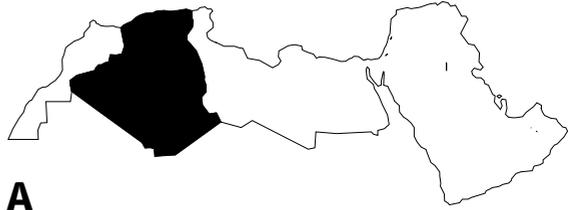


/ NORTH AFRICA/ MIDDLE EAST

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007



/ ALGERIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

During the ten-year conflict that tore Algeria apart in the 1990s, 200,000 people were killed and thousands more were victims of enforced disappearances, kidnappings, rapes and acts of torture carried out both by armed groups and the security forces. The hope that one day responsibilities will be established and light will be shed on the fate of the victims of these systematic and grave violations lessens with each of the measures taken by the Algerian authorities. Indeed, measures have been taken in the completely opposite direction in recent years.

The “Civil Concord” and the “Charter for Peace and National Reconciliation” were adopted by referendum in 1999 and 2005 respectively. Their official aim was to put an end to internal conflicts, enabling many perpetrators of serious human rights violations to be granted amnesty. However, as of today, the authorities have given Algerian citizens no substantial information on the effect of the Civil Concord and the numbers of persons who have benefited from its provisions. The crimes of the past continue to weigh heavily on the political life of Algeria.

Despite maintenance of the state of emergency, which has been in force since 1992 and is intended to guarantee the safety of the population, the country is still the theatre of acts of violence, causing the death of dozens of civilians and members of the security forces each year.

In this securitarian environment, many obstacles prevent human rights defenders from organising and carrying out activities, despite the fact that the Algerian Constitution guarantees “individual or associative defence of the fundamental human rights and individual and collective liberties” (Article 33). Human rights defenders, including journalists and trade union members, are victims of acts of harassment and intimidation, smear campaigns and abusive judicial proceedings that have resulted in several receiving prison sentences. The fight against terro-

alism, which was intensified following the attacks in Algiers in 2007, has further reinforced this environment that is destructive of liberty.

Finally, the Algerian authorities continue to ignore requests for visits by several United Nations Special Procedures. In recent years, there has been no response to requests from the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the promotion and protection of human rights and freedoms while countering terrorism, the Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Working Group on enforced or involuntary disappearances. However, the Special Rapporteur on violence against women, its causes and consequences, visited Algeria in January 2007 and, following a delay of several years, Algeria submitted in 2006 its periodic reports to the United Nations Human Rights Committee and the Committee Against Torture.

Obstacles to freedoms of association and peaceful assembly

Although the legal existence of associations has been governed by a declaratory system since the adoption of Law 90-31 in 1990, in reality it is arbitrary practice that prevails. Several human rights associations have been unable to file their registration documents and have therefore been denied legal existence, following rejection by the authorities. This has been the case with SOS-Disappeared (*SOS-Disparus*) since 2001. Moreover, a number of human rights associations, even those that are licensed, such as the Algerian Human Rights Defence League (*Ligue algérienne de défense des droits humains* - LADDH) and the Youth Action Movement (*Rassemblement action jeunesse* - RAJ), regularly encounter difficulties in organising meetings, finding premises, obtaining funding and carrying out their activities.

The authorities also generally flout freedom of peaceful assembly. Indeed, human rights associations are almost systematically prevented from organising peaceful demonstrations or public meetings in private venues. As an example, in February 2007 five associations for the defence of victims of the armed conflict – the Collective of Families of Disappeared Persons in Algeria (*Collectif des familles de disparu(e)s en Algérie*), SOS Disappeared, “Djazairouna”, the National Association of Families of Disappeared Persons (*Association nationale des familles*

de disparus - ANFD) and “Somoud” – had organised a seminar entitled “For Truth, Peace and Conciliation” in a hotel in Algiers, but were barred from entering. The Algerian authorities had also previously refused to grant access to the territory for the international experts invited to the event, including the lawyer Mr. **Roberto Garretón**, a member of the Chilean Organisation for the Defence of the Families of Political Prisoners (*Organización de Defensa Popular* - ODEP), and Mr. **Louis Joinet**, Independent Expert on the human rights situation in Haiti.

The Charter for National Peace and Reconciliation, a threat to defenders

In 2007, the authorities continued to ban all public debate on the consequences of implementing the Charter for National Peace and Reconciliation and its related implementation provisions. Many of its opponents were harassed, threatened and sometimes imprisoned. In addition, the texts implementing the Charter made any public discussion on the conflict a criminal act. Article 46 of the Ordinance 06-01 to implement the Charter provides for sentences of up to five years in prison for any work in favour of fostering truth and justice, and constitutes a direct threat to human rights organisations and to associations of families of disappeared persons that fight for truth and the rights of victims to justice and reparation. During consideration of Algeria’s periodic report in November 2007, the United Nations Human Rights Committee called for this Article to be repealed¹.

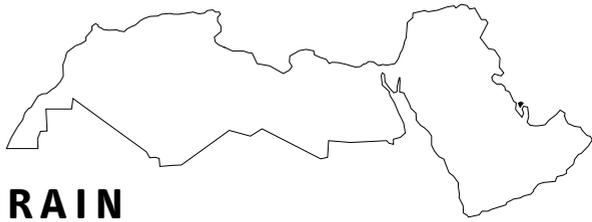
It is in this context that Mr. **Sofiane Chouiter**, a lawyer and a member of SOS Disappeared, was subjected to repeated intimidation, especially after public interventions on the international scene, and that he was notified that some of his activities were liable to classification as criminal offences, in particular under Article 46 of the Ordinance on implementation of the Charter. In June 2007, Mr. Chouiter was questioned by the police at Algiers airport on his return from a training course on transitional justice in Morocco. He had already been interrogated in March 2007 about his participation in the seminar “For Truth, Peace and Conciliation” organised in Brussels and on his hearing before the Human Rights Commission of the European Parliament. During his

1/ See Final Observations of the Human Rights Committee, United Nations document CCPR/C/DZA/CO/3, December 12, 2007.

trip, Mr. Chouiter had been interviewed in a programme broadcast by the *Al Jazeera* TV channel.

Abusive legal proceedings instituted against human rights defenders

In 2007, abusive judicial proceedings were instituted against numerous defenders, to dissuade them from continuing their human rights activities. On May 27, 2007 Mr. **Amine Sidhoum**, a lawyer and member of SOS Disappeared, was summoned regarding an article published in May 2004 in which he had referred to an “arbitrary decision” issued against one of his clients. On August 23, 2006, the Minister of Justice had filed a complaint against him for “discrediting a court’s decision” and for “contempt of a State institution”. Likewise, proceedings were instituted against Ms. **Hassiba Boumerdassi**, a lawyer for the Collective of Families of Disappeared Persons in Algeria, for having given a report to a client in prison without requesting the permission of the prison director. She was discharged on April 25, 2007. Mr. **Mohamed Smain**, Head of the Relizane branch of the LADDH, was sentenced in October 2007 to two months in prison for having condemned “fictitious crimes”. He had informed the press of the existence and exhumation of mass graves discovered by gendarmes and a local militia group (February 2001). Mr. Smain was however discharged of charges of “defamation and contempt”.



/ BAHRAIN

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

After improvements in human rights in Bahrain in 2002, a year marked by the release of all political prisoners and recognition of the voting rights of women, calls from civil society during the year 2007 for the continuation of reforms seem to have remained unheeded. Political parties remain illegal in Bahrain. As a result, political “groups”, powerful and well-organised, have emerged as substitutes for political parties and are allowed to participate in elections. Furthermore, the border between political associations and human rights associations is sometimes very thin, insofar as the prohibition on the establishment of political parties led some political leaders to intervene within human rights associations. The full recognition of political parties would probably solve this problem.

The relative progress, made possible by an amendment to the Constitution and the Electoral Act of 2002, enabled the Islamist Sunni and Shiite parties to win seats in Parliament. However, amendments to the Constitution and the new Electoral Law – which seek to dilute the weight of the Shiite and the opposition vote – remain strongly contested.

Although the Constitution of 2002 provides for the independence of the judiciary, in practice the executive branch continues to exert pressure on the judiciary. Furthermore, the announcement of the creation of an independent national institution for the promotion and protection of human rights in November 2007, which aims to assist the Government in implementing policies relating to human rights, has still not led to improved conditions for human rights defenders to conduct their activities. Thus, the exercise of freedoms of association, expression, and assembly remains severely restricted.

Refusal to register independent human rights organisations

Act No. 21 of 1989 on Associations provides that any civil society organisation is subject to approval by the Ministry of Social Affairs, and prohibits the associations' involvement in politics. It also provides for a broad spectrum of governmental interference in their activities, such as financial control. In 2007, the Ministry of Social Affairs drafted a new law on civil society organisations that, in late 2007, had not yet been forwarded to the Shura Council and Lower House (the two parliamentary chambers). While it does contain improvements as to the existing law, several articles are contrary to international standards. For example, the Minister of Social Affairs will retain powers such as the right to close any organisation for a period up to 60 days by an administrative decision without providing justification.

In addition, several NGOs continue to face the authorities' refusal to be registered. The Bahrain Centre for Human Rights (BCHR) was still unable to secure its re-registration in 2007, and remains closed since 2004. Other groups, such as the Unemployed and Underpaid Committee (UUC) and the Bahrain Youth Human Rights Society (BYHRS), have been waiting since 2005 for registration authorisation from the Ministry of Social Affairs. In this context, Mr. **Mohammed Al-Maskati**, Director of BYHRS, was charged in November 2007 for "operating an unregistered association before receiving notification of the registration declaration". The trial of Mr. Al-Maskati was postponed to January 21, 2008. A few days before his arrest, members of the BYHRS received a notification from the Ministry of Social Affairs, asking them to halt their activities if they wanted to escape prosecution.

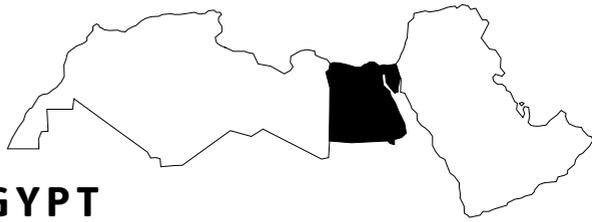
Acts of harassment against human rights defenders

In 2007, several human rights defenders were accused of threatening national security, and judicial harassment and frivolous claims continued. Furthermore, some defenders were victims of physical attacks and abductions to unknown locations, where they were beaten and arbitrarily detained. Activists of independent associations and their families were also monitored and subjected to repeated visits to their homes. They were harassed by telephone and e-mail, such as Mr. **Nabeel Rajab**, Vice-President of the BCHR, from July 1, 2007. Their communication was under surveillance and their equipment and documents were

regularly damaged or confiscated. They also sometimes faced obstacles when communicating with their international partners.

Brutal repression of a peaceful demonstration leading to arbitrary arrests of human rights activists

On December 17, 2007, during a peaceful demonstration commemorating the victims of past human rights violations, Mr. **Ali Jessim Meki**, a human rights defender working with the Al-Haq Movement for Freedom and Democracy, would have been attacked by special security forces while demonstrating peacefully. He died shortly after being returned home. Riots followed the death of the young man. The authorities seem to have taken advantage of this agitation to conduct, from December 21 to 28, 2007, a large campaign to arrest some sixty activists, including human rights defenders from the BYHRS and UUC who had not participated in the demonstration of December 17, nor in the riots that followed, but who had taken part to various public events in recent years for the respect of economic and social rights, and opposed restrictions on fundamental freedoms. The special security forces forcibly entered the homes of numerous activists, threatened their families, and confiscated their computers. These defenders were subject to detention, their lawyers were not able to attend the interrogations, and they suffered ill-treatment and torture. In late 2007, ten of them remained in detention.



/ EGYPT

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

The year 2007 was marked in Egypt by an important constitutional reform that resulted in the adoption of 34 amendments by referendum on March 26, 2007, therefore endorsing new hindrances on individual rights and freedoms. This reform led to sharp protests by civil society and opposition parties, which called in particular for a boycott of the referendum. The new Article 179 of the Constitution was of particular concern in this respect. Whilst giving unlimited power to the security forces to arrest and detain persons suspected of terrorism, it also permits the surveillance of postal and telephone communications without a legal warrant. This article further recognises the power of the Head of State to bring any person suspected of terrorism before “exception” courts. The risk of abuse inherent in these provisions is amplified by the fact that Article 86 of the Criminal Code provides such a broad definition of terrorism that acts carried out in the framework of the exercise of fundamental rights can be qualified as terrorist.

Furthermore, the Egyptian authorities maintain a repressive regime, using as a pretext the state of emergency, which has constantly been renewed since 1981. Whilst a law governing the fight against terrorism will in all probability replace the state of emergency in 2008, it is to be feared that it will continue to impose considerable restrictions on the exercise of fundamental freedoms, particularly on freedom of expression. This law should, amongst other things, reinforce supervision of the judiciary by granting extended powers to the security services for phone tapping, searches and extrajudicial arrests. Such restriction of judiciary prerogatives appears although since 2005 – a year in when a referendum, legislative elections and, for the first time, a “pluralist” presidential election were held – magistrates and NGO groups, including the National Campaign for Monitoring Elections and the Civil Society Election Monitoring Observatory, have initiated in 2007 unprecedented mobilisation in the battle for the independence of the judiciary.

Violations of the rights of human rights defenders have also remained numerous and repeated. The latter are in particular victims of the administrative and judicial harassment that is made possible by repressive legislation. Journalists and bloggers are also targets of such repression. During the year, nine legal proceedings were instituted against Mr. Ibrahim Essa, Editor-in-chief of the newspaper *Al-Dustour*, in particular following publication of an article on the health of the President of the Republic. On February 22, 2007 the blogger Mr. Kareem Amer was sentenced to four years in prison for “defaming President Mubarak” and for “insults to Islam”, after publishing articles on his blog condemning the regime’s abuses of authority.

Strengthening of State control of independent associations and abuse of the procedure of administrative closure of NGOs

The legal existence of associations is provided in Law No. 84, adopted by Parliament in 2002, which complements the already very restrictive provisions of Law No. 153 of 1999. The 2002 Law effectively places human rights organisations under the control of the Ministry of Social Solidarity and the security services. In addition, it provides for criminal sanctions against organisations that do not strictly comply with the registration process. In practice, this law restricts the right of association, although it is guaranteed by the Constitution, and permits the authorities to close down organisations that denounce attacks on fundamental freedoms. Such closures are carried out in a completely arbitrary manner, since the empowered authorities give no reasons and decisions are sometimes taken by mayors, which is not provided for by the law.

As an illustration, the Ministry of Social Solidarity demanded the closure of the Association for Human Rights and Legal Aid (AHLRA), an NGO specialised in legal assistance and support for victims of torture and which has condemned the use of torture in police stations on many occasions. Officially accused of financial offences in September 2007, the association’s website was closed down and its material and financial resources seized. Hearings have been postponed time and time again, and no verdict had yet been pronounced by the end of 2007. In order to continue its activities, AHLRA had to change its status and became a firm of lawyers, as did the Hisham Mubarak Law Center, an NGO with an identical mandate, which was obliged to take similar measures.

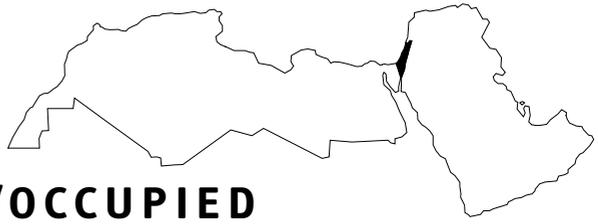
On March 29, 2007 the branch of the Centre for Trade Union and Workers Services (CTUWS) in the Qena Governorate of Upper Egypt was closed down by an administrative decision taken by the mayor of the city. The Centre was accused in particular of having organised demonstrations and strikes in the Delta region in December 2006 and January 2007, an accusation denied by CTUWS. Furthermore, on April 10, 2007, the Governor of El-Gharbiya ordered the closure of the Mahalla branch of CTUWS. Finally, on April 22, 2007, the police went to CTUWS headquarters in Helwan, Cairo, and ordered the closure of the offices on the basis of an administrative order from the Ministry of Social Affairs which gave as sole reason the rejection of registration by the Ministry of Security.

Proceedings for defamation and smear campaign against defenders

Defenders have once again this year been subject to proceedings for defamation on the grounds of Article 303 of the Criminal Code. In October 2007, Mr. **Kamal Abbas**, General Coordinator of CTUWS, and his lawyer Mr. **Mohamed Helmy** were sentenced to one year in prison for “slander” and “defamation”, after reporting corrupt management of a youth centre by the Chairman of the board.

Furthermore, certain organisations supported by the authorities started denigration campaigns against independent associations with the aim of damaging their credibility. In April 2007, the pro-Government Egyptian Trade Union Federation (ETUF) led a smear campaign against CTUWS.

Finally, the Egyptian regime took measures intended to create obstacles to exchanges and cooperation between Egyptian defenders and their colleagues in the region. As an example, Mr. **Mohamed Abdul Nabi Al Maskati**, Director of the Bahrain Youth Society for Human Rights (BYSHR), was prevented from taking part in a conference on youth and human rights held in Egypt in January 2007.



/ ISRAEL/OCCUPIED PALESTINIAN TERRITORY

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

Since the victory of the Islamic Resistance Movement (Hamas) in the legislative elections of January 2006, the Occupied Palestinian Territory, particularly Gaza, have repeatedly been the scene of clashes between Palestinian armed groups. These clashes led, in June 2007, to the occupation of Gaza by Hamas. These deadly internal struggles have been accompanied by numerous cases of extrajudicial executions of Palestinians by the Israeli army. According to the Palestinian Centre for Human Rights (PCHR), more than 650 Palestinian civilians, including 120 children, were killed in 2007 by Israeli armed forces. According to the Israeli organisation B'Tselem, 380 Palestinians were killed by the Israeli army in 2007.

The year 2007 was also marked by the continued firing of rockets from Gaza into the Israeli territory, and a suicide bomber attack on January 29, 2007 in Eilat. In addition, Israeli army Corporal Gilad Shalit, captured by Palestinian militants in Gaza on June 25, 2006, was still detained at the end of 2007.

Following the occupation of Gaza, Palestinian President Mahmoud Abbas declared a state of emergency in June 2007 throughout the territories controlled by the Palestinian Authority, dismissed Prime Minister Ismail Haniya, and formed a new Government to implement the state of emergency. Following this announcement, the United States, the European Union and Israel put an end to their economic embargoes on the Palestinian Authority.

In 2007, the already precarious humanitarian situation evolved into an unprecedented humanitarian crisis, exacerbated by the complete closure of Gaza by the Israeli authorities and the freezing of all relations between the Hamas administration and the Israeli Government.

Moreover, the presence of military blockades imposed by Israel created significant restrictions on the freedom of movement of Palestinian civilians in the Occupied Territory, and confiscation of customs duties by Israel caused a severe deterioration of living conditions for Palestinians. Therefore, poverty, dependence on food aid, health problems and unemployment of the Palestinian people reached record levels. Additionally, the Israeli army has refused to investigate the killings of Palestinian civilians, which reinforces the sense of impunity that prevails within the Israeli army. In July 2007, the Israeli Minister of Justice proposed an amendment to the Law on State responsibility to prohibit Palestinians from filing suits for reparations from the Israeli army¹. Furthermore, aerial bombardments by Israeli armed forces have intensified in the Gaza Strip, and illegal settlement in the West Bank has increased. Construction of the 700 kilometre-long wall between Israel and the West Bank has also continued. Hundreds of Palestinians were arrested and placed in administrative detention for “offences against State security”.

On the other hand, the release of Mr. Yoni Ben Artzi, the first Israeli conscientious objector to be prosecuted (in 2003) since the 1970s, has been an important step forward.

Obstacles to freedom of association

Human rights defenders face severe restrictions from Palestinian authorities on their activities, particularly in regard to their freedom of association. After announcing the state of emergency, President Abbas issued on June 20, 2007 a new Decree on freedom of association which critically increased the powers of the Ministry of Interior regarding the terms of closure of NGOs (Articles 1 and 2), and which stipulates that all NGOs must re-apply for registration (Article 3). The decree contradicts the right to establish organisations as guaranteed by Article 26 of the amended Fundamental Law of 2003 as well as international standards of human rights. On the basis of this Decree, the Minister of Interior of the Palestinian Government in Ramallah decided a few days later to dissolve 103 NGOs that had submitted their applications for re-registration, claiming that they had committed “legal, administrative and financial violations of Law No. 1 of 2000 on the solidarity of asso-

1/ See Human Rights Watch Annual Report 2008.

ciations and non-governmental institutions”. Of the 103 organisations, 56 had been closed in late 2007.

Arbitrary detentions and abusive prosecutions of defenders

In 2007, the Israeli authorities continued their policy of harassment against and arbitrary detention of human rights defenders in Israel and the Occupied Palestinian Territory. For example, Mr. **Mohammad Bsharat**, Executive Director of the Association “Nafha” for the Defence of Prisoners and Human Rights, was arrested in Nablus in August 2007, placed in custody, interrogated as to his human rights activities, and sentenced to six months’ imprisonment in October 2007. Established in conformity with the law and registered with the Palestinian Authority in 2006, Nafha is one of many NGOs that represent Palestinian prisoners before Israeli courts and defend the interests of Palestinian prisoners in Israeli prisons and detention centres. Mr. **Ziyad Hmeidan**, a field worker for Al-Haq, a Palestinian human rights NGO, was also kept in detention for almost two years without charge or access to a fair trial. He was finally released in March 2007. Additionally, Israeli human rights defenders may also be subject to improper lawsuits, as was the case with Mr. **Mordechai Vanunu**, an nuclear whistle-blower who was sentenced to six months’ imprisonment in June 2007 by the Jerusalem Correctional Tribunal for “breach of an administrative order” that prevents him from leaving the country and talking to foreign journalists.

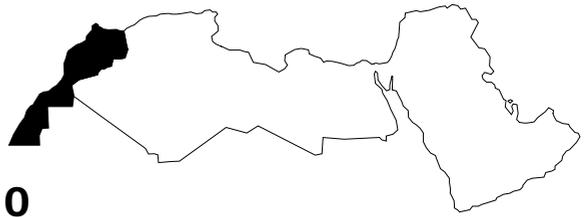
Serious obstacles to freedom of movement

Palestinian human rights defenders, much like the entire Palestinian population, are subject to severe restrictions on their freedom of movement, which hamper their activities and creates the feeling of being imprisoned in “closed military zones.” Mr. **Shawan Jabarin**, General Director of Al-Haq, brought a case before the Israeli Court of Justice for a decision to review the travel ban that had been imposed on him by the Israeli military authorities. Mr. Jabarin has faced multiple bans since May 2006, and was thus unable to attend the annual congress of the FIDH in Lisbon in April 2007 or an international conference on peace and justice in Germany in June 2007. At a hearing held on June 20, 2007, the Israeli military authorities argued that the West Bank had been a “closed military zone” since July 2, 1967, and that therefore people had no right to enter (for those who are outside) or leave the occupied territory. It was asserted that the possibility of exit or entry was subject to the discretion of the military authorities, who felt that

allowing Mr. Jabarin to travel abroad was a security risk for the State of Israel, given his “presumed political affiliations”.

The situation is even more precarious in the Gaza Strip. Mr. **Raji Sourani**, Director of the PCHR, was prevented from leaving the Gaza Strip to attend the “Conference of civil society in support of Israeli-Palestinian Peace” organised by the United Nations and held at the European Parliament in Brussels in August 2007. The refusal was one of many restrictions on freedom of movement for Mr. Sourani, who had been invited on numerous occasions by international NGOs, United Nations agencies and other international organisations, foreign ministries, but systematically prevented from travelling.

Israeli authorities have repeatedly restricted or prevented members of human rights organisations, international or Israeli, from entering Palestinian territory. A delegation sent by FIDH in July 2007 faced many difficulties before they were able to enter Gaza. Similarly, in October 2007, members of the Association for Civil Rights in Israel (ACRI) were banned from entering Zone A in the West Bank.



/ MOROCCO

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

Since King Mohammed VI came to power in 1999, Morocco has made important progress in promoting democracy and respect for human rights. The reform of the Family Code (*moudawana*) in 2004 was one of the signal reforms undertaken by Morocco. However, although it constitutes a considerable advance in terms of the management of family relationships, it does not establish full equality between men and women and there is still significant inequality in terms of inheritance, polygamy, divorce and legal guardianship.

The introduction of legislative reforms and the establishment of the Equity and Reconciliation Commission (*Instance équité et réconciliation* - IER) in January 2004 have also been marks of the profound change the country has experienced in recent years. The goal of this commission was to provide a global policy for the issue of the serious human rights violations committed between 1956, the date of independence, and 1999, the date of the creation of the Independent Arbitration Commission, whose only mandate was that of compensation for victims. In December 2005, after two years of work, the IER presented its recommendations to the King, who ordered the immediate publication of the final report and entrusted the Advisory Council on Human Rights (*Conseil consultatif des droits humains* - CCDH) with its implementation. Since then, compensation and health care has been put into effect for nearly 10,000 victims recognised by the IER, as has a programme of community reparation for regions and communities collectively affected by serious human rights violations.

Nevertheless, at the end of 2007, the implementation of some important recommendations remained pending. These included abolition of the death penalty, ratification by Morocco of the Rome Statute of the International Criminal Court, primacy of international conventions over domestic law, and the reform of the Higher Judicial Council. Furthermore, there were continuing reports of persistent human rights

violations such as irregularities that occur during periods of custody, recourse to torture and ill-treatment in detention centres, as well as conditions of detention that cause concern.

The legislative elections held in September 2007, which were won by the Istiqlal Party, a member of the coalition Government, were marked by a high level of abstentions. This phenomenon was largely interpreted as being due to the discredit in which the people held the political class.

In 2007 there were repeated obstacles to freedom of the press in the country. Judicial proceedings were initiated against journalists accused of disturbing public order, as was the case with Mr. Hormat Allah and Mr. A. Ariri, journalists with the weekly newspaper *Al-Watan al-'an*, and several papers were seized, including the weekly paper *Nichane*. The latter was seized in August 2007 on the orders of the Prime Minister for “failing to respect the person of the King” and “expressions contrary to morals” after publishing an article entitled “Jokes: how Moroccans laugh at religion, sex and politics” in December 2006.

Hindrances to the freedom of peaceful assembly

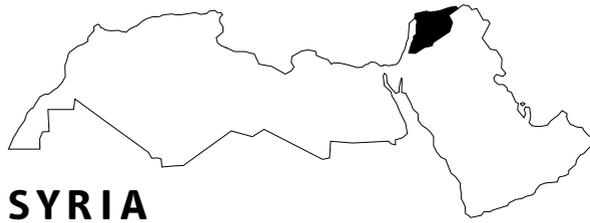
Security forces used violence to break up peaceful gatherings of human rights defenders and trade union members on several occasions. An example of this is the repression of the demonstration to promote trade union freedom held on May 26, 2007 and organised by the Democratic Labour Federation (*Fédération démocratique du travail*) and the General Workers' Union (*Union générale des travailleurs*) in Rabat. In addition, during demonstrations on May 1, 2007 seven protesters, members of the Moroccan Human Rights Association (*Association marocaine des droits humains - AMDH*), the National Association of Unemployed Graduates in Morocco (*Association nationale des diplômés chômeurs au Maroc - ANDCM*) and the Moroccan Workers' Union (*Union marocaine du travail - UMT*), were arrested in Agadir and Ksar El Kébir. Similarly, on June 15, 2007, the security forces used violence to break up a sit-in in Rabat organised by the National Solidarity Group for the May Day Detainees (*Instance nationale pour la solidarité avec les détenus du 1^{er} mai - INSAD*) to protest against the arrest and sentencing of activists who had taken part in the May Day demonstrations. Several AMDH officials and members were amongst those hurt. In Béni Mellal, another solidarity sit-in

ended with the arrest of ten people, including activist members of Attac Maroc, the AMDH, ANDCM, UMT and the Moroccan Truth and Justice Forum (*Forum marocain vérité et justice* - FMVJ). On August 9, 2007, heavy sentences from one to three years' imprisonment were pronounced against these demonstrators, who were accused of organising an "unauthorised assembly in a public place".

Continued repression of human rights activists and defenders in the Western Sahara

In 2007 the use of force against human rights activists and defenders in the Western Sahara was noted, as was the arbitrary detention of several of their members. Moreover, although negotiations on the question of the Western Sahara had resumed following the adoption of a United Nations Security Council Resolution on April 30, 2007 calling for direct negotiations between the parties, the issue appears to remain in stalemate¹.

1./ This United Nations Resolution was adopted after Morocco had proposed the creation of an "autonomous region of the Sahara", to which the Polisario Front responded with a proposal for independence that would guarantee Moroccan interests in the region. Several meetings followed during which the parties maintained their positions.



/ SYRIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

The state of emergency that was imposed in 1962 remained in force in 2007, officially to ensure political stability and national security. The security context justifies daily checks and restrictions on Syrian citizens, especially civil society. Furthermore, the re-election of President Bashar Al-Assad for a second term in May 2007 with 97% of the vote, as well as legislative elections held in April 2007, confirmed the lack of pluralistic electoral life.

Although State intervention has led to the dissolution of political parties and independent associations, as well as to the control of all activities through coercive policies, the vitality of civil society has nonetheless experienced a revival, with the number of these organisations increasing between 2004 and 2007. In this context, on October 16, 2005, a broad coalition of activists for political reform issued the “Damascus Declaration for Democratic and National Change”, calling for the establishment of a political system that would respect the rights of citizens, ensure freedoms of expression and association, and put an end to discrimination based on religious or political grounds. Moreover, in May 2006, the Beirut-Damascus Declaration was signed by over 300 intellectuals and human rights defenders in Syria and Lebanon, calling for improved relations between the two countries.

Despite this dynamism, freedoms of expression and association continued to be strictly limited. A number of journalists and correspondents, including bloggers and cyber-dissidents, were arrested and harassed in 2007, in a context where the regime has continued to monopolise all media and the Internet. Furthermore, Syrian authorities use the pretext of national security to justify their stranglehold on the judiciary and the use of laws and practices that discriminate against various players in society, such as women, Islamists, or the Kurdish minority. In the name of national security, the authorities also justify the use of torture and ill-treatment inflicted with impunity on prisoners.

Refusal to register human rights organisations

Several human rights organisations were still unregistered in 2007 because of the systematic refusal of the Ministry of Social Affairs and Labour, in a context where the continued application of laws on the state of emergency means that registration reinforces the legal protection of human rights activists since any unregistered organisation could be prosecuted for violating various provisions restricting freedoms. Members of these organisations are still operating unlawfully, under the constant threat of being prosecuted and imprisoned on the basis of Article 71 of Act No. 93 on Associations, adopted in 1958 and under which all activity by an unreported association is punishable by three months' imprisonment and a fine. In addition, Article 288 of the Syrian Criminal Code provides for a sentence of up to three years' imprisonment against any person who, "without Government authorisation, becomes a member of a political or social organisation with an international character". Thus, the National Organisation for Human Rights in Syria (NOHR-S), which had submitted an application for registration to the Ministry of Social Affairs and Labour on April 4, 2006 and had been notified by Decree of refusal of registration (without reasoned opinion) on August 30, 2006¹, has filed an appeal on December 27, 2006 against the Decree. The case was not resolved in 2007, as the Ministry requested five consecutive reports in order for the court to conclude.

Heavy prison sentences for human rights defenders by the Damascus Criminal Court

In 2007, many human rights defenders were sentenced by the Damascus Criminal Court². For example, Mr. **Anwar Al-Bunni**, Director of the Damascus Centre for Legal Studies and President of the Committee for the Defence of Political Prisoners, and Mr. **Michel Kilo**, President of the Organisation for the Defence of Freedom of

1./ The NOHR-S appealed for clemency from the Ministry, which was also refused on November 2, 2006 and November 7, 2006.

2./ In this regard, the European Parliament, in its Resolution P6_TA(2007)0217 adopted on May 24, 2007, expressed in particular "its great concern at the recent verdict handed down to political prisoners and human rights activists in Syria which affects every political trend of the opposition" and "urge[d] the relevant Syrian bodies to reverse the abovementioned judgment, drop the charges still pending in the Military Court of Damascus and release all the abovementioned prisoners of conscience and political prisoners".

Speech and Press, were arrested in mid-May 2006 by security and intelligence forces after they signed the Beirut-Damascus Declaration. They were sentenced on May 13, 2007 respectively for “disseminating false or exaggerated information to weaken the spirit of the nation” and “weakening national ethics”, to sentences of five and three years’ imprisonment. Moreover, Mr. **Kamal Labwani** was arrested in April 2005 and sentenced in May 2007 by the Damascus Criminal Court to 12 years’ imprisonment for “communicating with a foreign country and inciting to undertake an aggression against Syria” after a visit by U.S. officials in 2005³.

Wave of arrests of members of the Initiative for the Damascus Declaration for Democratic and National Change

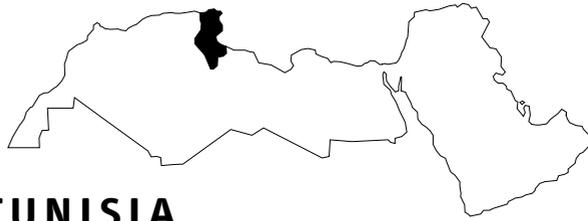
On December 9, 2007, Syrian security services conducted a series of arrests targeting more than forty activists in several cities in Syria in response to a meeting organised by the Initiative for the Damascus Declaration for Democratic and National Change on December 1, 2007. The meeting brought together 163 people in Damascus and led to the creation of the National Council of the Damascus Declaration, a collective movement that brings together political opponents but also human rights defenders. The arrests particularly targeted several members of the Committees for the Revitalisation of Civil Society in Syria, including Mr. **Fayez Sara**, a journalist, Mr. **Mohammed Haj Darwish**, a member of the Association of Human Rights in Syria, Mr. **Jaber Al-Shoufi**, Mr. **Akram al-Bunni** and Mr. **Ali Al-Abdullah**. All were charged on January 28, 2008 for having violated several provisions of the Syrian Criminal Code, particularly Sections 285 and 286 (on “the weakening of national sentiment”), 304, 306 and 327 (on the illegal activities of associations) and 307 (relating to racial hatred and inciting sectarianism). Some of these provisions provide for imprisonment sentences of at least seven years.

Likewise, on April 24, and May 14, 2007, the European Union Presidency “*expresse[d]* its regret that Anwar Al-Bunni, a prominent Syrian human rights defender, was sentenced to five years of detention in Damascus on 24 April 2007 for having disseminated human rights-related material”, “*expresse[d]* its profound concern over the three-year prison terms to which Michel Kilo, a Syrian intellectual, and Mahmoud Issa, a Syrian political activist, were sentenced by a criminal Court in Damascus on 13 May, 2007”, and stated that it was “deeply concerned by the repeated harassment of human rights defenders in Syria”.

3./ See Observatory Annual Report 2006.

Obstacles to freedom of movement

In 2007, several Syrian human rights defenders were faced with many obstacles to their freedom of movement in order to prevent them from attending regional or international workshops. For example, on January 11, 2007, security forces prevented Mr. Akram Al-Bunni from leaving Syria to attend a meeting in Belgium with representatives of the European Union to discuss the situation of human rights and human rights defenders in Syria. No official reason was provided. Likewise, Mr. **Jihad Msoti**, a member of the discussion forum *Al-Atassi*, created to promote the democratisation of the country, was arrested in November 2007, at the same time as several other Syrian human rights defenders, while attempting to travel to Cairo, Egypt, to attend a workshop organised by FIDH. Mr. **Radeef Mustafa**, President of the Kurdish Committee on Human Rights, Mr. **Mustafa Ouso**, Director of the Kurdish Defence Organisation of Human Rights and Fundamental Freedoms in Syria, and Mr. **Masho Hasan**, a member of the Executive Office of the Organisation of Human Rights in Syria, Mr. **Khalil Maatouk** and Mr. **Muhannad al-Husni**, lawyers defending human rights, have also been prevented from leaving the international airport of Damascus and thus participating in the workshop. For his part, Dr. **Ammar Qurabi**, President of the NOHR-S, was banned from travelling to Jordan, on November 19, 2007, to participate in a seminar on “the role of civil society organisations in political reforms in the Arab World,” organised by the Amman Centre for Human Rights Studies and the Aspen Institute of Berlin, without explanation being provided.



/ TUNISIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Political context

The Democratic Constitutional Assembly (*Rassemblement constitutionnel démocratique* - RCD), the omnipotent presidential party, has largely dominated Tunisian political life since the accession to power of President Ben Ali, on November 7, 1987. The judicial system is largely under the sway of the executive power and magistrates who try to evade the pressures and interference of the latter are almost systematically repressed. In spite of a debate on the judiciary body in the Chamber of Deputies in May 2007, the Government nonetheless denies interference in the legal system, but continues to maintain its control over magistrates in particular by appointing the members of the High Judicial Council and multiplying acts of repression against members of the Tunisian Magistrates Association (*Association des magistrats tunisiens* - AMT).

The “Law to support international efforts to combat terrorism and money-laundering”, adopted in 2003, continued to be used for political purposes on the grounds of concerns over security. In fact, the use of this law gave rise in 2007 to numerous human rights violations, including arrests following participation in meetings or declarations made in opposition newspapers, vigorous searches and threats of reprisals by the political police, incommunicado detentions, etc.

In addition, State agents who are responsible for acts of torture and repression continue to enjoy impunity on the national territory. Torture is almost systematically used against persons arrested in the framework of the fight against terrorism. Acts of ill-treatment of political prisoners are also very regularly reported. For example, around 30 prisoners arrested during armed confrontation at the end of December 2006 – January 2007 between the security forces and groups of young people accused of belonging to Salafist movements, started a hunger strike at the Mornaguia civil prison in October 2007 to denounce the ill-treatment they suffered and to call for the respect of their rights.

Finally, the Tunisian authorities refuse to respond positively to the repeated requests for invitations by the United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the independence of judges and lawyers, the Special Representative of the UN Secretary-General on the situation of human rights defenders, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression as well as the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

Because human rights defenders condemn the human rights violations perpetrated by the authorities, they have to cope with the system of general aggression that has been put in place to stifle their activities. All stakeholders of civil society are targets of reprisals: journalists, students, members of opposition political parties, union officials, lawyers, magistrates and representatives of foreign organisations or the press.

Refusal to recognise numerous independent human rights organisations

Most of the 9,132 Tunisian associations registered in 2007 are at the mercy of the authorities. This situation enables the Government to congratulate itself on the vitality of Tunisian civil society. In this environment, the authorities try to discourage human rights defenders by continuing to refuse to grant legal recognition to many associations. Thus, the National Committee for Freedoms in Tunisia (*Conseil national pour les libertés en Tunisie* - CNLT), the International Association of Solidarity with Political Prisoners (*Association internationale de soutien aux prisonniers politiques* - AISPP), the Association for the Fight Against Torture (*Association de lutte contre la torture en Tunisie* - ALTT), the Centre for the Independence of Justice and Lawyers (*Centre pour l'indépendance de la justice et des avocats* - CIJA), the Assembly for Alternative International Development (*Rassemblement pour une alternative internationale de développement* - RAID-Attac Tunisia), the Union of Tunisian Journalists (*Syndicat des journalistes Tunisiens* - SJT) and the Observatory for Freedom of the Press, Publication and Creation in Tunisia (*Observatoire pour la liberté de presse, d'édition et de création en Tunisie* - OLPEC) have been refused registration for several years. However, legal recognition is no guarantee of protection for independent human rights associations.

Attempts to stifle NGOs and police harassment of defenders

Independent NGOs are constantly inspected, their premises regularly “visited”, their activists harassed, goods and documents damaged or ruined, their means of communication monitored and often cut off. Activists and their families continue to be subjected to ill treatment, constant harassment, physical attacks, arbitrary arrests, surveillance, attacks and other criminal acts. An arson attack was for instance made on the office of Mr. **Ayachi Hammami**, Secretary General of the Tunis section of the Tunisian League for the Defence of Human Rights (*Ligue Tunisian des droits de l’Homme - LTDH*) and Rapporteur on the independence of the judiciary for the Euro-Mediterranean Human Rights Network (EMHRN), on August 31, 2007. Legal proceedings are also frequently used. Thus, LTDH has been prevented from holding its congress since 2005¹. Since this date, the LTDH regional branches have encountered many obstacles to carrying out their activities and branch members have systematically been prevented from entering their offices. Likewise, on June 8, 2007, the police ransacked the CNLT offices, destroying important documents and a large part of its computer equipment. Finally, Mr. **Abderraouf Ayadi**, a lawyer and former member of the Council of the Bar Association and former CNLT Secretary General, was attacked by an officer of the political police in front of the Tunis court in April 2007, while he was preparing to plead in defence of detainees arrested under the terrorist law.

Restrictions on the freedom of movement of human rights activists

By forbidding human rights defenders to travel abroad, the regime wishes to prevent them from mobilising the international community regarding the human rights situation in Tunisia. This is illustrated by the case of Mr. **Mohamed Abbou**, a lawyer and CNLT and AISPP member, who was released on July 25, 2007 after 30 months in prison², but who was forbidden to take part in a programme on the *Al-Jazeera* television channel in London in August 2007. Similarly, on August 25, 2007, Mr. **Taoufik Mezni**, the brother of Mr. **Kamel Jendoubi**, President of EMHRN and of the Committee for the Respect of

1./ See Observatory Annual Report 2006.

2./ Mr. Abbou had been sentenced on March 1, 2005 after publishing articles on conditions of detention in Tunisia, comparing Tunisian jails to the prisons of Abu Ghraib. His trial was marred by numerous irregularities and Mr. Abbou had been tortured while he was held on remand.

Freedoms and Human Rights in Tunisia (*Comité pour le respect des libertés et des droits de l'Homme en Tunisie - CRLDHT*), was prevented by the police from entering Tunis-Carthage airport to return to France, his country of residence for more than seven years.