



# Evocations of the Arab Spring Amid newly drawn armed conflicts

**A brief reading of human rights trends in the Arab region**



**CAIRO INSTITUTE  
FOR HUMAN RIGHTS STUDIES**  
Institut du Caire pour les études des droits de l'homme

مركز القاهرة لدراسات حقوق الإنسان

Mani Dallalah 2011/19

**EVOCATIONS OF THE ARAB SPRING AMID NEWLY DRAWN ARMED CONFLICTS**

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**Reform Issues (39)**

**Publisher:** Cairo Institute for Human Rights Studies (CIHRS)

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A brief reading of human rights trends in the Arab region

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Founded in 1993, the Cairo Institute for Human Rights Studies (CIHRS) is an independent regional non-governmental organization which aims to promote respect for the principles of human rights and democracy in the Arab region. For this purpose, CIHRS focuses on analyzing the difficulties facing the application of international human rights law, disseminating a culture of respect for human rights in the region, and engaging in dialogue between cultures regarding the various international human rights treaties and declarations. CIHRS further seeks to attain this objective by developing, proposing, and promoting changes to policy and practice in the Arab region in order to bring them in line with international human rights standards. In addition, CIHRS conducts human rights advocacy at national, regional, and international human rights mechanisms, carries out research, and provides human rights education, both for youth and for established human rights defenders seeking ongoing professional development. CIHRS is a major publisher of information related to human rights in the Arab region, and its publications include a magazine, an academic quarterly, and scores of books dealing with various human rights-related issues.

A key component of CIHRS' mandate is to help shape the understanding of and discourse around the most pressing human rights issues in the Arab region. CIHRS then seeks to coordinate and mobilize the key players and NGOs across the Arab world to work together to raise public awareness about these issues and to reach solutions in line with international human rights law.

CIHRS enjoys consultative status with the United Nations ECOSOC and observer status with the African Commission for Human and Peoples' Rights. CIHRS is also a member of the Euro-Mediterranean Human Rights Network (EMHRN) and of the International Freedom of Expression Exchange (IFEX). CIHRS has its main offices in Cairo. CIHRS was awarded the French Republic Award for Human Rights in December 2007.

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## Introduction<sup>1</sup>

The ouster of the two longest-lived authoritarians in the Arab region - Abdelaziz Bouteflika in Algeria and Omar al-Bashir in Sudan - offered a glimmer of hope evoking the values of the Arab Spring, after years of a full-scale regional offensive against democratization and the uprisings, and a series of preemptive strikes against political reform and change in states throughout the region. A series of demonstrations and popular protests preceded the two tyrants' ousters; Lebanon and Iraq have also been experiencing waves of protests.

Amid these hopeful developments, the outcomes of which are still too early to judge, the dire status of human rights in the Arab region, and its generally abysmal humanitarian situation, is evidenced by the daily stream of news and other grim indicators produced in abundance by the region. Libya and Yemen are marred by domestic armed conflicts implicating multiple local, regional, and international actors; as the conflicts continue, these states have become the staging grounds for a horrific array of crimes against civilians.

Syria's armed conflict rages on, with the government of Bashar al-Assad gaining significant international and regional support. Assad's political victories stand in stark contrast to the immeasurable losses of millions of Syrians; their lives and futures either destroyed or snuffed out by death, displacement, detention, or enforced disappearance. Iraq is also plagued by ongoing violence and conflict throughout the country, either caused by the battle against the Islamic State (IS)

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<sup>1</sup> This brief report surveys the most important trends in human rights in the Arab region from January 2018 to August 2019. It does not aim to give a detailed account of rights violations, but rather to offer a reading of the most significant types of violations in their local and regional political context.

or by sectarian polarization, fueled by paramilitaries controlling the state and its decision-making capacities.

In Palestine, Israel has continued to pursue policies of collective punishment and use force against Palestinian civilians. Israel was able to expand and strengthen its colonial settlement enterprise due to shifts in the international political scene, particularly increased US support under the Trump administration.

The forces of authoritarianism in Egypt, Saudi Arabia, and the United Arab Emirates continue to frustrate their people's ability to initiate reform and participate in public and political life. Any attempts at political or civic organizing are preemptively smothered by these states – states that have eliminated the right to free expression and association while regularly subjecting their opponents or critics to a wide array of brutal and repressive practices, such as assassination, enforced disappearance, long-term arbitrary detention, and politically-motivated trials. Morocco as well continues to restrict its public sphere and engage in reprisals against those involved in protest movements.

Political dissidents, human rights defenders, and media personnel throughout the region are monitored and spied on by advanced technology imported from Western states and Israel; especially in Egypt, Saudi Arabia, the UAE, and Morocco over the last two years<sup>2</sup>. Saudi state authorities used this technology to monitor opposition Saudi journalist Jamal Khashoggi in the prelude to his brutal murder at the Saudi consulate in Istanbul in October 2018. The governments of countries that experienced popular protests blocked independent online news

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<sup>2</sup> Amnesty International (2019), "Moroccan human rights defenders using malicious NSO Israeli spyware," October, <https://www.amnesty.org/en/latest/news/2019/10/moroccan-human-rights-defenders-targeted-using-malicious-nso-israeli-spyware/>; Amnesty International (2019), "Israeli spyware firm NSO must match words with action," September, <https://www.amnesty.org/en/latest/news/2019/09/nso-spyware-human-rights/>.



sites, secure communication applications, and at times the entire internet, to prevent demonstrators from communicating with one another and/or the outside world, as was the case in Sudan for intermittent periods from January to mid-June 2019<sup>3</sup>.

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<sup>3</sup> OHCHR (2019), "Sudan: UN Experts Denounce Internet Shutdown, Call for Immediate Restoration," 8 July, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24803&LangID=E>.

## **The reemergence of Arab Spring values amid regressive regional conditions**

The rising authoritarian forces that came to dominate region, especially after 2013, were unable to attain stability in spite of the apparent foiling of the Arab Spring revolutions. The expectations and demands, particularly the socio-economic demands, of a growing and youthful population were difficult to contain or address amid social changes in the age of information technology and openness. Compounding this difficulty was the non-representative nature of the governing institutions in the Arab region, which rendered them incapable of absorbing all sectors of society, particularly the youth, the single largest demographic group in the region. Overall, these states failed to achieve human development and meet socioeconomic demands within shifting regional and international circumstances. Amid the ensuing fiscal crises, state governments often turned to the International Monetary Fund, signing agreements that only exacerbated social harm and fueled further social unrest and discontent.

Stability was also rendered unattainable by structural factors related to the post-colonial nation state in the Arab region and the historical failure to build modern, effective state institutions. These factors include the preeminent role of the military, which acts above state institutions and at the expense of civilian politics; the historical failure to manage religious and ethnic diversity; and weak political parties, trade unions, and civil society organizations that could play a mediating role between state and society by harnessing popular anger and protests into organized channels. Stability has also been undermined by the politicization of religious discourse and religious institutions and the exploitation of identity-based discourses - by both state officials and the opposition - at the

expense of free, open dialogue and exchange in regards to political and economic ideas and programs.

The state's inability to achieve progress and to meet people's fundamental needs, and/or state institutions' rampant corruption and squandering of public resources, has led to a swelling of public anger and frustration – particularly among historically marginalized groups - in the majority of Arab states over the past two years, regardless of variations in their individual political and economic contexts. Declining living conditions, as well as the need for transparent state governance and management, were the main issues around which protests were mobilized in Morocco, Sudan, Algeria, Jordan, Iraq, Lebanon, and even the occupied Palestinian territories.

Young people—the group most marginalized and alienated from political institutions in these countries—were the most active in these protests. Protests against social exclusion were bound up with protests against ethnic or sectarian exclusion in Algeria, Egypt, Iraq, Saudi Arabia, Bahrain and some areas of Morocco.

## **Regional shifts and international interventions**

Renewed conflicts in the Arab states are primarily attributable to regional and international interventions. The major powers that uphold the regional order are the same powers that undermine it; by creating or fueling - directly or indirectly - conflicts and crises, together with obstructing comprehensive peace. One need only read the repeated appeals from UN envoy to Libya Ghassan Salamé or UN experts in Yemen about the destructive, deadly roles played by regional powers in the armed conflicts in Libya and Yemen. Syria is another arena for international and regional interference, particularly by Russia and Iran, which has had catastrophic humanitarian consequences on the country's social fabric that will take generations to mend.

Regional crises have exposed not only the international order's powerlessness and incapacity in the face of humanitarian and human rights crises but also the complicity of international powers, which support parties in these conflicts or export arms to warring parties without accountability for the crimes committed with these arms against peoples in the region.

The notion of Arab exceptionalism had been used to justify the suppression of popular movements and to smear the Arab Spring revolutions. This notion's revival in recent years has been used to associate calls for freedom, democracy, and civil society with certain chaos, state collapse, and terrorism. The media in Egypt, under President Abdel Fattah al-Sisi, parrots such rhetoric on a daily basis; and the president himself has repeatedly invoked it in official meetings and to the public. One of many such incidents was at the Arab-European summit in Sharm al-Sheikh in February 2019. Facing criticism over Egypt's human

rights record, Sisi contended that the human rights values of Western states were culturally incompatible with Arab societies while implying that the application of these values in Egypt would lead to “state collapse, destruction, and ruin.”<sup>4</sup>

The demands of popular protests in Algeria for political reform were staved off by the military establishment’s rhetoric, which decried such demands as “demolishing the state.” Former Sudanese President Omar al-Bashir used the same rhetoric when confronting the civil disobedience that led to his overthrow. This exploited notion of Arab exceptionalism, which condescendingly and opportunistically discards peoples’ legitimate aspirations for freedom and justice, is challenged by the persistent struggle of human rights defenders throughout the region and the victories achieved by popular movements in Algeria and Sudan. These human rights defenders persist in the most repressive contexts for civil society- in states such as Egypt, Saudi Arabia, the UAE, and Bahrain – and persevere in defiance of rhetoric based in the false theory of cultural exceptionalism.

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<sup>4</sup> Aiden Lewis, Mahmoud Mourad. “Sisi defends death penalty at summit with Europe,” Reuters, <https://www.reuters.com/article/us-eu-arabs/sisi-defends-death-penalty-at-summit-with-europe-idUSKCN1QE28H>

## **Analysis of the state of human rights**

## **Sudan at the outset of the democratic transition**

Popular protests and sit-ins in Khartoum and other parts of Sudan compelled the Sudanese army to intervene to remove President Omar al-Bashir in April 2019. The protests had begun in December 2018 after the Bashir government announced a series of austerity measures at the end of the year, in the midst of a severe economic crisis that had been growing throughout 2018.

There was already a history of protests and civil obedience amongst segments of the Sudanese population over the previous three years. The protests evolved as civil society forces began to frame their demands as comprehensive political change and an end to Bashir's rule. In his last year, Bashir tightened restrictions on the media and civil society, and in the first months of 2019, the government arrested dozens of lawyers, trade unionists, rights activists, media workers, and women's movement leaders.

Sudan's security and military establishment perpetrated a litany of crimes and grave abuses in their attempt to smother the popular movement. These atrocities and violations, which were committed throughout the span of the protests into the initial months following Bashir's removal, peaked in severity in June 2019. Sudan's state paramilitary Rapid Support Forces (RSF) - the immediate successor organization to the Janjaweed militia notorious for committing crimes against humanity in Darfur - used lethal force to disperse a public sit-in in front of the Ministry of Defense in Khartoum. Over 100 people were killed in one day, among them bloggers and activists with Sudan's student movement and its rights movement.

The government's Rapid Support Forces reportedly perpetrated mass rapes of female protesters, with the goal of intimidating and punishing them for their role in the protests. According to doctors, hospitals documented some 70 cases of rape committed by RSF personnel during the dispersal of the sit-in in June.<sup>5</sup> These government aligned-forces also attacked hospitals and assaulted doctors as they pursued wounded protesters.

Genuine gains toward democratization were made in Sudan, despite the military's endeavor to exhaust the protesters, divide the ranks of civil society, and obstruct the transition to democratic and civilian rule following Bashir's ouster. These successes were in large part due to the cohesiveness and initiatives of the Forces for the Declaration of Freedom and Change (FDFC), one of the major civic representatives of the popular movement, which was adept at negotiating with the military.

International concern from the European Union, the United States, and several African states also intensified pressure on the military to turn power over to civilians.

The Sudanese military council became convinced that negotiations and concessions constituted the best viable option that would allow it to remain part of the new government, as at the same time, deteriorating economic and living conditions in Sudan compelled the military exercise this option. Saudi and Emirati political and financial support was unable to outweigh the domestic, regional, and international concerns that tilted events toward the culmination of an agreement in August to share power with civilians and establish new

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<sup>5</sup> Catherine Byaruhanga, "Rape and Sudan's Revolution: They Were Crying and Screaming," BBC, <https://www.bbc.com/news/world-africa-48634150>.



constitutional and institutional mechanisms to facilitate the democratic transition over the next three years.

Political and civic action flourished in the wake of this agreement and the formation of a transitional civilian government; many opposition and rights leaders returned from exile and re-established rights or development associations that had been shut down under Bashir. Yet the humanitarian repercussions of the civil conflicts between the Khartoum government and armed rebellions in Darfur, the Blue Nile, and South Kordofan continued to be felt. Thousands of people were killed and millions displaced to live in extremely precarious conditions. One such massacre and displacement had been perpetrated in March and April of 2018; government forces attacked 12 villages in Darfur, killing more than 20 people, among them children, displacing 15,000 civilians, and looting and destroying the villages.<sup>6</sup>

In August 2019, the trial of former President Omar al-Bashir began on charges of corruption, money laundering, and killing demonstrators during the uprising that had toppled him. Although the trial is significant, Bashir remains wanted by the International Criminal Court for his involvement in genocide, crimes against humanity, and war crimes in Darfur over the past two decades. These crimes include the use of chemical weapons against civilians.<sup>7</sup> The transitional government has thus far shown no intention of turning him over to the ICC.

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<sup>6</sup> Report from the African Center for Justice and Peace Studies (2018), "Attacks by Sudanese Government Forces on Civilians in Jebel Matta in South Darfur," <http://www.acjps.org/attacks-by-sudanese-government-forces-on-civilians-in-jebel-marra-in-south-darfur/>

<sup>7</sup> Amnesty International (2016), *Scorched Earth, Poisoned Air*, <https://www.amnesty.org/download/Documents/AFR5448772016ENGLISH.PDF>

## **Algeria: The president is gone but the governance system remains unchanged**

The resignation of then- president Abdelaziz Bouteflika in April 2019 was a significant victory for the popular protests that had erupted across Algeria following his declared intention to run for a fifth presidential term in the slated April elections. Nevertheless, Bouteflika's exit from the political stage did not coincide with comprehensive political change founded on new constitutional, legislative, and institutional precepts. The military establishment, which assumed the de facto reins of power after Bouteflika's resignation, insisted on upholding the same political framework, with slight tweaks to legislation mostly related to general elections.

Interim president Abdelkader Bensalah announced presidential elections for December 12 even as popular protests have continued, and occasionally intensified, after Bouteflika's exit amid demands to overturn the entire old regime and launch a process of comprehensive political reform. Meanwhile, state authorities have pursued arbitrary, repressive measures, cracking down on / opposition and civil society organizations and suppressing demonstrations. Security and judicial harassment is inflicted upon leading political activists and human rights defenders who persevere in demanding a total rupture from the legislative, constitutional, and security structure in which the Boueflika government flourished.

The pace of arrests accelerated after the announcement of the presidential elections, in an attempt to deprive the popular movement of influential leaders. Dozens of activists and protesters were arrested in the second half of 2019,

among them lawyers, journalists, members of NGOs, bloggers, and labor activists. Some faced charges related to peaceful assembly or the freedom of expression; many were charged with undermining the army's morale, including the left Labor Party leader Louisa Hanoune; Colonel Lakhdar Bouregaa, an officer with the liberation army; and Karim Tabbou, the coordinator of the Social Democratic Federation Party. Since April, prominent lawyer Salah Dabouz, known for his defense of the rights of detainees in Algeria, has been subjected to security harassment; he was briefly detained, interrogated, and physically assaulted.

The state blocked critical new websites, including the Tout sur l'Algérie site, which covers protest news and developments. State authorities also continued to ban international rights organizations from entering the country and meeting or cooperating with local rights groups. In August, a Human Rights Watch official was detained for ten hours before being deported. State authorities also continued to prosecute defenders of ethnic minority rights. In May, activist Kemal Eddine Fekhar, a well-known defender of Amazigh rights, died due to medical neglect in prison; his health had deteriorated following a hunger strike he had staged to protest his continued detention and inhumane conditions.<sup>8</sup> Dozens of Amazigh youth activists were arrested after carrying Amazigh-related banners in protests.

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<sup>8</sup> Front Line Defenders (2019), "Kamal Fekhar Dies of Medical Neglect," May, <https://www.frontlinedefenders.org/en/case/kamal-eddine-fekhar-dies-medical-negligence-hunger-strike-while-targeting-human-rights>.

## **Bashar al-Assad scores significant gains, Syrian people suffer immense humanitarian losses**

Syria's revolution was further stymied by the significant military and political headway made by the government of president Bashar al-Assad, with Russian and Iranian military backing. Vast areas of Syria were overtaken by pro-government forces in the first half of 2018, while in 2017 the government had opened up a new negotiating track in Astana, the capital of Kazakhstan, under the auspices of Iran, Russia, and Turkey; indicating the government's ability to impose its own agenda upon the international political talks regarding post-conflict Syria.

The gains of the Syrian government came at a high cost to the Syrian people, whose humanitarian plight is now entering its ninth year. More than half a million Syrians have been killed; 6.2 million internally displaced, while 5.6 million are refugees. The Syrian government and its allied forces are responsible for 93 percent of the fatalities,<sup>9</sup> according to reports and data from Syrian organizations. Syria and its allies have willfully and indiscriminately shelled densely populated civilian areas with airstrikes and artillery, and it has often used internationally banned weapons.

Syrian government forces have also laid siege to civilian areas and restricted the entry of humanitarian aid, causing malnutrition, famine, and the spread of lethal diseases. Children are typically the group most affected in such circumstances. Military actions have caused massive destruction in many areas, including

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<sup>9</sup> CIHRS (2018), "7 Years without Justice in Syria," <https://cihrs.org/7-years-without-justice-in-syria-world-turns-away-as-civilian-slaughter-continues-unabated/?lang=en>

historical sites in some of the oldest cities in the world, such as Homs, Aleppo, and Daraa, Government and allied forces have deliberately targeted private property and civilian infrastructure in opposition-controlled cities and regions.

The warring parties in Syria have proliferated and shifted alongside political developments and the opening of new fronts. The largest front consists of a coalition comprised of Assad government forces backed directly and indirectly by Iran, Hezbollah, and Russia; the coalition is attempting to extend Assad government control across Syrian territory and defeat all opposing forces. Military strikes by the Syrian state and its allied forces have inflicted devastating civilian casualties that may amount to war crimes, according to the report of the UN Fact-Finding Mission issued in September 2019. Meanwhile, Turkey has entered the fray to contain Kurdish forces in northern Syria; these Kurdish forces, with international support, have been fighting IS and other armed Islamist factions.

This labyrinth of military operations throughout the country has wrought devastation upon civilians, with upsurges in military action correlating with upsurges in Syria's large and ever-increasing displaced and refugee populations. Various parts of the country have become fertile ground for human rights crimes and abuses, from killing to abduction, enforced disappearance, prolonged detention, torture, sexual violence, and the destruction and looting of public and private property. The Syrian government's use of chemical weapons in 16 attacks on inhabited civilian areas in Eastern Ghouta, Aleppo, and Idlib was verified by the UN independent fact-finding mission on Syria. Meanwhile, the Syrian government has obstructed work teams with the Organization for the Prohibition of Chemical Weapons, delaying entry visas and responses to the organization's correspondence, and preventing inspectors from accessing some areas.

A wide-scale aerial and land attack on the province of Idlib was launched by the Syrian government, supported by Russia, in late April 2019. Idlib., in northwest Syria, is where some of the last opposition forces are concentrated. The attack targeted hospitals and medical facilities, and displaced over 180,000 people and killed over 1,000.<sup>10</sup> In September 2019, President Bashar al-Assad issued a general amnesty for some crimes committed during military operations prior to 14 September 2019. The law benefits government combatants in particular, as the amnesty does not apply to those who took up arms against the state, joined armed factions, or were involved in terrorist acts.

Throughout 2018, members of the Syrian human rights movement endeavored to counteract these grave crimes committed with impunity by successfully turning to courts with universal jurisdiction in several European countries, including Germany and France. Arrest warrants were obtained for Syrian military leaders implicated in torture, enforced disappearance, and the killing of civilians.

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<sup>10</sup> Raed Al Saleh (2019), "I thought I'd seen all the horrors possible here in Idlib—until now," *The Guardian*, <https://www.theguardian.com/global-development/2019/oct/08/horrors-idlib-white-helmets-syria>

## **Systematic intimidation of reformists and the nascent rights movement in the Gulf region**

Human rights defenders and advocates of reform in Saudi Arabia, the United Arab Emirates, and Bahrain continue to be repressed, with the domestic weapons of oppression indeed becoming more lethal, as demonstrated by the October 2018 assassination of Saudi opposition journalist Jamal Khashoggi in the Saudi consulate of Istanbul—a crime planned and executed by circles close to Crown Prince Mohammed bin Salman. These brutal domestic policies cannot be divorced from the regional role played by Saudi Arabia and the UAE, which for geopolitical and economic reasons support the authoritarian governments built upon the ashes of the Arab Spring, or at least attempt to undermine what is left of the Spring.

Although continued American and European support has allowed Mohammed bin Salman to thus far elude justice for Khashoggi's murder, he and the Saudi government paid a moral price, as the killing spotlighted the kingdom's abysmal human rights record and Saudi crimes against civilians in Yemen. Western arms sales to Saudi Arabia came under increased scrutiny in media, political, and parliamentary circles in many Western states. The June 2019 publication of a report by the UN Special Rapporteur on extrajudicial, summary or arbitrary killings, Agnes Callamard, provided another occasion for the international community to pressure the Saudi state and Mohammed bin Salman for accountability for Khashoggi's murder.

Throughout 2018, the Saudi government carried out an unprecedented police campaign against women's rights defenders, arresting dozens of prominent

women activists who campaigned for the state to cede fundamental freedoms and rights to Saudi women. Many of the activists were subject to criminal prosecution, among them Loujain al-Hathloul, Eman Al Nafjan, and Aziza al-Yousef. The crackdown exposed the pretense of the reformist credentials peddled by Mohammed bin Salman to the West. Prominent human rights defenders in the kingdom remain in prison following harsh sentences for exercising their right to peaceful and free association and expression, or communicating with international human rights organizations; among them Waleed Abulkhair, Raif Badawi, and Mohammed al-Otaibi. The imprisoned also include the eleven members and founders of the Association for Civil and Political Rights, convicted between 2014 and 2017, among whom are Mohammed Fahd al-Qahtani, Dr. Abdullah al-Hamid, and Abdulaziz al-Shibli. The Saudi authorities regularly try rights activists in specialized terrorist criminal courts established in 2008, which do not meet due process standards.

In the UAE, a state security court sentenced rights defender Ahmed Mansoor, who received the international human rights Martin Ennals Award in 2015, to ten years in prison and a hefty fine on charges of tarnishing the state's reputation and spreading false news on the internet. In Bahrain, the Cassation Court in June 2018 upheld the five-year prison sentence against prominent rights defender and president of the Bahrain Center for Human Rights, Nabeel Rajab, for publishing tweets critical of the Saudi military campaign in Yemen and about rampant torture in Bahraini prisons. In August 2018, the UN Working Group on Arbitrary Detention issued an opinion—its second—on the legality of Rajab's detention. Calling it fundamentally arbitrary and in violation of international law, the Working Group stated Rajab was detained for exercising fundamental rights to free expression and opinion, and to free thought and conscience. Moreover, the



Working Group affirmed, his detention constituted “discrimination based on political or other opinion, as well as on his status as a human rights defender.”

Prisoners of conscience in Bahrain and the UAE - including prominent rights defenders Ahmed Mansoor, Abdulhadi al-Khawaja, Naji Fatil, Abduljalil Singace, and Hasan Mushaima - continue to endure harsh detention conditions, medical neglect, solitary confinement, and at times physical assault and torture. Many of these prisoners of conscience have repeatedly staged hunger strikes seeking improved conditions.<sup>11</sup>

The death penalty is recurrently issued in Bahrain following unfair trials lacking fundamental due process protections. In July 2019, two young men—Ali al-Arab and Ahmed al-Malali—were executed after being sentenced on 31 January 2018 as part of a mass trial. The two men were convicted on terrorism charges after being coerced to sign confessions under torture. They were sentenced in absentia after being barred from attending their own trial.

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<sup>11</sup> Human Rights Watch (2019), “Bahrain: Prisoners Denied Medical Care,” October, <https://www.hrw.org/news/2019/10/08/bahrain-prisoners-denied-medical-care>; Front Line Defenders, “Ahmed Mansoor Tortured in Prison,” <https://www.hrw.org/news/2019/10/08/bahrain-prisoners-denied-medical-care>

## **Fighting hope in Egypt and cracks in the wall of tyranny**

Current Egyptian president Abdel Fattah al-Sisi came to power following a military coup on July 3, 2013, ending the short-lived democratic period of the January 25th revolution. The coup went against the demands of a broad segment of Egyptians who had participated in June 30th protests, and who wanted the revolution's trajectory to be corrected in a more democratic and just direction.

Thus, the shaky political foundations upon which Sisi's rule is built have led him to rely upon two primary discourses to maintain his new authoritarian order. The first discourse, centered on 'domestic or foreign enemies,' was immediately employed and manufactured by the new government upon its assumption to power. Usually loosely defined as terrorists or hostile foreign powers, this discourse is built upon demonstrably false information and is parroted relentlessly by the state and state-aligned media. This rhetoric willfully blurs the distinctions between genuine terrorists and peaceful opposition, whether it be political, media, or rights-based.

Peaceful opponents are accused of conspiracies intending to bring down the state, and collaboration with terrorists and hostile foreign powers.

This propagandizing discourse that fabricates enemies of the state is linked to a second discourse used by the Sisi government to justify its unprecedentedly repressive rule: a discourse of fear. Fear-based rhetoric is intended to alarm Egyptians about the dire prospect of state collapse, and the triumph of terrorism and chaos. Both the enemy-based and the fear-based discourse function as political cover or justification for the state's repressive policies, exploited

unrelentingly in its quest to eliminate any dissident or independent voice, or any space for free dialogue and thought.

Pre-emptive measures taken by the Sisi government have forestalled the emergence of any potential competitor or new political or popular movement. The June 2018 arrests- on facetious charges<sup>12</sup> - of a group of young political and civic leaders who formed an alliance (known as the “Hope Coalition”) seeking to run in Egypt’s upcoming parliamentary election, is one such recent example of the Sisi government retaliating against peaceful opposition for participating in the political process through legally sanctioned channels.

Those arrested included Zyad El-Eleaimy, former parliamentarian and executive member of the Egyptian Social Democratic Party; journalist Hossam Mo’anes, who was the coordinator of leftist candidate Hamdeen Sabahi’s presidential campaign; journalist Hisham Fouad, a defender of labor rights and freedom of the press; labor activist Ahmed Tamam; economist Omar Omar El-Shenety , as well as businessmen Osama al-Aqabawy and Mostafa Abdel -Moez. Despite their well-known leftist, liberal or secular affiliations, they were alleged by the Public Prosecution to belong to the Muslim Brotherhood.<sup>13</sup>

The crackdown on the Hope Coalition was preceded by a similar campaign during the run-up to the constitutional amendments in April 2019, when mid-level leaders of the Social Democratic Party, the Dustour Party, the National

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<sup>12</sup> The State Security Prosecution charged them with participating in a terrorist group to achieve its objectives and publishing and disseminating false news on social media with the purpose of fomenting strife and overthrowing the political order.

<sup>13</sup> <https://cihrs.org/egypt-citizens-lack-of-trust-in-the-justice-system-is-the-real-danger/?lang=en>

Movement, Strong Egypt, and the Bread and Freedom Party (in the process of being established) were arrested.

Torture, maltreatment, and medical neglect of detainees and prisoners continued to be regular practices of Egypt's security apparatus throughout 2018 and 2019. Medical neglect claimed the life of former elected President Mohamed Morsi, among others. An investigative report published by Human Rights First warned that in recent years under al-Sisi's rule, Egyptian prisons have become "incubators" for violent extremist groups,"<sup>14</sup> due to the dire conditions and endemic torture and maltreatment that lead many prisoners to seek protection with IS and other extremist groups to which they had not been previously affiliated prior to their imprisonment.

Enforced disappearance and prolonged detention without trial are also common practices of the Egyptian state under Sisi, especially inflicted upon political activists. In one of many cases, the whereabouts of former parliamentarian Mustafa al-Naggar remain unknown since all contact was lost with him on 28 September 2018 while he was in Aswan. State authorities also increasingly used so-called preventive measures in Egyptian criminal law, which provide supplementary penalties for released prisoners, designed to humiliate activists and restrict their freedom of movement and general daily activities.<sup>15</sup>

Egypt's judiciary has continued, over the last two years, to increasingly issue and carry out death penalty verdicts following fundamentally flawed trials tarnished by strong evidence that security personnel had tortured defendants to extract

<sup>14</sup> CIHRS published an Arabic translation of the Human Rights First report, “Like Fire in a Forest.” See <https://cihrs.org/الاعتداء-على-المدنيين-في-الريف-الشمالي-لبنان-2020>

<sup>15</sup> Egyptian Front for Human Rights (2018), “Uquba fawq al-Uquba: al-Muraqaba al-Shuratiya wa Tatbiqatuha ‘ala al-Mu’aridin wa-l-Intihakat al-Musahiba Laha,” March, <http://bit.ly/2M5CG2R>

confessions. Some of these sentences were also issued by military tribunals and following mass trials. In 2018 and 2019, more than 500 people were sentenced to death and at least 66 people executed.<sup>16</sup>

The Egyptian state's military campaign in Sinai – in no small part conducted to convince the public of its stellar record in fighting counterterrorism – has resulted in egregious crimes against the civilian population, including the shelling of civilian areas, the mass displacement of residents, and the extrajudicial killing of persons in custody, some of them with a record of oppositional political activity. These crimes tend to escalate in the wake of any terrorist attack in Sinai or other governorates.<sup>17</sup> At the same time, the state has consistently failed to protect Christian citizens from sectarian attacks. Nor has it protected Christians' right to worship freely or build houses of worship. The security apparatus shut down a church in the Sohag governorate following protests by hardline Muslims—the latest in a series of church closures since the law regulating the construction of houses of worship was passed in 2016.<sup>18</sup>

The stranglehold of the Egyptian government on civil society continues to tighten, with the operations of independent Egyptian rights groups crippled and their staff harassed and prosecuted. Travel bans remained in effect for 31 rights defenders—some in place since 2014—while ten rights defenders had their

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<sup>16</sup> EIPR, "Rasd Ahkam al-I'dam min 2011–2019," <http://bit.ly/2PX9j3B>

<sup>17</sup> Human Rights Watch (2019), *If You Are Afraid for Your Lives, Leave Sinai: Egyptian Security Forces and ISIS-Affiliate Abuses in North Sinai*, 28 May, <https://www.hrw.org/node/330383>; Reuters (2019), "Egypt kills hundreds of suspected militants in disputed gun battles," 5 April, <https://www.reuters.com/investigates/special-report/egypt-killings/>; Bahey eldin Hassan (2019), "Open Letter to President Macron before His Upcoming Trip to Egypt," 27 January, <https://cihrs.org/open-letter-to-president-macron-before-his-upcoming-trip-to-egypt/?lang=en>

<sup>18</sup> EIPR (2019), "EIPR condemns closure of the Naga al-Ghafir church in Sohag by security and documents closure of 22 churches since enactment of the church construction law," 15 April, <https://eipr.org/en/press/2019/04/eipr-condemns-closure-naga-al-ghafir-church-sohag-security-and-documents-closure-22>

assets frozen and the accounts of seven rights organizations were frozen as well. State-aligned media habitually launches smear campaigns against rights defenders, even at times threatening them with death or abduction. Lawyers, researchers, and staff with rights organizations are at high risk for arrest or forcible disappearance. Ibrahim Ezz al-Din, a researcher at the Egyptian Commission for Rights and Freedoms, was arrested in June 2019. His fate and whereabouts remain unknown until November , adding him to the ever-lengthening list of activists, political opponents, and others who have been arbitrarily disappeared by the Egyptian state.

Increasingly repressive legislation governing civil society is the framework under which the prosecution, intimidation, and harassment of human rights defenders and organizations occurs. The current NGO law, passed in August 2019, subordinates civil society to the state security apparatus and restricts the formation of organizations, rendering it virtually impossible to independently operate or receive funding, domestic or foreign. It has the same underlying hostility to civil society as the previous NGO law that it supplanted (Law 70 of 2017), which had been the subject of widespread local and international criticism. The primary difference between the two laws is cosmetic: While the new law removes custodial penalties for offenders, it replaces them with exorbitant fines. The NGO law is reinforced and works in tandem with other repressive legislation used to prosecute and imprison rights defenders, including the Counterterrorism Law, the Protest Law, and the Assembly Law.

President Sisi has continued to expand the prerogatives of the state security and intelligence agencies, bolstering their repressive powers by means of the public prosecution, nationalized or state-aligned media, and the judiciary; all for the purpose of ensuring that he remain in office for as long as possible. In

mid-2018, Sisi staged sham presidential elections that forcibly excluded potential rival candidates – including through prosecution, violence, and intimidation. Electoral observers were also excluded and anyone critical of the election process was subject to prosecution or harassment.

In the backdrop of staging elections, Sisi altered Egypt's constitution and its judiciary to ensure he effectively remains president indefinitely, by pushing through constitutional amendments that substantially extend his term in office and essentially give the military and security apparatus the power to control Egypt's political order and any future electoral process. Sisi eliminated the remaining independence of the judiciary by giving himself unilateral authority to appoint judicial leadership, notably the public prosecutor and chief justice of the supreme court. Nevertheless, the Egyptian state faces successive crises – including deteriorating economic conditions and frustration with government corruption that led to an outbreak of protests in late September 2019 - that could come to a head and result in unanticipated changes challenging Sisi's authoritarian stranglehold.

## **Yemen: Humanitarian crisis persists amid newly drawn military lines**

The conflict in Yemen is yet another example of the interplay between external factors—such as direct or proxy military intervention by regional and international powers with competing political and economic interests—and historically rooted internal contradictions in state governance, diversity, and national integration. Both Saudi Arabia and the UAE view Yemen as vital to their own political and economic interests and the stability of the member states of the Gulf Cooperation Council, particularly in countering Iranian influence. Violence and the collapse of security in Yemen has created fertile ground for the proliferation of militias and paramilitary groups with divergent interests and ideologies, most importantly al-Qaeda and IS, both of which are active throughout the country.

The armed domestic conflict and regional proxy war in Yemen continues to cause a humanitarian catastrophe of unprecedented scale—the worst in the world today, according to the UN.<sup>19</sup> Over 90,000 people have been killed in the conflict and over 20 million are imperiled by precarious humanitarian conditions. The scope of the warfare has only expanded, thanks in large part to the persistent failure to find a peaceful resolution to what was initially a domestic conflict prior to Saudi Arabia and the UAE’s direct military intervention. In January 2018, Houthi rebel or anti-government forces began directly targeting sites in Saudi territory, including oil facilities, an airport, and gas fields, with missiles and drones.

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<sup>19</sup> <https://news.un.org/en/story/2019/02/1032811>



And the last year has only served to muddle the political polarization and military entente. No longer is the sole axis of conflict in Yemen between the Houthis (backed by Iran) and the Legitimacy Alliance led by President Abd Rabbu Mansour Hadi, (backed by Saudi Arabia and the UAE). In the past year, another domestic front has opened in the south, with military clashes escalating between UAE-backed separatists and the Saudi-supported Hadi government. The UAE's intervention in the south is for the purpose of securing vital regional commercial and shipping routes. Southern Yemen is also allegedly the site of the UAE's clandestine detention centers, where it detains and tortures its political opponents in the region, according to reports by local and international rights groups. In August 2018, the UAE-backed separatists, represented by the Southern Transitional Council, seized the port city of Aden, a move decried by many leaders in the Hadi government, who demanded the UAE's expulsion from the Saudi-led coalition.

Amid this quagmire of warfare and shifting alliances, Yemen's humanitarian crisis has only exacerbated, with the Saudi-Emirati coalition imposing a naval, land, and aerial blockade on a country where over 70 percent of food and medicine are imported. 84 percent of the Yemeni population requires protection and humanitarian assistance and 10 million Yemenis are at risk of famine.<sup>20</sup> By November 2018, some 7,000 civilians had been killed and 10,000 wounded since the beginning of the war, the majority of casualties "[resulting] from airstrikes carried out by the Saudi-led Coalition,"<sup>21</sup> as stated by the UN High Commissioner on Human Rights. On 31 August 2019, the Saudi- Emirati

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<sup>20</sup> OCHA, Updates on Yemen, July 2019, <https://reliefweb.int/report/yemen/yemen-humanitarian-update-covering-26-july-28-august-2019-issue-11-enar>

<sup>21</sup> Statement from the OHCHR (2018), 10 November, <https://news.un.org/en/story/2018/11/1025431>; see also Mwatana for Human Rights 2018 annual report, *Hayah Tadhwi*, <https://mwatana.org/withering-life2018>

coalition launched an attack on a Houthi detention facility, killing more than 100 people, among them at least four children.

The UN's findings were supported by the Group of Eminent Experts (GEE), a team of international and regional experts on Yemen, in reports issued in August 2018 and September 2019. In the latter report, the GEE concluded that all warring parties were implicated in war crimes and grave human rights abuses, including killing, torture, arbitrary detention, enforced disappearance, and violence against women.

The GEE also cited a widespread lack of accountability, stating that neither the Houthis nor the Saudi-led coalition had any willingness or ability to implement credible accountability processes. The international community has not only failed to pressure the regional and domestic warring parties to find a solution to stop the violence, it has also facilitated the violence. Western powers like the US, the UK, and France continue to supply weapons and military equipment to the Saudi-led coalition, which are then used in grave crimes against civilians and civilian targets.<sup>22</sup>

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<sup>22</sup> See the report of the team of regional and international experts on Yemen, submitted to the OHCHR, on the state of human rights in Yemen, September 2019, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/240/85/PDF/G1924085.pdf?OpenElement>.

## **Iraq: Arms and militias dominate as the state is absent**

Protests against corruption, rampant unemployment, and poor public services have been growing in some cities of Iraq since 2018. Protests have also been directed against the brutality of the Popular Mobilization Forces (PMF) militias, which have aided the Iraqi government in the fight against IS since 2014. Iraqi state authorities have met these protests with force, causing deaths and injuries. Several protest leaders have been assassinated as well, particularly in the Basra province, where popular protests began in July 2018. Human rights defender Suad al-Ali, who played a leading role in the Basra protests, was assassinated by unknown persons in September 2018. Rights lawyer Jabbar Mohammed al-Karm was killed by unknown armed assailants in July 2018; he had played a prominent role in defending detained demonstrators in Basra.

In July of this year, the Iraqi prime minister issued an edict subordinating all PMF militias to government forces and disarming them, but political and security difficulties has hampered enforcement. Meanwhile, grave abuses and crimes continue to be perpetrated against media workers and human rights defenders. In January 2019, the body of photojournalist Samer Ali al-Hassan was found shot in east Baghdad. In February 2019, armed men assassinated novelist Alaa Mashzoub in front of his home in Karbala; he was known for his critical writings about sectarian militias in Iraq. People working to document enforced disappearances, including members of the Wissam Humanitarian Association, have been met with reprisals, including death threats, arrests, and abductions.

In the first half of 2019, the Iraqi parliament drafted a bill on cybercrime that imposes severe restrictions on freedom of expression online. According to

Human Rights Watch, humanitarian organizations and aid workers in the areas liberated from IS in Mosul and Nineveh face security threats, violence, harassment, and at times terrorism charges, to prevent them from providing humanitarian assistance to civilians in these areas or to force them to cooperate with security.

Relations between the autonomous Kurdistan region in northern Iraq and the Iraqi government grew tense in late 2017 after the Kurds took unilateral steps toward holding a referendum on the independence of the region. In response, the Iraqi government imposed several punitive measures on the area, including banning international flights to the region and using military force to expel Kurdish forces from disputed border areas, among them the Kirkuk region. Violations against the media in Kurdistan increased amid arrests, abductions, and detentions carried out by military forces subordinate to the ruling parties in the region. Continued Turkish military intervention against elements and positions of the Kurdistan Workers' Party (PKK) also fueled security tensions in the Kurdistan region and led to civilian casualties.

## **Armed conflict renewed as peace falters in Libya**

Libya continues to witness a violent conflict over power amid interference by regional and international powers with competing interests. International efforts to bring peace to Libya faced a grave setback after the military offensive led by Khalifa Haftar, commander of the Libyan National Army (LNA), against the Government of National Accord (GNA) in April 2019. Forces loyal to the Haftar eastern-based interim government and parliament - backed by armed groups from eastern and southern Libya- advanced on the capital Tripoli with the declared goal confronting terrorism by defeating the militias that controlled the city.

Fayez al-Sarraj, the chair of the GNA's Presidential Council, and members of his government, resisted Haftar's advance and sought to repel it with forces subordinate to the GNA and its allied paramilitaries, according to official reports. This conflict between the two de-facto authorities in Libya – the GNA in the west and Haftar and the LNA in the east - has exacerbated tribal tensions and polarization, resulting in an armed tribal conflict in the south that thus far has claimed dozens of casualties.

These political and military developments have led to rampant human rights abuses, war crimes, and crimes against humanity amid an overall lack of accountability. The list of violations is rapidly increasing, including abduction, enforced disappearance, arbitrary detention, torture, extrajudicial killing, human trafficking, mass imprisonment or detainment, abuse and violations against refugees and migrants, the recruitment of child soldiers, and the targeting of civilians by some armed groups.

Since April 2019, 106 civilians have been killed and 294 injured; another 10,000 have been displaced, according to the World Health Organization. As of 15 August, there have been 37 attacks on health workers and medical facilities, including 19 hospitals; 11 medical workers have been killed, as documented by reports from the UN Support Mission in Libya (UNSMIL). Attacks on medical facilities constitute a flagrant violation of international humanitarian law. Migrant detention centers have also been attacked. In July 2019, an airstrike hit one official center for migrants and refugees in Tajoura, killing 46 people and injuring at least 130.

Peaceful activists work in very difficult circumstances given the widespread practices of enforced disappearance, arbitrary detention, and extrajudicial killing. Criticizing armed operations or the warring parties can make activists, media, workers, and politicians vulnerable to reprisals, especially women activists. In July 2019, parliamentarian and women's rights defender Siham Sergiwa was abducted from her home in Benghazi after criticizing Haftar's military offensive; her fate remains unknown. Also in July 2019, the bodies of five people were found shot in the Hawari area of Benghazi. Another 36 bodies, which had been shot and tossed on the side of the road in Abyar - were found in October 2018.

Meanwhile, Libya's judicial authorities throughout the country remain unable to ensure accountability before the law, particularly when it comes to violations of human rights and international humanitarian law. The judicial authorities, prosecutors, and judicial bodies also face enormous difficulties and obstacles, primarily related to security. International efforts to reach a national peace agreement in Libya tend to sideline and minimize the importance of national and

international criminal accountability, which means there is little deterrent to the ongoing violence in the country.<sup>23</sup>

In March 2019, the Presidential Council of the Government of National Accord issued Decree 286 regulating the operation of civic associations, which restricts the operation of NGOs. In February 2019, the Civil Society Commission issued a decree freezing 37 organizations registered in Benghazi without stating any cause. The international community has not taken decisive measures to address the reports of the UN Security Council experts committee, tasked under Resolution 1970/2011, and the serious violations of the arms and military embargo they exposed. As shown in the reports, states like Egypt, the UAE, and Turkey are supporting paramilitaries in western and eastern Libya, among them radical groups close to al-Qaeda and the Madkhali Salafi current, such as Mahmoud al-Werfalli. These states and the paramilitaries they support often claim to be fighting terrorism but are in fact engaged in terrorist practices themselves.

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<sup>23</sup> Smith, J. and K. Salem (2019), "International Accountability as a Tool to Empower and Protect," <https://cihrs.org/libya-and-international-justice-symposium-impunity-begets-impunity/?lang=en>

## **Palestinian rights between Israeli domination and Palestinian factionalism**

The political and strategic rapprochement between the Israeli government under Benjamin Netanyahu and the US administration of Donald Trump has had catastrophic—and lethal—consequences for the Palestinian people over the last two years. Expanding its colonial enterprise, the Israeli government has built new settlements on the West Bank and has continually threatened to officially annex vital parts of occupied Palestinian territory, as it did with the occupied Syrian Golan Heights. The radical changes to the map of the West Bank resulting from ongoing Israeli settlement and the dispossession of Palestinian lands and property complicates the possibility of a Palestinian state and exacerbates the security situation in the occupied territories.

Israel now maintains 503 settlements, 474 on the West Bank and 29 in East Jerusalem, populated by nearly 600,000 settlers. The occupation authorities have also continued to demolish homes and displace Palestinians living in occupied territory, particularly East Jerusalem. In July 2019, the occupation authorities stepped up house demolitions in the Sour Baher neighborhood of East Jerusalem, claiming that the homes constituted a security threat due to their proximity to Israel's separation wall, which is itself illegal under international law.

In December 2017, the Trump administration officially recognized Jerusalem as Israel's capital and plans on relocating the US embassy from Tel Aviv to the city, while in March 2019, the US administration recognized Israel's annexation of the Golan. Both Israel and the US have declared their intention to begin talks to sign a common defense agreement. Throughout the last year, much was reported



about a new US-led initiative, known as the “Deal of the Century,” to reach a final resolution of the Palestinian issue. Yet published information indicates the initiative is more about undermining the just, legitimate rights of the Palestinian people to their land in full under international resolutions as part of a two-state solution, the return of refugees, the complete end of the settlement enterprise, and fair negotiations on the status of Jerusalem, as well as full recognition of a sovereign Palestinian state. Arab states have not only taken extremely weak positions on Israeli policies; Israel and the US managed to win political support from Saudi Arabia, the UAE, and Egypt for the Deal of the Century.

Israeli occupation forces used overwhelming force to confront Palestinian demonstrations and anger in the West Bank and Gaza Strip in the wake of the US decision to move its embassy to Jerusalem, killing and wounding dozens of people. 183 people were killed, including children, journalists, and aid workers, and another 6,106 were injured in the period from March 30th to December 31st 2018, according to a report of the international fact-finding committee formed by the UN Human Rights Council in May 2018 to examine the situation on the ground in the occupied Palestinian territories.

These same practices continued in the first half of 2019. Multinational corporations continue to do business in the occupied territories. For example, a Human Rights Watch report issued in November 2018 revealed that Airbnb and Booking.com were offering rental properties located in Israeli settlements. In 2016, the UN HRC set up a database on corporations operating in Israeli settlements in the OPT; however, the OHCHR has not yet released the list, which was scheduled for release in March 2017.

The occupation authorities continue to use administrative detention and military trials against human rights defenders and activists involved in peaceful resistance. For example, lawyer Farid al-Atrash and rights defender Eissa Amr, the coordinator for Youth Against Settlements, have been prosecuted in a military court since 2018 on charges related to their participation in peaceful protests against the settlement enterprise. The Entry Into Israel Law of 1952 was amended in 2018 to allow the Israeli interior minister to revoke the residency rights of Palestinians based on “disloyalty” to Israel. The law defines disloyalty as the commission of or participation in a terrorist act or incitement to it, membership in a terrorist organization, and acts of high treason and espionage. This broad definition of disloyalty gives current and future Israeli interior ministers the authority to deprive Palestinians of residency rights based solely on their discretionary view that the resident “has committed an act deemed disloyal to the state of Israel.” In turn, this allows for the commission of serious crimes such as transfer and demographic engineering, which constitute a violation of established international legal standards.<sup>24</sup>

The truce concluded in Cairo in October 2017 under Egyptian auspices did not stop the political and administrative division between the Gaza Strip and the West Bank or defuse the political polarization between Fatah and Hamas, which has persisted since 2007. The failure of the agreement is illustrative of the gulf between the two parties and the mutual mistrust, as well as the regional and international forces aligned behind each party. The failure resulted in a deterioration of the human rights situation in Palestine, adding yet another dimension to Palestinian suffering in the repressive policies and practices of Palestinian factions.

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<sup>24</sup> Al-Haq (2018), “Punitive Residency Revocation: the Most Recent Tool of Forcible Transfer,” <http://www.alhaq.org/advocacy/6257.html>

Authorities in both Gaza and the West Bank have cracked down on their political opponents and increasingly circumscribed the operation of the media, bloggers, and NGOs. In the West Bank, the Palestinian Authority uses the cybercrime law to restrict freedom of expression and opinion on the internet. The law was amended in April 2018, but many restrictions remain and are used against electronic media and online activists. At the same time, the executive authorities in the West Bank have significantly undermined the system of governance, the separation of powers, and the rule of law. Since the Constitutional Court ruled to dissolve the Palestinian legislature in December 2018, no new parliamentary elections have been called; in the interim, the Palestinian president has amended the judiciary law and formed a transitional high judicial council, thereby increasing the executive's control and interference in judicial matters.

## **Further slide toward a more restrictive public sphere in Morocco**

The Moroccan authorities continue to restrict independent civil society activity and show less tolerance of critical media and press. The most significant indicator of the waning space for opinion and expression in recent years is the series of political trials and convictions of hundreds of activists and members of protest movements in marginalized areas of the country, such as the Rif in the northwest and Jerada in the northeast. The protesters staged demonstrations and sit-ins demanding improved economic and social conditions or rejecting policies of environmental exploitation and damage to natural resources. In mid-2018 it was reported that some detainees were subjected to torture and ill treatment in detention facilities. In April 2019, the Casablanca Appellate Court upheld harsh sentences of up to 20 years in prison against 40 activists and demonstrators, including Nasser Zefzafi, a prominent leader of the popular movement in the Rif.

Protests in Jerada began in late December 2017 following the death of two young brothers in a coalmine. They spread in the first quarter of 2018 after a third young worker lost his life in another coal mine. The Moroccan government shut down the coal industry in the city in 1998 without providing economic alternatives. As a result of increased unemployment and tough living conditions in the wake of the shutdown, many Jerada residents, especially young people, became involved in dangerous informal mining in the abandoned mines. Protesters in Jerada urged the government to improve economic conditions and infrastructure in their city, demanding alternatives to unsafe mining. For years, the Moroccan authorities turned a blind eye to illegal, dangerous mining and ignored residents' long-standing complaints of marginalization, poverty,

unemployment, and lack of infrastructure and basic services. After demonstrators mobilized on social media, on March 13 the interior minister banned unlicensed protests in the city. The next day, the security forces suppressed protests and the sit-in near coalmines in the village of Youssef, detaining some 55 activists.

Some NGOs in Morocco, among them the Moroccan Association for Human Rights and the culture-oriented Judhour Association, faced restrictions on their activities and on the registration of branch offices, or they were banned from operating because of their critical positions toward the state. In April 2019, the Casablanca Appellate Court denied Judhour's appeal, thereby upholding the decree dissolving the association, issued by the first-instance court on 26 December 2018. The National Human Rights Council recently called on the authorities to amend sections of the Penal Law that infringe upon personal rights and the right to privacy, after young journalist Hajar Raissouni and her fiancé were charged with obtaining an abortion and engaging in illicit sex.

The ongoing political stalemate on the dispute over the Western Sahara between Morocco and the Polisario Front has had repercussions for the exercise of the fundamental rights and freedoms of Western Sahara residents, particularly those demanding the right of self-determination. In April 2018, the UN Security Council renewed its full support for the UN secretary-general and his personal envoy to initiate a new round of negotiations to reach an acceptable political resolution, but these efforts as of yet have had little tangible impact on the ground. The Moroccan authorities continue to curtail peaceful demonstrations, the right of association, and the right to form independent associations in the region.

The Moroccan authorities also continue to harass media workers, in particular independent youth media initiatives like Activists for Media and Human Rights and Equipe Media. The security apparatus has instructions to arrest any person who films police personnel, to prevent footage showing Moroccan authorities using force against peaceful demonstrators in the Western Sahara from being circulated on social media. For example, blogger and journalist Nozha Khalidi was questioned and prosecuted mid-year on charges of engaging in media work without meeting the occupational conditions, pursuant to Article 381 of the Penal Code. The same article has been used repeatedly to convict journalists who publish stories about protests in the Rif in the northwest.

Sahrawi activists continued to be detained, prosecuted in political trials, or denied opportunities to work, travel, and study. The authorities also prevent international observers and foreign media from entering Western Sahara to examine the human rights situation and hear testimony from independent human rights groups. In May 2019, Moroccan security forces surrounded the offices of the Sahrawi Association of Victims of Grave Violations of Human Rights Committed by the Moroccan State (ASVDH) and barred the entry of new equipment purchased by staff for the association's activities. Several security personnel in civilian clothing also prevented association staff from entering the premises.

## Tunisia: significant gains amid inertia and missteps

Tunisian state institutions smoothly and quickly managed the power transition after the death of President Beji Caid Essebsi following a health crisis in July. Power swiftly and consensually devolved to the president of the parliament, who called for early presidential elections followed by parliamentary elections. Despite the significant strides made by Tunisia in women's rights, personal rights, the freedom to form associations and political parties, and freedom of opinion and expression, there has still been no genuine institutional reform of the judiciary and security apparatus. Tunisian and international rights organizations documented the persistence of torture and ill treatment in places of detention and the use of lethal force, particularly in connection with counterterrorism, amid a policy of impunity.

The president continued to periodically renew the state of emergency, which gives the security establishment broad prerogatives to restrict individual and civil rights and freedoms. Rights groups also documented violations against media workers and bloggers,<sup>25</sup> and peaceful protesters involved in social, economic, and environmental issues, particularly in the south.<sup>26</sup> Activists defending the rights of sexual minorities continue to face threats and at times assaults, some involving security personnel. In February 2019, the government threatened to dissolve the Shams Association, which defends LGBT rights and is seeking to

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<sup>25</sup> Human Rights Watch (2019), "Tunisia: Bloggers Held for Criticizing Officials; Arrests, Charges Lead to Self-Censorship," <https://www.hrw.org/news/2019/01/25/tunisia-bloggers-held-criticizing-officials>

<sup>26</sup> See the report from the Tunisian Forum for Economic and Social Rights (FTDES), <https://ftdes.net/ar/ost-rapport-du-troisieme-trimestre-2019-des-mouvements-sociaux-suicides-et-violences/>

overturn the criminalization of homosexuality in Tunisia, on the grounds that the group violated established social principles.<sup>27</sup>

The Truth and Dignity Commission concluded its work, issuing its final report in March 2019 on the legacy of human rights abuses and political corruption in the country. The public hearings convened by the commission offered an important historic opportunity to record the testimony of the victims of human rights violations and crimes. The commission referred 173 cases to the Tunisian judiciary, but criminal trials for past human rights violations face profound political challenges. The report of the Committee on Individual Freedoms and Equality, issued in June 2018, represented a significant step - unprecedented in the Arab region - toward the reform of Tunisian policies that discriminate against women, including by guaranteeing equal inheritance for men and women and child rights and reforming laws that infringe upon individual and privacy rights. The report is the culmination of the committee, formed by President Essebsi in August 2017 and led by MP and human rights defender Bochra Belhadj Hmida. Nevertheless, the executive and legislative authorities have yet to follow through on the report's recommendations.

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<sup>27</sup> Human Rights Watch (2019), "Tunisia: Effort to Shut Down LGBT Group," <https://www.hrw.org/news/2019/02/26/tunisia-effort-shut-down-lgbt-group>