



/ NORTH AFRICA/ MIDDLE EAST

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007



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/ ALGERIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Ongoing judicial harassment against Mr. Ghoul Hafnaoui¹

As of the end of 2007, the four appeals lodged in 2004 with the Court of Cassation by Mr. **Ghoul Hafnaoui**, Head of the Algerian League for the Defence of Human Rights in Djelfa (*Ligue algérienne de défense des droits de l'Homme* - LADDH) and a journalist, against four verdicts sentencing him to a total of 11 months' imprisonment and a fine of 2,262,000 dinars in damages (24,330 euros), were still pending.

These sentences followed several complaints for "defamation", "contempt of official State institutions" and "illegal removal of a document from prison", lodged in particular by the *wali* (prefect) of Djelfa and his relatives.

Ongoing judicial harassment against Mr. Tahar Larbi²

As of the end of 2007, the appeal lodged with the Court of Cassation by Mr. **Tahar Larbi**, President of the LADDH section in Labiodh Sidi Cheikh, and five of his relatives against their sentencing to three months' suspended imprisonment on November 24, 2003, remained pending. Mr. Larbi and his relatives had been convicted following their involvement in a peaceful gathering in support of the Independent National Union of Civil Servants (*Syndicat national autonome des personnels d'administration publique* - SNAPAP), in September 2003.

Moreover, a complaint for ill-treatments lodged by LADDH in November 2003 regarding acts of violence committed against Mr. Larbi during his detention had still not been pursued by the authorities at the end of 2007.

Hindrances to freedom of assembly³

On February 7, 2007, the police impeded the holding of a colloquy entitled "In favour of truth, peace and conciliation", organised jointly by the Association of the Families of Disappeared Persons in Algeria (*Collectif des familles de disparu(e)s en Algérie* - CFDA), SOS Disappeared (*SOS Disparus*), the association "Djazairouna" ("Our Algeria"), the National Association of the Families of Disappeared Persons (*Association nationale des familles de disparus* - ANFD) and the association Somoud.

The Algerian authorities, which had been invited to the seminar and had never informed the organisers of their opposition to that event, intervened at all levels to hinder it. Thus, several international experts who were to take part in it did not obtain the authorisation to enter the Algerian territory, including Mr. **Roberto Garretón**, former Special Rapporteur of the United Nations on the situation of human rights in the Democratic Republic of Congo and a member of the Chilean Organisation for the Defence of Political Prisoners (*Organización de Defensa Popular* - ODEP), and Ms. **Anne-Laurence Lacroix**, OMCT Deputy Director.

Furthermore, at the opening of the seminar, the authorities ordered that the electric supply be shut down in the room of the conference, which was to be held in a hotel in Algiers. In addition, the hotel was surrounded by several policemen in order to deny access to it.

1./ See Annual Report 2006.

2./ *Idem*.

3./ See Joint Press Release with the Action by Christians for the Abolition of Torture (*Association des Chrétiens pour l'abolition de la torture* - ACAT), February 8, 2007.

Judicial proceedings against Mr. Abderrahman Amine Sidhoum and Ms. Hassiba Boumerdassi⁴

On April 25, 2007, the Tribunal of Bab-el-Oued in Algiers discharged Mr. **Abderrahman Amine Sidhoum**, a lawyer and a member of SOS-Disappeared, and Ms. **Hassiba Boumerdassi**, a lawyer and a member of the CFDA.

Mr. Sidhoum and Ms. Boumerdassi were being prosecuted for “passing unauthorised items into a detention facility” under Article 166 of the Code on Prison Regulation and Reintegration of Prisoners, which provides for a six-month to three-year prison sentence and a 10,000 to 50,000 dinars fine (from 110 to 150 euros) and Article 16 of the Prison Security Act, for having, respectively, given their business cards and minutes of a court hearing to their clients in detention.

Furthermore, on May 27, 2007, Mr. Abderrahman Amine Sidhoum received a telegram informing him that he was being summoned before the 6th Chamber of Accusation of Sidi M’Hamed, in Algiers, on June 12, 2007, following a request for complementary information made by the Prosecutor in the framework of other proceedings for “discredit of a court decision” and “offence to a State body”.

These proceedings followed the complaint for “defamation” filed against him on August 23, 2006 by the Minister of Justice. This complaint followed the publication, on May 30, 2004, of an article in the daily newspaper *El Chourouk*, in which Mr. Sidhoum was accused of denouncing the detention of one of his clients on the basis of “an arbitrary ruling of the Supreme Court”. Mr. Sidhoum could be sentenced to three to six years’ imprisonment and to a fine ranging from 2,500 to 5,000 euros.

The June 12 hearing was aimed at confronting the opinions of Mr. Sidhoum and a journalist of the *El Chourouk* newspaper but, since the latter did not show up, the hearing was postponed to November 25, 2007. On that day, the hearing was once again postponed to January 20, 2008.

Harassment against Mr. Sofiane Chouiter⁵

On June 18, 2007, Mr. **Sofiane Chouiter**, a member of SOS Disappeared and the lawyer of Ms. **Louisa Saker**, Secretary General of the Association of the Families of Disappeared Persons in Constantine (*Association des familles de disparus de Constantine*), was subjected to an interrogation by the border police at the Algiers airport. Mr. Chouiter was coming back from a seminary held in Morocco, where he had attended a training session on transitional justice.

As he was going through passport control, Mr. Chouiter was taken to an office and interrogated on the reasons for his trip to Morocco, as well as on the statement he had made before the Human Rights Commission of the European Parliament in March 2007 and his subsequent participation on that occasion in a programme broadcast on *Al-Jazeera* TV channel. In March 2007, Mr. Chouiter had already been interrogated on that issue.

During the seminar in Morocco, Mr. Chouiter had denounced human rights violations occurring in his country as well as the “normalisation” of impunity towards the perpetrators of the violations that took place during the 1992 conflict, as a consequence of the Charter for Peace and National Reconciliation⁶. Mr. Chouiter refused to give answers to these questions since they had no legal basis, and was subsequently released.

Arbitrary sentencing of Mr. Mohammed Smain⁷

On October 26, 2007, the Court of Appeal of Relizane (a city located in western Algeria, close to Oran) sentenced Mr. **Mohammed Smain**, Head of the Relizane branch of LADDH, to two months’

4./ See Annual Report 2006, International Missions of Judicial Observation of February 21, April 25 and November 25, 2007, and Urgent Appeals DZA 001/0506/OBS 063.3, 063.4, 063.5 and 063.6.

5./ See Urgent Appeal DZA 001/0607/OBS 066.

6./ This Charter, adopted by referendum on September 29, 2005, provides in particular for the amnesty of armed groups and dismisses any *de jure* responsibility for security services concerning human rights violations that were committed during the conflict.

7./ See Annual Report 2006, Press Release, October 28, 2007, and International Mission of Judicial Observation, October 26, 2007.

imprisonment, a fine of 5,000 dinars and 10,000 dinars in damages to be paid to each of the nine plaintiffs for “denunciation of fictitious crimes”, following a hearing to which the Observatory had mandated a French lawyer who pleaded along with Mr. Smain’s Algerian lawyers. Mr. Smain was discharged of the charges for “defamation” and “offence”.

On October 29, 2007, Mr. Smain lodged an appeal with the Supreme Court, which had not issued any decision yet as of December 31, 2007. As a consequence, Mr. Smain remained free as of the end of 2007.

On February 3, 2001, Mr. Mohammed Smain had informed the Algerian press about the discovery and exhumation of mass graves by the gendarmerie and the militia of Mr. Hadj Fergane, former Mayor of Relizane. Following these revelations, Mr. Fergane had lodged a complaint against Mr. Smain, jointly with eight former members of his so called “self-defence militia”.

On January 5, 2002, Mr. Smain had been condemned by the Tribunal of Relizane to two months’ imprisonment, to a fine of 5,000 dinars and to pay 10,000 dinars in damages to each of the nine plaintiffs for “defamation”, “offence” and “denunciation of fictitious crimes”. Mr. Smain had appealed this sentencing and the Court of Relizane had sentenced him on February 24, 2002 to one year imprisonment, a sentence six times longer than the one issued in first instance, and to a fine of 210,000 dinars. Mr. Smain had lodged an appeal in cassation against this decision and the Supreme Court had remanded the case to the Court of Relizane, arguing that the conditions of a fair trial had not been met.

Ongoing acts of harassment against Ms. Ghada Yusuf Moh'd Jamsheer⁸

In October 2007, Sheikh Khalid bin Ahmed Al-Khalifa, Minister of the Royal Court, would have contacted orally some Bahraini journalists and media, both printed and broadcast, in order to prevent them from publishing or broadcasting any article or news relating to Ms. **Ghada Yusuf Moh'd Jamsheer**, President of the Women's Petition Committee (WPC) as well as of the Bahrain Social Partnership for Combating Violence Against Women.

This ban would have resulted from a letter addressed by Ms. Jamsheer in April 2007 to King Sheikh Hamad bin Isa Al Khalifa, in which she criticised the role and inaction of the Supreme Council for Women (SCW), which is presided over by the King's wife, pointing out its failure to promote women's rights and drawing the attention to the fact that many of the women appointed to the SCW were granted these positions on the basis of their political loyalties or family relations. Ms. Jamsheer had also called for the dissolution of the SCW and for giving the opportunity to independent women's rights organisations, committees and women rights activists to play their role in promoting women's rights.

In 2005, Ms. Jamsheer had already been subjected to several judicial proceedings for, inter alia, "insulting the Shari'a judiciary", facing up to fifteen years' imprisonment because of her activities in favour of a reform of Shari'a family law and the Bahraini judiciary, the adoption of a unified Family Code, and the reinforcement of the role of the Supreme Judicial Council. In 2006, all proceedings brought against her had been closed after the Prosecutor decided to drop some of the charges and to acquit her in other cases.

Obstacles to freedom of association⁹

On November 27, 2007, Mr. **Mohammed Abdul Nabi Al-Maskati**, Director of the Bahrain Youth Society for Human Rights (BYSHR)¹⁰, appeared before the Fourth Degree Minor Criminal Court, upon charges of "activating an unregistered association before issuing the declaration of registration".

These charges are linked to the fact that BYSHR failed to get registered because of the restricting procedures included in the Bahraini Penal Code of 1976 and the Law on Association of 1989, which pose conditions to the registration of NGOs, among which the approval by the authorities, the forbidding of handling political issues and the fact that all members should be older than 18 years old. Although BYSHR had filed for registration in June 2005, it has since then never received any answer from the authorities.

Prior to this hearing, BYSHR had received a notification by the Ministry of Social Affairs requesting it stops its activities; otherwise its members would be prosecuted.

The hearing was finally postponed to January 21, 2008. Mr. Al-Maskati incurs a six months' imprisonment sentence and a fine of 5,000 dinars.

Death of Mr. Ali Jassim Meki during the violent dispersal of a demonstration and arbitrary detention of ten defenders¹¹

On December 17, 2007, Mr. **Ali Jassim Meki**, a human rights defender close to the HAQ Movement of Liberties and Democracy, reportedly died after being assaulted by security forces of Bahrain as he was taking part in a peaceful demonstration in the Sanabis area (located five kilometres away from the

8./ See Annual Report 2006 and Closed Letter to the authorities, October 30, 2007.

9./ See Urgent Appeal BHR 001/1207/OBS 162.

10./ BYSHR organises training workshops, monitors and documents human rights violations, and takes part in the development of a regional network for young human rights activists in eight Arab countries.

11./ See Press Release, December 21, 2007.

capital city Manama), at the occasion of the Martyrs' Day - aiming at paying tribute to victims of torture in the past. At around 5 p.m., the demonstration was indeed dispersed by members of the riot police and of the special security forces, who heavily resorted to tear gas and rubber bullets. Some participants were chased through narrow streets and beaten.

Mr. Meki managed to run to his home and told his relatives that he was feeling bad. He was taken to the Bahrain International Hospital, but died on the way.

At around 8 p.m., Mr. Abdul Hadi Al-Khawaja, President of the Bahrain Human Rights Centre (BHRC), could identify the body and noticed bruises on his chest and on his arms. However, at 9.40 p.m., before the body was examined by doctors, the official news agency published a press release stating that the death was the result of natural causes.

At around midnight, the doctors conducted an autopsy, and handed afterwards a death certificate to Mr. Meki's family, reporting that his death had been caused by a sharp decline in blood and breathing systems. The relatives asked for independent doctors to examine the body, but were told that no independent specialist was available in the country.

Mr. Meki had already been arbitrarily detained in 1996, in the framework of protests calling for the restoration of democracy and the release of detainees. He had also been detained in 2005 for taking part in a demonstration to protest against sexual and physical assaults that had been perpetrated against an activist from the Committee of Unemployed People.

Furthermore, riots followed the death of the young man and, from December 21 to 28, 2007, special security forces carried out a wave of arrests of more than sixty persons suspected of having participated in the demonstration of December 17, including human rights defenders.

As of the end of 2007, ten defenders remained in detention: Messrs. **Shaker Mohammed Abdul-Hussein Abdul-Aal, Maytham Bader Jassim Am-Sheikh, Majid Salman Ibrahim Al-Haddad, Nader Ali Ahmad Al-Salatna, Hassan Abdelnabi, Abdullah Mohsen Abdulah Saleh, Ahmad Jaffar Mohammed Ali**, members of the Unemployed and Underpaid Committee (UUC), Mr. **Naji Al Fateel**, a member of BYSHR, Mr. **Mohammed Abdullah Al Sengais**, Director of the Committee to Combat High Prices, and Mr. **Ebrahim Mohamed Amin Al-Arab**, founding member of the Martyrs and Victims' Committee.

Acts of harassment against CTUWS

Closing down of several CTUWS sections¹²

On March 29, 2007, the Naj-Hamadi branch of the Centre for Trade Union and Workers Services (CTUWS), in the Qena Governorate (Upper Egypt), was closed down by an administrative decision issued by the Mayor of the city. This CTUWS branch was in particular accused of inciting demonstrations and strikes that took place in the Delta region in December 2006 and January 2007, which CTUWS denied.

Moreover, on April 10, 2007, the Governor of El-Gharbiya ordered to shut down the CTUWS branch in Mahalla.

Lastly, on April 22, 2007, the police went to the CTUWS headquarters in Helwan (Cairo) and ordered the closure of its office on the basis of an administrative order issued by the Ministry of Social Affairs.

Furthermore, during the first semester of 2007, the CTUWS was the target of a smear campaign headed by the Egyptian Trade Union Federation (ETUF) that consistently accused CTUWS of inciting the workers' strikes.

These events took place after the CTUWS, as a member of the National Civil Society Alliance to Monitor the Elections, published a report denouncing the irregularities that had occurred in the framework of the constitutional referendum of March 26, 2007.

Sentencing of Messrs. Kamal Abbas and Mohamed Helmy¹³

On October 11, 2007, Mr. **Kamal Abbas**, CTUWS General Coordinator, and his lawyer, Mr. **Mohamed Helmy**, were sentenced to one year in prison for "offence" and "defamation".

This sentence followed a complaint lodged in December 2006 by Mr. Mohamed Ibrahim, Chairman of the board of directors of a youth centre in Cairo, and also a member of the ruling party, after Messrs. Abbas and Helmy had published a report in the CTUWS magazine *Workers' Talk (Kalam Sinai'ia)* about an investigation into financial and administrative irregularities in the running of the youth centre. However, the allegations of corruption against Mr. Ibrahim had been later corroborated by an internal investigation conducted by the Centre. The board of directors was subsequently dissolved by the Governor of Cairo.

Arbitrary closing down of AHRLA¹⁴

On September 8, 2007, the Association for Human Rights Legal Aid (AHRLA), a non-governmental organisation monitoring and denouncing acts of torture in police stations as well as providing legal support to victims of torture, was notified of a closing-down order issued by the Ministry of Social Solidarity, alleging financial transgressions. The Ministry based its order on Article 17(2) of Law n° 84 (2002), which states that "in all cases no NGO is permitted to receive money from abroad whether from Egyptian or foreign persons or agencies or their representatives in Egypt, or sending money to persons or organisations abroad unless they obtain the permission of the Minister of Social Solidarity, except for books, newsletters and scientific and artistic journals".

In reality, even though AHRLA has always asked the Ministry for authorisation to receive grants from abroad, the Ministry has always refused to give its permission for long periods, therefore hindering

12./ See Urgent Appeals EGY 001/0407/OBS 035 and 035.1.

13./ See Urgent Appeal EGY 001/0407/OBS 035.2.

14./ See Urgent Appeal EGY 002/0907/OBS 113.

the organisation from carrying out sustainable activities.

AHRLA appealed this decision and a verdict was expected on December 26, but it was postponed to December 30 and then to February 10, 2008.

As a consequence, AHRLA was obliged at the end of 2007 to change status and to transform into a firm of lawyers to continue its activities.

/ IRAQ

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Assassination of Mr. Najim Abd-Jasem¹⁵

On March 27, 2007, Mr. **Najim Abd-Jasem**, General Secretary of the Mechanics, Printers and Metalworkers' Union since 2003 and a founder as well as a leader of the General Federation of Iraqi Workers (GFIW), was abducted.

On March 30, 2007, his body was found, showing clear signs of torture.

15./ See Urgent Appeal IRQ 001/0407/OBS 031.

/ ISRAEL / OCCUPIED PALESTINIAN TERRITORY

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Situation in Israel

Sentencing of Mr. Mordechai Vanunu¹⁶

On July 2, 2007, Mr. **Mordechai Vanunu**, a nuclear whistle-blower and a pacifist, was sentenced by the Jerusalem Magistrate's Court to six months' imprisonment for violating the terms of his conditional release. In 1987, Mr. Vanunu had indeed been condemned to 18 years in prison for revealing secret information on Israel's nuclear capabilities to a UK-based newspaper. Mr. Vanunu was then working as a technician in the nuclear plant of Dimona, in southern-Israel. Upon his release in 2004, he had been notified a ban to leave the country and to talk to foreign journalists.

As of the end of 2007, Mr. Vanunu remained free while awaiting his trial in appeal, which date was constantly postponed.

Situation in the Occupied Palestinian Territory

Obstacles to freedom of association¹⁷

On June 20, 2007, a decree seriously restricting freedom of association was adopted by President Mahmoud Abbas, following the declaration of the state of emergency, on June 14, 2007. In particular, its Article 1 grants the Palestinian Minister of Interior "the authority to review all permits for associations and organisations issued by the Ministry of Interior or any governmental source". Article 2 further gives the Minister of Interior or any person delegated by the Minister the power to "take any steps deemed necessary against associations and organisations with the intent of closure, amendment, or any other action". Lastly, Article 3 points out that "all organisations and associations must submit new registration applications within one week, and [that] all those violating this directive will be subject to the law".

On August 28, 2007, Palestinian Interior Minister Salam Fayyad decided to dissolve 103 NGOs that had applied for re-registration, on the basis of this decree. The Minister alleged that the 103 organisations had committed "legal, administrative or financial violations of Law n°1 of the Year 2000 on Benevolent Societies and Non-Governmental Institutions".

Out of these 103 organisations, 56 had been closed down at the end of 2007.

Release of Mr. Ziyad Muhammad Shehadeh Hmeidan¹⁸

On March 18, 2007, Mr. **Ziyad Muhammad Shehadeh Hmeidan**, a member of the Palestinian human rights NGO "Al-Haq", was released.

He had been detained since May 23, 2005 without charge, the Moscobiyah Military Court having justified his detention on several occasions on the basis of "secret evidence".

Arbitrary detention of Mr. Mohammad Bsharat¹⁹

On August 2, 2007, late at night, Israeli soldiers arrested Mr. **Mohammad Bsharat**, Executive

16./ See Urgent Appeal ISR 002/0707/OBS 079.

17./ See Press Releases, June 26 and September 19, 2007.

18./ See Annual Report 2006 and Urgent Appeal ISR 001/0605/OBS 039.8.

19./ See Urgent Appeals ISR 003/0807/OBS 106 and 106.1.

Director of the Nafha Society for the Defence of Prisoners and Human Rights, in Nablus, without an arrest warrant. Mr. Bsharat was then taken to the Huwara detention centre (Nablus), which is sadly known for its poor conditions of detention, and where he would have been questioned about his human rights activities.

On August 12 and 19, 2007, Mr. Bsharat's detention was extended, in spite of the absence of charges against him.

On August 26, 2007, the Salem Military Court ordered that he be detained administratively for six months. According to the Israeli law, the status of administrative detention denies all civil and political rights to the detainees. In particular, the authorities are not bound to charge the prisoner, or to bring him to trial.

As of the end of 2007, Mr. Bsharat remained in detention in Ketziot prison, in Neguev.

Obstacles to Mr. Shawan Jabarin's freedom of movement²⁰

Since March 23, 2006, when the travel documents of Mr. **Shawan Jabarin**, Al-Haq General Director, were confiscated by the Israeli authorities, with no official reason, all the applications for business trips authorisations that he has submitted have been rejected by the Israeli authorities, including when he was invited by international NGOs. For instance, on April 19, 2007, Mr. Jabarin was prevented from leaving the Gaza Strip to travel to Lisbon (Portugal), where he was to attend FIDH Congress.

On June 20, 2007, the Israeli High Court of Justice rejected his petition aiming at putting an end to his travel ban and to enable him to attend an international conference on peace and justice in Germany, from June 25 to 27, 2007. It was argued before the Court that Mr. Jabarin's trips abroad could represent a risk for national security, on account of his alleged political affiliations - without this argument being proved. The Court then demanded that Mr. Jabarin, his lawyer and the public leave the room, so that "secret evidence" demonstrating that Mr. Jabarin would belong to a political organisation considered as illegal by Israel could be examined.

After this review, and without Mr. Jabarin and his lawyer being able to examine the proofs or to be informed of their substance, the Court confirmed that the plaintiff would not be able to travel to Germany.

As of the end of 2007, Mr. Jabarin was still subjected to this ban.

Obstacles to Mr. Raji Sourani's freedom of movement²¹

On August 29, 2007, Mr. **Raji Sourani**, President of the Palestinian Centre for Human Rights (PCHR), was prevented by the Israeli authorities from travelling outside the Gaza Strip to attend the UN Conference of Civil Society in Support of Israeli-Palestinian Peace held at the European Parliament in Brussels (Belgium), on August 30 and 31, 2007. Mr. Sourani had to chair one of the conference sessions and to present a paper entitled "Enforcement of International Law in the Occupied Palestinian Territory: The Only Real Roadmap for Peace".

This refusal followed a long list of restrictions to Mr. Sourani's freedom of movement, who has received dozens of invitations from the international community, but has systematically been prevented from travelling throughout 2007.

On December 9, 2007, he was finally able to travel to Paris (France) to take part in the ceremony of the human rights prize of the French Republic, at the invitation of the Secretary of State in charge of Foreign Affairs and Human Rights, following months of mobilisation from non-governmental organisations.

20./ See Joint Press Release with Human Rights Watch, May 2, 2007, and Urgent Appeal ISR 001/0607/OBS 069.

21./ See Press Release, September 19, 2007.

/ JORDAN

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Withdrawal of the Bill on NGOs²²

On October 9, 2007, the Jordanian Ministry of Social Development proposed a new law on NGOs, seriously threatening freedom of association in Jordan as well as the independence of NGOs, in a context where the Jordanian legislation (Law of Association No. 33 of 1966) is regularly criticised.

On January 8, 2008, the Jordan Government decided to withdraw this bill.

This bill would have given the Ministry of Social Development the power to refuse to license any NGO without having to give any reason. The Ministry of Social Development would have also been able to dissolve any association for the following reasons: if meetings were held without the presence of representatives from the Ministry, if the association got any agreement with any agency without prior approval of the Ministry or for having in a meeting less number than the minimum required in registration or having doubts on fines or giving inaccurate information.

The draft law would have also penalised any person who spoke in the name of an un-licensed NGO, the maximum sentence being two years in prison.

In addition, the bill would have forbidden any NGO to have branches or to have only men, women or youth in its staff, or to become a member or a partner of a foreign NGO.

Finally, the bill contained provisions regarding the financing of NGOs that would have constituted additional obstacles to their activities: financial contributions should have only come from NGOs founders; a deposit of up to 150,000 US \$ should have been made, which could have been confiscated if the NGO was dissolved; a fund would have been established for all foreign donations and projects to be decided by the Ministry of Social Development as to which NGO might receive money or implement any project. Moreover, foreign NGOs working in Jordan upon a license would have had to spend not less than 375,000 US \$ per year.

22./ See Press Releases, December 24, 2007 and January 11, 2008.

/ LEBANON

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Ongoing judicial harassment against Ms. Samira Trad²³

As of the end of 2007, the proceedings against Ms. **Samira Trad**, Head of the Frontiers Centre, an NGO that defends the rights of non-Palestinian refugees in Lebanon, were still pending.

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

On November 14, 2005, a first hearing in this case had taken place, on which date the trial had been adjourned until April 14, 2006. The hearing had been further postponed on two separate occasions until November 20, 2006, when the Court had stated that the proceedings did not fall under its territorial jurisdiction and thus declared it was not competent to hear the case. The case had then been remanded to the Prosecutor.

Obstacles to the registration of CLDH²⁴

On April 11, 2007, following its application for registration submitted on October 9, 2006 to the Ministry of the Interior, the Lebanese Centre for Human Rights (*Centre libanais des droits de l'Homme* - CLDH) received a second preliminary registration number (5823/2), after its executive members reformulated their request.

However, as of the end of 2007, the CLDH was still waiting for its definitive and official registration number, in violation of the Lebanese law, which provides that registration is a purely declarative act. The non-registration impeded in 2007 the CLDH to carry out several of its activities and to open a bank account.

On the other hand, the association "Support of Lebanese in Detention and Exile" (SOLIDE), which had submitted its registration application on September 5, 2006 (registration number 20928/EDB2006), was officially notified of its registration dated June 4, 2007, signed by the Lebanese Minister of the Interior. The association has yet to pay an amount to the Ministry in order to be granted a permanent number, as required by the procedure.

23./ See Annual Report 2006.

24./ See Closed Letter to the authorities, May 24, 2007 and Open Letter to the authorities, August 22, 2007.

/ MOROCCO

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Repression of several demonstrations and arbitrary detention of seven AMDH members²⁵

On May 1, 2007, several members of the Moroccan Association for Human Rights (*Association marocaine des droits humains - AMDH*) were arrested in several towns of Morocco after having taken part in demonstrations on the occasion of the International Labour Day. Messrs. **Mehdi Berbouchi** and **Abderrahim Karrad** were thus arrested in Agadir, and Messrs. **Thami Khyati**, **Youssef Reggab**, **Oussama Ben Messaoud**, **Ahmed Al Kateb** and **Rabyi Raïssouni**, in Ksar El Kebir. The seven defenders were subsequently found guilty of “undermining the sacred values of the Realm”.

On June 26, 2007, Messrs. Berbouchi and Karrad were sentenced in appeal to a fine of 10,000 dirhams (1,000 dollars) and two years’ imprisonment. Messrs. Khyati, Reggab, Ben Messaoud, Al Kateb and Raïssouni were sentenced to three years in prison and a fine of 10,000 dirhams, a sentence transformed into four years’ imprisonment on July 24, 2007 by the Court of Appeal.

As of the end of 2007, Messrs. Mehdi Berbouchi and Abderrahim Karrad remained detained in Aït Melloul prison, and Messrs. Thami Khyati, Youssef Reggab, Oussama Ben Messaoud, Ahmed Al Kateb and Rabyi Raïssouni at Souk Larba.

In addition, on May 26, 2007, the security forces again violently repressed a demonstration organised by the Democratic Federation of Labour (*Fédération démocratique du travail*) and the General Workers’ Union (*Union générale des travailleurs*) in Rabat, in favour of the respect of trade union freedom.

Likewise, on June 15, 2007, a sit-in organised in Rabat at the initiative of the National Instance for Solidarity with the May Day Detainees (*Instance nationale pour la solidarité avec les détenus du 1^{er} mai - INSAD*), a body created by AMDH to protest against the arrests and sentences of activists who participated in the demonstrations of May 1, 2007, was also violently dispersed. AMDH had decided to maintain the organisation of the sit-in in spite of the ban issued by the authorities.

A few minutes before the beginning of the event, the auxiliary forces intervened and beat up several activists, dragging some of them by the feet and trampling on them. In total, more than thirty participants were victims of acts of violence, among them Ms. **Khadija Ryadi**, President of the AMDH central office, Messrs. **Abdelhamid Amine** and **Abdelilah Ben Abdesslam**, Vice-Presidents of the central office, as well as Messrs. **Abdesslam Adib** and **Omar Kaji**, respectively President and Executive of the AMDH Tiflet section. In particular, Mr. Omar Kaji was seriously injured.

Mid-July 2007, a complaint was lodged against the head of the auxiliary forces and of the Rabat Prefecture on behalf of AMDH members as natural persons, as Moroccan law provides that if a legal entity lodges a complaint, it must be able to prove that it sustained damages, which is much more difficult. As these two persons are civil servants, prior authorisation of the Ministry of Justice is required so that they can be sued. Subsequently, the Court of Appeal obtained the authorisation of this Ministry to sue the two accused persons but, at the end of 2007, the complaint had not been handled.

Ongoing arbitrary detention of Messrs. Brahim Sabbar and Ahmed Sbai²⁶

On March 6, 2007, Messrs. **Brahim Sabbar** and **Ahmed Sbai**, respectively Secretary General and a member of the Coordination Council of the Sahrawi Association of Victims of Gross Human Rights Violations Committed by the Moroccan State in Western Sahara (*Association sahraouie des victimes des violations graves des droits de l’Homme commises par l’État du Maroc au Sahara occidental - ASVDH*)²⁷, were sentenced by a Tribunal of Laayoun to one year in prison for “incitement to violence”

25./ See Open Letter to the authorities, July 11, 2007.

26./ See Annual Report 2006.

27./ ASVDH collects and publishes information relating to human rights violations in Western Sahara, and also defends the right of the Sahrawi people to self-determination, while demanding that justice be done for Sahrawis subjected to enforced

and “membership to an unauthorised association”.

On June 17, 2006, Messrs. Sabbar and Sbai had been arrested at a police checkpoint at the entrance of the city of Laayoun, as they were returning from the city of Boujdour, where they had inaugurated the premises of a ASVDH branch, an organisation to which Moroccan authorities deny formal registration.

On June 27, 2006, Mr. Sabbar had been sentenced to two years in prison by the Tribunal of First Instance of Laayoun for “assaulting a State agent”, during his arrest on June 17, 2006.

This sentence had been confirmed in appeal on July 20, 2006.

On May 22, 2007, their sentence was upheld in appeal and their sentence was transformed into 18 months’ imprisonment.

On December 17, 2007, Mr. Sbai was released after serving the totality of his sentence.

As of the end of 2007, Mr. Sabbar remained detained at the Black Prison of Laayoun.

/ SAUDI ARABIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Arbitrary detention of Messrs. Sulaiman al-Rashudi, Essam al-Basrawi, Saud al-Hashimi, Musa al-Qirni, Abdel Rahman al-Shumayri, Abdelaziz al-Khariji and Al-Sharif Saif Al-Ghalib²⁸

On February 3, 2007, at least ten human rights defenders, including Messrs. **Sulaiman al-Rashudi**, **Essam al-Basrawi**, lawyers, **Saud al-Hashimi**, a doctor, **Musa al-Qirni** and **Abdel Rahman al-Shumayri**, university professors, **Abdelaziz al-Khariji** and **Al-Sharif Saif Al-Ghalib**, were arrested by members of the intelligence services and placed in incommunicado detention, thus running the risk of being subjected to ill-treatments. Some were arrested in Madinah city, others in Jeddah city, where they had met to discuss the organisation of peaceful activities in favour of political and democratic reforms. The intelligence officers also broke into the house of Mr. Essam al-Basrawi where they confiscated several books and computer units, and destroyed some furniture and other belongings.

They would be all suspected of “illegally collecting money and passing them on to suspicious elements outside the country” but, as of the end of 2007, no additional information could be obtained regarding these charges.

Following their arrests, the detainees’ relatives and lawyers were denied the right to visit them. For instance, on February 5, 2007, Mr. Essam Basrawi’s son was prevented from visiting him to hand him the medicine he requires.

In addition, Mr. **Basem Alam**, one of the detainees’ lawyer, was subjected to acts of harassment because of his involvement in this case. He was for instance prevented from leaving the territory at the beginning of March.

As of the end of 2007, the seven men remained in detention but were finally authorised to receive visits from their families once a month.

28./ See Urgent Appeals SAU 001/0207/OBS 015 and 015.1.

/ SYRIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Release of Mr. Ali Shahabi²⁹

On January 9, 2007, Mr. **Ali Shahabi**, a writer and a professor known for his involvement in the promotion of democracy and human rights in Syria, was granted presidential pardon on the occasion of Eid celebrations, and subsequently released.

Mr. Shahabi had been arrested on August 10, 2006 after being summoned to the State security services in Damascus. Although his relatives tried to visit him on numerous occasions, they were denied the right to see him, under the pretext that he was still being “interrogated”.

No charge was brought against him.

Obstacles to the freedom of movement of several human rights defenders

Obstacles to Mr. Akram Al-Bunni’s freedom of movement³⁰

On January 11, 2007, Mr. **Akram Al-Bunni**, a founding member of the Committee for the Revitalisation of Civil Society in Syria and the brother of Mr. Anwar Al-Bunni, who has been detained since May 2006³¹, was prevented from leaving Syria by the security forces.

Mr. Akram al-Bunni was to fly to Brussels (Belgium) in order to attend a meeting with several European Union representatives to discuss the situation of human rights and human rights defenders in Syria. No official reason was given to him regarding this ban.

Arbitrary arrest of Mr. Jihad Msoti and obstacles to the freedom of movement of several human rights defenders³²

On November 1, 2007, the Syrian security forces arrested Mr. **Jihad Msoti**, a member of the *Al-Atassi Forum*, created to promote the democratisation of the country, at Damascus international airport, as he was heading to Cairo (Egypt) to attend a workshop organised from November 2 to 4, 2007 by FIDH, in collaboration with the Cairo Centre for Human Rights Studies and with the participation of the Egyptian Organisation for Human Rights. This workshop, entitled “International and regional mechanisms for defending human rights - Difficulties and challenges facing human rights movement in Syria”, saw the participation of several Arab and foreign experts in the field of human rights.

Furthermore, in the evening of November 1, 2007, the Syrian Government also prevented several other Syrian human rights defenders from leaving the Damascus international airport and therefore from participating in this workshop, including Mr. **Radeef Mustafa**, a member of the Kurdish Human Rights Committee, Mr. **Mustafa Ouso**, President of the Director of the Kurdish Defence Organisation of Human Rights and Fundamental Freedoms in Syria (DAD), Mr. **Hasan Masho**, a board member of the Organisation of Human Rights in Syria (*Mav*), as well as Mr. **Khalil Maatouk** and Mr. **Muhannad Al Husni**, human rights lawyers.

Mr. Msoti was released on November 4, 2007, after having spent two days under arrest.

29./ See 2006 Annual Report 2006 and Press Release, January 11, 2007.

30./ See Press Release, January 15, 2007.

31./ See below.

32./ See Press Release, November 7, 2007.

Obstacles to Dr. Ammar Qurabi's freedom of movement³³

On November 19, 2007, the Syrian authorities prevented Dr. **Ammar Qurabi**, President of the National Organisation for Human Rights in Syria (NOHR-S) from travelling, while he was on his way to Jordan to participate in a seminar entitled "The role of civil society organisations in political reform in the Arab world", organised by the Amman Centre for Human Rights Studies and the Aspen Institute of Berlin, on the basis of two notes from two different security apparatuses dated March 7, 2006 and April 5, 2006, without providing any explanation for this decision.

Ongoing arbitrary detention of Mr. Kamal Labwani³⁴

On May 10, 2007, Mr. **Kamal Labwani**, a member of the board of directors of the Committees for the Defence of Democratic Freedoms and Human Rights in Syria (CDF), was sentenced by the Damascus Criminal Court to 12 years' imprisonment for "communication with a foreign country and incitement to undertake an aggression against Syria", following a visit of US officials in 2005.

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

Ongoing arbitrary detention of Messrs. Anwar Al-Bunni and Michel Kilo³⁵

On May 13, 2007, Mr. **Anwar Al-Bunni**, a founding member of the Syrian Human Rights Association, a member of the Committees for the Defence of Prisoners of Conscience and Director of the Damascus Centre on Legal Studies, and Mr. **Michel Kilo**, President of the Organisation for the Defence of Freedom of Expression and of the Press, were sentenced for "disseminating false or exaggerated information to weaken the morale of the nation" and "weakening of national ethics" respectively, to sentences of five and three years in prison.

Following the publication, on May 12, 2006, of a petition signed by about 500 persons at the initiative of Lebanese and Syrian intellectuals and human rights defenders calling for a normalisation of the relations between Lebanon and Syria, several of them had been arrested. Among those were Messrs. Michel Kilo, arrested on May 14, 2006, Anwar Al-Bunni, arrested on May 17, 2006, **Nidal Darwish**, a member of the CDF presidential committee and executive board, arrested on May 16, 2006, **Mahmoud Mar'i** and **Safwan Tayfour**, human rights defenders, and **Ghaleb Amer**, a board member of the Arab Organisation for Human Rights (AOHR), arrested on May 16, 2006.

Messrs. Al-Bunni, Darwish, Kilo, Mar'i, Tayfour and Amer had been charged with "weakening national feelings and stirring up racial or sectarian hatred" (Article 285 of the Criminal Code), an offence carrying a 15-year prison sentence.

On July 17, 2006, Messrs. Darwish, Mar'i, Tayfour and Amer had been released on bail. Charges against them were subsequently dropped.

On October 19, 2006, the Examining Magistrate had ordered Mr. Kilo's release on bail. Although his lawyers had immediately paid the required amount, this decision had not implemented as the prison had alleged it had not been notified of the judge's order. As public offices were closed on October 20 and 21, 2006, Mr. Kilo's lawyers had been unable to enquire about his situation until the next day, on October 22, 2006. They had then been told that a new indictment had been drawn up against Mr. Kilo on October 19, 2006, a few hours only after his release on bail had been decided, and that his file had gone "missing". According to this new indictment, Mr. Kilo was charged with "undermining national pride" (Article 285 of the Criminal Code), "disseminating false reports", "undermining the State's reputation" (Article 287 and 376) and "inciting religious and racial hatred" (Article 307).

33./ See Urgent Appeal SYR 001/1107/OBS 149.

34./ See Annual Report 2006.

35./ *Idem*.

As of the end of 2007, Messrs. Anwar Al-Bunni and Michel Kilo were still detained in the central prison of Damascus.

Arbitrary detention of five human rights defenders³⁶

On December 9, 2007, the Syrian security services arrested 37 of the 163 persons involved in the Damascus Declaration and who had gathered in the suburbs of Damascus³⁷. Most of these defenders were released shortly after but, as of the end of 2007, Mr. **Jaber Al Shoufie**, a member of the executive board of the CDF, was still detained at the Adhra prison, in Damascus.

On December 11, 2007, Mr. Akram Al-Bunni was also arrested for taking part in this meeting.

On December 17, 2007, Mr. **Ali Abdullah**, a member of the Committee for the Revitalisation of Civil Society in Syria, was arrested on the same grounds.

On January 3, 2008, Mr. **Fayez Sarah**, also a founding member of the Committee for the Revitalisation of Civil Society in Syria, was arrested as well.

On January 7, 2008, Mr. **Mohammed Haj Darwish**, a member of the Syrian Human Rights Association and a founding member of the Committee for the Revitalisation of Civil Society in Syria, was summoned by the security services and subsequently arrested.

As of the end of 2007, Messrs. Akram Al Bunni, Ali Al-Abdullah, Fayez Sarah and Mohammed Haj Darwish were still detained in Adhra prison in Damascus.

On January 28, 2008, they were all charged for “weakening the national sentiment” (Articles 285 of the Syrian Criminal Code), “disseminating false or exaggerated information that would weaken the morale of the nation” (Article 286), affiliation to an “association created to change the social or economic situation of the State” (Article 306), “inciting sectarian strife” (Article 307), as well as “affiliation to a secret association” (Article 307). They incur prison sentences of up to 15 years.

36./ See Urgent Appeals SYR 002/1207/OBS 169 and 169.1.

37./ This meeting resulted in the creation of the National Council of the Damascus Declaration, a collective movement of political opposition gathering political activists as well as human rights defenders. The Council is composed of 17 elected members, among which CDF representatives.

/ TUNISIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2007

Release of Mr. Mohamed Abbou and ongoing acts of harassment against him³⁸

On July 24, 2007, Mr. **Mohamed Abbou**, a member of the National Council for Liberties in Tunisia (*Conseil national pour les libertés en Tunisie* - CNLT) and of the International Association for the Support of Political Prisoners (*Association internationale de soutien aux prisonniers politiques* - AISPP), was conditionally released. Mr. Abbou had been detained since March 1, 2005 in the Kef prison in inhuman conditions, as he did not have any mattress to sleep and was subjected to constant ill-treatments and acts of harassment by guardians.

On April 29, 2005, Mr. Abbou had been sentenced in the framework of two distinct proceedings to three years' imprisonment, following unfair trials marred with numerous irregularities for, *inter alia*, "publication of writings likely to threaten public order" and "defamation of judicial bodies", following the publication of an article in August 2004 on the conditions of detention in Tunisia. He had in particular compared the Tunisian jails to those of Abu Ghraib.

In November 2005, the United Nations Working Group on Arbitrary Detention had concluded that the detention of Mr. Abbou was arbitrary.

During his detention, his health status had kept on deteriorating, his mails were intercepted, and the right of visit granted to his family was, in fact, largely hindered through measures of intimidation, physical attacks, and measures of harassment, including against his children. On March 8, 2007 for instance, the management of the Kef prison had deliberately interrupted the visit of Ms. Abbou, who was herself regularly tracked and watched over, after five minutes, as she was starting to inform her husband about the repercussions of the international campaign held on March 1 to call for his release.

Since his release, acts of harassment against Mr. Abbou have continued. Thus, on August 18, 2007, 3,700 Tunisian dinars (about 2,200 euros), which had been sent to him by the Irish organisation Frontline through Western Union, were withdrawn on his behalf. This amount was aimed at covering his travel expenses for a trip to Paris and was given back to him a few days later.

On August 24, 2007, Mr. Abbou was turned back and denied the right to travel to the United Kingdom, where he had to take part in a TV programme on democracy and human rights in the London studios of *Al-Jazeera*. Indeed, as he was about to go through the customs, the air and border police denied him the right to leave Tunisia, on the grounds that his release was conditional and that he had not been allowed to leave the country by the judge and the tribunal that had sentenced him, even though such a procedure does not exist in the Tunisian Penal Procedure Code.

Obstacles to freedom of assembly

Acts of harassment and police violence on the occasion of a press conference held by a British NGO³⁹

On March 7, 2007, a dozen of policemen in plain-clothes temporarily arrested Mr. **Christpoher Chang** and Ms. **Cori Crider**, members of the British NGO "Reprieve", in front of their hotel. Mr. Chang and Ms. Crider were about to hold a press conference the day after. They had entered Tunisia on March 3, 2007 to get in touch with the families and lawyers of the Tunisian detainees of Guantanamo Bay.

After being brought to the Bab Bhar police station, Mr. Chang and Ms. Crider were interrogated on the nature of their mission and on their contacts in Tunisia. The policemen informed them that they should have obtained prior authorisation of the Tunisian Communication Agency (*Agence tunisienne de communication* - ATCE), although they are not journalists, and urged them to put an end to their

38./ See Annual Report 2006, Open Letter to the authorities, published jointly with ACAT-France and Amnesty International France, March 1, 2007, and Press Releases, March 9, July 25 and August 28, 2007.

39./ See Press Release, March 9, 2007.

relationship with the CNLT, as the latter was still not recognised legally. They also subjected Mr. Chang and Ms. Crider to police surveillance during their stay.

In addition, on March 8, 2007, several dozens of policemen surrounded the CNLT headquarters to prevent several journalists, who had come to attend the press conference organised by Reprieve, from entering the CNLT premises, where the conference was due to be held. Mr. **Mohamed Hamrouni**, a journalist at the weekly newspaper *Al maoukif*, was violently thrown out of the building by police officers, before being able to escape as CNLT members intervened. Similarly, Mr. **Sahbi Smara**, a journalist at the weekly newspaper *Muwatinun*, and Mr. **Abdeljabbar Maddahi**, a member of the Bizerte section of the Tunisian League for Human Rights (*Ligue tunisienne des droits de l'Homme - LTDH*), were brutalised by policemen, who threatened them if they persisted in attempting to enter the premises.

Acts of harassment against several defenders on the occasion of a training workshop organised by the CNLT⁴⁰

On May 17, 2007, the hotel that was to host - the day after - a training workshop on “security and digital confidentiality”, organised by the CNLT, in partnership with Frontline, and to which Tunisian, Moroccan, Algerian and Egyptian defenders were to participate, cancelled the reservation. As no other hotel accepted to host the event, the organisers decided to hold the workshop in the CNLT premises.

However, about hundred plain-clothes policemen surrounded the CNLT premises, preventing, in a first time, anyone from entering. The policemen later allowed the foreign participants and CNLT members to enter, but denied access to, among others, Messrs. **Lofti Azzouz**, a member of the Tunisian section of Amnesty International, **Amor Gaidi**, a AISPP member, and **Belgacem Abdallah**, a member of the Association Against Torture in Tunisia (*Association de lutte contre la torture en Tunisie - ALTT*). Mr. **Houcine Ben Amor**, a close collaborator of CNLT, was also violently assaulted.

On May 19, 2007, when the workshop was due to resume its work, the building was again surrounded by numerous policemen, who prevented anyone from entering. In addition, Messrs. **Sami Nasr** and **Lofti Hidouri**, CNLT members, were reportedly threatened by the police.

Acts of harassment against several civil society representatives who had come to show their support to the CNLT⁴¹

On June 6, 2007, civil society representatives who had come to show their support to the CNLT were prevented from entering the building where the headquarters of the organisation and of the *Kalima* online newspaper are located. This delegation was composed in particular of Mr. **Mokhtar Trifi**, LTDH President, Mr. **Ali Ben Salem**, ALTT Vice-President and President of the LTDH Bizerte section, Messrs. **Abdeljabbar Maddahi** and **Mohamed Ben Said**, LTDH members, Mr. **Mondher Cherni**, ALTT member, Messrs. **Khelil Ezzaouia** and **Zakia Dhifaoui**, leaders of the Democratic Forum for Labour and Freedoms (*Forum démocratique pour le travail et les libertés - FDTL*), Mr. **Lotfi Hajji**, President of the Trade Union of Tunisian Journalists (*Syndicat des journalistes tunisiens - SJT*) and Vice-President of the Bizerte section of the LTDH, Messrs. **Mahmoud Dhaouadi**, **Slim Boukhdhir** and **Sahbi Smara**, journalists, as well as of CNLT executive members.

In addition, on June 8, 2007, the police ransacked the CNLT premises, destroying important documents as well as an important part of computer hardware.

Moreover, on June 9, 2007, Mr. **Abderrahman Hedhili**, member of the LTDH steering committee, and Mr. **Mongi Ben Salah**, CNLT founding member, were apprehended by the police as they had to travel to Monastir in order to support workers on strike. They were severely beaten by the police and subsequently detained for more than two hours.

Finally, on June 10, 2007, an important police contingent was deployed on the whole Tunisian territory in order to prevent human rights activists and trade unionists from reaching the city of Kairouan, where a day of solidarity towards LTDH, organised by the Regional Union of Labour of Kairouan (*Union régionale du travail de Kairouan*), was to take place. The police forces thus prevented

40./ See Urgent Appeal TUN 002/0507/OBS 049.

41./ See Press Release, June 15, 2007.

the members of the steering committee of the League as well as of the section committees from leaving their cities of residence, whereas others were apprehended as they were entering the city. Moreover, the members of the local section were compelled to stay at home and the premises of the Regional Union was besieged by the police.

Judicial harassment against Mr. Omar Mestiri⁴²

Since March 2007, Mr. **Omar Mestiri**, Editor-in-chief of the *Kalima* online newspaper, was being prosecuted under Articles 42, 50, 51, 53, 72 and 78 of the Code of the Press, for publishing an article, on September 5, 2006, in *Kalima*, in which he had expressed his surprise with the rehabilitation of Mr. Mohamed Baccar by the Council Bar (*Conseil de l'Ordre des avocats*), since the latter was, according to Mr. Mestiri, close to the ruling power and had been “condemned on several occasions for forgery”.

On March 29, 2007, Mr. Omar Mestiri was auditioned in the framework of this case by the Substitute of the Prosecutor of the Republic, Mr. Zied Souidane, in order to be heard as regards the defamation complaint filed by Mr. Baccar. On the occasion of this summons, his lawyers raised, *inter alia*, the absence of legal basis regarding the proceedings against Mr. Mestiri, arguing that the substantial elements of the above-mentioned article could not be invoked by the complainant since the access to the *Kalima* website was blocked in Tunisia. Mr. Mestiri was also interrogated on the so-called libellous elements of his article, and pointed out that he had proofs of what he had asserted, including several definitive rulings sentencing Mr. Mohamed Baccar for forgery and swindle.

On July 7, 2007, Mr. Mestiri received a summons to appear before the Tunis Tribunal of First Instance on August 2, 2007 in the framework of this defamation complaint. On August 2, 2007, the hearing was postponed to August 16, 2007, at the request of the plaintiff's lawyer, on which day the Observatory had mandated a Moroccan *chargé de mission* to observe the trial. On that date, the hearing was once again postponed to August 28, 2007, again at the request of the lawyers of the plaintiff.

On August 31, 2007, Mr. Mohamed Baccar withdrew his complaint, therefore putting an end to the proceedings against Mr. Mestiri. At the August 28 hearing, the judge had openly put pressure on Mr. Baccar so that he maintain his complaint.

Acts of harassment against Mr. Abderraouf Ayadi⁴³

On April 14, 2007, Mr. **Abderraouf Ayadi**, a lawyer, a former member of the Bar Council and former CNLT Secretary General, was aggressed by an officer of the political police in front of the courtroom of the Tribunal of First Instance in Tunis, where he was about to plead in a case involving defendants accused under the anti-terrorist law. A police officer kicked him, while others formed a barrage preventing him from entering the courtroom.

Mr. Ayadi had just witnessed the expulsion from the courtroom by the political police of Mr. Ali Ben Salem, who was also trying to enter the courtroom to observe the trial.

Judicial proceedings were subsequently launched against Mr. Abderraouf Ayadi for “aggression” against the Chief of the Bab Bnet station (of which the courthouse is part).

On July 12, 2007, Mr. Ayadi was formally accused of having assaulted the Chief of the station and, by the end of 2007, the charges against him were still pending.

Furthermore, on July 7, 2007, Mr. Ayadi saw a man putting an envelope on his mail box. The man then escaped hastily upon Mr. Ayadi's arrival. As he considered that the envelope was suspect since it resembled another envelope he had received one week earlier, which contained a photomontage about his wife, he went to the police station where he asked an officer to open it. It contained a DVD. As Mr. Ayadi guessed that its content was once again undermining his honour, he demanded that this act be recorded in a written statement in view of starting judicial proceedings. However, the officer refused to do so, following the orders of his hierarchy, and accepted only to record the facts on a mere sheet of paper. After protesting against the illegality of these facts, Mr. Ayadi went out of the police station. Half an hour later, Mr. Ayadi's secretary found out the same envelope in the same mail box.

42./ See Press Releases, August 15 and 17, 2007, and Judicial Observation Mission, August 16, 2007.

43./ See Urgent Appeals TUN 001/0407/OBS 037, 037.1 and 037.2.

Finally, on November 1, 2007, as Mr. Ayadi was approaching the law firm of Mr. Mohamed Ennouri, who was carrying out at that time a hunger strike to protest against the refusal of the authorities to deliver him a passport, he was prevented from carrying on his way by several policemen in plain clothes, who threw him on the ground, insulted him and dragged him on a distance of more than 800 metres. They also called him a “traitor” and accused him of being “sold to the Americans”, declaring to the crowd that had gathered around them that he was a thief.

Acts of harassment against several defenders on the occasion of a mission mandated by two international organisations⁴⁴

On May 20, 2007, the access to Mr. Ali Ben Salem’s house was blocked in order to prevent the arrival of *chargés de mission* sent by the international organisations Frontline and Human Rights First. The next day, the CNLT premises were blocked for the same reasons.

Furthermore, on May 22, 2007, the house of Ms. **Naziha Rejiba**, Vice-President of the Observatory for the Defence of Freedoms of the Press, Publishing and Creation (*Observatoire pour la défense des libertés de la presse, de l’édition et de la création* - OLPEC), was also surrounded by policemen, who finally allowed several *chargés de mission* to enter. Mr. Lofti Hidouri, who was to accompany the latter to their meetings, was subjected to ill-treatments on several occasions.

Lastly, on May 24, 2007, Mr. **Lassaad Joughri**, a AISPP founding member, was abducted close to his house in Den Den (on the outskirts of Tunis) by around forty plain-clothes policemen, as he was getting into his car. They put him into an unmarked police car, bare-foot and without his crutch.

The policemen then took Mr. Joughri to the police station of the district of La Manouba, where he was detained until the evening. While he was being questioned about his human rights activities, Mr. Joughri was violently beaten and two of his fingers were broken. He was also bruised all over his body. Mr. Joughri was also questioned about his intention to accompany, the same day, the Frontline and Human Rights First mission in front of the Kef prison on the occasion of the weekly visit of Ms. Samia Abbou to Mr. Abbou⁴⁵. On that occasion, Mr. Abderraouf Ayadi’s car, who had accompanied Ms. Abbou to Kef, was vandalised.

Acts of harassment against AISPP and ATFD⁴⁶

In June 2007, AISPP members were denied access to their premises on several occasions, and the local of the Tunisian Association of Democrat Women (*Association tunisienne des femmes démocrates* - ATFD) was put under constant surveillance by the police.

Obstacles to Mr. Taoufik Mezni’s freedom of movement⁴⁷

On August 25, 2007, Mr. **Taoufik Mezni**, the brother of Mr. **Kamel Jendoubi**, Chairperson of the Euro-Mediterranean Human Rights Network (EMHRN) and of the Committee for the Respect of Liberties and Human rights in Tunisia (*Comité pour le respect des libertés et des droits de l’Homme en Tunisie* - CRLDHT), was prevented from getting back to France, his country of residence for more than seven years. At the Tunis-Carthage airport, the police seized his passport, therefore preventing him from boarding the plane. He was only allowed to go back to France after waiting for six hours. In the past, Mr. Mezni had already been interrogated on his links with Mr. Jendoubi.

Criminal act against Mr. Ayachi Hammami⁴⁸

On August 31, 2007, around 7.40 a.m., Mr. **Ayachi Hammami**, Secretary General of the Tunis section of the LTDH and Rapporteur on the question of the independence of justice for the EMHRN,

44./ See Urgent Appeals TUN 002/0507/OBS 049 and 049.1.

45./ See above.

46./ See Press Release, June 15, 2007.

47./ See Press Release, August 28, 2007.

48./ See Urgent Appeal TUN 003/0807/OBS 107 and Open Letter to the authorities, September 6, 2007.

found that his desk and that of his secretary were burning. After the fire was extinguished, Mr. Hammami noticed that the protections of the computers' central units had been removed beforehand, so that computer data be more easily deleted by the fire. In addition, an important amount of paper documents was destroyed by the fire.

Mr. Hammami was about to finish his report on the independence of the judiciary in Tunisia, in view of a presentation at a seminar, titled "Independence and impartiality of justice - the Tunisian case", organised on September 8 and 9, 2007 in Paris by EMHRN, with the support of LTDH and CRLDHT.

Arbitrary detention of Mr. Slim Boukdhir⁴⁹

On November 26, 2007, Mr. Slim Boukdhir, correspondent of the London-based pan-Arabian newspaper *al Quds Al Arabi* and of the website of the satellite TV channel *Al-Arabiya*, and founding member of the association for the defence of liberties "Liberty and Equity" (*Liberté et équité*), was summoned by the Khaznadar police station, in Tunis, to withdraw his passport. Once in the police station, he was arrested and placed in custody at the Sakiet Ezzit (Sfax) police station.

At the beginning of November 2007, Mr. Boukdhir had gone on hunger strike for two weeks to protest against the refusal of the authorities to deliver him a passport. On November 14, he had received guarantees of restitution of his passport.

On December 4, 2007, Mr. Slim Boukdhir was sentenced by the Tribunal of the District of Sakiet Ezzit to one year in prison for "offence to a civil servant in the exercise of his duties" and "outrage to public decency", following an unfair trial. In particular, the President of the District Tribunal, Mr. Hatem Warda, accepted to give credit to the oral evidence of two witnesses for the prosecution, although the two testimonies were recorded in violation of Article 155 of the Penal Procedure Code, as the witnesses did not take oath. In addition, the police officer who lodged the complaint against Mr. Boukdhir for offence and outrage to public decency is also the one who carried out the interrogation, thus violating Article 12 of the Penal Procedure Code.

On December 13, 2007, Mr. Boukdhir started another hunger strike to protest against his detention conditions. In particular, Mr. Boukdhir is detained in a dark cell, along with two other common-law prisoners and with no access to his lawyer.

As of the end of 2007, Mr. Boukdhir remained in detention in Sfax prison.

On January 18, 2008, his sentence was confirmed by the Sakiet Ezzit Court of Appeal.

Defamation campaign against Mr. Khémaïs Chammari⁵⁰

Mr. **Khémaïs Chammari**, former LTDH President and co-founder of the Arab Institute for Human Rights (*Institut arabe des droits de l'Homme*), was subjected to a defamation campaign orchestrated by the Tunisian authorities after he presented on December 3, 2007, on behalf of the Collective of October 18 for Rights and Liberties (*Comité 18 octobre pour les droits et les libertés*), two texts on gender equality and freedom of conscience, at a press conference organised by the Democratic Forum for Labour and Freedoms (FDTL) and the Progressive Democratic Party (*Parti démocrate progressiste - PDP*).

Thus, on December 5, 2007, the *Al Hadeth* newspaper of Abdelaziz Jeridi published an article according to which Mr. Chammari had been turned back from the airport of Algiers by the Algerian authorities in 2005, at the time when the meeting of the Heads of State of the League of Arab States was taking place in the capital, reportedly because of his links with Algerian Islamist terrorist groups. The newspaper *Le Quotidien* also published an article accusing Mr. Chammari of being a "specialist of systematic fierce criticism against his country".

49./ See Urgent Appeal TUN 005/1207/OBS 170.

50./ See Urgent Appeal TUN 004/1207/OBS 165.

Assault and harassment against Mr. Ali Ben Salem⁵¹

On November 7, 2007, the United Nations Committee Against Torture (CAT) considered that the complaint n° 268/2005 submitted by OMCT in May 2005 on behalf of Mr. Ali Ben Salem⁵², after the latter exhausted domestic remedies, for “torture and ill-treatment” in the police station of El Manar in April 2000, was admissible.

On December 20, 2007, Mr. Ben Salem’s home was surrounded, early in the morning, by an impressive police contingent made up of more than sixty agents, led by the Chief of the Sector and the Chief of the Bizerte District. As Mr. Ben Salem was about to welcome his friends to celebrate Eid, the political police tried to prevent his friends from entering his home.

Mr. Ben Salem, aged 76, was violently molested by the policemen for having protested against these events. He was then brought to the emergency department of the Bougatfa hospital of Bizerte, escorted by about twenty policemen who tried to intimidate the medical personnel. The practitioner who examined Mr. Ben Salem noticed injuries on his head, his back and shoulders, but was ordered by the Governor of Bizerte to announce that “Ali Ben Salem was feeling very well”.

51./ See Annual Report 2006 and Urgent Appeal TUN 006/1207/OBS 172.

52./ See above.