

Summary of Report

Major Trends in Human Rights in Arab Countries

This annual report documents and analyzes trends and developments in the human rights situation in 11 Arab states, namely Saudi Arabia, Bahrain, Syria, Iraq, Libya, the occupied Palestinian territories (OPT), Egypt, Sudan, Yemen, Tunisia, and Morocco. It also analyzes the UN Human Rights Council's (HRC) approach to the crisis of human rights in the Middle East and North Africa (MENA) and the role played by Arab governments in the HRC. This year's report also includes a separate section on the roots and causes of the spread of violence and terrorism in the Arab region, which sets the phenomenon in its regional and international contexts. This brief introduction will summarize the principal conclusions of this year's report.

Overview of the Human Rights Crisis in the Arab world:

Since the eruption of popular revolutions and uprisings in several countries in the region in 2011, political developments have taken dramatic and contradictory turns. In Egypt, the regime of President Abd al-Fattah al-Sisi is seeking to shore up the exclusionary authoritarian order using all available security, legislative, and judicial means, exploiting the fear of anarchy and violence among broad swathes of the public. Yet there are indications in Egypt of increasing anger and discontent with the performance of the ruling elite and

security establishment. Numerous politicians and cultural figures are also increasingly concerned about the closure of the public sphere in the country and the exponential increase in systematic human rights abuses, which constitute a danger to the Egyptian state and exacerbate extremism and terrorism in society.

In Syria, Bashar al-Assad remains in power, turning the national armed forces and its weapons against his own people. The local elite in Yemen, Libya, and Iraq failed to manage the political transition. This, combined with regional and international military and political interventions, has fueled sectarian and political polarization in these countries and led to the increased influence of extremist religious groups and the growing militarization of various politico-social entities. The conditions in these states over the past years also reveals how authoritarian regimes spent decades engaged in the systematic destruction of the nation-state and its institutions and the social glue that held these countries together.

Domestically, Saudi Arabia took all manner of security precaution to confront any Shia political action while regionally it deployed its political and financial capacities to influence the course of political transitions in Egypt and Syria. It used its military might to support its allies in the Gulf region and ensure its continued control over political developments in Yemen, the poorest Arab country, whose people are currently experiencing a profound humanitarian catastrophe. The deterioration of the human rights situation in Bahrain and Sudan cannot be divorced from the politics and policies that dominate the region. The ruling authorities in both of these countries initiated a decisive confrontation with their opponents and forces aspiring for political reform. Bahrain ignored the recommendations of the report issued by the fact-finding commission that examined human rights crimes and violations committed during the bloody clashes between the state and protestors demanding political change in 2011, when the Bahraini authorities invited in a Saudi military force that violently put down the demonstrations and protests.

Morocco was not excluded from the general trend of repression seen in most countries in the region. Despite the ongoing lively public debates in the country on issues of democracy and human rights, and specifically women's rights, independent civil society and critical

media have been subject to increasing and worrying harassment over the last three years. The Moroccan authorities also continued to systematically persecute persons demanding the right of self-determination for the Western Sahara and it has willfully obstructed a just resolution of the conflict.

The democratic transition in Tunisia remains fragile and beset by numerous challenges, such as divisions among the ruling and opposition political elite, growing terrorist activity by violent religious groups, deteriorating socioeconomic conditions, and the general slow pace of the legislative and institutional reforms needed to guarantee continued democratization. Frustration also continues to mount in the OPT due to the siege of the Palestinian people by the Israeli occupation authorities and the crimes of its military machine, as well as the continued political polarization between Palestinian factions and movements.

The spread of violence and terrorism in the region can be viewed in the context of several factors, most significantly the spread of extremist ideologies and the failure to decisively confront the violent, exclusionary religious rhetoric adopted by several governments in the region, which has thoroughly penetrated official religious and educational institutions. Violent organizations have taken advantage of the difficult socioeconomic conditions of many Arab peoples as well as their political marginalization to recruit new fighters and members, especially among youth. The spread of internal violence cannot be separated from the structural flaws at the core of national cohesion and regional unity that affect many countries in the region, such as Iraq, Libya, Syria, and Yemen as a result of historical, political, and social factors. The proliferation of militias in these countries, given political and regional support by various warring parties, further complicates existing conflicts in the region. The violence has exacerbated Sunni-Shia polarization and the political use of the division by regional and international parties.

The overall political and security landscape in the Arab region has contributed to a precipitous deterioration in the human rights situation, sparking crises and humanitarian disasters unseen in the region's modern history. The basic features of this crisis are examined below.

Targeting of Civilians and Extrajudicial Killing:

Civilians are targeted and killed on a daily basis in the armed conflagrations raging in Syria, Libya, Yemen, and Sudan. The humanitarian crisis in Syria entered its fifth year. Nearly a quarter million people have been killed and roughly half the civilian population—some 5 million people—has been internally displaced or become refugees abroad. The warring parties stepped up military operations in 2015, including in civilian areas, leading to great loss of life and swelling the ranks of refugees and internally displaced persons (IDPs). The regime’s alarming use of barrel bombs against civilian facilities, including markets, schools, and hospitals in opposition-controlled areas, claimed scores of victims, while various armed factions committed serious international crimes, including indiscriminate attacks on civilian inhabited areas and killing on the basis of ethnicity.

In Yemen, civilians are experiencing severe hardship in one of the worst humanitarian disasters in the world, according to UN estimates. Civilians are caught in airstrikes by the Saudi-led Arab coalition or in Houthi fire, and they suffer from forced displacement, poor nutrition, and the collapse of basic services such as education and health. The conflict has now spread to 20 of the country’s 22 provinces. According to the UN, the conflict, which began on March 26, 2015, has claimed the lives of some 6,000 people, nearly half of them civilians, including 600 children, while injuring another 900 children. This is five times the casualty figure for 2014. In addition, some 21.2 million people—or 82 percent of the population—are currently in need of some form of humanitarian assistance to meet their necessary needs or protect their basic rights. The UN Office for the Coordination of Humanitarian Affairs announced that 2.3 million had been forced to flee their homes and another 120,000 Yemenis had left the country.

In Libya, militias on all sides continued their direct, indiscriminate attacks on civilians and basic civilian infrastructure and engaged in unlawful killing. According to the most recent figures from the UN envoy to Libya, some 1.9 million Libyan citizens are still in need of basic healthcare while 1.2 million Libyans have difficulties accessing food. The country is currently home to nearly 500,000 IDPs. The state has failed to guarantee the safe return of IDPs to their homes or to

provide adequate housing for them and prevent violent incursions on IDP camps. For the last three years, these camps have been subject to an average of two attacks every month.

In May 2015, the city of Sirte, located just a few hundred kilometers from Europe, fell to the Islamic State (IS), which has set itself up as the ruler of the city and uses it as a base for its operations in Libya. IS preachers and loyalists have unleashed a campaign of terror against the city's residents, and all attempts to liberate the city from the extremist group have provoked an overwhelmingly violent response from it, most recently leading to the killing of dozens of people in mid-August 2015. Sirte was also the stage for IS's public execution of scores of Christians in 2015.

In Sudan, the government of President Omar al-Bashir stepped up military operations in disputed areas in Darfur, South Kordofan, and the Blue Nile. Mass displacement increased in turn in 2015. Currently there are 1.7 million IDPs in the provinces of South Kordofan and Blue Nile and more than 2.5 million in Darfur. The fighting has been marked by direct, indiscriminate attacks on civilian targets, killing and sexual violence, property destruction, and the loss of sources of livelihood. Airstrikes and indiscriminate ground attacks by government forces in Darfur, South Kordofan, and Blue Nile sent thousands of women and children fleeing for crowded camps in Darfur and neighboring Chad, as well as refugee camps in South Sudan and Ethiopia. Government forces as well as rebels and other militiamen raped and assaulted women and girls with impunity in numerous conflict zones. From January to August 2014, approximately 400,000 more people were displaced in the country. According to the UN, 6.9 million people in Sudan currently need humanitarian assistance.

In Iraq, it is estimated that 7,500–17,000 civilians have been killed and at least double that number wounded in the fighting between the Iraqi government and its allied militias and IS. This makes 2015 the fourth most deadly year in the country since the US invasion in 2003. Some 3.2 million Iraqis were forced to leave their homes in the face of the IS advance in Sunni-majority provinces between June 2014 and May 2015, and it seems unlikely they will soon return to cities and towns that were liberated in 2015 due to the widespread destruction

and the fear of reprisals from either Shia militias, especially in the ethnically and communally mixed province of Diyala, or IS remnants or cells in al-Anbar. The Iraqi government is facing substantial economic difficulties in rebuilding these looted areas following the sharp decline in the price of oil, which provides some 90 percent of state revenues.

Governments, militias, and jihadi organizations also engaged in extrajudicial killing as a means to eliminate their political opponents and human rights activists in Syria, Libya, Yemen, and Iraq. In the OPT, Israeli occupation forces in 2015 killed more than 100 Palestinians, some of them children, and injured hundreds in the West Bank and Gaza Strip. Victims were targeted in anti-occupation demonstrations, killed in airstrikes, or gunned down on suspicion of attempting to attack Israeli citizens. In Egypt, too, several cases of extrajudicial killing of persons affiliated with opposition currents were documented. The Egyptian authorities have imposed a blackout on information about the military campaign in the Sinai Peninsula against jihadi organizations. While journalists who attempt to report on the operations are subject to arrest and military trials, testimonies and other evidence indicate that civilians and their property are being targeted in combat operations in the peninsula. The Egyptian army expelled at least 3,000 families and demolished thousands of homes in its quest to eliminate the threat coming from the tunnels to the Gaza Strip; the government did not pay adequate compensation to the harmed parties.

The common feature in all the countries under review is that perpetrators of these crimes commit them with impunity. Judicial institutions in these states are either unable to hold security and military personnel to account due to armed conflicts and the collapse of state institutions or their integrity and independence are too severely compromised to do so. In addition, the international community has not made accountability and justice a priority for its approach to major issues in the region. In fact, much of the weaponry used by human rights violators like Saudi Arabia, Egypt, and Bahrain is imported from Western nations such as the US, France, Britain, and Germany. In August 2013, the European Council on Foreign Relations recommended a ban on the export of arms to the Egyptian authorities that could be used to violate human rights, but many European nations

have disregarded the recommendation and concluded arms deals with Egypt in 2014 and 2015.

Arbitrary Detention, Enforced Disappearance, and Torture:

Arbitrary detention without a legitimate legal basis in international human rights law is a common occurrence in Egypt, Bahrain, Saudi Arabia, and Sudan, most frequently used against political dissidents, civil society activists, and journalists. Some detentions are based on counterterrorism or state security laws, which are typically marred by overly broad provisions that can be used to criminalize peaceful political activity. In Egypt, prolonged pretrial detention has become a punishment in and of itself. According to a recent report from the Egyptian Initiative for Personal Rights, at least 1,464 persons have been held in pretrial detention for more than two years.¹

Arbitrary detention is also used as a weapon by warring parties and factions against their opponents in Syria, Libya, and Iraq, and the Israeli occupation authorities continue to hold hundreds of Palestinians in administrative detention, many of them for peacefully resisting the occupation. Amid the political wrangling among Palestinian factions, dozens of political activists have been arbitrarily detained in the West Bank and Gaza Strip, while the Moroccan authorities continue to arrest and prosecute Western Sahara activists for their defense of the region's right of self-determination.

Enforced disappearance is widespread in Syria and Libya and often seen in Egypt, while the torture and ill treatment of prisoners is a systematic practice in Syrian prisons and in Egypt and Bahrain. The security apparatus in Tunisia continues to engage in torture, particularly in the context of its war on terrorism. An independent national commission was recently announced to combat torture, and it is hoped that it can pursue the legislative and institutional reforms necessary to confront the practice. Sudan and Saudi Arabia continue to use cruel and degrading corporal punishments as sentences for

¹Egyptian Initiative for Personal Rights, “The New Emergency Law: Endless Pretrial Detention as Political Punishment At least 1,464 people in Four Governorates Held in Pretrial Detention Longer than the Two Year Legal Limit,” May 10, 2016, <http://www.eipr.org/en/pressrelease/2016/05/10/2600>.

crimes, including lashings and amputations of limbs. In Saudi Arabia, some of these penalties are levied in cases involving political crimes or freedom of opinion and expression. Jihadi organizations also apply the same punishments in areas under their control in Syria, Iraq, and Libya.

Institutions of Justice in the Service of Rulers:

Institutions of justice in Egypt, Sudan, Bahrain, and Saudi Arabia have been systematically used over the last two years as a means of settling scores with political opponents, human rights activists, and leaders of movements making social demands. In this context, most trials lack due process guarantees and some, as in Egypt, Saudi Arabia, and Bahrain, have ended with life sentences or death sentences. In early 2016, the Saudi authorities staged a mass execution, implementing 47 death sentences handed down in unfair trials in connection with terrorism charges. At least four Shia Saudis were executed as well, including prominent Shia cleric Nimr al-Nimr, who was convicted by a Saudi court on vague charges seemingly based on his peaceful criticism of Saudi officials.

Countries in the region also refer political cases or prisoners of conscience to military tribunals, state security courts, or special terrorism courts that lack neutrality and guarantees for defense. In 2015, Morocco continued to fabricate charges to prosecute several journalists and civil society activists known for their criticisms of the role of the monarchy, the spread of corruption in state institutions, or the defense of the right of self-determination in the Western Sahara.

Clampdown on Civil Society and Freedom of Opinion and Expression:

The governments of Bahrain and Saudi Arabia confiscate in whole the freedom and independence of civil society and prevent the growth and development of an independent media. Dozens of rights activists and journalists languish in prisons in these states for doing their jobs. In Bahrain, several prominent human rights activists, such as Abd al-Hadi al-Khawaja and his family, Nabeel Rajab, Naji Fatil, Ghada

Jamshir, and Abd al-Jalil Singace, are serving long prison terms, endure violence and ill treatment, or are subject to prosecution and travel bans. The most prominent leaders of liberal and Shia political associations in Bahrain have also been detained. In Saudi Arabia, rights activist Waleed Abu al-Khair, Raif Badawi, and others are imprisoned on charges related to the exercise of their right of opinion, expression, and association.

In Egypt, the authorities have initiated an unprecedented crackdown on independent human rights organizations, referring 41 organizations to questioning on charges related to the receipt of foreign funding and operating without a license. Dozens of human rights defenders have been banned from travel, some for more than 18 months, while the authorities have taken judicial measures to freeze the assets and property of several leaders and staff members of these organizations. The Sudanese authorities have also set siege to civil society organizations and the media. In 2015, the offices of some of the most prominent of these organizations were raided and their members arrested. Several issues of Sudanese newspapers were confiscated and press content was censored.

In Morocco, too, arbitrary measures were taken against civil society organizations known for their critical stances vis-à-vis the authorities. Dozens of rights activities sponsored by the Moroccan Association for Human Rights were arbitrarily banned, while local branches of the association and the Moroccan League for Human Rights were denied registration permits. The Freedom Now Association, which defends freedom of the press, as well as the Association for Digital Rights and the Moroccan Association for Investigative Journalism, were denied operating permits. Most worryingly, seven human rights activists and prominent journalists were prosecuted in a criminal court on charges of receiving foreign funding liable to infringe national security. Freedom of opinion and expression and electronic media also came under heightened surveillance in Bahrain, Saudi Arabia, and Egypt, with Morocco moving in the same direction.

Women's Rights:

Violence against and the sexual exploitation of women continue in areas of conflict in Syria, Iraq, and Sudan, particularly in areas under the control of jihadi organizations such as IS in Syria and Iraq. In Sudan, criminal law, the civil code, and the personal status law are interpreted and applied against women in a flagrantly discriminatory fashion. Women and girls are often arrested and lashed for actions the authorities consider scandalous or indecent, under Article 152 of the Penal Code of 1991, which is titled “Scandalous acts and acts infringing public morality.” Sudan allowed the UN rapporteur on violence against women to visit the country in May 2015, and the rapporteur noted that large numbers of women and girls live in contexts of profound inequality, backwardness, poverty, and conflict. The situation is exacerbated by both public and private violence, perpetrated by government and non-governmental agents.

In Egypt, while the official rhetoric on women’s rights has improved, in reality sexual violence continues against women in public places despite the announcement of a national strategy to combat violence against women in May 2015. Criminal provisions in the Penal Code for rape, sexual assault, and harassment are inadequate and do not address numerous cases of violence, for example the rights of female survivors and their protection when filing police reports of violence.

Perhaps the most positive development in women’s rights across the Arab region was the public debate on equality between men and women in Morocco following a report issued by the National Council on Human Rights on ways to promote gender equality in the country. The report recommended steps to achieve full equality between women and men in the areas of inheritance and personal status laws. While the recommendations were rejected and condemned by Islamist and conservative parties in the country and the monarchy has not yet declared a position, the report spurred a vital discussion, unprecedented in the Islamic world, of the renewal of religious discourse and human rights in Islamic law.

Hardship of Religious Minorities:

Religious minorities in the Arab region are facing a profound existential crisis. Although the roots are long standing, the crisis has been exacerbated by the spread of armed conflicts, the rising influence of militant religious groups, and the severe Sunni-Shia sectarian polarization in the Gulf and Arab Levant.

In Iraq, members of religious and ethnic minorities continued to be targeted, killed, expelled, or denied freedom of movement in 2015 due to the activities of IS, the Popular Mobilization Forces, and Kurdish forces, as well as the political and cultural dominance of extremist religious groups and rhetoric, including among the security bodies tasked with protecting these minorities. IS continued to target Yezidi, Christian, and Turkmen minorities in the areas under its control, particularly in the Nineveh province, engaging in killing, abduction, the imposition of a special minority tax, forced displacement, and forced conversion for non-Muslims, as well as rape and sexual slavery and the destruction of houses of worship.

Restrictions on religious freedoms in Sudan were tightened, while security and judicial harassment of members of Christian countries in the country increased. In Saudi Arabia, members of the Shia minority are treated as possible agents of Iran, amid a militantly intolerant, anti-Shia religious discourse. The Saudi authorities engage in systematic discrimination against Shia citizens, who constitute 10–15 percent of the population. Shia Saudis endure inequality in educational and government job opportunities and in the judicial system, while the government suppresses Shias' freedom of worship. Shia citizens are only rarely allowed to build mosques.

In Egypt, the authorities typically resort to customary reconciliation instruments in the cases of sectarian violence, instead of holding offenders to account. Christian and other minorities' homes and places of worship have been attacked, especially in Upper Egypt, and the government took no action to bring the perpetrators to justice.

Muzzling the HRC:

The response of the UN HRC to the human rights catastrophes afflicting numerous countries in the MENA region was not commensurate to the gravity of the situation. Many of the biggest human rights violators in the world have been able to weaken the HRC and its instruments and even protect themselves and their allies from political accountability in the HRC. The most prominent example in 2015 was the HRC's failure to confront the human rights disaster in Yemen. Following political pressure from Saudi Arabia, the HRC reconsidered a resolution on crimes committed within the framework of the Saudi-led offensive on Yemen. Several Western countries known for their strong political and military backing of Saudi Arabia, such as Britain and the US, supported the withdrawal of the resolution.

Over the last two years, Saudi Arabia, Egypt, and other countries known for their antipathy to human rights have become bolder in their efforts to use the HRC and other UN agencies as a platform to weaken the international human rights order. They have attempted to undermine the independence and capacities of the UN High Commissioner for Human Rights and UN experts on human rights issues and have challenged the universality of human rights standards, especially in relation to women's rights and freedom of opinion and expression. Inserting overly broad terms such as "sovereignty" and "counterterrorism" into the lexicon of the international order, they increasingly deflect any effort by the UN to guarantee state adherence to human rights and international law with claims of illegitimate interference in domestic affairs and threats to national security.

On a positive note, the Palestinian delegation to the HRC played a leading role in March 2016 in guaranteeing the inclusion in an HRC resolution of a paragraph calling for the compilation of a list of multinational corporations that operate in and profit from Israeli settlements in the OPT in violation of international law; Britain and the US opposed the draft resolution.