared before the *ad hoc* Commission for Western Sahara of the European Commission.

In addition, Mr. Moutik remained at constant risk of administrative sanctions, as the financial consultancy firm he created in 2002 had not yet been registered. In January 2003, the Laayoun Court of First Instance refused, on no apparent grounds, to issue a registration certificate to the trade registrar. The Agadir Administrative Court subsequently held that the case did not fall under its jurisdiction.

*Denial of legal recognition*

By the end of 2006, a decision delivered by the Laayoun Court of First Instance in June 2003 against the Sahara branch of FMVJ for “carrying out illegal and separatist activities in breach with its own statutes” had still not been legally transmitted to the office of the court registrar, although this procedure is required by law in order to appeal against a decision. The Court also banned all meetings of the section members and ordered the closure of its premises as well as the liquidation of its assets, which were to be transferred to the FMVJ executive office. As the Sahara branch had not been able to appeal this decision pending its transmission to the registrar, its headquarters and the equipment and documents within remained under seal.

In February 2006, the organisation took new steps to create a branch renamed FMVJ-Sahara, in Laayoun. By the end of 2006, however, the organisation’s members had not received the receipt of the request, which is normally acknowledged within ten days under Moroccan law.

### **Continued harassment of ANDCM<sup>26</sup>**

Legal proceedings against ten members of the National Association of Unemployed Graduates (*Association nationale des diplômés chômeurs* - ANDCM), an NGO still not legally recognised by the authorities, remained pending as of the end of 2006.

These ten members, including ANDCM president Mr. **Thami El Khyat**, had been arrested in October 2004 in Ksar El Kabir during a nationwide protest organised by the association. They appeared before the Tangier Court of Appeal on January 4, 2006.

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## **SAUDI ARABIA**

### **Refusal to register an independent human rights association<sup>27</sup>**

As of the end of 2006, a request for the registration of an independent human rights association, submitted in March 2004 by Messrs. **Al-Domainy, Al-Hamad, Al-Faleh, Al-Rahman Allahim** and nine other activists, had still not been acknowledged by the authorities.

In addition, these four activists - as well as Messrs. **Abdulrahman Alahem** and **Mohammed Saeed Tayab**, both lawyers, Mr. **Sheikh Sulaiman Al-Rashudi**, a former judge and judicial adviser, and Mr. **Najeeb Al-qasir**, a senior lecturer, remained banned from travelling abroad and addressing the national press. Their numerous requests to the authorities to lift this ban had not been responded by the end of 2006.

### **Infringements of freedom of movement and harassment of Ms. Wahija Al-Huwaidar<sup>28</sup>**

On September 20, 2006, Ms. **Wahija Al-Huwaidar**, a member of the non-governmental organisation Human Rights First Society in Saudi Arabia, was arrested at her home by police officers then taken to the Ministry of the Interior in Alkhubar (an eastern province), where she was interrogated about her human rights activities over the

26. See Annual Report 2005.

27. See Annual Report 2005 and Open Letter to the Saudi authorities, November 10, 2006.

28. See Open Letter to the Saudi authorities, November 10, 2006.

past four years. She was then allegedly forced to sign a document certifying her pledge to cease these activities. She was also threatened by the police and told that she would lose her job at Aramco, a Saudi State-owned company, if she did not honour this pledge.

In addition, Ms. Wahija Alhowaider was prevented from travelling to Bahrain, where she lives with her family, until September 28, 2006.

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## SYRIA

### **Continued harassment of CDF members<sup>29</sup>**

In 2006, Mr. **Aktham Naisse**, a lawyer and president of the Committees for the Defence of Human Rights and Democratic Freedoms in Syria (CDF), continued to be repeatedly harassed by the authorities. For example, in early August 2006, he was stopped by the Syrian secret services upon his arrival at Damascus Airport, as he was returning from a trip to Ireland where he had participated in an international conference on human rights defenders. His passport was confiscated for over two hours.

Furthermore, Mr. Naisse's home and office were under regular surveillance by unidentified individuals, and he was required to obtain prior approval of the authorities every time he wished to travel abroad.

Additionally, Mr. **Kamal Labwani**, a member of the CDF executive council, remained in detention in the Adra prison by the end of 2006. The next hearing in his trial, which was postponed on several occasions, had not yet been scheduled.

Mr. Labwani had been arrested on November 8, 2005 following a statement on the possible consequences that international sanctions against Syria would impose on the population. This statement had been broadcast by the American television channel *Al-Hura* in October 2005. Mr. Labwani was charged with "incitement to sectarianism" (Article 264 of the Criminal Code) and "conspiracy with a foreign State" (Article 287), which are punishable by death or life imprisonment.

29. See Annual Report 2005.

### **Arbitrary detention and release of Mr. Ammar Qurabi<sup>30</sup>**

On March 12, 2006, Mr. **Ammar Qurabi**, spokesperson for the Arab Organisation for Human Rights (AOHR), was arrested by the Syrian security forces at the Damascus International Airport. Mr. Qurabi was just returning from two conferences on human rights and democratic reforms in Syria, held in Paris (France) and Washington D.C. (United States). He was then taken to the “Palestine Section” of the military intelligence services, in Damascus, known for its harsh conditions.

Mr. Qurabi was released without charge on March 16, 2006.

### **Arbitrary detention, sentencing and release of Mr. Mohammed Ghanem<sup>31</sup>**

On March 31, 2006, Mr. **Mohammed Ghanem**, a novelist and journalist renowned for his articles denouncing human rights violations and cases of corruption in Syria on his Website *Souriyoun* (Syrians), was arrested at his home in Al-Rika by officers of the armed patrol of the Syrian Military Intelligence Department (SMID). He was immediately transferred to the “Palestine Section” of the Damascus military intelligence services.

On the same day, Mr. Ghanem was sentenced to six months’ imprisonment for “publishing false information on so-called human rights violations in Syria”, “weakening the Nation’s spirit by publishing false information on Syria’s internal situation” and “seeking to divide the Syrian homeland”.

He was released on October 1, 2006 after completing his sentence.

However, Mr. Ghanem has since then been subjected to heightened surveillance and was dismissed from his position as a schoolteacher. He filed a complaint against the Ministry of Education for “unfair dismissal”. The preliminary hearing, originally scheduled for December 18, 2006, was postponed to February 5, 2007.

30. See Urgent Appeals SYR 001/0306/OBS 028 and 028.1.

31. See Urgent Appeals SYR 002/0406/OBS 046 and 046.1.

## **Arbitrary detention and legal proceedings against several human rights defenders<sup>32</sup>**

Several Syrian and Lebanese intellectuals and human rights defenders were arrested and arbitrarily detained after initiating a petition calling for the normalization of Syrian-Lebanese relations. This petition, bearing about 500 signatures, was circulated on May 12, 2006. Among those arrested were Mr. **Michel Kilo**, head of the Organisation for the Defence of Freedom of Expression and of the Press, arrested on May 14, 2006; Mr. **Anwar Al-Bunni**, a lawyer and founding member of the Human Rights Association in Syria (HRAS) and president of the Committee for the Release of Political Prisoners, arrested on May 17, 2006; Mr. **Nidal Darwish**, a member of the Presidential Committee and of the CDF executive board, arrested on May 16, 2006; Messrs. **Mahmoud Mar'i** and **Safwan Tayfour**, human rights defenders, and Mr. **Ghaleb Amer**, a board member of the Arab Organisation for Human Rights (AOHR), arrested on May 16, 2006.

Messrs. Al-Bunni, Darwish, Kilo, Mar'i, Tayfour and Amer were charged with “weakening national feelings and stirring up racial or sectarian hatred” (Article 285 of the Criminal Code), an offence carrying a 15-year prison sentence. All were allegedly beaten while in detention in the Adra prison, which is normally reserved for convicted criminals.

On July 17, 2006, Messrs. Darwish, Mar'i, Tayfour and Amer were released on bail pending trial.

On October 19, 2006, the examining magistrate ordered Mr. Kilo to be released on bail. Although his lawyers immediately paid the required amount, this decision was not implemented as the prison alleged it had not been notified of the judge's order.

As public offices were closed on October 20 and 21, 2006, Mr. Kilo's lawyers were unable to enquire about his situation until the next day, on October 22, 2006. They were then told that a new indictment had been drawn up against Mr. Kilo on October 19, 2006, a few hours only after his release on bail had been decided, and that his file had gone “missing”.

32. See Urgent Appeals SYR 003/0506/OBS 060, 060.1 and 060.2, FIDH/OMCT Press Release, May 18, 2006, and Press Release, July 28, 2006.

According to this new indictment, Mr. Kilo is now charged with “undermining national pride” (Article 285 of the Criminal Code), “disseminating false reports”, “undermining the State’s reputation” (Article 287 and 376) and “inciting religious and racial hatred” (Article 307). As of the end of 2006, Mr. Kilo was still detained in the Adra prison.

On November 20, 2006, Mr. Al-Bunni appeared before the Damascus Criminal Court. The preliminary hearing in his trial, originally scheduled for December 19, 2006, was postponed until January 21, 2007, due to the absence of government representatives.

### **Infringement of Mr. Radwan Ziadeh’s freedom of movement<sup>33</sup>**

On June 26, 2006, Mr. **Radwan Ziadeh**, director of the Damascus Centre for Human Rights Studies, was prevented from travelling to Amman (Jordan), where he was to participate in an international conference entitled “Human rights within the framework of criminal justice: current challenges and needed strategies in the Arab World” organised by the Amman Centre for Human Rights Studies (ACHRS) from June 27 to 29, 2006. Mr. Ziadeh was due to make a presentation on transitional justice in the Arab world. At the Syrian boarder with Jordan, Syrian security forces prevented him from leaving the country without giving any official reason.

On the same day, members of the Syrian political security came to Mr. Ziadeh’s home as he was already underway, and questioned his brother, in vain, about the reasons for his travel to Jordan.

### **Arbitrary detention and release of Mr. Ali Shahabi<sup>34</sup>**

On August 10, 2006, Mr. **Ali Shahabi**, a writer and professor known for his involvement in the promotion of democracy and human rights in Syria, was summoned to the Damascus security services. As Mr. Shahabi, who had been repeatedly called in for questioning over the past few months, was not coming back home, his wife went to the security services, who told her to come back a week later, without giving her further information as to her husband’s situation.

33. See Urgent Appeal SYR 004/0606/OBS 083.

34. See Urgent Appeals SYR 005/0806/OBS 099, 099.1, 099.2 and 099.3, and Press Release, January 11, 2007.

On October 16, 2006, Mr. Shahabi's relatives were eventually allowed to visit him at the Adra prison. They were then informed that they would be permitted to visit him weekly on Tuesdays.

However, on October 24, 2006, during their weekly visit, Mr. Shahabi's family was informed that he had been placed in solitary confinement, without any official reason being given.

His arrest would have been linked to his efforts, in 2005, to launch a movement called "Syria for all" and a website - that was later blocked by the authorities - where he posted several articles on democracy and fundamental freedoms.

Mr. Shahabi was also among the signatories to the Beirut-Damascus/Damascus-Beirut Declaration in May 2006<sup>35</sup>.

On January 9, 2007, Mr. Shahabi was granted presidential pardon and subsequently released.

### **Sentencing and detention of Mr. Nizar Rastanawi<sup>36</sup>**

On November 19, 2006, Mr. **Nizar Rastanawi**, a founding member of the AOHR Syrian branch, was sentenced to four years' imprisonment by the Supreme State Security Court (SSSC) for "disseminating false information" and "insulting the President of the Republic". Mr. Rastanawi had been arrested on April 18, 2005 and was held in solitary confinement until August 2005, when his wife was authorised to come and visit him once a month.

### **Arbitrary detention of Mr. Aref Dalilah and release of Mr. Habib Hissa<sup>37</sup>**

By the end of 2006, Mr. **Aref Dalilah**, an economics professor and human rights defender, remained in detention. Arrested in 2001, he was sentenced to ten years in prison and deprived of his civil and political rights by the Supreme State Security Court in August 2002 for "attempting to change the Constitution by illegal means". In addition to a severe health condition from which he has suffered since the beginning of his detention, Mr. Dalilah was diagnosed with hemiplegia

35. See above.

36. See Syrian Organisation for Human Rights (SOHR).

37. See Annual Report 2005.

of his left side. The authorities allegedly denied on several occasions his request to be given proper medical care by independent doctors.

Mr. **Habib Hissa**, a founding member of HRAS, who was sentenced to five years' imprisonment under the same charges, was released in early 2006 after serving his sentence.

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## TUNISIA

### Ongoing harassment of LTDH and its members<sup>38</sup>

#### Hindrances to the holding of the LTDH Annual Congress<sup>39</sup>

On September 5, 2005, a summary judgment handed down by the Tunis Court of First Instance ordered the executive committee of the Tunisian League for Human Rights (*Ligue tunisienne des droits de l'Homme* - LTDH) to “suspend the Congress scheduled for September 9, 10, and 11, 2005” as well as “all preparatory work aimed at facilitating its convening [...] until a final decision has been made on the merits of the case [...]”. This judgment resulted from the joint petition of 22 individuals claiming to be LTDH members, but who are known to be affiliated with the Democratic Constitutional Party (*Rassemblement constitutionnel démocratique* - RCD, ruling party). At the same time, the RCD had initiated a hearing on the merits of the case before the Civil Chamber of the Tunis Court of First Instance, in order to obtain an order cancelling the convening of the Congress. Twenty out of the 22 plaintiffs subsequently withdrew their claim.

LTDH nevertheless decided to disregard the summary verdict and to hold its Congress on May 27 and 28, 2006. On April 14, 2006, it was orally instructed by the police chief of the El Omrane district in Tunis not to hold the preparatory meeting, scheduled for the following day.

38. *Idem*.

39. See Joint Open Letter of the Observatory, the Euro-Mediterranean Human Rights Network (EMHRN), the International Commission of Jurists (ICJ) and Human Rights Watch (HRW) to the Tunisian authorities, February 3, 2006, and Press Releases, April 18, May 5 and 30 and December 6, 2006.

The same day, the 20 individuals who had withdrawn their September 2005 petition against LTDH informed the organisation that they would again bring charges on identical grounds.

As of the end of 2006, the proceedings filed against the LTDH executive committee remained pending. The next joint hearings in the trials were scheduled for January 13, 2007.

### Obstacles to freedom of assembly

On April 15, 2006, members of the Greater Tunis and Northern sections of LTDH who attempted to attend a preparatory meeting to the 6<sup>th</sup> LTDH Congress were violently dispersed by the police.

On May 27, 2006, the main towns of Tunisia where LTDH branches operate were blocked by a significant deployment of police forces to prevent the members of the sections from travelling to Tunis where the Congress was due to take place. Numerous roadblocks were also set up in the streets leading to the association's headquarters.

In addition, dozens of LTDH members, such as Ms. **Khedija Cherif** and Ms. **Héla Abdeljaoued**, who tried to reach the head office were seriously and repeatedly attacked, both verbally and physically. Other human rights defenders and representatives of international institutions, who had been invited by LTDH to attend the Congress, were also assaulted and denied access to the premises. Such was the case of Ms. **Hélène Flautre**, chair of the Human Rights Sub-Commission of the European Parliament, Mr. **Abdelhamid Amine**, president of the Moroccan Association for Human Rights (AMDH), and Mrs. **Samia Abbou**. Ms. **Souhayr Belhassen**, LTDH vice-president, was slapped and insulted by plain-clothes police officers who stopped her car as she was driving several international observers back to their hotel.

In addition, several pro-governmental local and national daily newspapers, such as *Le Temps*, *Echourouk* and *Assabah*, published press releases libelling and threatening LTDH leadership. These articles were issued by self-proclaimed presidents of surrogate branches of LTDH that are not recognised by the organisation.

Finally, police forces have strictly denied access to the LTDH head office in Tunis - except for its executive members - since April 24, 2006, by setting up roadblocks in the surrounding streets and posting guards in front of the LTDH main entrance.

On December 3, 2006, a police deployment surrounded the headquarters and blocked its access, where former leaders of the organisation who had formed an LTDH support committee had arranged to meet.

#### Harassment of several LTDH branches

None of the appeals lodged by LTDH challenging summary decisions and judgments on the merits rendered against several of its branches in 2005 were examined in 2006.

Indeed, following complaints filed by LTDH members and RCD supporters, in 2004 and February 2005, the congresses of several LTDH branches (during which the merger of the sections was to be announced) were banned following summary judgments, namely relating to the following branches: Korba and Kébili; Hammam-Lif Ez-zahra and Radhès; Sijoumi, Monfleury and El Ourdia; La Goulette - Le Kram and La Marsa; Tozeur and Nefta; Bardo, El Omrane, and El Menzah; Tunis médina and Tunis bab bhar. These rulings were upheld by hearing on the merits of each case on January 5 and 26, 2005; June 15, 22 and 29, 2005; and July 9, 2005 respectively.

#### *Proceedings to prevent the creation of a second LTDH section in Sfax*

Two congresses held by the Sfax branch aimed at creating a second LTDH section were banned in January 2003, following a complaint lodged by four RCD members. This decision was confirmed by the Tunis Tribunal of First Instance in 2003 and by the Tunis Court of Appeal in June 2004.

At the end of 2006, the case remained pending before the Supreme Court of Appeals.

#### *Legal action to cancel the minutes of the Gabès section congress*

In December 2002, following the congress of the LTDH section in Gabès, a participant filed a complaint to cancel the minutes of the congress. This cancellation was upheld by the Gabès Court of First Instance in May 2003.

As of the end of 2006, LTDH was unable to appeal this decision as it had still not been officially notified of the verdict.

### *Harassment of the Monastir branch*

As of the end of 2006, appeals lodged by LTDH against the owner of the premises of its Monastir branch remained pending. In 2002, the owner had obtained cancellation of the tenancy contract that had just been signed with the LTDH section, arguing that she was not in full possession of her faculties at the time of signing.

Additionally, LTDH was never refunded for the rents it had paid at the time of the contract and was unable to contact the owner of the property.

### Continued hindrances to access LTDH funds

By the end of 2006, the second instalment of the funding granted to the LTDH by the European Union (EU) in August 2003 for modernisation, restructuring, and the development of a programme on the administration of justice under the European Initiative for Democracy and Human Rights (EIDHR), remained frozen by Tunisian authorities under Law No. 154 (1959) and a Decree of May 8, 1922 on charities “recognised of national interest”, although LTDH does not fall under this legislation.

In addition, in early November 2006, the Tunisian government returned to the United States a 15,000 dollars (12,719 euros) subsidy that was granted to the LTDH by the Fund for Global Human Rights to develop its website and which had been frozen since December 2004.

Without this funding, LTDH faces serious financial difficulties, which restricts its activities. It was notably problematic for the association’s headquarters and local sections to pay rents, and some offices had to be closed down.

### Harassment of LTDH members

#### *Infringement of Ms. Souhayr Belhassen’s freedom of movement<sup>40</sup>*

On January 26, 2006, Ms. Souhayr Belhassen had her passport stolen in Madrid (Spain), where she had been invited by the Pablo Iglesias Foundation to report on the human rights situation in North Africa. On January 28, 2006, upon her return to Tunisia, Ms. Belhassen applied for a renewal of her passport with the relevant departments.

40. See Urgent Appeal TUN 001/0406/OBS 052.

However, the authorities, advancing various administrative reasons, delayed the issuance of the document, thus preventing Ms. Belhassen from leaving the country, and from participating in international seminars and conferences on the situation of human rights defenders in Tunisia.

Following intense national and international lobbying, Ms. Belhassen's passport was renewed on April 27, 2006.

More generally, Ms. Belhassen remained under the constant surveillance of plain-clothes police officers during 2006, even when visiting her relatives.

*Arbitrary arrest and infringement of the freedom of movement of Mr. Ali Ben Salem* <sup>41</sup>

Mr. **Ali Ben Salem**, head of the LTDH branch in Bizerte and vice-president of the Tunisian Association Against Torture (*Association de lutte contre la torture en Tunisie - ALTT*), has been under house arrest without a warrant since November 9-10, 2005. Furthermore, his home, which also houses the offices of the LTDH section in Bizerte, was under a constant, significant police surveillance during 2006.

In addition, Mr. Ali Ben Salem was arrested at his home on June 3, 2006. A few hours later, he was charged with "disseminating false information likely to cause a breach of the peace and public order", and subsequently released on bail. However, a travel ban was issued against him.

On June 1, 2006, Mr. Ben Salem had signed and published a press release denouncing the ill-treatment and acts of torture inflicted to the prisoners of the Borj Erroumi prison.

On June 3, 2006, Mr. **Lotfi Hajji**, president of the founding committee of the Tunisian Journalists' Union (*Syndicat des journalistes tunisiens - SJT*) and a correspondent for *Al-Jazeera*, was arrested in Tunis and taken to Bizerte for interrogation, after circulating Mr. Ben Salem's statements. He was released a few hours later. In late 2006, an investigation into the above facts was reportedly underway.

On July 4, 2006 and the following days, only Mr. Lotfi Hajji's closest relatives were granted access to his home, which was placed under heightened surveillance following a meeting convened on the same day by the LTDH Bizerte branch. At the meeting, LTDH members

41. See Press Release, March 24, 2006 and Urgent Appeals TUN 003/0606/OBS 071 and 071.1.

had addressed the issues of the numerous infringements to their freedom of movement, the recurrent ban on their congresses, as well as the various judicial proceedings initiated against them.

*Harassment and legal proceedings against Messrs. Hamda Mezguich, Mokhtar Trifi and Slaheddine Jourchi*

A complaint lodged in December 2002 against Mr. **Hamda Mezguich**, a member of the LTDH Bizerte branch, by an LTDH member of the Jendouba branch, also a RCD supporter, on the false grounds of “violent acts” during the Jendouba congress (September 2002), had still not been examined as of the end of 2006.

Mr. Mezguich was further arrested on June 3, 2006, and released without charge after several hours in custody.

Judicial proceedings against Mr. **Mokhtar Trifi** and Mr. **Slaheddine Jourchi**, both lawyers, LTDH president and vice-president respectively, also remained pending in late 2006. They were both charged with “disseminating erroneous reports” and “failing to comply with a court decision” in March 2001 and December 2000.

**Arbitrary detention of Mr. Mohamed Abbou and harassment of his relatives<sup>42</sup>**

Mr. **Mohamed Abbou**, a lawyer and a member of the National Council for Liberties in Tunisia (*Conseil national pour les libertés en Tunisie* - CNLT) and of the International Association for the Support of Political Prisoners (*Association internationale pour le soutien des prisonniers politiques* - AISSP), has been detained at the Kef prison since March 1, 2005 for publishing an article on the Internet, denouncing the conditions of detention in Tunisia.

On March 11, 2006, Mr. Abbou went on hunger strike to protest against the conditions of his detention. He ended this hunger strike on April 15, 2006 due to a serious deterioration in his health.

On March 19, 2006, he was subjected to ill-treatment after he refused to share a cell with several convicted criminals.

42. See Annual Report 2005 and Press Releases, March 24 and 30, 2006, Joint Press Release FIDH/OMCT/Action of Christians Against Torture – France (*Action des chrétiens contre la torture - France* – ACAT-France) and Reporters Without Borders (*Reporters sans Frontières* - RSF), October 27, 2006, and Joint Press Release of the Observatory and ACAT, December 12, 2006.

In addition, Mr. Abbou's relatives were subjected to constant reprisals by the authorities. For example, on March 20, 2006, his wife, Mrs. Samia Abbou, on returning from Geneva (Switzerland), was searched upon arrival at the airport and a photograph of her husband was confiscated.

On March 23, 2006, Mrs. Abbou, her children and her mother-in-law were denied permission to visit Mr. Abbou, although the Kef prison is situated over 150 km distance from their home.

On August 16, 2006, Mr. **Slim Boukhdir**, a journalist for the daily *Al-Chourouk* and a correspondent in Tunis for the website of the *Al-Arabiya* television channels<sup>43</sup>, and Mr. **Taoufik Al-Ayachi**, a journalist for the Italy-based *Al-Hiwar* television channel, were severely beaten as they were about to visit Mrs. Samia Abbou to conduct an interview. Her house was surrounded by a large police deployment since she began a hunger strike on August 13, 2006, demanding her husband's release.

On October 24, 2006, Mrs. Abbou's house was also surrounded by police forces on the occasion of Eid. She had invited several prisoners' wives to her home to facilitate a one-day hunger strike to protest against their husbands' conditions of detention. Her guests were forcibly taken into custody by the police as they left her home in the evening. Some of them had to be hospitalised following their questioning.

On October 26, 2006, Mrs. Abbou was stopped by police officers guarding her home, in the company of her children and her lawyer Ms. **Radhia Nasraoui**, head of the Tunisian Association Against Torture (*Association de lutte contre la torture en Tunisie - ALTT*).

As Ms. Nasraoui was discussing with the police officers the denial of her access to the Abbous' home, two armed individuals on motor-cycles, possibly members of the special Black Tigers unit (*Tigres noirs*), rushed towards Mrs. Abbou in a very threatening way. Mrs. Abbou, seriously traumatised, found refuge at a friends' home.

Since these events, the street on which Mrs. Abbou lives remains closed to traffic, and residents of the neighbourhood may only access

43. Mr. Slim Boukhdir is regularly subjected to harassment since he published on the Internet article critical of the Tunisian regime.

their homes upon producing their identification. The president and members of the Tunis Bar Association, as well as Mrs. Abbou's relatives were repeatedly prevented from visiting her.

On December 7, 2006, Mrs. Samia Abbou, Mr. **Moncef Marzouki**, former LTDH president, CNLT spokesperson, and leader of the Congress for the Republic (*Congrès pour la République* - CPR, an unauthorised political party), Mr. **Samir Ben Amor**, a lawyer, and Mr. Slim Boukhdhir were physically assaulted as they were attempting to visit Mr. Abbou in the Kef prison. Police officers present at the time allegedly filmed the whole scene without intervening. Extremely shaken by these events, the activists left the prison without having the opportunity to see Mr. Abbou.

### **Violent repression of a demonstration organised by the Bar Association Council and new restrictive law on the creation of a Training Institute for Lawyers<sup>44</sup>**

On May 9, 2006, the Bar Association Council organised a sit-in in protest of the introduction of a bill, announced the day before, providing for the creation of a Training Institute for Lawyers, which had been drafted by the Ministry of Justice without prior consultation with magistrates or civil society. The bill was initially to be drafted by a mixed commission composed of the Bar Association and the Ministry of Justice, in the framework of a programme funded by the European Union in view of modernising the judiciary. In its initial version, the text had granted the Bar a significant role in the management and the elaboration of the Institute's programmes.

During the sit-in, representatives of the Bar Association Council who were moving towards the Courthouse and the Parliament were subjected to violent verbal and physical abuse by a large number of police officers who had been deployed to prevent the sit-in.

The Bill was eventually adopted on May 9, 2006 by the National Assembly and by the Senate on May 11, 2006. The Institute is due to be established in 2007.

On the day the bill was adopted, Mr. **Ayachi Hammami**, secretary general of the LTDH Tunis section, Mr. **Abderraouf Ayadi**, former member of the Bar Association and former CNLT secretary general,

44. See Urgent Appeal TUN 002/0506/OBS 059 and Press Release, May 24, 2006.

and Mr. **Abderrazak Kilani**, a member of the Bar Association and of the Tunisian Centre for the Independence of the Judiciary (*Centre tunisien pour l'indépendance de la justice - CTIJ*), were assaulted by elements of the political police in front of the Bar offices in Tunis.

Mr. Ayadi and Mr. Kilani were injured and their clothes were torn apart, while Mr. Hammami was beaten unconscious. First aid services were only allowed into the area an hour later as police forces had blocked the access to the street. Mr. Hammami and Mr. Kilani were rushed to hospital, which they were able to leave later that day.

On May 23, 2006, while the sit-in was still ongoing in front of the Courthouse, about twenty lawyers were thrown to the ground, kicked, hit with truncheons and insulted. Among them were Ms. **Saïda Garrach**, Mr. Abderrazak Kilani, Mr. Ayachi Hammami, Mr. **Samir Dilou**, an AISPP board member, and Mr. **Khaled Krichi**, an AISPP founding member and former secretary general of the Trainee Lawyers' Association (*Association des jeunes avocats*).

On that same day, the office of the president of the Bar Association was burgled, giving rise to a dispute between the police and the Association's members, who had tried in vain to prevent the assailants from ransacking the office and stealing confidential documents.

### **Continued harassment of CNLT and its members<sup>45</sup>**

On July 21, 2006, several members of the National Council for Liberties in Tunisia (CNLT) were denied access to its headquarters where an internal meeting was due to be held, by a large number of police officers in plain-clothes surrounding the neighbourhood.

The police also verbally and physically assaulted the CNLT members who approached the building. For instance, Ms. **Naziha Rjiba** (*alias Om Zied*), a CNLT founding member, communication manager of the CNLT liaison committee, and editor of the on-line newspaper *Kalima*, was hit and insulted. She was then forced into a taxi by police officers who told the driver to take her anywhere he liked, adding that she was a prostitute and that he "could do whatever he pleased with her". When Ms. Rjiba was able to return to her home, it was surrounded by plain-clothes police officers, who watched her for several hours.

45. See Annual Report 2005, Urgent Appeal TUN 004/0706/OBS 088 and Press Release, November 8, 2006.

Furthermore, police surveillance of the CNLT offices in Tunis, which has been ongoing all year, was heightened during the last three months of 2006. From October 31 to November 2, 2006, the entrance to the building was blocked by over sixty police officers deployed in the neighbourhood. On this occasion, several victims and families of prisoners were denied access to the premises, while others were harassed when leaving the headquarters. Similarly, Mr. **Sami Nasr**, a CNLT researcher, was denied access to his own office on several occasions.

Postal mail addressed to CNLT and its members continued to be intercepted in 2006. On September 10, 2006 for instance, a letter addressed to Mr. **Lotfi Hidouri**, a CNLT executive member, was intercepted by an individual usurping his identity, who asked the porter to stop delivering his mail. Likewise, on November 2, 2006, an individual pretending to be Ms. **Sihem Bensedrine**, CNLT spokesperson and editor of *Kalima*, came to collect her mail instead of her and brought the envelope back to the porter, asking him not to deliver her any mail sent from diplomatic embassies.

The Internet connexion of CNLT has been cut off since October 2005 although the organisation has continued to pay its Internet access provider.

Finally, CNLT has still not been legally recognised since December 2004.

### **Infringement of Ms. Wassila Kaabi's freedom of movement<sup>46</sup>**

On September 27, 2006, Ms. **Wassila Kaabi**, a judge and a member of the executive board of the Association of Tunisian Magistrates (*Association des magistrats tunisiens - AMT*), was prevented from leaving the country at the Tunis-Carthage airport as she was on her way to Budapest (Hungary) to attend the Congress of the International Union of Magistrates, where she was due to speak as a member of AMT.

The police claimed that Ms. Kaabi failed to produce the mandatory authorisation for magistrates to leave the territory. However,

46. See Annual Report 2005 and Urgent Appeal TUN 005/1006/OBS 117.

Ms. Kaabi was on vacation at the time and thus required no such authorisation by law. She had duly notified the Minister of Justice of her leave through registered mail with acknowledgement of receipt, on September 19, 2006.

### **Infringement of the freedom of movement and ill-treatment of several human rights defenders<sup>47</sup>**

On December 3, 2006, Mr. **Néjib Hosni**, a human rights lawyer and a CNLT founding member, Mr. Abderraouf Ayadi, Mr. **Abdelwahab Maatar**, a lawyer and a CPR member, Mr. **Tahar Laabidi**, a journalist, and Mr. Ali Ben Salem went to Sousse to visit Mr. Moncef Marzouki. Mr. Marzouki was indicted for “inciting civil unrest” following his appeal to Tunisians to peacefully protest against the limitation of their fundamental rights, in an interview broadcast by the television channel *Al-Jazeera* on October 14, 2006. He faces up to three years’ imprisonment.

After passing many police roadblocks, at which they were subjected to long identity checks, the activists were denied access to Mr. Marzouki’s home by a large number of police and intelligence officers deployed in front of his residence. On this occasion, they were insulted, threatened and jostled. Later that afternoon, Mr. Marzouki was further prevented from leaving his house to return to Tunis along with his colleagues.

### **Harassment of Amnesty International members<sup>48</sup>**

On May 21, 2006, Mr. **Yves Steiner**, a member of the executive committee of the Swiss section of Amnesty International (AI), was called in for questioning by the police while attending the general assembly of the Tunisian AI section, in Sidi Bou Saïd, a northern suburb of Tunis. He was later expelled from the country. The day before, Mr. Steiner had delivered a speech denouncing increasing human rights violations in Tunisia, in particular breaches of the right to the freedoms of expression and association.

The next day, Mr. **Hichem Ben Osman**, a member of the executive committee of the Tunisian AI section, was questioned by the

47. See Press Release, December 6, 2006.

48. See Press Release, May 24, 2006.

police at his workplace in Sousse, and was then taken to the Ministry of the Interior in Tunis where he was interrogated about the general assembly and the debates that had taken place then. He was released later that evening.

### **Infringement of Messrs. Kamel Jendoubi and Khémiais Chamhari's freedom of movement<sup>49</sup>**

Since March 2000, Tunisian authorities have refused to deliver a passport to Mr. **Kamel Jendoubi**, founder of the Euro-Mediterranean Human Rights Network (EMHRN), former president of the Two Banks Tunisians Citizens Federation (*Fédération des citoyens tunisiens des deux rives*) and founder of the Committee for the Respect of Freedoms and Human Rights in Tunisia (*Comité pour le respect des libertés et des droits de l'Homme en Tunisie - CRLDHT*), who currently resides in France.

This restriction notably prevented Mr. Jendoubi from attending his father's funeral in 2004. Repeatedly targeted by smear campaigns in Tunisia, he would also be facing charges of "disseminating false information" and "slandering the public and judicial authorities", which the authorities have repeatedly invoked in order to deny him a passport.

Mr. **Khémiais Chamhari**, former LTDH leader and co-founder of the Arab Institute for Human Rights, was held at the Tunis-Carthage Airport for over an hour by police and customs officers on October 10, 2006. Mr. Chamhari was returning, via Paris, from a trip to Europe to which he had been invited by several organisations for professional reasons.

The officers first confiscated his passport and then proceeded to a full luggage and body search next to the arrivals hall. Customs officers seized a book on the repression of civil society in Tunisia. After 80 minutes, Mr. Chamhari was finally authorised to leave the airport.

49. See Closed Letter to the Tunisian authorities, October 24, 2006 and Observatory/EMHRN Press Release close, November 15, 2006.

### Freezing of the funds of the Tunisian Association of Women Democrats<sup>50</sup>

In December 2006, the Bank of Tunisia, which holds the account of the Tunisian Association of Women Democrats (*Association tunisienne des femmes démocrates - ATFD*), froze the assets of the association and requested a certificate from the Ministry of the Interior to officially allow the association to draw down the remainder of the funds granted by the German foundation Friedrich-Naumann in May 2006 under the “Mussawat” project for gender equality in North Africa. However, under Tunisian law, it is only required that the Ministry be informed of funds received by the association, which ATFD had complied with through a letter to the Ministry in September 2006. Nevertheless, the latter had still not lifted the order freezing the asset by the end of 2006.

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## YEMEN

### Incommunicado detention and release of Mr. Ali Al-Dailami<sup>51</sup>

On October 9, 2006, Mr. Ali Al-Dailami, executive director of the Yemeni Organisation for the Defence of Human Rights and Democratic Freedoms, was arrested at Sana’a Airport by security forces and placed in detention. Mr. Ali Al-Dailami was travelling to Copenhagen (Denmark) in order to participate in a conference organised by the Danish Institute for Human Rights in cooperation with Yemeni NGOs.

Mr. Ali Al-Dailami was reportedly ill-treated while in detention. He was released without charge on November 5, 2006.

Although no official reason was given for his arrest, he was allegedly told that it was a “lesson” in retaliation for his human rights activities. Security forces also attempted, in vain, to admit that he had links with *Al-Qaeda*.

50. See *Kalima* and CRLDHT.

51. See Urgent Appeals YEM 001/1006/OBS 130 and 130.1.

