

AMNESTY INTERNATIONAL QUESTIONS AND ANSWERS

Index: MDE 01/002/2012

Strictly embargoed until 0001hrs Monday 9 January

Q&A: The State of Human Rights in the Middle East and North Africa

Have people's human rights improved throughout 2011 as a result of the uprisings in MENA?

There is no doubt that many people across the region in 2011 suffered gross human rights violations on an extreme scale. For those in - for example - Syria, Yemen, Egypt and Bahrain, the protection of human rights may still seem a distant prospect.

The resilience of demonstrators in 2011 has changed the context for human rights in the region. The scale and brutality of repression by some states have shamed allies and patrons who had been willing to ignore violations in the name of maintaining stability.

Few could have imagined even in January 2011 that the Arab League would suspend Libya from membership the following month on human rights grounds. In Bahrain, the government's crackdown prompted such international concern as well as internal opposition that the King took the unprecedented step of appointing an independent international inquiry into events, which duly delivered a damning 500-page account of human rights violations. The question now is whether the authorities will implement its recommendations.

Even Syria, indulged for so long by allies who blocked resolutions and otherwise assisted the regime as it committed crimes against humanity, was forced to accept observers from the Arab League at the end of the year.

Less than a year after the fall of former president Zine El Abidine Ben Ali, Moncef Marzouki, a human rights activist and former Amnesty International prisoner of conscience, is the interim president of Tunisia. In a meeting with Tunisian civil society, Moncef Marzouki signed Amnesty International's Manifesto for Change, pledging to uphold 10 key human rights measures. We will hold him to his promises, as will the thousands of people who came out to protest a year ago.

Other states in the region, such as Saudi Arabia and Algeria, were less affected by mass protests in 2011. But nonetheless many will hope that the events of the last year will prod governments that have been dragging their feet on improving respect for human rights to initiate real and long-overdue reforms.

How many people have died in the different uprisings across the region?

Tunisia: According to the official figures, at least 300 people died and 700 were injured during the uprising in December 2010 and January 2011.

Egypt: According to the Egyptian Ministry of Health, at least 848 people were killed during the uprising in January and February. Since then Amnesty International is aware of around 100 further deaths in protests.

Yemen: More than 200 people have been killed in connection with protests since February, while hundreds more have died in armed clashes.

Syria: In December the UN said it believed that more than 5000 people, including army defectors, civilians, and those executed for refusing to shoot protesters, had been killed since protests began in March. Amnesty International has itself documented in detail 4401 deaths,

although believes the figures to be much higher. By the end of the year Amnesty International had received reports of over 210 cases of deaths in custody, over 40 times the recent average annual figure for Syria.

Bahrain: Amnesty International is aware of at least 48 people who have died in protests since February.

Libya: Thousands of civilians and fighters died following the February uprising against Colonel al-Gaddafi. Precise numbers have proved impossible to confirm, due to difficulties in accessing large areas of Libya for periods of the conflict, disruption to medical services and the absence of forensic pathologists in many areas across the country.

Who has so far been held accountable for abuses against demonstrators during 2011?

In **Egypt**, former president Hosni Mubarak, former Interior Minister Habib El Adly and six other senior police officers are on trial facing a range of charges, including "premeditated murder of some participants in the peaceful protests of the January 2011 revolution" for which the prosecution has sought the death penalty. Amnesty International opposes the death penalty in all circumstances, no matter how heinous the crimes. Hosni Mubarak, his two sons and a close business associate also face charges related to corruption and the misuse of public funds. Other trials of lower-ranking security officers have usually led to acquittal.

Tunisia's former president, Zine El Abidine Ben Ali, fled to Saudi Arabia on 14 January 2011, where he remains in exile, despite requests by the Tunisian authorities to the Saudi Arabian government to have him extradited. Since December Ben Ali has been on trial - in absentia - along with about 40 other senior officials, for the killing of protesters. Since June 2011, Ben Ali and members of his family have been convicted of several offences in their absence, including for embezzlement, illegal possession of weapons and narcotics, housing fraud and abuse of power.

In **Libya**, the killing of Mu'ammr al-Gaddafi, for whose arrest the International Criminal Court had issued a warrant, ended the chances of the thousands of victims of abuses under his rule seeing justice being done. His son, Saif al-Islam al-Gaddafi, also wanted by the ICC on charges of crimes against humanity, is being held by an armed militia in Zintan which has so far refused to hand him over to the National Transitional Council or to grant him access to a lawyer. It remains unclear where he will be tried. Abdullah al-Senussi, Libya's former intelligence chief, is also wanted by the ICC and remains at large. The Libyan authorities have also requested the extradition of former Prime Minister al-Baghdadi al-Mahmoudi for trial. Amnesty International has called on the Tunisian authorities not to allow his extradition if he would be at risk of torture and grossly unfair trial in Libya.

In **Bahrain**, the government announced at the beginning of 2012 that 48 security officials and policemen were being investigated for human rights violations during the 2011 anti-government protests. The Public Prosecution Office stated that it is investigating 107 cases of human rights violations including torture, deaths in custody and unlawful killings.

Amnesty International has called for an international, independent and impartial investigation into **Yemen's** ongoing human rights violations, and condemned the reported immunity from prosecution for President Ali Abdullah Saleh and others in exchange for leaving office as part of a power-transfer agreement signed in November 2011. The new Minister of Human Rights was reported to have said on 19 December that there will be an independent and impartial commission of inquiry set up to investigate violations committed during the protests in 2011. It remains to be seen whether this will take place.

Amnesty International first called for the situation in **Syria** to be referred to the International Criminal Court in April, and has continued to do so as further evidence of the commission of crimes against humanity has emerged. The determination of some countries at the UN Security Council, including Russia and China, to shield Syria at any cost, means that accountability in Syria for crimes under international law remains elusive.

Some commentators have suggested that the success of Islamist parties in Tunisia and Egypt poses a threat to human rights – what is Amnesty International’s position?

Islamist parties and movements have been severely repressed for years in several countries of the Middle East and North Africa. Protesters in 2011 were calling for increased freedoms to express their political views and associate freely. As Tunisia, Libya and Egypt, in particular, have the opportunity to break with decades of repression, now is the time to make that happen in practice, by respecting the rights of all to non-discrimination and gender equality, as well as the rights to freedom of expression, association and assembly and equality.

We cannot speculate on what any political group will do in government. But we will hold all governments to the same international human rights standards. We expect them to introduce and sustain fundamental human rights reforms, including introducing legal provisions to protect women from discrimination and gender-based violence and changing all laws and practices that discriminate against religious, ethnic or other minorities. In particular, women's rights cannot be sacrificed in the process of transition.

In the lead-up to parliamentary elections in Egypt and Tunisia, Amnesty International approached political parties in both countries asking them to commit to ten pledges to protect human rights. We were very disappointed that a number of parties expressed reservations when it came to gender equality, non-discrimination and the death penalty.

What has the role of women been in the uprisings and what have the changes in the region meant for women’s rights?

The October awarding of the Nobel Peace Prize to a leading pro-reform activist from Yemen, Tawakkol Karman, as one of three women to jointly receive the award, is recognition of the central role women have played in the uprisings in the last year. Whether in Bahrain, Syria or Iraq, women have been at the heart of demonstrations and activism, and have not been exempt from some of the worst violence.

The visible participation of women in the uprising in **Egypt** raised expectations about progress on women’s rights after Hosni Mubarak’s resignation. The reality has been a crushing disappointment. Since it assumed power, the Supreme Council for the Armed Forces (SCAF) has subjected women protesters to forced “virginity testing” and other brutal treatment during demonstrations, including beatings and sexual abuse. Women are systematically excluded at almost every level of decision-making. When a committee was chosen to propose constitutional amendments it consisted of eight male jurists and not a single woman. The SCAF also cancelled the quota law guaranteeing women seats in the parliament, without replacing it with any measures to ensure equal participation by women in political life. This is likely to result in the new Egyptian parliament containing only a handful of female MPs.

The caretaker government in **Tunisia** withdrew Tunisia’s reservations to the Convention on the Elimination of All Forms of Discrimination against Women, an important step towards gender equality and a good precedent for other governments. But many women expressed concern that during elections in October they were denied equal status with men and were marginalized by political parties, which put forward mostly men as their main candidates.

In **Libya** the rapid escalation of anti-government protests into a fully fledged armed conflict decreased the frontline participation and visibility of women, although many contributed to opposition efforts and suffered as a result. Al-Gaddafi forces arrested women during the conflict, beating many amid reports of rape. Some women detained by pro-NTC forces in al-Zawiya, Tripoli and Misratah alleged that they had been sexually abused before or during arrest. Representation of women in influential institutions remains low. In December, the NTC had only two women among its 61 publicly named members, and the new government included

only two women among its 27 members. A worrying development in October was the public support for polygamy expressed by the NTC's leader.

In **Bahrain**, thousands of women took place in anti-government demonstrations, dozens were arrested and some were reportedly tortured or otherwise ill-treated.

In **Yemen**, women taking part in protests and women activists have been harassed, arrested and in some cases beaten for their participation in protests. Some were also threatened via their family, with male relatives told to assert control and curtail their activism.

In **Saudi Arabia** too, women joined protests in the Eastern Province and other areas mainly calling for the release of their male relatives held for years without charge or trial. Dozens were arrested and released often after their male guardians signed pledges that they would not do so again. A campaign was also launched for women to drive from 17 June onwards in protest at the ban on women driving. Scores of women reportedly did so; some were arrested and made to sign pledges to desist. At least two were facing trial. In September, in an apparent response to the mood for change, the King announced that women would be allowed to vote and run in municipal elections, the country's only public poll, from 2015, a small but welcome step in addressing the deeply-rooted discrimination faced by women in Saudi Arabia.

In 2012, as women continue to fight for equal access to public space, they must be fully involved on an equal footing with men in the process of political and human rights reform in the Middle East and North Africa. Women and men must be accorded equal access to political participation and decision-making, equal rights in law, including in relation to marriage, divorce, child custody and inheritance. Women must have legal protection from gender-based violence, including domestic violence and marital rape, and sexual harassment.

What does Amnesty want to see happen in 2012?

Governments of **countries undergoing transition** throughout the region need to demonstrate political will to deliver real change. People have shown very clearly that they want human rights now and will not accept backsliding on promises of reform. It is time for security forces to be reined in, for police to be trained in how to respect human rights; and for appropriate measures to be taken against those who commit abuses. Unfair judicial systems must be overhauled, the independence of the judiciary must be upheld. The drafting of new constitutions in Tunisia, Egypt and Libya will be a key opportunity to enshrine human rights in law, including eliminating discrimination and guaranteeing social justice. .

Victims and their families have to start seeing accountability for the crimes committed against them. That means effective, independent and impartial investigations into those members of the security forces and others responsible for gross human rights violations, and where there is evidence to support it, prosecution in fair trials and full reparations for victims.

Other governments in the region have to change the way they approach questions of national security and stability. They must end human rights violations in the name of security. They must urgently undertake fundamental reforms of the justice sector and security apparatus and of laws that are discriminatory or otherwise facilitate human rights violations.

Other states and the international community must not return to practices that ignore or even facilitate serious violations by governments in the region; in particular, on arms transfers. In 2011 Amnesty International called on all states supplying arms to Syria, Libya, Bahrain, Yemen and Egypt to undertake thorough case-by-case review of their arms transfers and trade. As the year drew to a close, some arms supplying states wanted to resume business as usual with these countries, despite the lack of evidence of a clear process for change, real reform of the security apparatus and an end to impunity.