



General Assembly

Distr.: General
25 May 2010

English only

Human Rights Council

Fourteenth session

Agenda item 3

**Promotion and protection of all human rights,
civil, political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Cairo Institute for Human Rights Studies, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 May 2010]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Arbitrary Arrests and Freedom of Expression in the Arab World

The Cairo Institute for Human Rights Studies (CIHRS) is deeply concerned about the increasing use of illegal arrest and detention by Arab security agencies as a weapon against freedom of opinion and expression. This is part of an ongoing attempt to restrict the sphere of action of human rights activists and defenders and to silence bloggers and journalists.

Although Arab governments have adopted various reforms in theory, they clearly lack the political will to implement them. This has been demonstrated by the continued use of exceptional laws on the pretext of combating terrorism, trials that lack minimum guarantees of due process, the broad prerogatives enjoyed by the security apparatus, and the widespread practice of enforced disappearance and extrajudicial detention. These practices are all blatant violations of these nations' obligations under international law.

The following cases are simply a few of the innumerable instances of arrest, abduction, and detention that take place outside of any legal framework. The common denominator in these cases is that the abuses have been perpetrated against human rights defenders and journalists who are victims of restrictions on freedom of expression.

1. Saudi Arabia: as part of the counterterrorism measures implemented by the Kingdom since 2003, some 9000 people have been detained in Saudi prisons. Many of these prisoners have been held for years without charge or trial in violation of the Code of Criminal Procedure, which does not allow detention beyond six months. The authorities justify these breaches with claims that detainees are undergoing religious rehabilitation to reintegrate them into society. At the end of 2007, the Ministry of Interior announced the release of 1,500 people who had completed the rehabilitation program, but hundreds more have been imprisoned since, and some of those who were released have been re-detained. It is difficult to accurately estimate the number of people detained in connection with terrorism cases given the information blackout maintained by the Saudi authorities.¹

In addition, as part of the ongoing policy to contain any activity that might expose abuses against Shiite citizens, the Saudi authorities detained Munir Baqir al-Jassas, a Shiite rights activist, in November 2009, due to his writings criticizing the Saudi authorities for its ongoing violations of the rights of Saudi Shiites.² He remains detained without charge.

2. Egypt: Emergency law is still the primary weapon used against activists to crack down on freedom of opinion and expression. Novelist, blogger, and activist Musaad Suleiman (also known as Musaad Abu Fagr) is one victim of such unjust laws. Along with Yahya Abu Nasira. Abu Fagr has been under administrative detention since February 2008 by order of the Minister of Interior in accordance with the prerogatives granted to him by the emergency law, and despite 18 release orders issued by the courts. According to both local and international reports, Musaad Abu Fagr was arrested in December 2007 after a demonstration in Sinai protesting against the demolition of houses on the border of the Gaza Strip. In the 28 months since his arrest, he has not been brought before a court, and criminal convicts have persistently harassed him in his cell. Abu Fagr has been repeatedly transferred to different prisons. At least once, in 2008, Abu Fagr declared a hunger strike to protest against this mistreatment. According to his wife, Abu Fagr suffers from an abscess

¹ See Bastion of Impunity, *Mirage of Reform*, the 2009 annual report issued by the CIHRS on the state of human rights in the Arab world, <http://www.cihrs.org/Images/ArticleFiles/Original/485.pdf>

² Human Rights Watch, "Saudi Arabia: Free Advocate for Shia Rights," March 23, 2010, <http://www.hrw.org/en/news/2010/03/23/saudi-arabia-free-advocate-shia-rights>

on his foot due to the unsanitary conditions in the Burg al-Arab prison, where he spent an entire year. The prison authorities have provided no medical care, which resulted in an imprisoned doctor having to perform surgery on Abu Fagr using primitive instruments and without anaesthetics.³

Blogger Hani Nazir remains under arbitrary detention since October 2008, also under provisions of the emergency law, although there were several court rulings ordering his release. The most recent ruling was issued on April 3, 2010. The Ministry of Interior has renewed his detention six times in the last 19 months. Hani Nazir, known for his critical opinions, operated the blog Karz al-Hubb, which contained a link to a novel that contained a cover some considered insulting to Islam.⁴

On April 6, 2010, Egyptian security forces arrested more than 90 activists who tried to organize a peaceful demonstration to demand constitutional reform and an end to emergency law. Many were detained at a garage in downtown Cairo, where they were beaten and tortured. They were later transferred to the Central Security Forces' barracks, where they were detained for several hours; some were later released and others referred to interrogation.⁵

The last two years have also seen the abduction of several bloggers, among them Mohammed Adel, whose whereabouts were unknown for several months, and Ahmed Mohammed Alaa, whose whereabouts were unknown for three weeks. Both were kept in undisclosed locations for the entire period of their disappearance.⁶

3. Syria: more than a year after the massacre at the Sednaya Prison, grave concerns persist about most of the estimated 1,500 prisoners in the facility. Their families have been unable to obtain permission to visit and Syrian authorities have released no news about their fates.⁷ The prisoners include rights activist Nizar Rastanawi. Several human rights groups have reported that there is no trace of him in the Sednaya military prison and that he died during the events that took place there in the summer of 2008. Rastanawi was sentenced to four years in prison on April 18, 2006 following his conviction on charges of disseminating false news and showing contempt for the President. Although his sentence ended on April 18, 2009, he was not released and his family still has no information about his whereabouts.

In December 2009, State Security summoned Tull Bint Dawser al-Mallouhi for questioning regarding an article she had written and circulated on the internet. Since then there has been no contact with her and no official investigation has been launched. According to the latest reports in March 2010, her family has been unable to visit her or even determine where she is being detained.⁸

³ "CPJ Urges Egypt to Free Blogger with 18 Release Orders," a letter sent to the Minister of Interior by the Committee to Protect Journalists, April 8, 2010, <http://cpj.org/2010/04/cpj-urges-egypt-to-free-blogger-with-18-orders-for.php>

⁴ Human Rights Watch, "Free Blogger Held Under Emergency Law," April 23, 2010, <http://www.hrw.org/en/news/2010/04/23/egypt-free-blogger-held-under-emergency-law>

⁵ "Crackdown on April 6 Protests: A Step on the Road to Confiscating the Right of Egyptians to Choose Who Governs Them," Forum of Independent Human Rights Organizations, April 8, 2010, <http://www.cihrs.org/english/newssystem/details.aspx?id=2596>

⁶ Bastion of Impunity, Mirage of Reform.

⁷ Ibid.

⁸ "Thalathat ashhur 'ala i'tiqal al-talimidha al-mudawwina Tal al-Malluhi al-shabaka al-'Arabiya tu'lin makhawifaha 'ala mustaqbal wa hayat al-mudawwina dhat 19 'aman," Arabic Network for Human Rights Information, March 20, 2010, <http://www.anhri.net/?p=2866>.

4. Yemen: The abduction and secret detention of those who criticize the Yemeni authorities or attempt to expose abuses has become routine. One example is the abduction of journalist Muhammad al-Maqalih, the editor of the Yemeni Socialist Party website who is known for his critical view of Ali Abdullah Saleh's rule. On the night of September 17, 2009, five armed, masked men kidnapped Maqalih in Sanaa as he was on his way home. Two days earlier, the website of his party had published an article denouncing Yemeni air force raids on civilians, who were forced to flee the Saada area, the site of armed battles between the army and the Houthi rebels. For four months the authorities denied any involvement in the abduction of the journalist. Al-Maqalih was detained secretly for more than 100 days before he finally appeared before a special criminal court in Sanaa on February 3, 2010. During the hearing, he announced that he had been tortured and had declared a hunger strike for several days. On March 23, a medical source stated that the journalist was moved to a Sanaa hospital to receive the necessary care before his release the following day, for "humanitarian and health reasons." The authorities continued to harass him by levelling politically motivated charges against him. Al-Maqalih stated that his torture included 20 days of beatings and intimidation, that he was beaten repeatedly after his abduction and that the blood remained on his clothes for three months, and that his abductors subjected him twice to mock executions, seating him on a chair and mocking him when they noticed his anxiety. The intelligence authorities isolated him in an old house, which he guessed was located in a village outside the capital.

It should be noted here that the complaint submitted to the Working Group on Arbitrary Detention in April 2010 requires it to intervene with the Yemeni authorities in the case of nine people, three of whom have been illegally detained for more than two years in the Mansoura District Prison in Aden.⁹ The authorities have justified the many arrests, which sometimes include minors, with claims of combating terrorism. The victims are imprisoned in detention centres run by various security agencies outside of any legal framework.

⁹ "I'tiqal tis'at ashkhas ta'assufan, thalath minhum li-mudda tazid 'an 'amayn," Karama Organization for Human Rights, April 14, 2010, <http://ar.alkarama.org/index.php?option=com_content&view=article&id=3809:2010-04-16-08-01-32&catid=164:2009-03-08-12-08-04&Itemid=140>.